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Ms Shirley CHAN
Clerk to LegCo Panel on Economic Development
Legislative Council Complex
1 Legislative Council Road
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19 June 2018

Dear Ms CHAN,

**Legislative Council Panel on Economic Development
The Motion passed under agenda item V on
“Proposed creation of two directorate posts in the Civil Aviation
Department in support of the Three-Runway System project
at the Hong Kong International Airport”
at the meeting on 28 May 2018**

I refer to your letter dated 29 May 2018 to the Secretary for Transport and Housing which requests for the Government’s response to the motion passed by the Legislative Council Panel on Economic Development (the Panel) under agenda item V on “Proposed creation of two directorate posts in the Civil Aviation Department in support of the Three-Runway System project at the Hong Kong International Airport” at the meeting on 28 May 2018:

Since the commissioning of the new Air Traffic Control ("ATC") System, some incidents involving the System have not been reported by the Government on its own initiative, thus affecting public confidence in the System and public perception of the Government. This Panel urges the Administration to provide details and explanations to the public about the international standard of a

notification mechanism for major incidents involving ATC or ATC-related systems while creating the new posts to oversee ATC operations under the three-runway system, so as to enhance transparency.

This document sets out the Government's response to the motion.

2. China is one of the 192 Contracting States to the International Civil Aviation Organization (ICAO). Hong Kong, being part of China, has the responsibility to comply with the standards and regulations set by the ICAO. The Aviation Safety Management System (SMS) in Hong Kong strictly follows the standards set by the ICAO and is implemented through relevant local legislation and guidelines issued by the Civil Aviation Department (CAD).

3. Under the SMS, civil aircraft accidents or serious incidents shall be handled in accordance with Annex 13 – Aircraft Accident and Incident Investigation (Annex 13) to the Convention on International Civil Aviation prepared by the ICAO. Accident is referred as an occurrence in which a person is fatally or seriously injured, or the aircraft sustains damage or structural failure that impacted flight operation, while serious incident is an occurrence in which there is a high probability of an accident. In Hong Kong, the Chief Inspector¹ will handle the occurrences in accordance with the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448B). The regulation provides for the definition, scope of application, reporting mechanism and other statutory requirements in relation to relevant occurrences.

4. Regarding the notification mechanism, upon informed of an accident or serious incident, the CAD will release information of the concerned occurrence as soon as possible and inform the public that the CAD will conduct an investigation. In addition, according to the guidelines in Annex 13, the Chief Inspector will publish a preliminary investigation report on accident or serious incident within 30 days. The Chief Inspector will submit a final investigation report, according to Regulations 10(6) and 15 of the Hong Kong Civil Aviation (Investigation of Accidents) Regulations, to the Chief Executive who shall decide to disclose the final report wholly or in part. In fact, all previous investigation reports completed in accordance with the above mechanism have all been uploaded to the CAD website for public reference².

¹ The post of Chief Inspector is currently taken up by the Director-General of Civil Aviation. In order to fulfill the new requirement of the ICAO on ensuring the impartiality of civil aircraft accident investigation, the Government is planning for the establishment of an independent air accident investigation authority under the Transport and Housing Bureau and is in the process to appoint a new Chief Inspector to lead the work of civil aircraft accident investigations.

² Preliminary and final investigation reports are available at <http://www.cad.gov.hk/chinese/reports.html>.

5. In addition, the ICAO has developed Annex 19 – Safety Management (Annex 19) to the Convention on International Civil Aviation, establishing provisions for the follow-up and notification of Mandatory Reportable Occurrences. In Hong Kong, the Air Navigation (Hong Kong) Order 1995 (Cap. 448C) sets out the definition of reportable occurrence, which is incident relating to an aircraft, or incident which may affect the safety of aircraft, passengers or other persons due to the defect in or malfunctioning of aircraft or their equipment or any facility on the ground, including ATC system, in connection with the operation of aircraft. The designated reporting persons, such as locally registered airlines and their pilots, aircraft maintenance organisations and their licensed engineers, airport operators/licensees and air traffic controllers, shall report to the CAD within 96 hours of the occurrence coming to their knowledge. Examples of reportable occurrence include but are not limited to:

- (a) Spacing between flights below prescribed distance;
- (b) The use of emergency procedures during flight;
- (c) Turbulence encounter resulting in injury to passengers or crew members;
- (d) Leakage of hydraulic oil, which poses a safety hazard to passengers or crew members;
- (e) Significant spillage of fuel on airfield ramps; and
- (f) Bird strike which caused significant damage to the aircraft.

6. Subsequent to the assessment of the "safety risk" level of an incident, the CAD will take corresponding action, including reviewing the report from designated reporting person and improvement measures taken (such as provision of training or recurrent training, review of procedures, improvement of communication, product enhancement, etc.). The CAD would only close the case after the relevant organization has reported on the implementation of improvement measures. Through regular meetings of the Air Traffic Safety Assessment Committee, comprising representatives from various divisions of the CAD and the aviation industry, air traffic management incidents and other aviation safety related occurrences (such as Mandatory Reportable Occurrences) would be re-examined to ensure that the relevant review has been conducted in an objective and impartial manner.

7. In line with the spirit of Annex 19, the purpose of establishing a Mandatory Occurrence Reporting System is to allow the civil aviation authorities to collect data on safety incidents as far as possible thus facilitating aviation safety. According to the principles of data protection in Annex 19³, the CAD shall ensure the confidentiality of the reports. This aligns with the common practice of international civil aviation authorities, so as to encourage the aviation industry to report incidents voluntarily and provide comprehensive information. It could also ensure that the CAD collects aviation safety data through various channels to identify safety risks and take preventive actions.

8. The CAD has always accorded the highest priority to aviation safety and will continue to implement its aviation SMS in strict compliance with the ICAO requirements, including incidents related to the Air Traffic Management System (ATMS). We appreciate the public concerns about the ATMS performance and as such, the CAD has been keeping the public informed of relevant occurrences in a transparent and proactive manner by means of press releases or media briefings, to dispel doubts even though such occurrences were not categorised as accidents, serious incidents, or Mandatory Reportable Occurrences. Since the commissioning of the new ATMS, the CAD has issued more than 30 press releases (as at 19 June 2018).

9. Since the full commissioning of the ATMS, despite the fact that it encountered several teething issues during the initial period of operation which neither affected aviation safety nor posed any substantial impact on the overall operation of the Hong Kong International Airport (HKIA). The ATMS had successfully handled the increased traffic during the traditional busy travel periods of Christmas, New Year, Lunar New Year, Easter, and summer holidays. Weather-wise, there had been an unusually high number of occurrences of significant weather (including five severe tropical storms and severe/super typhoons) in 2017 in Hong Kong. Notwithstanding, a record high figure of 2 341 total aircraft movements was recorded over a 24-hour period on 24 August 2017 as the HKIA recovered from the impact of Super Typhoon HATO. The ATMS had successfully handled the peak air traffic flow and overcome the challenges brought by adverse weather. In 2017, the total number of aircraft movements handled by the ATMS increased by 7.6% as compared with 2016, affirming the performance of the ATMS and frontline air traffic controllers.

³ The ICAO has enhanced the relevant recommendation by making it a binding standard which will take effect in November 2019, based on which Contracting States will be required to protect the source of safety information. Safety information shall not be made available or used for purposes other than upholding safety so as to encourage voluntary reporting of incidents with aviation safety implications. Exceptions include circumstances under which the benefits of the release or usage of safety information outweigh the potential adverse impact brought by such release on aviation safety. The Government is studying how to implement this new standard in the local context.

10. An ATMS Expert Panel comprising local and overseas experts, set up by the CAD, has examined the root causes and follow-up actions of the teething issues encountered by the ATMS during the initial period after full commissioning and confirmed that these issues, which were properly handled by CAD's staff members with professional expertise and experience as per established procedures, did not undermine aviation safety. The Expert Panel remarked that the overall performance of the ATMS was satisfactory and smooth after a run-in period. For details, please refer to the final report of the Expert Panel (<https://www.cad.gov.hk/english/reports.html>). In recognition of the significant contribution made by the CAD in upgrading the reliability of the air traffic management services as a result of the implementation of the ATMS, the Civil Air Navigation Services Organisation presented the CAD with the 2017 Global Safety Achievement Award.

11. The Transport and Housing Bureau and CAD will continue to strive to ensure that aviation safety is maintained at the highest level, and uphold the status and reputation of Hong Kong as a regional aviation hub.

Yours sincerely,

(Ms Joyce CHAN)
for Secretary for Transport and Housing

c.c.:

Civil Aviation Department (Attn.: Miss Linda SO, Deputy Director-General of Civil Aviation(2))