

**CIVIL AVIATION DEPARTMENT
HONG KONG, CHINA**

Accident Investigation Bulletin

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**INSPECTORS OF ACCIDENTS AND
PERSONS PARTICIPATING AN INVESTIGATION**

1 Introduction

- 1.1 Inspectors of Accidents are appointed by the Chief Executive per the Regulation 8 of the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (CAP. 448B) and possess necessary powers as defined in the Regulation 9 of the CAP. 448B for the purpose of investigating an aircraft accident to which the CAP. 448B applies.
- 1.2 Without prejudice to the power of an Inspector of Accidents to seek such advice or assistance as he may deemed necessary in making an investigation, persons would be appointed per the Regulation 8 to assist an Inspector of Accidents in a particular investigation and such persons shall for the purpose of so doing have such of the powers of an Inspector of Accidents under CAP. 448B as may be specified in their appointment.
- 1.3 The purpose of this Bulletin is to make the respective Accident Investigation Division (AID) policies and procedures public when the AID institutes and conducts an investigation.

2 Powers of Inspectors of Accidents

- 2.1 Regulation 9 of the CAP. 448B defines the powers of an Inspector of Accidents which are sufficiently broad to ensure that no evidence can be lawfully withheld if its disclosure is deemed necessary to complete the investigation.
- 2.2 When exercising such powers, an Inspector of Accidents shall have unhampered access to and control over all relevant material / evidence, including flight recorders and air traffic service records.
- 2.3 It should be recognised that subject to the Regulation 9 of the CAP. 448B, no person other than an authorised person shall have access to the aircraft involved in the accident and neither the aircraft nor its contents shall be removed or otherwise interfered with without the authority of an Inspector of Accidents.

3 Persons Participating an Investigation

3.1 According to the Regulation 8 of the CAP. 448B, the following persons would be appointed to assist an Inspector of Accidents and are allowed to participate in an investigation.

3.2 Accredited Representatives

- a) The State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall each be invited by the AID to appoint an accredited representative to participate in the investigation.
- b) When a State was requested to provide information, facilities or experts to the AID, the State shall be invited by the AID to appoint an accredited representative to participate in the investigation.

3.3 Advisors

- a) The State of Registry or the State of the Operator shall be invited by the AID to appoint one or more advisers, proposed by the operator, to assist its accredited representative. When neither the State of Registry, nor the State of the Operator appoints an accredited representative to participate in an investigation, the AID should invite the operator to participate in the investigation.
- b) The State of Design and the State of Manufacture shall be invited by the AID to appoint one or more advisers, proposed by the organisations responsible for the type design and the final assembly of the aircraft, to assist their accredited representatives. When neither the State of Design nor the State of Manufacture appoints an accredited representative to participate in an investigation, the AID should invite the organisations responsible for the type design and final assembling of the aircraft to participate in the investigation.

3.4 Experts / Specialists

- a) A State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens shall, upon making a request to do so, be invited by the AID to appoint an expert to participate in the investigation.
- b) Where necessary, officers from the other Hong Kong Special Administrative Region Government departments, specialists from industry and overseas agencies may be invited by the AID to assist in a particular investigation.

3.5 Entitlement of Participants

- a) Subject to the circumstances of an investigation and under the control of the Investigator In-charge of the accident investigation, Accredited Representatives and Advisors are entitled to the following to make their participation effective:
- (i) visit the scene of the accident;
 - (ii) examine the wreckage;
 - (iii) obtain witness information and suggest areas of questioning;
 - (iv) have full access to all relevant evidence as soon as possible;
 - (v) receive copies of all pertinent documents;
 - (vi) participate in read-outs of recorded media;
 - (vii) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;
 - (viii) participate in investigation progress meetings including deliberations related to analysis, findings, causes and safety recommendations; and
 - (ix) make submissions in respect of the various elements of the investigation.
- b) Subject to the circumstances of an investigation and under the control of the Investigator In-charge of the accident investigation, Experts appointed by a State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens are entitled to the following and to the extent necessary to make their participation effective:
- (i) visit the scene of the accident;
 - (ii) have access to the relevant factual information;
 - (iii) participate in the identification of the victims;
 - (iv) assist in questioning surviving passengers who are citizens of the expert's State; and
 - (v) receive a copy of the Final Report.
- c) Subject to the circumstances of an investigation and under the control of the Investigator In-charge of the accident investigation, the extent of the participation of the persons other than those mentioned in paragraph 3.5 a) and b) would be subject to the discretion of the Investigator In-charge to make their participation effective.

4 Delegation of Authority

4.1 Inspectors of Accidents

Inspectors of Accidents are issued with “Inspector of Accidents” Warrant Cards (Form DCA171).

4.2 Other Appointed Persons

Appointed persons are issued with authorisations by the Investigator In-charge of the accident investigation, Deputy Chief Inspector of Accident, or Chief Inspector of Accident, allowing them the appropriate entitlement as necessary.

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