



*International Civil Aviation Organization*  
**Asia Pacific Regional Aviation Safety Team - Second Meeting of the**  
**Accident Investigation Ad hoc Working Group (APRAST-AIG AWG/2)**  
*(Macao, China, 6-7 September 2012)*

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**Agenda Item 3: Development of an Action Plan to Improve the Accident/Incident Investigation Capability in the APAC Region**

## **RESPECTING AND PROTECTING INDEPENDENCE IN ACCIDENT INVESTIGATION**

(Presented by Hong Kong, China)

### **SUMMARY**

ICAO Annex 13 calls for independence in the conduct of the accident investigation. The approach adopted by Hong Kong, China in handling accident investigation, particularly with regard to the arrangement undertaken by Hong Kong, China in respecting and protecting independence in the conduct of the accident investigation, will be presented in this working paper. The continual enhancement in the relevant arrangement will also be outlined.

## **1. INTRODUCTION**

1.1 In accordance with ICAO Annex 13 (Aircraft Accident and Incident Investigation) Standard 3.1, the sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents. In addition, it is stipulated in ICAO Annex 13 Standard 5.4 that the accident investigation authority shall have independence in the conduct of the accident investigation and have unrestricted authority over its conduct. It is further provided in ICAO Doc 9756 (Manual of Aircraft Accident and Incident Investigation) Part I (Organizing and Planning) Paragraph 2.1.2 that the accident investigation authority must be strictly objective and totally impartial and must also be perceived to be so. Meanwhile, ICAO Doc 9756 Part I Paragraph 2.1.3 recognizes that in many States it may not be practical to establish a permanent accident investigation authority, and that these States generally appoint a separate accident investigation commission for each major accident to be investigated, the members of which are often seconded from the civil aviation administration.

1.2 The purpose of this working paper is to present the approach adopted by Hong Kong, China in handling accident investigation, particularly with regard to the arrangement undertaken by Hong Kong, China in respecting and protecting independence in the conduct of the accident investigation. The continual enhancement in the relevant arrangement will also be outlined.

## 2. DISCUSSION

### 2.1 Aviation Landscape in Hong Kong, China

2.1.1 With the Hong Kong International Airport (HKIA) dual-runway system operating round the clock, Hong Kong is now one of the busiest aviation hubs in the Asia and Pacific regions. In 2011, the HKIA handled over 330,000 aircraft movements and recorded a passenger throughput of over 52 million passengers and a cargo throughput of nearly 4 million tonnes of cargo. Over the past 10 years, the average annual growth rates of aircraft movements, passenger throughput and cargo throughput were 5.4%, 5.1% and 6.6% respectively. Looking ahead, the safety in the aviation operations must continue to be achieved at the highest standard with a view to maintaining the efficiency of the steadily growing aviation industry.

### 2.2 Independence in the Conduct of the Accident Investigation in Hong Kong, China

2.2.1 Therefore, it is the view of Hong Kong, China that as one of the indispensable components in enhancing the safety of aviation operations, accident investigation must focus on the prevention of accidents and incidents. In strict adherence to the relevant requirements and guidance from ICAO, Hong Kong, China respects and protects independence in accident investigation and endeavours to achieve a high level of independence in this regard. The approach adopted by Hong Kong, China in achieving independence can be elaborated from three perspectives as follows.

#### 2.2.2 Legislative Perspective

2.2.2.1 In Hong Kong, China, the Hong Kong Civil Aviation (Investigation of Accidents) Regulations had been enacted to give a firm legal footing to the relevant arrangement of accident investigation. The Regulations provide for the appointment of a suitably qualified person to be the Chief Inspector of Accidents. The Regulations also provide for the appointment of the Inspectors of Accidents and delineate the extent of their power during the conduct of the accident investigation (such as taking statements, collecting information and documents, preserving evidence, examining aircraft and relevant parts, and conducting tests required for the purpose of accident investigation).

2.2.2.2 In emphasizing the importance of independence in accident investigation, the Regulations explicitly state that the fundamental purpose of investigating accidents shall be to determine the circumstances and causes of the accident with a view to the preservation of life and the avoidance of accidents in the future; it is not the purpose to apportion blame or liability. This provision is highly instrumental in providing the required assurance that an unbiased investigation into an aircraft accident or incident can be delivered.

2.2.2.3 Currently, the Director-General of Civil Aviation (DGCA), Hong Kong, China, who is considered a suitably qualified person, has been appointed by the Chief Executive of Hong Kong, China as the Chief Inspector of Accidents. Other suitably qualified persons, namely various professional grade officers serving the Civil Aviation Department, Hong Kong, China, have already been appointed as Inspectors of Accidents. When an Inspector's investigation is instituted under the Regulations, the Chief Inspector of Accidents will direct that a dedicated investigation team be formed by the Inspectors of Accidents to perform the accident investigation work. Through the professionalism of the dedicated investigation team, the objectivity and impartiality of the accident investigation work is reinforced. While the Inspector's investigation is to be held in private as required by the Regulations, the Chief Inspector of Accidents is obliged by the Regulations to consider the representations made by the affected parties, thus enhancing the thoroughness and creditability of the accident investigation process. Although transparency of the accident investigation process is not required under the Regulations, the Chief Inspector of Accidents appreciates and supports the need for greater transparency and publishes regular updates throughout the accident investigation process.

## 2.2.3      **Operational Perspective**

2.2.3.1      The accident investigation work is highly specialized and time-critical and requires close coordination and extensive technical support among various professions. In order to achieve operational independence in accident investigation, it is important for the Inspectors of Accidents to perform their accident investigation duties in well-equipped and dedicated facilities.

2.2.3.2      Currently in Hong Kong, China, dedicated facilities are yet to be allocated to the Inspectors of Accidents. For example, on some occasions, the Inspectors of Accidents had been required to conclude ad-hoc arrangement with relevant agencies to secure storage areas for items and evidence collected throughout the accident investigation process. Operationally, not only such time-consuming ad-hoc arrangement conflicts with other more important priorities emerging from time to time throughout the accident investigation process, but it may also be ineffective in preventing the items and evidence collected throughout the accident investigation process from being tempered with.

2.2.3.3      In order to enhance operational independence in accident investigation, the Chief Inspector of Accidents instigated a comprehensive action plan and secured the required funding in 2008 to construct dedicated facilities for accident investigation. With the sterling efforts of the concerned parties, the first ever purpose-built accident investigation building will be commissioned in Hong Kong by the end of 2012 to provide dedicated facilities and equipment for the accident investigation work.

2.2.3.4      The accident investigation facilities occupy a floor area of about 700 m<sup>2</sup> and include:

- an accident investigation multi-function centre to facilitate the coordination during various phases of accident investigation;
- a flight data recorder centre to facilitate the conduct of tests and analysis;
- a 200 m<sup>2</sup> hangar for the storage of critical parts of recovered wreckage;
- bedroom facilities for use by accident investigators who may need to stay in Hong Kong for a prolonged period of time to complete the accident investigation work.

## 2.2.4      **Financial Perspective**

2.2.4.1      In brief, as provided under the Regulations, the responsibility of the conduct of the accident investigation rests with the Chief Inspector of Accidents. Under the current arrangement for the DGCA to assume the role of the Chief Inspector of Accidents, the Civil Aviation Department, Hong Kong, China takes the responsibility to secure the necessary resources to fund the accident investigation work. It has been an established practice that whenever the accident investigation work entails the deployment of additional resources, the Civil Aviation Department, Hong Kong, China will follow the standing financial procedures within the Government of Hong Kong, China to secure such additional resources.

## 2.3            **Looking Forward to Regional Collaboration for Capacity Building**

2.3.1      Recognizing the importance of independence in the conduct of the accident investigation, Hong Kong, China is committed to utilizing the legislative, operational and financial tools to achieve a higher level of independence. The relevant accident investigation legislation in Hong Kong, China is under constant review in order to meet the latest international development in accident investigation. When the dedicated accident investigation facilities and equipment are commissioned, the effectiveness and efficiency of the accident investigation work will be improved further. And Hong Kong, China will stand ready to finance the accident investigation work through the established government financial procedures.

2.3.2 From a regional perspective, in promoting independence in the conduct of the accident investigation, the cooperative efforts of the accident investigation authorities in the Asia and Pacific regions cannot be left unnoticed. To bring these cooperative efforts to the next level of investigative independence, the accident investigation authorities in the Asia and Pacific regions will look forward to receiving further guidance from the ICAO. Particularly in the long term, consideration may be given to enhance the international recognition of the expertise of the accident investigators. With the development of an accident investigation resources network, the Asia and Pacific regions will be capable of enhancing the quality of the accident investigation work through sharing of resources and expertise. In this regard, the commissioning of the dedicated accident investigation facilities and equipment in Hong Kong will provide an additional investigative platform in the Asia and Pacific regions.

### **3. ACTION BY THE MEETING**

- 3.1 The meeting is invited to:
- a) note the contents of this working paper;
  - b) share experience in enhancing independence in accident investigation; and
  - c) collaborate, in close consultation with the ICAO, on the development of an accident investigation resources network within the Asia and Pacific regions.

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