

The Civil Aviation Administration of China

and

**The Air Accident Investigation Authority of
the Hong Kong Special Administrative
Region, China**

**Cooperation Arrangement on
Civil Aircraft Accident Investigation**

(2021)

23 MARCH 2021

**This Cooperation Arrangement is made on the 23rd day of MARCH of 2021
BETWEEN**

- (1) THE CIVIL AVIATION ADMINISTRATION OF CHINA (“CAAC”) of
the one part; and**
- (2) THE AIR ACCIDENT INVESTIGATION AUTHORITY OF THE HONG
KONG SPECIAL ADMINISTRATIVE REGION, CHINA (“AAIA”) of
the other part**

FOR THE PURPOSE OF:

Supporting the implementation of the national strategic plan for the Guangdong-Hong Kong-Macao Greater Bay Area, deepening cooperation between Mainland and the Hong Kong Special Administrative Region, promoting, developing and reinforcing the cooperation between Mainland and the Hong Kong Special Administrative Region in carrying out investigation of aircraft accidents and serious incidents (hereafter referred to as “accident investigation”), as well as facilitating mutual communication and exchange of technical information.

IT IS JOINTLY ACCEPTED BY THE PARTIES AS FOLLOWS:

1. Application of Annex 13 to the Convention on International Civil Aviation

The People’s Republic of China is a Contracting State to the Convention on International Civil Aviation (“the Convention”). The Convention is applicable to the Hong Kong Special Administrative Region (“HKSAR”). The Parties jointly accept that the standards and recommended practices contained in Annex 13 to the Convention (hereinafter referred to as “Annex 13”) shall be applicable to the cooperation between both Parties on accident investigation.

2. Definitions

The definitions as set out in Chapter 1 of Annex 13 apply to this Cooperation Arrangement except the following terms.

“Air Traffic Service (ATS)” – A generic term meaning variously, flight information service, alerting service, air traffic advisory service, air traffic control service (area control service, approach control service or aerodrome control service).

“Flight Information Region (FIR)” – An airspace of defined dimensions within which flight information service and alerting service are provided.

“State/Place of Registry” – The State or Place on whose register the aircraft is entered.

3. Scope of Cooperation Arrangement

In case an accident or serious incident occurs at a location as set out in the first column of the following Table, the Parties shall carry out an investigation into the accident or serious incident in accordance with the following Table.

Location of accident / serious incident	Aircraft State/ Place of Registry	Parties responsible for carrying out an accident investigation
Territory of Mainland (including Xisha Islands, etc)	Mainland	CAAC
	HKSAR	
	Others	
HKSAR	Mainland	AAIA
	HKSAR	
	Others	
ATS airspace in Guangzhou FIR delegated to the HKSAR within which the HKSAR provides ATS	Mainland	CAAC (Responsible) AAIA (Assist)
	HKSAR	
	Others	
International waters within the FIRs of Mainland and Sanya FIR	Mainland	CAAC
	HKSAR	AAIA
	Others	The accident investigation authority of Aircraft State / Place of Registry
International waters within the FIR of the HKSAR	Mainland	CAAC
	HKSAR	AAIA
	Others	The accident investigation authority of Aircraft State / Place of Registry

4. Procedural Arrangements

4.1 Notification

The Party responsible for carrying out an accident investigation ("Investigating Party") shall notify the other Party in accordance with the provisions of Chapter 4 of Annex 13.

This Cooperation Arrangement constitutes a standing invitation from the Investigating Party to the other Party for appointing an advisor ("Advisor") to assist in the investigation. When notified, the other Party shall indicate its acceptance or rejection of such invitation as soon as practicable and if it accepts the invitation, that Party shall provide the details of the Advisor who shall assist in the investigation.

4.2 Distribution of Draft Safety Recommendations

If an investigation involves aircraft registered in the Mainland or the HKSAR, whenever the CAAC or the AAIA (as the case may be) is prepared to issue safety recommendations before finalization of a report on an investigation, it shall provide the Advisor with a draft of the safety recommendations as soon as practicable for comments. The Advisor shall provide comments to the Investigating Party within a reasonable time having regard to the degree of urgency of the proposed recommendations, and such reasonable time shall be determined by that Party in its reasonable discretion.

4.3 Exchanges of Correspondence

In the event that formal correspondence between the Parties is necessary, the Party sending the correspondence shall choose the most appropriate method to transmit documents to ensure prompt receipt of the correspondence by the other Party.

4.4 Confidentiality

All correspondence and materials exchanged between the Parties in relation to accident investigation shall be treated as confidential and be handled in accordance with the respective governing local laws. Drafts, internal or working documents that have been transmitted, except when explicitly indicated to the contrary, are to be considered and treated as confidential documents.

4.5 Informing the Media

The Party charged with the duty of conducting the investigation is to be responsible for coordinating the information to be released to the media. The Parties shall liaise closely before releases to the media are to be made.

5. Cooperation between the Parties on Accident Investigation

The Parties shall offer to each other assistance, and provide or request from the other Party the use of appropriate air safety investigation facilities and equipment, professional advice, and technical support based on prevailing needs. Such assistance may be used by experts in the areas of air traffic services, aircraft engineering and operations, flight recorders, human factors and management organization.

5.1 Accident Investigation

During the course of accident investigation, both Parties may request professional advice and technical support from the other Party based on prevailing needs. The scope

of support includes, but not limited to, decoding and analysis of flight recorders, identification and analysis of mechanical failure of aviation equipment, test and analysis of aviation material, animation and analysis of aircraft accident events, identification and analysis of aircraft performance, etc. The relevant details and arrangements may be coordinated between the Office of Aviation Safety, CAAC and the AAIA according to the prevailing circumstances.

5.2 Assistance in the Supervision of Examination of Component Parts

The Investigating Party may request assistance of the other Party in supervising the examination, testing, or disassembling of component parts of the aircraft under investigation, if such component parts are sent to an organization which is located in that Party's area for the aforesaid purposes in the course of investigation. That requested Party should endeavour to provide such assistance as much as possible. In all cases, the requested Party shall provide timely updates to the Investigating Party of all investigation activities being carried out in the area of that Party and shall invite the Investigating Party to participate as necessary.

5.3 Training of Investigators

Both Parties agree to foster closer cooperation on the professional training and experience sharing of accident investigators through arranging their investigators to participate in seminars, regional / international conferences, or specialized courses and exercises regularly to enhance their investigative skills and management capability, with the aim of establishing a more professional and effective air accident investigation team. For training purposes, the Parties shall facilitate exchanges of staff members, including those at Advisor level, at major accident on-site investigation and subsequent off-scene investigation activities as far as is practicable.

5.4 Exchange of Information

Either Party may request information about the progress of investigation being conducted in the other Party's area. The Investigating Party shall try its best endeavours to provide the requested information within the bounds of its own laws. As regards the information provided, the requesting Party shall be bounded by the same rules of confidentiality as those imposed on the requested Party.

5.5 Regulations, Policies and Guidelines

The Parties shall provide each other with complete sets of statutes, regulations, policies, guidance materials and practices which are relevant to this Cooperation Arrangement and shall ensure that such documents and information are updated in a timely manner.

6. Management of this Cooperation Arrangement

The Parties' senior officials shall meet periodically or at such intervals as agreed between the Parties to review and update this Cooperation Arrangement, if necessary, with a view to sharing experience in accident investigation and any other relevant issues.

7. Coming into Effect and Termination

This Cooperation Arrangement shall come into effect on signature and shall continue in effect until terminated by either Party by giving six months' written notice to the other or revised by mutual written arrangement.

8. Obligations under Annex 13

Nothing in this Cooperation Arrangement shall prejudice the application of Annex 13 on both Parties to the extent as is implemented in the respective local laws.

The foregoing record represents the understanding reached between the CAAC and the AAIA upon the matters referred to therein.

This Cooperation Arrangement is signed in Beijing on the 23rd day of March of 2021 in duplicate.

The English version of this Cooperation Arrangement is for reference only and does not require signatories. In case of any difference or dispute, the Chinese version shall prevail.

For the Civil Aviation Administration of China

[This English version is for reference only. No signature is required.]

Mr XIONG Jie
Director General
Office of Aviation Safety
Civil Aviation Administration of China
China

For the Air Accident Investigation Authority of the HKSAR

[This English version is for reference only. No signature is required.]

Mr MAN Ka Chai
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