

**CIVIL AVIATION DEPARTMENT  
HONG KONG, CHINA**

**Accident Investigation Bulletin**

**No. 3/09  
Issue 2**

**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 in 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 entitled 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 entitled 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 have the right 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 the investigation, the AID should invite the operator to participate.
- b) The State of Design and the State of Manufacture shall have the right 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 assembly of the aircraft to participate.

#### **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 be entitled to appoint an expert.
- 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 Persons Participating in an Investigation**

- 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, the expert 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:

- (i) visit the scene of the accident;
- (ii) have access to the relevant factual information which is approved for public release by the Chief Inspector, and the information on the progress of the investigation; and
- (iii) receive a copy of the Final Report.

This will not preclude them from also assisting in the identification of the victims and in meetings with survivors from the expert's State.

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.

### **3.6 Obligation of Persons Participating in an Investigation**

Persons participating in an investigation would be required to sign a Letter of Agreement which would specify their respective rights and entitlement and obligations in the investigation. In particular, they would be obliged:

- a) to provide the Chief Inspector with all relevant information available to them;
- b) not to divulge information on the progress and the findings of the investigation without the express consent of the Chief Inspector; and
- c) not to disclose any names of persons involved in the accident or incident to the public, under any circumstances.

### **3.7 Exchange and Protection of Investigation Information**

The AID shall liaise and work with the States concerned and persons participating in the investigation to determine the limitations on disclosure or use that will apply to information before it is exchanged between them for the purposes of an accident or incident investigation.

## **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.

**K. C. MAN**  
**Deputy Chief Inspector of Accidents**