

**Subcommittee on Proposed Resolutions under
Section 22 of the Tung Chung Cable Car Ordinance (Cap. 577)**

**Skyrail-ITM (Hong Kong) Limited (Skyrail) response to queries arising from
the meeting on 5th September 2005**

1. Section 11 : Notification of trade and public of price changes

- Price adjustments for the coming season with an effective date of 1st April are normally advised at least six months in advance. These prices are outlined in our published price list, shown on our web site and confirmed in writing to our database of trade partners.
- The key issue is that we honour these contracted prices, and no adjustment would be actioned without the prior advice and acceptance of our industry partners.
- The public who have pre purchased tickets from trade partners as part of a package would not be subject to the price increase.
- Gazetting of any price changes is not an effective means of informing the trade and public of price changes as they are unlikely to read Government Gazette for such information.
- Instead, we suggest that advice to the public of any price adjustments can be advised by:
 - Publication in our website.
 - Notices at the ticket windows of the Tung Chung and Ngong Ping terminals.
 - Publication of new price lists in newspapers.

2. Section 12 : Warranty

- The objective of this clause is to limit the scope of liability of the Company for loss and damage, instead of simply refunding the amount of the ticket, incurred by the visitor due to timing variance and individual cable car allocation by the Company in the course of provision of the cable car service. While the Company is willing to refund the passengers affected in accordance with the established refund policy, the Company needs the

discretion to adjust the time of service and the specific car for boarding by individual visitor without facing large amount of law suits for loss and damage.

- This is particularly important as the Cable Car System or any part thereof needs to be closed down for routine and preventive maintenance, major overhaul, emergency maintenance, inclement weather, special events, accidents or incidents. The provision of services in accordance to schedule cannot be guaranteed at all times. Specific cable car allocation to visitors will also be difficult to arrange. The scope of protection to the operator is reasonable to allow for adjustment in service for safe and flexible operation of the system without being subject to compensation claims.
- The refund policy proposed by Skyrail in item 4 below will address the direct compensation for any money paid by the visitor for the voucher or ticket. Such a policy has been operating well in the Skyrail in Australia. The policy will be kept under review and improved from time to time.
- According to Skyrail, it is the normal industrial practice and functions of the travel agents, which are paid commission, to make alternative sight-seeing arrangements in the unlikely event of service interruption.
- Skyrail shall give adequate notice to both retailers and end-users, as soon as reasonable and practicable of closure or service interruption and change in timetable no less than that of change in the price. Methods include putting up notices at the entrances, the ticket office, the website, the internet and written correspondence to agencies and overseas customers and advertising in newspapers. It is very difficult to determine length of the notice as it should depend on the particular circumstances and flexibility should be allowed. Advice should be well in advance for scheduled events.
- Having taken into account the comments of the subcommittee members on the clause, we propose to amend clause 12 along the lines that:

“All time-tables, if any, issued by the Company are issued by way of guidance only and any departure and arrival times for any cable car are estimates only. The purchase of a ticket for service upon the Cable Car System does not warrant that a person will be conveyed on any particular cable car, or that any cable car shall depart or arrive at a particular time. Apart from the refunding arrangement, in accordance with the Company’s refund policy, the Company will not be liable to any person for any loss or damage caused by the alteration, suspension or withdrawal of the services of the Cable Car System (or a part thereof).”

3. Concession tickets

Our policy on concession tickets is defined as follows:

- Seniors
 - Must be 65 years of age or older with a Hong Kong resident ID.
- Students
 - Holders of HK student ID card, or
 - Hong Kong ID card holders who possess a student card from a recognized international institution.
 - All students must be full time.
 - There is no age limit.

4. Refund policy and procedures

- Our refund policy for Ngong Ping 360 will make reference to our experience in our Australian operation.
- It is the policy of Skyrail to encourage alternate travel rather than offer a cash refund. If guests are unable to experience/complete satisfactorily a trip or enjoy any components included in the ticket purchased due to shut down of the facilities, we will offer to transfer the portion not untravelled/visited to another day.
- If however this is not suitable for the passenger we do provide refunds on the basis that if the Skyrail or other components included of the ticket are shut down, a refund for the unused portion of the ticket would be provided.
- Detailed manual will be prepared to handle different situation.

5. How to handle cases such as entering gate without valid ticket by children

- All passengers must be in possession of a valid ticket for travel on the Cable Car system. On entry to the boarding platform at both Tung Chung and Ngong Ping Terminals all tickets are checked for validity through the Automatic Fare Control Gates. Should a passenger attempt to pass through these gates without a valid ticket the gates will not open and the passenger

will be unable to enter the boarding area. Should this occur, a Skyrail Official will check the ticket, discuss the reasons for the problem with the passenger and then assist the passenger in acquiring a valid ticket.

- In the case when a passenger is attempting to enter the boarding area without a ticket by climbing over the gates, they will be stopped by an official and asked to return to the ticketing area to purchase a ticket for travel on the cableway or leave the terminal area.
- In case of unintentional entry to the paid area by children without a valid ticket, we shall approach the accompanying adult of the children and assist them in acquiring a valid ticket for travel on the cableway.
- We will train our staff and ask them to give suitable warning first, as far as practicable.

Skyrail-ITM (Hong Kong) Limited
7 September 2005