

## COMMISSION OF INQUIRY

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*Ruling: as to participation and legal representation of the  
China Classification Society*

(made on 23 January 2013)

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1. By a letter dated 22 January 2013, Messrs DLA Piper, acting on behalf of the China Classification Society, made an application to the Commission that they become an involved party in the Inquiry, adding that if the Commission is minded to accept that application that they be provided with what they call "the Inquiry bundles". They make other references to other matters which it is not necessary to deal with at this stage. The matter was drawn to China Classification Society's attention in the first place by what is usually termed a 'Salmon' letter written by the Commission's solicitors, dated 9 January 2013. That is to say, in these terms, where relevant:

"On the basis of the information received to date, we consider it only fair to give you notice that the expert naval architect retained to advise the Commission, Dr Neville A Armstrong, has formed the view that it is most likely that Lamma IV was constructed with a side plating of 4.5 mm thickness rather than 5.0 mm and a bottom plating of 5.5 mm instead of 6 mm as required under the drawings approved by the Marine Department in Hong Kong (Drawings No. NC-391), and that the thinner side plating size might have contributed to the extent of the damage to Lamma IV in the incident, as plating of a greater thickness would have reduced the size of the damaged hole and provided more time for the passengers to escape before the vessel sank."

2. The letter culminates with this sentence:

"We write to let you know of the above [and of course other matters were dealt with in the letter] in order that you may seek independent legal advice as necessary or appropriate, and so that you can decide whether any (and if so, what) steps need to be taken by you."

3. There was other correspondence in the interim, that is to say after the first letter of 9 January and before the application that is made by this letter of 22 January 2013, but there is no need at this stage to go into those matters. Suffice it to say, that the Commission is satisfied that the conditions set out in paragraph 6(1) and (2) of the Commissions of Inquiry Ordinance (Cap 86) are satisfied, so that China Classification Society may become an involved party; that is to say, to participate and be represented in these proceedings.
4. That being the case, we would ask that those assisting the Commission, our solicitors and our counsel, ensure that DLA Piper are provided with the material provided to the other involved parties in the hearing.