

**CIVIL AVIATION DEPARTMENT
HONG KONG, CHINA**

Accident Investigation Bulletin

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INVESTIGATION REPORTS AND SAFETY RECOMMENDATIONS

1 Introduction

- 1.1 When Accident Investigation Division (AID) of Civil Aviation Department (CAD) conducts an investigation to an aircraft accident/serious incident, AID will publish the progress and result of the investigation, including any safety recommendation, via the release of a Preliminary Report and a Final Report, in accordance with the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448B) and Annex 13 to the Convention on International Civil Aviation. These reports, along with any safety recommendation, will be sent to relevant persons, States and organisations. AID will also send an Accident/Incident Data Report (ADREP) to the International Civil Aviation Organisation (ICAO) in accordance with the ICAO notification guidelines.
- 1.2 When AID participates in an investigation to an aircraft accident/serious incident and receives from the State who conducts the investigation any safety recommendation on the civil aviation of Hong Kong, AID will respond to such safety recommendation accordingly.
- 1.3 The purpose of this Bulletin is to publish the respective AID policies and procedures.

2 Preliminary Report

2.1 Accidents to aircraft over 2 250 kg

When AID conducts an investigation into an aircraft accident involving an aircraft of a maximum mass of over 2 250 kg, AID will send the Preliminary Report to:

- (i) the State of Registry or the State of Occurrence, as appropriate;
- (ii) the State of the Operator;
- (iii) the State of Design;
- (iv) the State of Manufacture;

- (v) any State that provided relevant information, significant facilities or experts; and
- (vi) the ICAO.

2.2 Accidents to aircraft of 2 250 kg or less

When AID conducts an investigation into an aircraft accident involving an aircraft not covered by paragraph 2.1 above and when airworthiness or matters considered to be of interest to other States are involved, AID will forward the Preliminary Report to:

- (i) the State of Registry or the State of Occurrence, as appropriate;
- (ii) the State of the Operator;
- (iii) the State of Design;
- (iv) the State of Manufacture; and
- (v) any State that provided relevant information, significant facilities or experts.

2.3 AID will send the Preliminary Report by facsimile, e-mail, or airmail within 30 days of the date of the accident unless the ADREP has been sent by that time. When matters directly affecting safety are involved, AID will send the Preliminary Report as soon as the information is available and by the most suitable and quickest means available.

3 Draft Final Report

3.1 Draft Final Report - Consultation

- a. When AID completes an investigation into an aircraft accident/serious incident, AID will send a copy of the draft Final Report to the operator and commander of the aircraft involved in the accident and any person whose reputation is likely to be adversely affected by the report, and the following States that have participated in the investigation, inviting their significant and substantiated comments on the report as soon as possible :
 - (i) the State that instituted the investigation;
 - (ii) the State of Registry;
 - (iii) the State of the Operator;
 - (iv) the State of Design;
 - (v) the State of Manufacture; and

- (vi) those States which provided relevant information, significant facilities, or experts who participated in the investigation.
- b. Any comment shall be served on AID within a 28-day period from the date of the transmittal letter unless AID agrees to extend such period. Justification for extension shall be provided for consideration by AID and if agreeable, the consultation period may be extended up to 60 days
- c. When sending the draft Final Report to recipient parties or States, AID will consider using the most suitable and quickest means available, such as facsimile, e-mail, courier service or express mail.
- d. Upon receipt of comments from the above consultation process, AID will either amend the draft Final Report to include the substance of the comments received or, if desired by the parties or State concerned that provided comments, append the comments to the Final Report. If AID receives no comments from the above consultation process, AID will issue the Final Report in accordance with the provisions of Cap. 448B and paragraph 4 below.

Note 1: Comments to be appended to the Final Report are restricted to non-editorial-specific technical aspects of the Final Report upon which no agreement could be reached.

- e. AID will send the draft Final Report to the operator through the State of the Operator (if applicable) to enable the operator to submit comments on the draft Final Report.
- f. AID will also send, through the State of Design and the State of Manufacture, a copy of the draft Final Report to the organisations responsible for the type design and the final assembly of the aircraft to enable them to submit comments on the draft Final Report.

3.2 Release of information — Consent

Upon receipt of the draft Final Report, no one shall circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or serious incident, without the express consent of the Chief Inspector, unless such reports or documents have already been published or released by AID.

4 Final Report

- 4.1 The Final Report of the investigation of an accident/serious incident conducted by AID will be sent as appropriate to the following States, as applicable, with a minimum of delay:
 - (i) the State that instituted the investigation;
 - (ii) the State of Registry;

- (iii) the State of the Operator;
- (iv) the State of Design;
- (v) the State of Manufacture;
- (vi) any State that participated in the investigation;
- (vii) any State having suffered fatalities or serious injuries to its citizens;
- (viii) any State that provided relevant information, significant facilities or experts; and
- (ix) the ICAO (for accidents or serious incidents involving an aircraft of a maximum mass of over 5 700 kg);

4.2 In the interest of accident and incident prevention and in accordance with the provisions of Cap. 448B, AID will release the Final Report as soon as possible, and, preferably within 12 months of the date of the occurrence. If the report cannot be released within 12 months, AID will release an interim report on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.

4.3 Final Reports are made publicly available in the interest of accident and incident prevention. The use of portions of the Final Report, in particular the analysis, conclusions and safety recommendations, for purposes other than the prevention of accidents and incidents is against the purpose of accident investigation as stated in ICAO Annex 13 and CAP. 448B Regulation 4.

4.4 The AID adopts the recommendation given in ICAO Annex 13 Appendix 2 paragraph 6 and will take all necessary measures, without prejudice to other applicable Laws of Hong Kong, to limit the use of the Final Report for purposes other than the prevention of accidents and incidents.

5 Safety recommendations

5.1 Safety Recommendation raised by AID

5.1.1 At any stage of the investigation of an accident or serious incident, AID will recommend in a dated transmittal correspondence to the appropriate authorities, including those in other States, any preventive action that AID considers necessary to be taken promptly to enhance aviation safety.

5.1.2 AID will address, when appropriate, any safety recommendations arising out of its investigations in a dated transmittal correspondence to the accident investigation authorities of other States concerned and, when ICAO documents are involved, to the ICAO.

Note: When Final Reports contain safety recommendations addressed to the ICAO, because ICAO documents are involved, these reports will be

accompanied by a letter outlining the specific action proposed.

5.1.3 In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies. If safety recommendations are addressed to an organisation in another State, they shall also be transmitted to that State's accident investigation authority.

5.2 Safety Recommendation received by AID

5.2.1 When AID receives safety recommendations, it will inform the proposing State, within ninety days of the date of the transmittal correspondence, of the preventive action taken or under consideration, or the reasons why no action will be taken.

6 Accident/Incident Data Report (ADREP)

6.1 Accidents to aircraft over 2 250 kg

When the aircraft involved in an accident is of a maximum mass of over 2 250 kg, AID will send, as soon as practicable after the investigation, the ADREP to the ICAO. When requested, AID will also provide other States with pertinent information additional to that made available in the ADREP.

6.2 Serious incidents to aircraft over 5 700 kg

When AID conducts an investigation into a serious incident to an aircraft of a maximum mass of over 5 700 kg, AID will send, as soon as is practicable after the investigation, the ADREP to the ICAO.

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