

Conveyance of air mail by surface route by Post Office due to the coronavirus pandemic

Investigation Report

On 20 April 2020, the complainant complained to us against the Post Office (“PO”).

The Complaint

2. On 19 March 2020, the complainant posted a registered airmail item (“Item A”) to his daughter in Sydney, Australia. Upon his enquiry, he learnt that the item had been handed over to a freight forwarder on 1 April. On 20 April, he further enquired PO of the progress and was advised that the item had been conveyed by surface route on 7 April on grounds that no airmail service for Australia was available from 9 April and an announcement about the change of postage method had been made on PO’s website.

3. The complainant was dissatisfied with PO for changing the conveyance method without consulting him. He alleged that PO had overcharged him the postage and most importantly, conveyance by surface route would cause a serious delay. Besides, PO insisted that he had to submit a Mail Enquiry Form, or he could not be advised of the mail status.

4. Against the background, the complainant complained against PO for improprieties in handling Item A.

Our Findings

Impact of Coronavirus Pandemic on Provision of Mailing Service

5. For conveyance of airmail items to overseas destinations, PO issues invitations for tender biannually to procure air transportation services from airlines or freight forwarders, and signs contracts with them. For Australia, there are two service providers. Under the agreement, they should provide the required air allotment to PO in order to meet the daily needs for airmail conveyance.

6. Due to the coronavirus (“COVID-19”) pandemic, many countries have imposed travel restrictions since February 2020, which dealt a severe blow to the aviation industry. Both service providers did not only reduce the number of flights, but also suspended some routes with very short notice. The air allotment available from the two service providers dropped significantly from around 2,000 kg per day in early March to less than 1,000 kg by end of March, representing a reduction over 50%. However, the volume of airmail (including Speedpost) accepted for Australia experienced an upsurge of over 100%. In early March, the average daily volume was around 1,300 kg. In mid-March, it increased to over 3,000 kg.

7. On 8 and 29 February and 13 and 18 March, PO has issued press releases to alert the public that there would be delays in delivering both inbound and outbound mail items. In particular, the press release of 18 March mentioned that “air mail to various European countries, Australia, Japan, Korea and the United States may be subject to considerable delays of more than one week in handling posted items to airlines subsequent to PO’s completion of the handling procedures after posting”.

8. Airmail items for Australia had accumulated quickly at the Air Mail Centre (“AMC”) of PO from mid-March. Besides urging the service providers to honour their contractual commitment to supply the required air allotment, PO also requested 11 overseas postal administrations on 19 March to provide mail transit services as alternative routes to Australia. Besides, on 20 and 23 March, PO issued invitations for tenders to potential service providers in the market. Yet, all efforts went futile. The backlog of airmail items for Australia reached its peak on 26 March, when there were as many as 14,000 kg of airmail items accumulated at AMC pending handover to air carriers. On 27 March, PO announced suspension of airmail services (including Speedpost) to Australia. On 22 April, the Australia Post (“APO”) declared a situation of force majeure which means that any bilateral or multilateral arrangements on mail delivery are no longer applicable.

The Universal Postal Union’s Advice and PO’s Handling

9. Given the sudden reduction of number of flights and suspension of flight services, postal administrations around the world faced the same hardship in finding solutions to convey their outbound airmail items. The Universal Postal Union (“UPU”)¹ is well aware of the situation and advised its members on 27 March, 15 April

¹ Established in 1874, the Universal Postal Union (UPU), with its headquarters in the Swiss capital Berne, is the second oldest international organisation worldwide. With its 192 member countries/territories (PO is one of the members), the UPU is the primary forum for cooperation between postal sector players.

and 8 May to make use of surface network to despatch mail items across borders. UPU has acted as a facilitator, liaising with the World Customs Organisation to ensure that such a large-scale change in mail conveyance mode would be handled flexibly by the customs administrations of different countries at this critical time.

10. To prepare for sea conveyance, PO urged the service provider for surface mail conveyance on 27 March to advance its shipping schedule and shorten the journey time from 16 days to 13 days. On 1 April, the shipping agent picked up the shipment from AMC. The backlog of non-Speedpost airmail items was all cleared. That shipment departed from Hong Kong on 7 April and arrived at Sydney on 20 April. On the other hand, PO kept on chasing the two service providers to provide extra air allotment. On 21 April, the backlog of Speedpost items were cleared.

11. On 9 April, PO issued press release informing the public that among other things, registered airmail items posted to Australia had been conveyed by surface route. Any affected sender who wanted a refund of postage difference between air and surface mail was advised to make an application to PO by filling out a proforma.

Sequence of Relevant Events

12. On 19 March, the complainant posted Item A at Cheung Fat Post Office.

13. On 1 April, Item A and all other non-Speedpost airmail items to Australia were handed over to the shipping agent. On 7 April, the vessel carrying the above shipment departed from Hong Kong.

14. On 20 April, the complainant rang PO's hotline to enquire about the status of Item A. He was advised that the item had been conveyed by surface route. On the same day, the complainant submitted a duly completed Mail Enquiry Form together with a copy of receipt of registered airmail fee.

15. On 21 April, on learning that the shipment had arrived at Sydney, PO requested APO to expedite the delivery of Item A. On 28 April and 9 May, PO sent chasers to APO. On 10 May, APO updated the mail tracing record that Item A had been delivered on 30 April.

16. On 12 May, PO advised the complainant over the phone that Item A had been delivered. On the following day, PO sent the complainant an email, confirming that Item A had been successfully delivered on 30 April.

PO's Response

Allegation (1): unreasonably changing the mode of conveyance, thereby causing a delay and overcharging of postage

17. Given the circumstances and UPU's advice as described in **paragraphs 6 to 9** above, PO had no other alternative but to utilise the capacity of sea conveyance to clear the backlog of non-Speedpost airmail. Before switching to sea conveyance, PO did try its best to liaise with the agent to shorten the shipping period (see **para. 10** above). In its opinion, such a decision was proven right because air service to Australia has yet to resume normal. Had PO not shifted the conveyance mode from air to surface, the backlog might still be sitting at AMC.

18. According to PO's record, there were more than 47.3 tons of non-Speedpost airmail items conveyed to the destinations by surface mode and of which, 6.4 tons were destined to Australia. By estimation, the shipment to Australia contained over 22,000 airmail items. Besides, senders of non-Speedpost airmail are not required to provide return addresses and contact telephone numbers. Therefore, PO was unable to contact each sender to obtain his or her consent on the change of conveyance mode. After the shipment had departed, PO issued press release at its website on 9 April, informing the public of the change of conveyance mode and the formalities of refunding the postage difference (see **para. 11** above).

Allegation (2): unreasonably requiring the complainant to submit a Mail Enquiry Form

19. Senders of registered airmail can keep track of the mail status at PO's website within the prescribed period. If the sender wishes to make an enquiry with PO instead, he or she will have to submit a Mail Enquiry Form together with a copy of the certificate of posting which contains such information as names of the sender and the addressee, full delivery address, and the content of the mail item. This is to facilitate the processing of enquiries by the destination postal administrations and is a requirement laid down by the UPU.

Our Comments

20. We can understand that the service of PO in this particular case fell short of the complainant's expectation. Nevertheless, the impact of the COVID-19 pandemic on the aviation industry and provision of international mailing services is indeed unprecedented. Having examined the information provided by PO, we find that PO did exhaust every possible means to obtain extra air allotment to meet the rising demand for airmail service and to clear the backlog of airmail items. However, since the supply of air allotment was scarce, PO was unable to procure sufficient air allotment. Given the uncertainty of air service worldwide during that period and UPU's advice (see **para. 9** above), we consider it reasonable of PO to have resorted to sea conveyance.

21. In general, we expect government departments to maintain communication with people who are affected. However, in this case, since the mail volume was huge and provision of senders' contact information is not mandatory (see **para. 18** above), it was not feasible for PO to contact each sender to obtain his or her consent on the change of conveyance mode. We note that PO has advised in its press release of 9 April how the affected senders could apply for refund of postage difference (see **para. 11** above). We found that PO has tried to provide information to the public as far as practicable. As regards the submission of a Mail Enquiry Form, PO has explained why it was necessary (see **para. 19** above). We consider that PO has followed up the complainant's mail tracing enquiry in accordance with its established procedure. There is no evidence of maladministration on the part of PO.

22. With the above, The Ombudsman considers this complaint **unsubstantiated**.

Other Observation

23. We note from its press releases that PO often gives a generic description of time delay for postal service to various destinations. Taking the press release of 18 March as an example, the expected delay was described as "considerable delay of more than one week" (see **para. 7** above). We consider it more desirable if PO could provide the public with more specific information on estimated delay time for different regions such that senders can make better informed decisions, and at the same time PO can manage client expectations.

Office of The Ombudsman
July 2020