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**Transport and
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Secretariat of the Establishment Subcommittee of Finance Committee
Legislative Council Complex
1 Legislative Council Road
Central
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Dear Sir/Madam,

Establishment Subcommittee
Supplementary Information relating to the Chief Inspector
of the Independent Civil Aviation Accident Investigation Authority

I refer to the letter dated 14 June 2017 from the Hon Eddie CHU Hoi-dick to the Subcommittee, requesting supplementary information from the Government regarding the post of a Chief Inspector (CI) of the independent civil aviation accident investigation authority (independent investigation authority). The Transport and Housing Bureau (THB) hereby provides the relevant information as follows:

I. Legal Basis of the Functions and Powers of the Independent Investigation Authority

2. Civil aviation accident investigation involving Hong Kong is conducted in accordance with the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Chapter 448 sub. leg. B) (Regulations), and in line with the relevant requirements of the International Civil Aviation Organization. In order to give legal backing to the independent investigation authority and provide the new CI with statutory powers to execute his/her duties, corresponding amendments to the Regulations are being made. These include proposing provisions in the Regulations to make clear that the independent investigation authority will fall under the purview of the THB and will be headed by a CI directly accountable to the Secretary for Transport and Housing. To ensure the independence of investigation, we also recommend transferring to

the CI all existing functions and powers related to accident investigation conferred on the Director-General of Civil Aviation (DGCA) under the existing Regulations, for example, the power to allow an authorised person to access or remove the aircraft concerned or its contents, to request the owner, operator, pilot in command or hirer to submit the information relating to the accident that is in the person's possession or control, etc. Inspectors of the independent investigation authority to be established in future shall conduct investigations into civil aviation accidents in accordance with the amended Regulations. The functions and powers of the Inspectors shall be provided in Regulations 8 and 9 of the amended Regulations. For details, please refer to the Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017 under Annex A of the Legislative Council Brief issued by the THB on 7 June 2017.

II. The Publication of Investigation Report

3. In line with the spirit of Regulation 15 – “*The Chief Executive shall, unless in his opinion there are good reasons to the contrary, cause the Inspector’s report and, where a board of review has been held, the report of the board, to be made public wholly or in part in such manner as he thinks fit*”, the Chief Executive has always caused investigation reports to be made public. In fact, in order to publish safety lessons learnt from investigations to the industry and the public, and in order for stakeholders to learn from the experience and thereby enhance aviation safety, the Chief Executive has never vetoed over making the investigation reports public.

4. This established practice is totally consistent with the spirit of the “Code on Access to Information”, namely, government departments should, routinely or on request, provide information unless there are specific reasons for not doing so. The Code allows departments to refuse to disclose specific categories of information, for instance, information pertaining to defense and security, and personal privacy. In fact, the *Code* is an administrative protocol, whereas the requirement in Regulation 15 is a statutory obligation, which constitutes a more solid safeguard for the disclosure of information relating to accident investigation.

III. Information of Investigations Previously Conducted by the Civil Aviation Department (CAD)

5. Since it takes time to complete an investigation of civil aviation accident, in any given year, there are ongoing investigations carried forward from the preceding year or earlier. In the past five years, the actual numbers of investigations conducted by the CAD per annum range from 8 to 13. As of the end of June 2017, there are 12 ongoing cases (refer to Table 1 below for details). Table 2 under the Annex lists out the respective synopses and major

findings of the accident and serious incident investigations completed by the CAD in the past five years. For details, please refer to the relevant investigation reports uploaded to the CAD website (<http://www.cad.gov.hk/english/reports.html>).

6. As for the number of Inspectors involved, taking past experience of the CAD as an example, the investigation of each accident requires 6 to 7 Inspectors, and 3 to 4 persons for the investigation of serious incidents, all participating on a part-time basis. An investigation instigated by an overseas investigation authority requiring CAD's participation is normally taken care of by 1 Inspector on a part-time basis. The annual numbers of Inspectors in the past five years are tabulated in Table 1. As accident investigation is a routine duty of CAD personnel, relevant expenditure is included in the budget of the corresponding financial year.

Table 1

	2012	2013	2014	2015	2016	2017 (As of June)
No. of Investigations*	8	12	10	11	13	12
No. of Inspectors**	33	43	25	21	26	33

* The figures include newly instituted investigations and ongoing ones; they cover the investigations instituted by the CAD and those instituted by overseas investigation authorities that require CAD's participation.

** CAD Inspectors participate on a part-time basis. Each Inspector may participate in more than one investigation.

IV. The Powers and Duties of the New Chief Inspector

7. The powers and duties of the new CI will basically be the same as those of the DGCA, who is also the incumbent CI of Accidents. This legislative amendment exercise aims at transferring all accident investigation-related powers of the DGCA conferred by the Regulations to the CI. To ensure that the CI performs his/her duties, the amended Regulations also stipulate that *“the Chief Inspector is to ensure that an investigation into an accident or a serious incident is carried out.”*

V. Appointment of the New Chief Inspector

8. The new CI will be selected through a global recruitment process taken charge of by the THB, and appointed by the Chief Executive in

accordance with Regulation 8(1) of the amended Regulations. We do not see any needs for changing this arrangement.

Yours faithfully,

(Miss Cheng Sze-ling)
for Secretary for Transport and Housing

c.c.:

Civil Aviation Department (Attn.: Mr. Alan Shum, Assistant Director-General of Civil Aviation (Air Services and Safety Management))

Table 2: Accident or Serious Incident Investigations completed by CAD in the last 5 Years

2012-13	Nil
2013-14	<p data-bbox="309 419 808 456">Aircraft Accident Report 2/2013:</p> <p data-bbox="309 504 2040 671">On 13 April 2010, a Cathay Pacific Airways Airbus 330 aircraft issued a distress signal due to engine control problems when approaching the Hong Kong International Airport (HKIA). The aircraft subsequently landed at a high speed at the airport. The commander of the aircraft evacuated the passengers. 57 passengers and 6 cabin crew were injured during the evacuation. Most of them sustained minor injuries.</p> <p data-bbox="309 719 2040 799">Major cause: Airport fuel contamination as well as a chain of events and circumstances led to the uplift of contaminated fuel into the aircraft.</p> <hr data-bbox="297 842 2051 847"/> <p data-bbox="309 855 808 892">Aircraft Accident Report 1/2013:</p> <p data-bbox="309 940 2040 1059">On 27 December 2010, a Government Flying Service Eurocopter AS332 L2 Super Puma helicopter, when carrying out a bush firefighting operation, ditched into Shing Mun reservoir in a controlled manner. There was no injury to the 3 crew members on board or other persons on the ground.</p> <p data-bbox="309 1107 2040 1227">Major cause: The wear and slippage in the main gearbox resulted in a free turbine overspeed and automatic shutdown of the engine that warranted an emergency landing. The helicopter manufacturer did not predict additional growth rate of ramp wear associated with firefighting operations.</p>

	<p>Aircraft Accident Report 1/2014:</p> <p>On 3 January 2011, a Heliservices Aerospatale SA315B LAMA helicopter was conducting an underslung operation on the hillside of Kau Lung Hang, Lo Wai, Fanling. When the helicopter was setting down a load onto a work site located near an overhead high voltage electricity line pole, a flashover occurred between the helicopter longline and a live overhead line of the circuit. The fire generated from the flashover caused injuries to 2 ground workers.</p> <p>Major cause: The helicopter hovered too close to the overhead lines, triggering a flashover that caused damage and injuries.</p>
2014-15	<p>Aircraft Accident Report 2/2014:</p> <p>On 3 July 2010, shortly after takeoff from the Sky Shuttle Heliport in Sheung Wan, an East Asia Airlines Agusta Westland AW139 helicopter's tail rotors became detached and the helicopter ditched into the Victoria Harbour. All crew members and passengers onboard were rescued.</p> <p>Main cause: Production defects of the tail rotor blade and a reduction in torsion box stiffness.</p>
2015-16	<p>Aircraft Accident Report 2/2015:</p> <p>On 28 September 2013, a Hong Kong Aviation Club Cessna 172P aircraft made an unsuccessful bailed landing manoeuvre at Shek Kong Airfield. The aircraft landed on the lawn to the northern side of Runway 11 and came to a stop in an upside down position. 2 passengers suffered minor injuries.</p> <p>Main cause: Non-adherence to the bailed landing procedures by the pilot prior to the accident.</p>

	<p>Aircraft Accident Report 1/2015:</p> <p>On 6 October 2013, a Hong Kong Aviation Club Robinson R22 Beta II helicopter rolled over to the right during a hover training exercise at Shek Kong Airfield. The student pilot suffered minor injuries during the accident.</p> <p>Main cause: The flying instructor was unable to regain control in time to prevent a dynamic rollover.</p>
2016-17	<p>Serious Incident Report 1/2017:</p> <p>On 13 January 2015, a Hanergy Jet Company Limited Gulfstream G550 aircraft, when it was about 7 nautical miles to the runway of the HKIA, rapidly declined from around 2,000 ft above mean sea level (AMSL) to about 500 ft AMSL at its lowest, triggering the Ground Proximity Warning System warning on board the aircraft. The aircraft then carried out a missed approach and eventually made a safe landing. No one was injured in the accident</p> <p>Major cause: Inadvertent operation input was applied to the elevator trim switch by the pilot, causing the autopilot mode to disengage and the plane to rapidly descend.</p>