

# Regarding MH 370

After the incident of MH 370, the founder of K. F. Ee & Co. Mr. James Ee Kah Fuk, who is the Legal Advisor to the China Embassy office at Kuala Lumpur had received numerous interviews from the China media, such as ifeng, Tianjin TV and others.



*MH370 TV Interview by China Phoenix TV Station*

First of all, we feel sorry to hear about the news on the disappearance of the Malaysia Airline MH 370, flight to Beijing on 8<sup>th</sup> March 2014 and we would like to extend our deepest sympathies and condolences to the family members of the passengers. We offered our assistance to family members' of those passengers in this difficult time.

The MH370 passengers' next of kin could consider to initiate legal proceedings against Malaysia Airline, Boeing Company (the aircraft manufacturing company) and/or any other person, entity or corporation in Chicago, United States of America to recover the maximum damages and the compensation payable to family members of those passengers. To strengthen our team, we are working hand in hand with Ribbeck Law Chartered based in Chicago, United State of America and Loyal Law Firm from Beijing Public Republic China.

In the case of MH 370, to file an action to sue the relevant entities it can be done by individual or collectively by the family members' of the passengers. The compensation payable to every passenger will be different. The compensation is based on the age, education background, working experiences and family background of the passengers. Besides that, the issue of whether the victim has a spouse, children or parents will be considered to assess the economic losses of the families. Normally, the calculation of the compensation will start from now until the retirement of the victim.

In our view, Montreal Convention is applicable in this case. According to Montreal Convention, the Airline Company i.e: Malaysia Airline is obligated to pay a maximum compensation for each of the passenger up to USD 175,000.00.

We are of the opinion that the suit can either be filed in one of the following countries:

- (2) It can be filed in Malaysia, as Malaysia Airline is a registered company in Malaysia under Malaysia Companies Act 1965; or
- (3) It can be filed in China, as the final destination of the flight was located at Beijing, China; or
- (4) It can be filed in the original country where the passengers bought the flight ticket, for instance, if the passenger bought the flight ticket at Australia, the suit can be filed in the Australian courts.

# 对于 MH370

经历 MH370 事件之后，本律师楼的创办人余家福先生，同时他本人也兼顾中国驻马来西亚大使馆的法律咨询顾问屡次接到来自中国媒体的访问，这些媒体当中包括凤凰网，天津电视台，等等。



(中国凤凰视频 - MH370 电视专访)

首先，我们对于 2014 年 3 月 8 日飞往北京的 MH370 班机失联感到非常的抱歉。我们在此献上我们最深切的同情和慰问给于乘客的家属。我们希望在这艰难的时刻能够为班机失联乘客的家属提供援助。

**MH370** 班机乘客的家属可以针对这次的事件向马来西亚航空公司，波音公司(飞机制造公司)，和/或在美国，芝加哥任何人，实体或公司提控上诉。我们将尽我们最大的能力为乘客的家属索取最多的赔偿金及利益以弥补乘客家属的悲痛。为了加强我们的队伍，我们正与来自美国芝加哥的 **Ribbeck Law Chartered** 和来自中国北京的老友律师事务所联手合作。

在 **MH370** 的情况下，乘客的家庭成员可以独自诉讼或集体诉讼，对有关当局提起诉讼控告。每名乘客的赔偿金将有所不同。赔偿金将以受害者的年龄、教育背景、工作经验、家庭背景作为考量。此外，其它因素如受害者是否有配偶、孩子或父母来评估家属经济上的损失。一般上，赔偿金将从现在开始计算到受害者退休。

以我们的看法，本次空难事故适用《蒙特利尔公约》。根据《蒙特利尔公约》，航空公司，即马来西亚航空公司，有义务支付每个乘客达 175,000.00 美元的最高赔偿金。

我们认为此案可以在以下的其中一个国家展开诉讼：

- 1) 它可以在马来西亚提出上诉，马来西亚航空公司是在马来西亚 1965 年的公司法注册的马来西亚公司；或
- 2) 它可以在中国提出诉讼，因为北京是飞行的最终目的地；或
- 3) 它可以根据乘客购买机票的国家提出诉讼，例如：机票是在澳大利亚购买，我们可以在澳大利亚法庭诉讼。



*MH370 TV Interview by China Tianjing TV Station*  
(中国天津电视台 - MH370 电视专访)