

Arrangements by Transport Department and Post Office Delivery of renewed Vehicle Registration Document during the epidemic Investigation Report

On 4 July 2022, the complainant complained to this Office against the Transport Department (“TD”). On 11 July, the complainant added a complaint against the Post Office (“PO”).

The Complaint

2. Allegedly, the complainant applied on 10 February 2022 for the renewal of vehicle licence (“VL”) by mailing, *inter alia*, the original Vehicle Registration Document (“VRD”) to TD. Receiving no response from TD while noting that his cheque for the application fees had been cleared, the complainant asked TD for the latest progress of his application. After exchanges of emails and calls, the complainant was informed that TD had sent to him the renewed VL together with his original VRD by registered mail (“the Mail Item”) on 1 March while PO had simply put the Mail Item into his mailbox, which deviated from its normal protocol of delivering a registered mail item (“**Complaint point 1**”). To resolve the situation, TD asked the complainant to report the loss to the Police and then pay extra fees to TD for the reissue of renewed VL and VRD. The complainant considered TD’s proposal rigid, absurd and unreasonable, given that he had reiterated that he had not received the Mail Item (“**Complaint point 2**”). The complainant was also dissatisfied with the unreasonably long time TD and PO took to trace the Mail Item (“**Complaint point 3**”).

Our Findings

3. After a preliminary inquiry with TD and PO, this Office decided to conduct a full investigation in September 2022. Our findings are as follows.

The Relevant Law

4. Section 59(1) of the Road Traffic (Registration and Licensing of Vehicles) Regulations (“Cap 374E”) stipulates that:

If -

- (a) a registration document is lost, destroyed or defaced; or
- (b) a vehicle licence is lost, destroyed or defaced, or the figures or the particulars thereof become illegible,

the registered owner of the vehicle may apply to the Commissioner (for Transport) in a form specified by the Commissioner for a duplicate registration document or vehicle licence, and the Commissioner upon being satisfied as to such loss, destruction, defacement or illegibility and upon receipt of any registration document or vehicle licence which has been defaced or is illegible, shall issue a duplicate registration document or vehicle licence, marked as such, on payment of the appropriate fee prescribed in Schedule 2 (or without payment of a fee where in the case of a vehicle licence the Commissioner is satisfied that the figures or particulars on it have become illegible through no fault of the registered owner) and the duplicate registration document or vehicle licence so issued shall have the same effect as the original registration document or vehicle licence.

TD's Procedures in processing VL Renewals

5. For applications for VL renewal submitted by post and drop-in box, TD would send the renewed VL and other relevant documents (including the original VRD) to the applicants by registered mail, given that TD attaches great importance to its mails containing the above-mentioned documents.

6. If the registered mail item sent out by TD consisting of the VL and the VRD has never been successfully delivered to the applicants whom should not be accountable for the loss of VL and VRD, TD would re-issue the renewed VL and VRD to the applicants without charges.

7. If the VL and the VRD have already been received by the registered owner, duplicate VL and VRD would be issued pursuant to Cap 374E with the prescribed form and fees received.

TD's Procedures in Complaint Handling

8. If a written complaint clearly falls completely outside the purview of TD, the officer receiving the complaint should immediately refer to the case to the appropriate department(s) for action and reply.

9. Upon receipt of a complaint referred to TD by 1823, a substantive reply should be provided to the complainant within 10 working days (date of receipt counted as Day 0). If this is not possible, an interim reply should be issued, and the timeframe for reply will be extended to 21 working days. Any further extension should be avoided as far as possible; and if such extension is considered necessary, it should be kept to a minimum and should not normally exceed two months.

PO's Delivery Arrangements under COVID-19

10. In the light of the outbreak of COVID-19, PO has been adopting various infection control measures. **Since 28 March 2020**, PO has been adjusting the door delivery arrangement of mail items requiring signature of receipt in the delivery of registered, local courier, Speedpost and parcel items. To minimise the chance of spreading the virus through contacts, delivery postmen would continue door delivery but recipients would not be requested to sign for acknowledgement on the personal digital assistant ("PDA") of the delivery postmen, who would record the delivery results on their PDA. This arrangement of waiving the requirement of signature upon receipt of parcels and registered mails is in line with the practical advice issued to all member postal administrations by the Universal Postal Union ("UPU") and is implemented in a number of postal administrations around the world. In the event of unsuccessful delivery at door, the normal procedures whereby a notification card would be issued requesting the addressee to collect the mail item at the designated post office in the vicinity would be maintained.

11. **Between 27 July and 23 August 2020**, in view of the epidemic situation, door delivery service was suspended for Wong Tai Sin district as well as buildings with confirmed cases of COVID-19 in the past 14 days as published daily by the Centre of Health Protection. For mails addressed to these areas/buildings where door delivery was required, PO would issue mail collection notification cards to the recipients notifying them of the collection arrangements. **With effect from 24 August 2020**, the mail delivery service to Wong Tai Sin district resumed normal, yet door delivery service was suspended for buildings with confirmed cases of COVID-19 in the past 14 days.

12. **Between 24 December 2020 and 14 February 2022**, for buildings with confirmed cases of COVID-19 in the past 14 days, letter box delivery would be maintained while door delivery would be suspended. The delivery postmen would deliver small-sized mail items requiring signature, i.e. registered, local courier, Speedpost and parcel items, direct into the letter boxes of the addressees. For large-sized mail items which could not be put into the letter boxes, PO would issue mail collection notification cards requesting the recipients to collect the mails at a nearby post office.

13. **From 15 February to 10 April 2022**, door delivery was suspended territory-wide amid the COVID spike. The delivery postmen delivered all small-sized mail items requiring signature, i.e. registered, local courier, Speedpost and parcel items, direct into the letter boxes of the addressees, with delivery results recorded. The delivery postmen were also required to check that the letter boxes were secure and that mail items were fully inserted into the letter boxes.

14. **From 11 April to 13 September 2022**, the arrangement as described in **para. 12 above** resumed.

15. **With effect from 14 September 2022**, PO adjusted its special delivery arrangement in view of the gradual improvement of the COVID situation. Door delivery would only be suspended for buildings with residents tested positive in the past 7 days. Furthermore, as an additional measure to enhance PO's monitoring and to minimise disputes on whether mail items have been correctly delivered, delivery postmen would be required to take a picture when they insert the small-sized items into the letter boxes where circumstances warrant (e.g. adequate lighting and photo-taking is permitted by the management office). **With effect from 23 September 2022**, PO would attempt to contact the addressees/occupants before arranging delivery of items requiring signature for receipt. If there is no confirmed case in the delivery unit, door delivery would be provided. If there is confirmed case in the delivery unit or if PO is unable to ascertain the situation, the delivery arrangement as described in **paragraph 12 above** would be adopted.

16. In respect of dissemination of information, **from 16 May 2022**, a remark about the waiving of the requirement of signature would be added on all official posting receipts for the information of the senders. Also, **with effect from 23 September 2022**, various measures about dissemination of information are implemented. Firstly, in order to allow senders and addressees to have a clearer understanding of the actual delivery

status of mail items requiring signature for receipt, Hongkong Post's mail tracing webpage would indicate if the mail item has been delivered to the letter box due to special delivery arrangement. Secondly, to enhance communication to senders, pop-up messages about the special delivery arrangement would be displayed on Hongkong Post's online posting platforms and self-posting facilities including iPostal Kiosk, My Speedpost, EC-Ship and Post Now. Thirdly, counter staff at all post offices would bring to the attention of the senders of mails requiring signature for receipt upon acceptance of their postings, in addition to the notices about special delivery arrangements all along affixed at post offices (including the Sha Tin Central Post Office patronised by TD staff) for the attention of senders. Furthermore, **on 23 September 2022**, PO notified over 400 major senders of bulk volume of the special delivery arrangement.

17. To tie in with the latest epidemic development and the adjustment of local anti-epidemic measures as announced by the Government, **with effect from 3 January 2023**, PO has resumed all service provisions for mail delivery, which include door delivery arrangement of registered, local courier, Speedpost and parcel items to all buildings and the requirement of signature upon receipt of these items.

Sequence of Events

18. On 21 February 2022, TD received the complainant's postal application for renewal of VL, which the Department completed processing on 26 February. On 1 March, TD sent out the registered mail containing the complainant's renewed VL and his VRD, i.e. the Mail Item. TD gathered that the Mail Item was successfully delivered to the complainant on 5 March, based on PO's postal record.

19. Upon receipt of 1823's referral of the complainant's enquiry on 21 April, which the complainant raised on 20 April, TD replied to the complainant via 1823 that the renewed VL, together with the relevant documents, was successfully delivered to the complainant on 5 March by registered mail.

20. On 23 April, the complainant expressed dissatisfaction with TD's reply and reiterated that he had not received the Mail Item. He asked 1823 to follow up the matter with TD and PO. On 3 May, TD checked PO's online tracking system again and confirmed that the Mail Item was successfully delivered on 5 March. On the same day, the complainant received TD's reply via 1823 with the above finding.

21. On 11 May, the complainant complained to 1823 about the non-receipt of his renewed VL after months. He demanded that TD re-issue the VL and the VRD to him within 10 working days. TD received 1823's referral of this complaint on 16 May. On 23 May, TD wrote to PO regarding the delivery of the Mail Item.

22. On 26 May, TD provided to 1823 its reply to the complainant that TD was investigating into the case. On 27 May, PO replied to TD that the Mail Item was delivered and fully inserted into the letter box of the addressee on 5 March in accordance with the then special delivery arrangement during the pandemic. According to the delivery postman, the mailbox lobby at the complainant's building was covered by CCTV and of a high security standard. On 28 May, 1823 sent TD's interim reply to the complainant.

23. On 8 June, TD called PO again to see if there was any update on the delivery status of the Mail Item. PO advised TD that the status remained unchanged that the Mail Item should have been delivered to the complainant.

24. On 12 June, TD asked 1823 to refer the complainant's complaint of 11 May to PO for follow-up, which 1823 did on 13 June. On the same day, TD provided a consolidated reply to 1823 for onwards transmission to the complainant which included, *inter alia*, TD's proposed resolution (**para. 2 above**) and a contact point at PO regarding the delivery of the Mail Item. On 13 June, 1823 relayed to the complainant TD's reply.

25. On 14 June, PO contacted the complainant to explain its findings regarding the delivery of the Mail Item (**para. 22 above**). According to PO, the complainant indicated during this conversation that he requested for reply and further assistance from TD instead of PO. On 16 June, 1823 informed TD of the above latest development and re-assigned the complaint to TD.

26. On 30 June, 1823 reminded TD that the complainant requested a direct reply from TD. TD then contacted the complainant to explain the case as well as the prevailing procedures which included, *inter alia*, TD's proposed resolution (**para. 2 above**). According to TD, while the complainant was dissatisfied with TD's reply, he understood that both TD and PO had a role to play in resolving his complaint and hence he asked for a consolidated reply from both departments. TD then asked PO to follow up the case with the complainant direct.

27. On 4 July, PO replied to TD, reiterating its findings regarding the delivery of the Mail Item (**para. 22 above**). PO also relayed to TD that the complainant requested for a reply and assistance from TD, instead of PO, and thus asked TD to follow up the case with the complainant direct. On the same day, TD called PO and discussed how to take forward the case.

28. On 7 July, PO wrote to TD, reiterating its findings regarding the delivery of the Mail Item (**para. 22 above**). That said, as the complainant claimed that he had not received the Mail Item, PO agreed that it could not rule out the possibility that the Mail Item was mis-delivered to another letter box.

29. On 11 July, TD wrote to PO, asking PO to advise the complainant, *inter alia*, to declare and report loss of the Mail Item at the Police website. On the same day, PO called the complainant.

30. On 13 July, PO relayed to TD the contents of its conversation with the complainant.

31. While TD was waiting for the confirmation from PO the misplacement of the Mail Item and from the complainant the report of the loss of the Mail Item, TD received The Ombudsman's referral of this complaint case on 14 July. In this connection, a case officer at a higher rank was appointed to handle this case. Whether TD should re-issue VL and VRD to the complainant was considered in conjunction with this complaint case in accordance with the deadline for reply set by The Ombudsman, which was 11 August.

32. On 10 August, TD re-issued the VL and the VRD to the complainant without charges.

33. On 11 August, TD issued a reply to The Ombudsman regarding this complaint case.

Complaint point 1

PO's Response

34. The Mail Item is indeed a registered mail. Registration is a supplementary service provided by postal administrations under UPU Convention, whereby a registration fee is charged in addition to the postage of an ordinary mail. Under

registration service, the posting and processing of a registered mail are recorded and signature of receipt is required upon delivery. That said, with the outbreak of COVID-19 epidemic since early 2020, PO has been adopting a number of infection control measures and is cautious in striking a balance between the public demand for postal services and the need to reduce social contacts in the community as far as practicable.

35. PO explained that the special arrangement as described in **para. 13 above** reduced the risk of its delivery staff contracting the virus with due consideration to the huge number of home quarantine cases at that time. Such arrangement also reduced the need for addressees to visit the post offices for collection of mails and hence reduced social contacts. PO summed up that the special arrangement was a temporary infection control measure adopted during the peak of the fifth wave of COVID-19 in the interest of public health.

36. According to PO's records, the Mail Item was posted on 1 March and was delivered on 5 March direct to the complainant's letter box. The letter box was secure with the mail box lobby covered by CCTV. The relevant delivery postman recorded the delivery in his PDA. He also declared that he had fully inserted the Mail Item into the letter box of the addressee in accordance with the departmental guidelines applicable at that time.

37. According to PO, from 15 February to 10 April 2022, some 400,000 small-sized mail items requiring signature of receipt were delivered direct to the letter boxes of the addressees with the delivery recorded. The present case is the only case claiming non-receipt of the mail item during the period. Separately, PO admitted that the postman serving the building concerned on 25 March 2022 had not followed the special delivery arrangement and continued to deliver small-sized items requiring signature for receipt at door. The postman was reminded to observe PO's guidelines and infection control measures at all times.

Our Comments

38. As can be seen in **paras. 10-15 above**, PO has been adjusting its delivery arrangements in response to the developments of the epidemic situation since early 2020. The delivery arrangements as described in **para. 13 above** was in force when the Mail Item was posted and delivered. Under this special arrangement, the delivery postman put registered mails, which could be fitted into letter boxes, inside the addressee's letter

box, thereby eliminating face-to-face contact between the delivery postman and the addressee and saving the addressee a trip to a post office to collect the mail. While the special arrangement might be desirable from the perspective of epidemic control, it may fall short of the public's expectation, considering that extra fees are charged for registered mail service and that registered mail service is a traditional service that is in operation for a long time and the public has probably formed an understanding of the service. We appreciate that, facing the unprecedented pandemic, PO has to make difficult decisions balancing considerations about public health and protecting its staff, and providing quality service to the public. This Office considers that the special arrangement not unreasonable.

39. Nevertheless, PO could have been more proactive in disseminating information about various special arrangements to the public to facilitate the public to choose appropriate delivery means and to manage public expectation. The measures described in **para. 16 above** could have been implemented much earlier.

40. While we acknowledge that PO's deviation from its normal protocol of delivering a registered mail item might fall short of the complainant's expectations, such deviation could be justified citing public interest during the spike of COVID outbreak when the Mail Item was posted. The Ombudsman, therefore, considers **Complaint point 1 unsubstantiated but PO has other inadequacy**.

Complaint points 2 and 3

TD's Response

41. TD is of the view that its handling of the complainant's request was in line with the prevailing legislative requirements (**para. 4 above**) and the departmental procedures (**paras. 5-7 above**). As PO advised (before 7 July 2022) that the Mail Item had been successfully delivered, TD interpreted it as that the complainant has received the Mail Item. Furthermore, TD should be prudent in handling request for re-issuing VL/VRD free of charge as it would have implications on government revenue. In sum, TD considered that its proposed resolution on 13 and 30 June was an appropriate solution with due regard to the available information.

42. Subsequently, in PO's reply to TD on 7 July 2022, PO stated that, *inter alia*, it could not rule out the possibility that the Mail Item was mis-delivered to another letter box (**para. 28 above**). TD considered that PO's stance on the delivery status had

changed from affirmative before 7 July to uncertain on 7 July, but still its stance was not a definite negative.

43. In taking forward the complainant's case, it was essential for TD to critically assess whether a special treatment was warranted and possible without contravening Cap 374E (**para. 4 above**). Furthermore, the complainant's case was the first of its kind since the COVID-19 where:

- (a) there had been a persistent divergence of delivery/receipt status as claimed by PO and the complainant;
- (b) the special delivery arrangement was imposed by PO that the Mail item was delivered into the letter box in the lobby of the subject building only, without asking the complainant to sign for acknowledgement of receipt; and
- (c) PO could not ascertain the delivery status.

44. Finally, a decision was made to re-issue VL and VRD to the complainant (**paras. 31-32 above**), giving him the benefit of the doubt. The complainant was re-issued a 12-month VL, with the validity period from 22 March 2022 to 21 March 2023, which was the same as that of the "suspected lost" VL issued upon his application back in February 2022. TD stated that this arrangement was in line with the prevailing practice for the re-issue of VL. TD also considered that it had been proactively checking the delivery status with PO repeatedly, aiming to obtain more details with a view to resolving the case as soon as possible.

PO's Response

45. PO considered that it had responded to all enquiries from TD and from the complainant in a timely manner. TD first enquired with PO on the status of the Mail Item on 23 May and PO provided the requested information on 27 May. Upon receipt of 1823's referral on 13 June, PO called the complainant on the next day and explained the special delivery arrangement. Upon TD's request on 11 July, PO liaised with the complainant on the same day.

46. PO had considered the security condition of the subject letter box which was satisfactory with CCTV surveillance, and the good track record of the postman concerned

with no similar complaint received against him in the past year, before replying TD that the Mail Item was delivered according to PO's internal guidelines.

47. According to PO, it had been trying to address the complaint. In PO's communication with the complainant in May and June 2022, the complainant accepted their investigation result and advised that he would approach TD for further re-issuance of the licence. It was not until 4 July when TD approached PO again that they could not waive the charge of re-issuing the documents unless PO admitted that the Mail Item was mis-delivered or lost. In order to facilitate TD's consideration in exercising its discretion to reissue the licence with a view to resolving the complaint, and in the goodwill of customer service, PO replied TD that they could not rule out the possibility of mis-delivery.

Our Comments

48. The special delivery arrangement applicable at the time of the posting and delivery of the Mail Item was implemented by PO in the light of the COVID spike. From the complainant's point of view, it was absurd to require him to report loss and pay extra fees if he had not received the Mail item. From TD's point of view, it was reasonable to ask the complainant to declare loss if the Mail item had been successfully delivered as advised by PO. TD's verbal explanation to the complainant on 30 June (**para. 26 above**) failed to convince him that he should be held responsible.

49. The crux of the matter is whether there is conclusive proof that the complainant had received the Mail item. During normal times, that proof is the recipient's signature. In this case, there is none due to the special delivery arrangement. We note from records provided by the departments that when PO replied TD on 27 May saying that the Mail Item had been successfully delivered, PO has also mentioned that the Mail Item was fully inserted into the letter box of the address (**para. 22 above**). With the benefit of hindsight, TD staff could have realised that the Mail Item was only inserted into the letter box but not delivered in person as registered mails normally do. This might trigger TD to consider exercising discretion more actively, favourably and earlier.

50. As for PO, available record only showed that the Mail Item was delivered but no supporting evidence such as photograph (**para. 15 above**) was produced to prove that the Mail Item was inserted into the correct letter box. While we note PO's explanation in **paras. 45 to 47 above**, we consider that PO should concede well before 7 July that there was no conclusive proof that the Mail Item was successfully and correctly delivered.

The long time taken to trace the Mail Item was to a certain extent attributable to PO's insistence until 7 July that the Mail Item was successfully delivered.

51. Should TD and PO have worked more closely together, been more vigilant in the complaint handling process and adopted a more pragmatic approach in handling this case with addressing the complainant's concern as their priority and common goal, TD could have made more practicable suggestion or exercised its discretion to re-issue VL and VRD to the complainant earlier and the complainant's problem could have been resolved as early as practicable.

52. The Ombudsman, therefore, considers **Complaint points 2 and 3 partially substantiated for TD and Complaint point 3 partially substantiated for PO.**

53. We are pleased to note that TD had drawn up guidelines for handling enquiries/complaints concerning non-receipt of registered mail, and updated guidelines such that it would seek PO's confirmation on, among other things, whether the delivery protocols have been complied with where TD would consider the delivery status as doubtful if there is any non-compliance as advised by PO.

Our Concluding Remark

54. In sum, The Ombudsman considers the complaint against TD and PO partially substantiated.

**Office of The Ombudsman
February 2023**

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