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By email and post

27 May 2020

Ms Shirley Chan
Clerk to Panel on Economic Development
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Chan,

**Panel on Economic Development
Follow-up to meeting on 27 April 2020**

I refer to your letter dated 29 April 2020, requesting for information on the content of the memorandum of co-operation recently signed between the Air Accident Investigation Authority (AAIA) and the Civil Aviation Department (CAD).

According to the guidance of the International Civil Aviation Organization, an accident investigation authority should establish working arrangement and/or memorandum of understanding (MoU) with a civil aviation authority that might have investigation mandates related to the aircraft accident/incident or provide support to the safety investigation. Since its establishment in September 2018, AAIA had been in close discussion with CAD with a view to working out a MoU, subsequently signed in April 2020. In discussing the matter, AAIA and CAD have made reference to similar cooperation arrangements between their overseas counterparts such as Australia and Canada.

The agreed purpose of the MoU is to enhance and institutionalise the coordination, communication and cooperation between the two parties in aviation safety, while maintaining their independence and capacity to perform their respective roles and responsibilities. Recognising the respective roles of AAIA and CAD as the accident investigation authority and the civil aviation authority, the MoU confirms both parties' agreement to uphold the values of cooperation,

integrity, trust, mutual respect, openness and professionalism with a view to safeguarding aviation safety in Hong Kong. The MoU sets out the broad principles between the two authorities with regard to cooperation, coordination and communication, including that regarding the sharing of safety information. Among others, it is clearly recognised in the MoU that AAIA is responsible for the **independent** investigation of aircraft accidents and serious incidents in accordance with the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448B) and Annex 13 to the Convention on International Civil Aviation – Aircraft Accident and Incident Investigation (ICAO Annex 13). Both authorities agree to cooperate (through, for example, consultation, assistance, open dialogue) in different aspects towards a common goal of enhancing aviation safety.

Reflecting the commitment of both authorities in the prevention of accidents and in enhancing aviation safety, among other aspects, AAIA and CAD agree to exchange safety related information in areas even where there is no binding requirement from ICAO or under our local legislation. This includes information pertinent to Mandatory Occurrence Reports administered by CAD under the Air Navigation (Hong Kong) Order (Cap. 448C)¹.

With the signed MoU between AAIA and CAD, and the goodwill of both authorities in further developing their long-term work relationship with due respect to AAIA's independence, we are confident that AAIA would continue to grow into a full-fledged independent authority in accordance with our local legislation and relevant ICAO standards and recommended practices. Most importantly, both professional authorities shall continue to cooperate with integrity, openness, and mutual respect towards enhancing aviation safety of Hong Kong.

The content the MoU is summarised at Enclosure for reference.

Yours sincerely,



(Joyce Chan)

for Secretary for Transport and Housing

Encl.

c.c. Director-General of Civil Aviation, Civil Aviation Department
Chief Inspector, Air Accident Investigation Authority

¹ Pursuant to Article 86 of the Air Navigation (Hong Kong) Order (Laws of Hong Kong, Chapter 448C), pilots in command, aircraft operators and other specified persons are required to report to CAD any incidents that are classified as reportable occurrences under Regulation 16 in Schedule 15 to the sub-legislation.

**Memorandum of Understanding between
Civil Aviation Department and Air Accident Investigation Authority**

Summary of Content

- The purpose of the MoU is to enhance and institutionalise the coordination, communication and cooperation between both parties, while maintaining their independence and capacity to perform their respective roles and responsibilities.
- In pursuing this objective, both parties agree to uphold the values of cooperation, integrity, trust, mutual respect, openness and professionalism.
- Both parties are committed to ensuring the effective implementation of the Hong Kong Safety Programme (HKASP)² concerning, among other things, the collection and protection of safety information, safety performance monitoring and aviation safety promotion. Each party may consult or seek support and/or assistance from the other party for the purpose of improving aviation safety.
- Managements of both parties will encourage open dialogue on matters of mutual interest and concern, and cooperate in such areas as exchange of safety information, notification and implementation of safety actions with regard to aircraft accidents and serious incidents.
- Communication with the ICAO will be coordinated; both parties will endeavour to inform each other of their liaison with other international bodies and dissemination of safety information to the aviation industry, whenever they are of common interest.
- The sharing and provision of all information will be subject to the legal obligations, ICAO Annexes and/or policies applicable to both parties.
- Both parties will notify each other of their respective safety action/recommendation as soon as practicable.
- The possibility of sharing in-house and/or external training opportunities will be explored where appropriate.
- Both sides will be responsible for their respective media enquiries as necessary.
- Both parties will endeavour to review and streamline the working arrangement detailed in the MoU from time to time for continuous improvement.

Ends

² HKASP is established by CAD in accordance with ICAO Annex 19 for the management of aviation safety. HKASP is available at: https://www.cad.gov.hk/reports/HKASP_2018.pdf.