

**58th CONFERENCE OF
DIRECTORS GENERAL OF CIVIL AVIATION
ASIA AND PACIFIC REGIONS**

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AGENDA ITEM 3: AVIATION SAFETY

**ESTABLISHMENT AND IMPLEMENTATION OF AN
INDEPENDENT ACCIDENT INVESTIGATION AUTHORITY IN
HONG KONG, CHINA**

(Presented by Hong Kong, China)

INFORMATION PAPER

SUMMARY

Subsequent to Standard 3.2 of ICAO Annex 13 which became applicable in November 2016, States/Administrations are required to establish an independent air accident investigation authority. This paper presents the practical experience of Hong Kong, China in establishing and implementing an independent accident investigation authority.

ESTABLISHMENT AND IMPLEMENTATION OF AN INDEPENDENT ACCIDENT INVESTIGATION AUTHORITY IN HONG KONG, CHINA

1. INTRODUCTION

1.1 Subsequent to Standard 3.2 of ICAO Annex 13 which became applicable in November 2016, States/Administrations are required to establish an independent air accident investigation authority by October 2018. Such investigation authority shall be independent from the aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation. This paper presents the practical experience of Hong Kong, China in establishing and implementing an independent accident investigation authority.

2. DISCUSSION

Background

2.1 Hong Kong, China has all along been striving to secure the highest practicable degree of uniformity with the Standards and Recommended Practices (SARPs) set by ICAO on the investigation of civil aviation accidents and incidents.

2.2 Historically, the investigation of civil aviation accidents and serious incidents was conducted by the Hong Kong Civil Aviation Department (HKCAD) in Hong Kong, China. By virtue of the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (the Regulations), the Director-General of Civil Aviation (DGCA) was appointed by the Chief Executive of Hong Kong, China as the Chief Inspector of Accidents (CIA) for conducting investigation in accordance with the Regulations. The HKCAD had a group of trained and qualified air accident investigators to conduct investigation in accordance with the ICAO SARPs.

Transition process

2.3 As the ICAO Secretariat has been duly informed, Hong Kong, China established an independent Air Accident Investigation Authority (AAIA) under the Transport and Housing Bureau (THB)¹ of the Hong Kong Special Administrative Region (HKSAR) Government in September 2018 in order to comply with the aforementioned Standard under Amendment 15 of ICAO Annex 13. The AAIA was completely segregated from the organisational structure of HKCAD, and became fully functional upon the appointment of the Chief Inspector (CI), with post title Chief Accident and Safety Investigator (CASI), in October 2018.

2.4 Legislative amendment to the Regulations was made and came into effect in December 2018 for the independent AAIA to operate effectively and to provide the CI with statutory powers to execute his/her duties, with the key elements embedded in the amended Regulations to provide AAIA with a clear organisational and legislative framework to achieve functional independence from HKCAD to conduct investigations. The major amendments included provisions for the CI to be appointed by the Chief Executive of Hong Kong, China and directly accountable to the Secretary for Transport and Housing (ministerial level), and together with the Inspectors, be the accident investigation authority in Hong Kong which is under the purview of THB. Besides, the functions and powers related to civil aviation accident investigation conferred on the DGCA were transferred to the CI. These took into account the unique circumstances in the HKSAR and the relevant ICAO guidance materials.

2.5 The HKSAR Government took necessary measures to ensure a smooth transition of investigation functions and facilities to the new accident investigation authority. At the time, a dedicated preparatory team was working on effecting a smooth transition.

¹ The structure of HKSAR Government was reorganised in July 2022, and the CI is directly accountable to the Secretary for Transport and Logistics and AAIA is under the purview of Transport and Logistics Bureau since then.

2.6 Also, as safety management involves shared responsibilities of HKCAD, AAIA and industries, the two authorities collaborate on procedures for the delineation of their respective roles, in particular, oversight of safety management systems and accident prevention initiatives, such that all parties concerned established a clear understanding on the role of authorities.

Permanent set-up of AAIA

2.7 At the inception of the operation in 2018, a total of five headcount with the CI and four inspectors was established. Upon completion of a comprehensive review in 2020 in the light of enhancing AAIA's initial operations, the HKSAR Government have come up with a manpower proposal for the organisational set-up of AAIA, under which apart from the CI position, a new Deputy CI position is created to achieve a more all-rounded leadership with complementary skillsets within AAIA. The organisation was also expanded to nine headcount with seven inspectors of diversified expertise to support the investigation functions across a wide operational spectrum, including air traffic control, engineering/maintenance, flight operations, and human factors.

2.8 As a relatively young independent investigation authority established in 2018, an Expert Panel was formed to provide strategic advice and guidance on air accident investigation to AAIA, with a view to enhancing aviation safety and accident prevention. The Panel serves an advisory role and comprises academic professionals with expertise in areas pertinent to air accident investigation and domain experts from the aviation industry. The Panel is held once a year or convened as needed to help identify opportunities for improvement and provide expert views to AAIA, while not involving in individual investigations conducted by AAIA.

Current operations and way forward

2.9 Since its establishment, AAIA has taken over 10 investigations from HKCAD and launched 24 new investigations on accidents, serious incidents, and incidents. Out of the 34 investigations, 28 of them have been completed. Besides, AAIA conducted assessments on safety reports furnished by aviation stakeholders from time to time, and investigation would be initiated if necessary. As part of the efforts to encourage the industry to report occurrences to AAIA, a Voluntary Incident Reporting (VIR) System was also developed to facilitate reporting.

2.10 To define the policies for handling an investigation to aircraft accident and incident as required by ICAO Annex 13 and the Regulations, a new set of internal documents including the AAIA Exposition, which stipulates the policy and procedure of AAIA, and the AAIA Investigation Handbook, which supplements the Exposition and provides necessary guidance and procedures for Inspectors in conducting investigations, were also established. To ensure the latest ICAO SARPs are timely adopted in the local context, AAIA continuously reviews ICAO Annex 13 and related Universal Safety Oversight Audit Programme (USOAP) requirements.

2.11 ICAO encourages States/Administrations to cooperate with fellow investigation authorities and government departments whose duties may run adjacent with those of the accident investigation authority. Since AAIA's establishment, Cooperation Agreement / Arrangement or Memorandum of Understanding on aircraft accident and incident investigation has been signed with various accident investigation authorities outside Hong Kong, China.

2.12 Locally, a new Memorandum of Understanding was signed between AAIA and HKCAD to govern, including but not limited to the sharing of safety information in the context of both ICAO Annex 13 and Annex 19. Other than HKCAD, AAIA also signed a Cooperation Arrangement with the Hong Kong Police Force, stipulating on-scene coordination of aircraft accidents and serious incidents, and sharing of information. On investigation matters relating to forensic examination, the Department of Health offered agreement to AAIA for assuring timely support on pathologist service and autopsy examination. AAIA will continue to explore opportunities in forging new agreements with industry counterparts and colleague government departments for enhancing the cooperation and the work output on accident and incident investigation.

2.13 AAIA has participated in all meetings of ICAO Accident Investigation Panel (AIGP) and ICAO Asia Pacific Accident Investigation Group (APAC-AIG). Since its establishment, AAIA has been a member of the International Society of Air Safety Investigators (ISASI) and the Executive Committee member of the Asian Society of Air Safety Investigators (AsiaSASI).

2.14 While the past few years were extremely difficult and challenging to civil aviation amid the global impact of COVID-19, AAIA continued to pursue promotion and education initiatives for stakeholders, and for raising AAIA's international profile through speaking opportunities at local and international events. AAIA has actively engaged in the technical exchange with the industry partners and other transport sectors. Recently, the Hong Kong International Aviation Academy (HKIAA) has approached AAIA for providing expert support to HKIAA training programme on emergency response and contingency management. AAIA looks forward to the opportunity for sharing our expertise and experience with the airport community on accident and incident investigation.

3. ACTION BY THE CONFERENCE

3.1 The Conference is invited to note the information contained in this Paper.

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