LegCo Panel on Transport

Review of HYF Incidents on 15-16 and 22-23 August 1999

Purpose

The purpose of this review is to examine the factors which led to two incidents concerning HYF ferries, and to identify ways to prevent similar incidents from recurring in the future and ways to resolve them more quickly and effectively if they do recur.

Background

- 2. With the expiry of HYF's franchise on 31 March 1999, the outlying island ferry services have been operated as separate packages of licensed ferry services, and changes have been introduced to their service timetables and vessel types. Passenger complaints have been received about the new service levels, in particular the service provided on the Peng Chau route.
- 3. Since April 1999, some Peng Chau residents have expressed their dissatisfaction with the ferry service through seven special meetings with Transport Department as well as five protest actions including processions, public meetings and a signature campaign¹. Despite the introduction of improvements including adding an ordinary sailing during the peak, providing supplementary services, adjusting timetables and upgrading the quality of vessels, there is still dissatisfaction about the service level provided by the ferry company, the holiday fare arrangement, vessel quality and the lack of a long-term service improvement plan. On the other hand, HYF is of the opinion that the Company has already performed its contractual obligations under the licences in respect of the ferry schedule, vessel types and fare arrangements.

Description of Incidents

4. Two similar incidents occurred on 15-16 and 22-23 August 1999, both involving unauthorised occupation of an HYF ferry vessel by outlying island ferry passengers.

Some 3,700 signatures asking Transport Department to terminate HYF's operating right were collected during the campaign which was held after the Peng Chau incident.

(A) Peng Chau Incident

5. This incident was sparked off by a delay to a Central to Peng Chau sailing at the Central pier, which led to some passengers refusing to disembark on arrival at Peng Chau.

Delay at Central pier

6. On 15 August 1999, a passenger on the 10.00 p.m. fast ferry (Ming Lee 33) from Central to Peng Chau refused to leave the gangplank because there was insufficient capacity on the vessel to accommodate all the waiting passengers. The passenger was persuaded to take his seat after the arrival of a supplementary vessel to take the seven passengers left behind. The departure of Ming Lee 33 was delayed for 14 to 15 minutes.

Refusal to disembark at Peng Chau

- Subsequently, on arrival at Peng Chau at about 10.40 p.m., some 90 passengers refused to disembark. They demanded an apology and a refund from HYF both of which the Company refused to give. Small groups gathered outside the ferry pier, and some people gained access to the ferry. The Police attended throughout the incident to monitor the development and prevent breach of the peace, but they did not intervene as in their opinion the passengers' conduct did not amount to a threat to law and order. A meeting was arranged in the morning of 16 August through the Chairman of the Islands Provisional District Board (DB), and a visit was paid to passengers on board Ming Lee 33 by the DB Chairman, Transport Department (TD) and DO/Islands. After that the passengers disembarked at about 2.15 p.m. and passenger representatives attended the meeting with the DB Chairman, HYF, TD and DO/Islands.
- Normal ferry operation at Peng Chau ferry pier was disrupted during this period. As the pier was occupied by Ming Lee 33, five subsequent arrivals were not able to use the pier, and embarkation and disembarkation of those passengers was carried out with difficulties at the nearby public landing steps and public pier. In view of the berthing difficulties, HYF suspended the Central- Peng Chau ferry service and the Peng Chau calling point of the Inter-Islands ferry service between 3.00 a.m. and 2.15 p.m. on 16 August 1999. HYF's pontoon arrived at Peng Chau public pier at around 12.30 p.m.

9. To maintain ferry services for Peng Chau, TD activated the contingency arrangements with the Tug Boats Association to provide services between Peng Chau and Central and between Peng Chau and Mui Wo during the period when HYF services were temporarily suspended. A total of about 3,000 passengers were carried (about 1,300 during the morning peak).

(B) Typhoon Sam Incident

- On 22 August 1999 at about 1.30 p.m., some 300 to 400 Cheung Chau-bound passengers rushed onto an HYF triple decker ferry (Man Chiu) while the ferry was off-loading passengers at Central Pier 6. By that time HYF services had already been suspended due to bad weather associated with Typhoon Sam (No. 8 signal hoisted). There were passenger complaints that the ferry services had been suspended earlier (at 12.30 p.m.) than the times originally announced by the ferry company (1.30 p.m.). The passengers demanded immediate departure for Cheung Chau.
- HYF made a full refund to those who had already paid the fare, and also arranged free bus transport to the Government shelters provided at City Hall and Harbour Building. Some passengers were persuaded to leave the ferry, but about 150 refused to do so despite repeated efforts and announcements made by HYF, the Police, Home Affairs Department and TD about the safety implications and the possibility that the No. 8 signal would remain hoisted for some time. The incident ended at about 4.45 a.m. on 23 August 1999, when the vessel departed for Cheung Chau after the No. 8 typhoon signal was lowered.

Observations and Recommendations

(A) General

- 12. The two events reflect a lack of trust between HYF and some outlying island residents in particular Peng Chau residents. Despite recent service improvements, there is still dissatisfaction with the service provided by the ferry operator. To address these issues, the following are **recommended** -
 - (a) TD will be conducting passenger opinion surveys to better understand passengers' views on the existing services, their expectations and willingness to pay. It is suggested that the development of future ferry service plans should take into account the results of the study and consultation with user representatives.

The finalised plans, which will inevitably involve compromises between fare and service levels as well as compromises amongst different users, will represent the community's decision and should be honoured by both the ferry operator and the passengers.

- (b) Ferry operators should develop better rapport with passengers, e.g. through well organised passenger liaison groups and regular communication between the operators' senior management and passengers so that managers may better understand passengers' concerns. Good public relations and open communication reduce greatly the chance of passengers resorting to protest actions to express their dissatisfaction.
- (c) While every effort should be made to forestall similar incidents, a general lesson learnt is that if such incidents occur, both the operator and the passengers should adopt a greater spirit of compromise, without the need to abandon their respective principles. Both sides should look for ways to reach a compromise to deal with the problem without affecting public interest. The operator's senior management should be directly involved to defuse the situation more expeditiously. In a similar incident during a typhoon in 1994, when one Mui Wo-bound vessel had to berth at Peng Chau because of difficulties of berthing at Mui Wo, the incident was resolved through the joint efforts of HYF, DO/Islands and DB members, with HYF promptly establishing a constructive dialogue with the affected passengers.
- (d) HYF has recently expressed difficulties in enforcing passenger and crowd control in instances such as the two incidents. To enable ferry staff to act effectively, ferry operators should develop and provide their staff, including senior staff, with clear guidelines and proper training as to what action to take under different circumstances.

The guidelines and training should cover enforcement aspects such as requiring a passenger suspected of having committed an offence to give his name, address and proof of identity for subsequent prosecution action under the Ferry Services Regulations; ways to deal with trespassers, e.g. seeking a court order for them to be physically removed by court bailiffs, etc. Where there is a threat to law and order, the Police will act to prevent breaches of the peace, to maintain/restore law and order and to protect life and property.

- 13. In complex situations such as the two incidents, the emphasis should be on defusing the situation. The ferry operator's senior staff on site are in the best position to judge what is the most appropriate action to take after assessing the possible consequences. It is **recommended** that in case of an actual incident occurring, in addition to informing TD, the ferry operator should immediately liaise with the Police at an appropriately senior level and inform them of its intended action plan for appropriate support as such action may have possible consequences on law and order. TD would also provide assistance where possible.
- 14. In some instances, it may be best not to take active measures to remove the passengers so as not to provoke the situation. However, as demonstrated in both incidents, Police presence and their close monitoring of the situation is necessary to prevent a possible breach of the peace. A completely satisfactory contingency plan cannot be relied on to be in place in time every time.

(B) Peng Chau Incident

Delay at Central pier

15. The delay was caused by passengers being dissatisfied with insufficient capacity on the fast ferry trip at 10.00 p.m. and the arrangement for the provision of a supplementary vessel. Without such provision, passengers unable to board the 10.00 p.m. sailing would have to wait until 10.50 p.m. to take the next sailing, an ordinary sailing, which would not arrive at Peng Chau until 11.28 p.m., i.e. one hour later than the 10.00 p.m. sailing. It was also observed that tightening the passenger counting and control arrangements could avoid delay to departure times. To address these issues, the following measures are **recommended**.

(i) Capacity provision

- 16. Since April 1999, there has been a perceptible increase in demand for fast ferries, occasionally resulting in demand for such services exceeding supply in particular during the recent summer months. It is **recommended** that the ferry operator should review cost-effective ways to handle the increase, including the feasibility of -
 - (a) Fleet re-deployment to better match capacity of individual sailings to demand.

(b) Provision of supplementary trips using standby vessels. Whilst it has to be accepted that passengers could on occasions be left behind due to demand fluctuations, the operator should arrange for regular standby of vessels at those times when the need for the operation of supplementary trips can be anticipated. Particular attention should be paid to peak periods and the late night trips. The operator should also seek assistance from DO/Islands to encourage local organisations to give advance notice of any functions held either in the islands or the urban area which may lead to upsurges in demand.

For unexpected occasional upsurges, the operator should develop clear guidelines taking into consideration resource availability, mobilisation time and the time gap until the following trip. Such guidelines should be made clear to relevant staff for prompt and consistent application whenever necessary.

(c) Where the operation of supplementary trips is required on a regular basis, ways of increasing the capacity should be considered including modifying vessels and, in the long-term, acquiring larger vessels, taking into account the results of the passenger opinion surveys mentioned in paragraph 12(a) above and the financial implications). The operator should be given time to respond to changes in demand requiring investment commitments.

(ii) Information dissemination

- 17. To avoid misunderstanding between the operator and passengers, the arrangement for the operation of supplementary trips should be clearly communicated to passengers. The following are **recommended** -
 - (a) Where the possible need for a supplementary trip can be anticipated and such a trip is to be provided, as much advance notice as possible should be given of the operation and the departure time of the trip, preferably by means of pier notices.
 - (b) In case of unexpected upsurges in demand, passengers left behind should be clearly advised by the pier staff as to whether and when a supplementary trip will be operated in accordance with the guidelines suggested in paragraph 16(b) above.

(c) The above arrangements should be broadly discussed with the DB. The circumstances under which supplementary trips will be operated should be made known and explained beforehand to regular users.

(iii) Passenger control arrangements

- 18. To avoid delays to the departure times of ferry services, the operator should review its passenger control arrangements. Some **recommendations** in addition to the general recommendations made in paragraphs 12(d) to 14 are -
 - (a) Passenger counting In addition to automatic passenger counting by Octopus at the turnstiles, HYF also carries out manual counting to cover passengers using day return tickets and non fare paying children. Where the passenger volume approaches capacity, another manual count is conducted on board the vessel to ascertain the exact number of vacant seats available before permitting the correct number of waiting passengers to board the vessel. During the process non fare paying children are requested not to occupy separate seats.

HYF should streamline the passenger counting process to improve efficiency and accuracy, e.g. through simultaneous counting at pier entrance and on board vessels taking into account and regulating non fare paying children, and communication through walkie talkie. There should also be clear signs at piers about occupation of seats by non fare paying children.

- (b) Control of entry to paid area HYF should ensure that the number of passengers allowed in the paid area does not exceed the capacity of the departing vessel. For ease of control and to avoid conflict in priority allocation, HYF should review the layout and access arrangement of the ticketing hall at piers.
- (c) Control of passengers on board vessels The ferry operator should review its passenger control arrangements to ensure that normal ferry operation is not delayed by disruptive actions of individual passengers. Guidelines should be developed, including on circumstances in which any passenger who obstructs normal ferry operation should be requested to leave the vessel so as not to cause delay to other passengers.

Refusal to disembark at Peng Chau

Against the background noted above, passenger dissatisfaction with the Company expressed on Ming Lee 33 led to the refusal of some passengers to disembark, with support for such action subsequently spreading to small groups gathering at the nearby public pier area. This presented a delicate situation with no easy solutions and which required compromise, patience and care to resolve. While different cases obviously call for different solutions, some principles to deal with similar incidents are **recommended** below in addition to the general recommendations made in paragraphs 12 to 14 above.

(i) Communication with passengers

20. To address the expressed passenger dissatisfaction, the ferry operator should, at the outset of the incident, establish at a sufficiently senior management level a constructive dialogue with the dissatisfied passengers and an agreement to maintain long-term dialogue to discuss the issues involved. Where necessary, independent mediation by the District Officer and local representatives should be arranged. The objective is to persuade passengers to leave the vessel to discuss their complaints elsewhere with the operator and the authority, so as not to cause disruption to normal ferry operation and inconvenience to other members of the public.

(ii) Inter-departmental coordination

21. To enable speedy and effective Government response to similar incidents, relevant departments should be constantly alert to and be kept informed of the views and sentiments of the community. Where early resolution of an incident is not in sight, the setting up of an inter-departmental coordination centre on site should be considered, and high level communication channels should be established and maintained for more effective decisions and actions.

(iii) Access control

22. To contain an incident such as the Peng Chau incident and prevent it from escalating, the ferry operator should, as far as possible, maintain proper and effective control at the affected pier to prevent unauthorised access to the pier or the vessel.

(iv) Resumption of normal service

- 23. In cases such as the Peng Chau incident, every effort should be made by the operator to persuade passengers to leave the vessel in order that normal ferry services may resume. As noted in paragraph 13 above, the ferry operator's senior staff on site are in the best position to judge what is the most appropriate action to take after assessing the possible consequences. Depending on the circumstances, options to handle passengers refusing to leave the vessel include -
 - (a) The approach discussed in paragraph 14 above.
 - (b) Moving the vessel to another location. The master of the vessel can inform the passengers that, to free the berth for operation of the normal ferry service, the vessel will be moved away from the berth after a specified period of time, and anyone still on board the vessel after that period will be taken with the vessel to an alternative berth.
 - (c) Enforcement action, discussed in paragraph 12(d) above.

(v) Alternative berth/services

- 24. Pending resumption of normal ferry operation, alternative arrangements should be made, accompanied by adequate publicity, to maintain undisrupted ferry services -
 - (a) Use of alternative pier where such is available and suitable for use. The Police and/or Marine Department (MD) should be requested as necessary to clear any obstructions to such use.
 - (b) Where no suitable alternative pier facility is available, the operator should arrange for the mooring of a pontoon at a nearby location as soon as possible to provide an alternative berthing facility for subsequent arrivals and for continued service provision. Again, the assistance of the Police and/or MD should be sought as necessary to clear any obstructions to the mooring of the pontoon.
 - (c) Failing the above, temporary replacement ferry services should be provided as a contingency arrangement.

(C) Typhoon Sam Incident

25. The incident arose because Cheung Chau residents eager to return home after the hoisting of typhoon signal No. 8 found that HYF had suspended its outlying island ferry services earlier than the times announced earlier on by the ferry company. On this occasion, wind and sea conditions on the western waters were worse than those of Victoria Harbour but this was not apparent to the ferry passengers stranded in Central. After reviewing the incident, the following **recommendations** are made.

(i) Communication between Hong Kong Observatory (HKO) and ferry operators

- 26. The following improvements have been made shortly after the Typhoon Sam incident -
 - (a) Ferry operators have been provided with a special "passworded" telephone number to improve their access to HKO's latest weather information.
 - (b) More details on the tropical cyclone forecast track in graphic form have been made available on the HKO homepage.
 - (c) To provide operators with the latest information during typhoons, TD will, while paragraph 27(a) below is being explored, fax to operators on an hourly basis, situation reports downloaded from its dedicated server connection to HKO whenever typhoon signal No. 3 or above is hoisted.
- 27. Further to these recent improvements, the following measures are **recommended** to improve information support to ferry operators to enable them to make decisions on ferry operations based on the best available data -
 - (a) The proposal of setting up a special server for operators, possibly through TD's dedicated server, to improve the operators' access via the internet to HKO's latest weather information would be explored.
 - (b) The feasibility of providing more information to operators is being examined -

- Real-time wind conditions in areas outside the harbour, especially along ferry routes.
- Real-time sea and wave conditions in offshore waters at different locations outside the harbour operators have suggested the installation of sensors. This however may not be practicable. A more workable option may be for ferry operators to form a group for exchange of such information amongst members and with HKO and MD.
- (c) To allow operators the maximum amount of time to prepare for service strengthening prior to suspension (taking into account the last trip to typhoon shelter, staff safety and insurance implications), as well as for service resumption, the feasibility of providing earlier information to operators in advance of notifying the public is being considered. However it has to be appreciated that the length and accuracy of advance alert possible is limited by technological constraints.

(ii) Announcements and public education

- 28. To ensure prompt dissemination of information about weather conditions and ferry service changes to the public so that they may make their own arrangements accordingly, the following measures are **recommended** -
 - (a) Tropical cyclone bulletins It is recommended that in media announcements by the HKO, more information on weather conditions outside the harbour should be included so that the public, including outlying island residents and their employers, are made aware of the more severe wind and wave conditions offshore. For pre-No. 8 announcements, the current practice of including the recommendation that those with long journeys should begin their journeys immediately should continue.
 - (b) Announcements by ferry operators The ferry operators should give as much notice as possible of service changes, suspension and resumption. This should be done through immediate, accurate and up-to-date announcements via radio, TV, internet, paging companies, customer service centres, telephone hotlines and notices at piers. Where appropriate, advance warning should be given of the possibility that services may have to be suspended at

- short notice, and/or earlier than the hoisting of No. 8 signal, because of more severe conditions offshore.
- (c) Public education It would be important to impress upon the public, including employers, that if No. 3 signal or above is hoisted there is a chance that ferry services may be suspended at any time. The suspension and resumption of ferry services is not dependent solely on the hoisting and lowering of typhoon signal No. 8. Rather, the wind and wave conditions offshore are critical. Safety is the most important consideration and it is the prerogative of the master of individual vessels to decide on the suspension and resumption of the ferry service. The community needs to be reeducated regarding the danger of typhoons and never to underestimate them. TD will coordinate with HKO, Labour Department, Education Department and ferry operators to include such messages in relevant leaflets, codes, posters and websites.

(iii) Criteria for hoisting and lowering of signals

- 29. The current system for hoisting and lowering of typhoon signals is based on wind conditions in the Victoria Harbour. This is because historically population has been concentrated in the harbour area. However a significant number of people now reside in the outlying islands. For these residents, ferries which are vulnerable to typhoons provide the only means of transport. It is also noted that the harbour is sheltered by surrounding hills and wind conditions there do not reflect conditions over offshore waters.
- 30. There is a suggestion that the criteria for hoisting and lowering of typhoon signals should be reviewed as to whether wind conditions outside the harbour should also be taken into account in considering such hoisting and lowering. However, the HKO points out that this would inevitably result in more occasions of No. 8 signals being hoisted and longer durations each time. This would in turn impact on other sectors of the Hong Kong community.

(iv) Arrangements for stranded passengers

31. It is a standing arrangement for Home Affairs Department to arrange for the opening of temporary shelters and the provision of necessities including meals and blankets as necessary for passengers unable to return home after the suspension of the ferry services. It is **recommended** that, depending on the circumstances and as a goodwill gesture, the ferry operator should consider providing bus transport to and from the shelters for the stranded ferry passengers as done in the case of Typhoon Sam.

(v) Passenger control arrangements

- 32. Since it is unsafe for passengers and/or crew to remain on board a vessel during typhoon signal No. 8 as in the case of Typhoon Sam, every effort should be made to prevent passengers from gaining entry to vessels after service suspension, and to evacuate them from the vessels if they do. **Recommendations** are set out below. The general recommendations included in paragraphs 12(d) to 14 are also applicable.
 - (a) Control of entry to paid area/vessel The ferry operator should exercise proper and effective control at piers to prevent unauthorised entry to vessels after service suspension. Where a service has to be suspended after passengers have been admitted to the paid area, the operator should explain the latest developments, refund the fare paid to the passengers and request them to leave the pier. Passengers should also be advised of the opening of temporary shelters, and the availability of bus transport to and from the shelters where such is provided.
 - (b) Evacuation of passengers from vessel In the event of passengers gaining unauthorised entry to the vessel, the operator should impress upon them the danger involved and request them to leave. Where necessary, Home Affairs Department and local representatives should assist in persuading passengers to leave.

The Police have no power to evict passengers from a vessel, except in the extreme circumstances when the typhoon poses immediate danger to passengers and crew if they remain on board. This will be judged on a case by case basis by the most senior police officer at the scene, together with the information available at the time supplied by the HKO.

Conclusion

33. The recommendations included in this paper are listed in the **Annex**. Most of the recommendations have been agreed and some have already been implemented. We will pursue and monitor the progress of those items where action is being taken or where the feasibility is being explored.

Transport Department 15 November 1999

List of Recommendations

Para. Ref.	Recommendation	Action Parties	Status
	General		
12(a)	Conduct passenger opinion surveys. User involvement in development of ferry service plans and acceptance of compromises between fare and service levels and amongst different users.	TD, users, HYF.	Surveys to be conducted in end 99.
12(b)	Develop measures to improve relations and communication between HYF and passengers.	HYF.	Action in hand.
12(c)	Establish constructive dialogue and adopt greater spirit of compromise in case of incident.	HYF, users.	Agreed by HYF.
12(d)	Develop and provide clear guidelines and training for staff in enforcement of passenger and crowd control.	HYF.	Action in hand.
13	Immediately liaise with and inform TD and Police of intended action plan for appropriate support in case of incident.	HYF.	Agreed by HYF.
14	Police presence and close monitoring of situation to prevent breach of the peace.	Police.	Current practice.
	Peng Chau Incident		
16	 Increase capacity of selected fast ferry trips through - Fleet re-deployment to better match capacity to demand. Provision of supplementary trips using standby vessels in accordance 	HYF.))) Implemented.)

Para. Ref.	Recommendation	Action Parties	Status
	 with clear guidelines. Consider modifying vessels and acquiring larger vessels in the longterm.) Action in hand.
17	 Improve information dissemination to passengers through - Advance notice of supplementary trips for anticipated upsurges, preferably by pier notices. For unexpected upsurges, advising passengers left behind as to whether and when supplementary trips will be operated. Prior discussion of above arrangements with DB and notification to regular users. 	НҮБ.	Action in hand.
18(a)	Streamline passenger counting process to improve efficiency and accuracy and erect clear signs about occupation of seats by non fare paying passengers.	HYF.	Action in hand.
18(c)	Review arrangements and develop guidelines to handle passengers who disrupt normal ferry operation.	HYF.	Action in hand.
20	Establish early constructive dialogue with passengers at senior management level, with independent mediation by DO/Islands and local representatives where necessary.	HYF, DO/ Islands.	Agreed.
21	Improve inter-departmental coordination - • Relevant departments to be alert to	TD, DO/ Islands, Police.	Agreed.

Para. Ref.	Recommendation	Action Parties	Status
	and kept informed of views and sentiments of community.		
	 Set up coordination centre on site as necessary. 		
	 Establish high level communication channels for effective decisions and actions. 		
22	Prevent unauthorised access to affected pier and vessel.	HYF.	Agreed by HYF.
23	Resume normal ferry service as soon as possible. If necessary move the vessel to another location to release berth for normal operation.	HYF.	Agreed by HYF.
24	 Make alternative arrangements pending resumption of normal operation - Use alternative pier where available and suitable. Moor pontoon to provide alternative berth. Provide temporary replacement ferry services.)HYF,)Police,) MD.) TD/HYF	Agreed.
	Typhoon Sam Incident		
27	 Improve information support to ferry operators - Set up special server. Provide more information including real-time wind, sea and wave conditions in offshore waters,. 	HKO, TD & MD in consulta- tion with ferry operators.))Feasibility)being)explored.

Para. Ref.	Recommendation	Action Parties	Status
	• Provide earlier information.)
28(a)	Include more information on weather conditions outside the harbour in tropical cyclone bulletins issued by HKO.	НКО	Implemented.
28(b)	Give as much notice as possible of service changes through accurate and up-to-date announcements via radio, TV, internet, paging companies, customer service centres, telephone hotlines and pier notices. Where appropriate, include advance warning of possiblity of service suspension at short notice irrespective of hoisting of No.8 signal or not.	Operators.	Implemented.
28(c)	 Disseminate messages through leaflets, codes, posters and websites to educate the public (including employers) about Suspension and resumption of ferry services not solely dependent on hoisting and lowering of No. 8 signal. Danger of typhoons which should not be under-estimated. 	TD,HKO, Labour Dept., Education Dept., ferry operators.	Action in hand.
31	Consider providing bus transport to and from shelters for stranded ferry passengers as a goodwill gesture.	HYF.	To consider on a case-by-case basis.
32(a)	Prevent unauthorised entry to vessels after service suspension due to typhoons.	HYF.	Agreed by HYF.

Para. Ref.	Recommendation	Action Parties	Status
32(b)	Evacuate passengers from vessel using persuasion and, where necessary for safety reasons, eviction.	HYF, DO/ Islands, Police.	Agreed.