

Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2024 to be gazetted Friday

The Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2024 (Amendment Regulation) will be gazetted on Friday (November 15) to amend the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448B) to incorporate in the local legislation the latest requirements of the International Civil Aviation Organization (ICAO) for the investigation of civil aviation accidents and incidents.

The major proposed amendments include:

- (1) to provide for the entitlements and obligations of non-local representatives investigations and public inquiries conducted in Hong Kong;
- (2) to provide for the entitlements and obligations of Hong Kong representatives in non-Hong Kong investigations;
- (3) to provide for the operation of the voluntary incident reporting system;
- (4) to extend the period during which a person may make a representation to the Air Accident Investigation Authority (AAIA) in respect of a draft investigation report from 28 days to 30 days from being served with a notice;
- (5) to impose a penalty for the contravention of the requirement to provide information as required by the Chief Inspector of the AAIA, for the obstruction or impediment of the exercise of certain powers or the discharge of certain duties under Cap. 448B, or for failing to comply with certain summons or requisitions;
- (6) to provide for extraterritorial effect for certain offences under Cap. 448B to facilitate enforcement; and
- (7) to amend the definitions of certain terms and expressions in Cap. 448B to better align with the definitions and interpretations contained in Annex 13 to the Convention on International Civil Aviation.

A spokesman for the Transport and Logistics Bureau said, "Annex 13 contains the international standards and recommended practices for aircraft accidents and incident investigations, some of which are required by the ICAO to be implemented by Contracting States to the Convention on International Civil Aviation by means of legislation. The aim is to enhance aviation safety by facilitating thorough investigations, determining the causes of accidents or incidents, and making recommendations to prevent similar occurrences in the future. To incorporate the relevant standards promulgated in Annex 13 into the local legislation as far as practicable with reference to the local

circumstances and to enhance the effectiveness of the AAIA's investigation protocol, we propose making amendments to Cap. 448B.

"The proposed legislative amendments have made reference to the ICAO documents and legislation in various jurisdictions, including Mainland China, Australia, Canada, Singapore and the United Kingdom," the spokesperson added.

The Amendment Regulation will be tabled at the Legislative Council (LegCo) on November 20 for negative vetting. Subject to scrutiny by the LegCo, the Amendment Regulation will come into effect on a day to be appointed by the Secretary for Transport and Logistics by notice published in the Gazette, with an implementation target in the first half of 2025.