

# 航空器事故调查和搜寻救援合作安排

中国民用航空总局

香港特别行政区政府民航处

二〇〇四年四月

为了提高、发展和巩固内地与香港特别行政区在航空器事故调查、严重事故征候调查和搜寻救援方面的合作以及推动双方的沟通和技术信息交流,中国民用航空总局(其中一方)和香港特别行政区政府民航处(其中一方),于2004年4月7日订立本合作安排。

双方共同接受以下事项:

#### 一、附件12和附件13的适用性

中华人民共和国是芝加哥国际民航公约的缔约国,该公约适用于香港特别行政区。双方同意芝加哥国际民航公约附件12和附件13的标准和建议措施适用于两地在进行航空器事故调查和搜寻救援方面的合作。

#### 二、定义

附件12和附件13第一章的定义适用于此合作安排,但下列定义除外:

空中交通服务(ATS)—通常情况下定义不同,但应包括:飞行情报服务,告警服务,空中交通咨询服务,空中交通管制服务(区域管制、进近管制和机场管制)。

飞行情报区(FIR)—提供飞行情报服务和告警服务,确定了范围的区域。

登记国(地)——登记该航空器的国家或地方。

### 三、合作范围

如果事故或严重事故征候发生在下表第一列所列地区,双方应确保对该事故或严重事故征候进行调查,并依照下表作为“救援协调中心”。

事发地	航空器登记国/地区	事故调查方	救援协调中心
内地领土(包括西沙岛屿等)	内地	CAAC	CAAC
	香港		
	其他		
香港区划	内地	CAD	CAD
	香港		
	其他		
广州飞行情报区内委托香港提供ATS的空中交通服务代理区	内地	CAAC 负责 CAD 协助	CAD
	香港		
	其他		
国际水域且在内地公布的飞行情报区以及三亚责任区的范围内	内地	CAAC	CAAC
	香港	CAD	
	其他	航空器登记国(地)民航当局	
国际水域且在香港公布的飞行情报区,但不在内地公布的飞行情报区以及三亚责任区的范围内	内地	CAAC	CAD
	香港	CAD	
	其他	航空器登记国(地)民航当局	

### 四、安排程序

## 1、通知

负责进行事故或严重事故征候调查的一方(调查方)应根据附件 13 第四章的条款通知另一方。此合作安排构成调查方对另一方指派顾问协助调查的邀请,接到通知后,另一方应尽快表明接受或拒绝邀请,如果接受了邀请,应提供该顾问的详细情况。

## 2、安全建议的发布

如果事故调查涉及在中国或香港特别行政区登记的航空器,无论中国民用航空总局或香港特别行政区政府民航处(可能的情况下)在完成最终事故调查报告前准备发布安全建议时,应尽可能早地把安全建议的初稿提供给顾问,顾问根据安全建议的紧急程度在适当的时间内提出意见,而“适当的时间”由调查方决定。

## 3、信函交换

在事件处理过程中,双方如需交换正式信函,发出信函的一方要选择合适的传送方式以保证另一方能够立即收到。

## 4、保密

双方交换的所有关于事故和严重事故征候调查的信函和文件都将视为保密文件并依据各自的法律处理。传送的初稿、内部资料或工作文件,除非明确表明可以公开,否则都将视为保密文件。

## 5、通知媒体

事故调查方负责协调对媒体公布的信息,在信息公布之前双方应保持密切联系。

## 五、双方合作

双方应相互协助,提供适当的事故调查设备,供空管、机务、运行、飞行记录器、人为因素和管理组织等领域的专家使用。

#### 1、协助监督对结构部件的检查

事故调查方在调查过程中监督检查、试验或拆卸飞机部件时需要另一方协助,如果飞机部件由于上述目的被送往另一方所在的机构,被要求的一方应尽力提供帮助。在任何情况下,被要求的一方应及时提供调查进展情况,并邀请调查方参与。

#### 2、事故调查员的培训

双方应以培训为目的推动双方人员交流,包括尽可能让顾问人员参与重大事故现场调查和其后的现场外调查。

#### 3、信息交流

任何一方可以要求另一方提供在其领域内进行的事故调查的进展情况。事故调查方将尽力提供对方所需的信息。根据双方各自的法律,所提供的信息应同样视为保密信息。

#### 4、法规、政策和方针

双方将互相提供全套与此合作安排相关的法律、法规、政策、方针和建议,并且确保这些资料能得到及时更新。

#### 5、调查管理

双方的高级官员应定期或不定期会晤,以对此合作安排进行审议和修改,分享事故调查和其他方面的经验。

#### 六、生效和终止

此合作安排自签字之日起生效并一直保持有效,除非任何一

方提前6个月书面通知对方终止本合作安排,或通过书面安排进行修订。

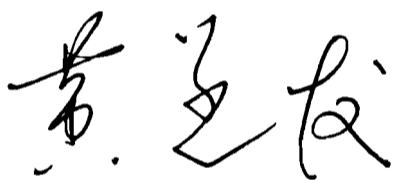
七、附件12和附件13规定的义务

此合作安排不能影响附件12和附件13对双方的适用,并在各自的法律范围内进行实施。

上述表明了中国民用航空总局和香港特别行政区政府民航处对事故调查和搜寻救援合作的理解。

本协议于2004年4月7日在北京用中文文本签署,一式两份,英文文本作为参考。

代表中国民用航空总局签署



民航总局航安办主任

代表香港特别行政区政府民航处签署



香港民航处处长

**Cooperation Arrangement on Aircraft  
Accident Investigation and  
Search And Rescue**

**BETWEEN THE**

**General Administration of Civil Aviation of China**

**AND THE**

**Civil Aviation Department of Hong Kong Special  
Administrative Region, China**

**This Cooperation Arrangement is made on the seventh day of April 2004**

**BETWEEN**

**(1) THE GENERAL ADMINISTRATION OF CIVIL AVIATION OF CHINA  
("CAAC") of the one part; and**

**(2) CIVIL AVIATION DEPARTMENT OF THE HONG KONG SPECIAL  
ADMINISTRATIVE REGION, CHINA ("CAD") of the other part**

**FOR THE PURPOSE OF:**

Promoting, developing and reinforcing the cooperation between Mainland and the Hong Kong Special Administrative Region in carrying out investigation of aircraft accidents, serious incidents and search and rescue as well as facilitating mutual communication and exchange of technical information.

**IT IS JOINTLY ACCEPTED BY THE PARTIES AS FOLLOWS:**

**1. Application of Annex 12 and Annex 13**

The People's Republic of China is a Contracting State to the Convention on International Civil Aviation ("the Convention"). The Convention is applicable to the Hong Kong Special Administrative Region ("HKSAR"). The Parties jointly accept that the standards and recommended practices contained in Annex 12 and Annex 13 to the Convention shall be applicable to the cooperation between both Parties on the investigation of aircraft accidents, serious incidents and search and rescue.

**2. Definitions**

The definitions as set out in Chapter 1 of Annex 12 and Annex 13 apply to this Cooperation Arrangement except the following terms.

"Air Traffic Service (ATS)" – A generic term meaning variously, flight information service, alerting service, air traffic advisory service, air traffic control service (area control service, approach control service or aerodrome control service).



“Flight Information Region (FIR)” – An airspace of defined dimensions within which flight information service and alerting service are provided.

“State/Place of Registry” – The State or Place on whose register the aircraft is entered.

### **3. Scope of Cooperation Arrangement**

In case an accident or serious incident occurs at a location as set out in the first column of the following Table, the Parties shall each be responsible for ensuring that an investigation is instituted against the accident or serious incident and shall act as a ‘Rescue Coordination Centre’ in accordance with the following Table.

<b>Location of accident / serious incident</b>	<b>Aircraft State / Place of Registry</b>	<b>Parties responsible for ensuring Accident Investigation is instituted</b>	<b>Rescue Coordination Centre</b>
Territory of Mainland (including Xisha Islands, etc)	Mainland	CAAC	CAAC
	HKSAR		
	Others		
HKSAR Territory	Mainland	CAD	CAD
	HKSAR		
	Others		
ATS airspace in Guangzhou FIR delegated to the HKSAR within which the HKSAR provides ATS	Mainland	CAAC (Responsible) CAD (Assist)	CAD
	HKSAR		
	Others		
International waters within the FIRs of Mainland and Sanya area of responsibility	Mainland	CAAC	CAAC
	HKSAR	CAD	
	Others	The relevant aviation authority of Aircraft State/Place of Registry	
International waters within the FIR of the HKSAR (excluding the FIRs of Mainland and Sanya area of responsibility)	Mainland	CAAC	CAD
	HKSAR	CAD	
	Others	The relevant aviation authority of Aircraft State/Place of Registry	

## **4. Procedural Arrangements**

### **4.1 Notification**

The Party responsible for ensuring that an investigation is instituted against an accident or serious incident (“Investigating Party”) shall notify the other Party in accordance with the provisions of Chapter 4 of Annex 13. This Cooperation Arrangement constitutes a standing invitation from the Investigating Party to the other Party for appointing an advisor (“Advisor”) to assist in the investigation. When notified, the other Party shall indicate its acceptance or rejection of such invitation as soon as practicable and if it accepts the invitation, that Party shall provide the details of the Advisor who shall assist in the investigation.

### **4.2 Distribution of Draft Safety Recommendations**

If an investigation involves aircraft registered in Mainland or the HKSAR, whenever the CAAC or the CAD (as the case may be) is prepared to issue safety recommendations before finalization of a report on an investigation, it shall provide the Advisor with a draft of the safety recommendations as soon as practicable for comments. The Advisor shall provide comments to the Investigating Party within a reasonable time having regard to the degree of urgency of the proposed recommendations, and such reasonable time shall be determined by that Party in its reasonable discretion.

### **4.3 Exchanges of Correspondence**

In the event that formal correspondence between the Parties is necessary, the Party sending the correspondence may choose the most appropriate method to transmit documents to ensure prompt receipt of the correspondence by the other Party.

### **4.4 Confidentiality**

All correspondence and materials exchanged between the Parties in relation to accidents or serious incidents investigation shall be treated as confidential and be handled in accordance with the respective governing local laws. Drafts, internal or working documents that have been transmitted, except when explicitly indicated to the contrary, are to be considered and treated as confidential documents.

#### **4.5 Informing the Media**

The Party charged with the duty of conducting the investigation is to be responsible for coordinating the information to be released to the media. The Parties shall liaise closely before releases to the media are to be made.

### **5. Cooperation Between the Parties**

The Parties shall offer to each other assistance and use of air safety investigation facilities and equipment they shall deem appropriate. Such assistance shall include expertise in the areas of air traffic services, aircraft engineering and operations, flight recorders, human factors and management organization.

#### **5.1 Assistance in the Supervision of Examination of Component Parts**

The Investigating Party may request assistance of the other Party in supervising the examination, testing, or disassembling of component parts of the aircraft under investigation, if such component parts are sent to an organization which is located in that Party's territory for the aforesaid purposes in the course of investigation. That requested Party should endeavour to provide such assistance as much as possible. In all cases, the requested Party shall provide timely updates to the Investigating Party of all investigation activities being carried out in the territory of that Party and shall invite the Investigating Party to participate as necessary.

#### **5.2 Training of Investigators**

For training purposes, the Parties shall facilitate exchanges of staff members, including those at Advisor level, at major accident on-site investigation and subsequent off-scene investigation activities as far as is practicable.

### **5.3 Exchange of Information**

Either Party may request information about the progress of investigation being conducted in the other Party's territory. The Investigating Party shall try its best endeavours to provide the requested information. As regards the information provided, the requesting Party shall be bounded by the same rules of confidentiality as those imposed on the requested Party, in accordance with the laws of territories of the respective Parties.

### **5.4 Regulations, Policies and Guidelines**

The Parties shall provide each other with complete sets of statutes, regulations, policies, guidance materials and practices which are relevant to this Cooperation Arrangement and shall ensure that such documents and information are updated in a timely manner.

### **5.5 Investigation Management**

The Parties' senior officials shall meet periodically or at such intervals as agreed between the Parties to review and update this Cooperation Arrangement, if necessary, with a view to sharing experience in investigation and any other relevant issues.

## **6. Coming Into Effect and Termination**

This Cooperation Arrangement shall come into effect on signature and shall continue in effect until terminated by either Party by giving six months' written notice to the other or revised by mutual written arrangement.

## **7. Obligations Under Annex 12 and Annex 13**

Nothing in this Cooperation Arrangement shall prejudice the application of Annex 12 and Annex 13 on both Parties to the extent as is implemented in the respective local laws.

The foregoing record represents the understanding reached between CAAC and CAD upon the matters referred to therein.

The English version of this Cooperation Agreement is for reference only and in case of any difference or dispute, the Chinese version shall prevail.

Signed at Beijing on the seventh day of April 2004 in duplicate.

For the General Administration of Civil Aviation of China

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Director General  
Office of Aviation Safety  
General Administration of Civil Aviation of China  
China

For the Civil Aviation Department of the HKSAR

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Director-General of Civil Aviation  
Hong Kong Special Administrative Region