

**CIVIL AVIATION DEPARTMENT
HONG KONG, CHINA**

Accident Investigation Bulletin

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**HANDLING OF EVIDENCES AND RECORDS
DURING AN ACCIDENT INVESTIGATION**

1 Introduction

- 1.1 When an aircraft accident is being investigated by the Accident Investigation Division (AID) of the Civil Aviation Department in accordance with the Civil Aviation (Investigation of Accidents) Regulations (CAP. 448B), Inspectors of Accidents are empowered by the Regulation 9 of the CAP. 448B to act necessarily for the purpose of the investigation of the accident.
- 1.2 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.
- 1.3 Regulation 10 of the CAP. 448B specifies that an Inspector's investigation shall be held in private.
- 1.4 The purpose of this Bulletin is to make the AID policies and procedures on the handling of records and evidences public when the AID institutes and conducts an investigation.

2 Protection and Custody of Evidence

- 2.1 The AID shall take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of an investigation. Protection of evidence shall include the preservation, by photographic or other means of any evidence which might be removed, effaced, lost or destroyed. Safe custody shall include protection against further damage, access by unauthorized persons, pilfering and deterioration.
- 2.2 Subject to above, the AID shall release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required in the investigation, to any person or persons duly designated by the State of Registry or the State of the Operator, as applicable. For this purpose the AID shall facilitate access to the aircraft, its contents or any parts thereof, provided that, if the aircraft, its contents, or any parts thereof lie in an area within which the State finds it

impracticable to grant such access, it shall itself effect removal to a point where access can be given.

3 Non-disclosure of Records

- 3.1 The AID shall not make the following records available for purposes other than accident or incident investigation, unless the Judiciary determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations:
- a) all statements taken from persons by the AID in the course of their investigation;
 - b) all communications between persons having been involved in the operation of the aircraft;
 - c) medical or private information regarding persons involved in the accident or incident;
 - d) cockpit voice recordings and transcripts from such recordings;
 - e) recordings and transcriptions of recordings from air traffic control units; and
 - f) opinions expressed in the analysis of information, including flight recorder information.
- 3.2 These records shall be included in the final report or its appendices only when pertinent to the analysis of the accident or incident. The AID shall not disclose any part of the records not relevant to the analysis.

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