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<p>1 Wednesday, 24 October 2018 2 (10.00 am) 3 MR JEAN-CHRISTOPHE JACQUES-OLIVIER GILLARD 4 (on former affirmation) 5 MR PENNICOTT: Good morning, sir. 6 CHAIRMAN: Mr Pennicott, can I just clear one thing, if 7 I may, a very simple thing. There are photographs which 8 we looked at yesterday afternoon which show the rebars 9 in the cages in a vertical position. One appears to be 10 coupled, the next one not, and then the next one 11 coupled. 12 Is there any reason why the people who are 13 responsible for doing the connecting work may couple one 14 vertical rebar and then miss the next one and then 15 couple the next one? 16 A. Okay. The short answer is no, there is no obvious 17 reason for them to do that. They may decide to do that 18 practically because if they find on site that it's 19 a better working method -- but there is no obvious 20 reason or no rule, I would say, for them to do so, yes. 21 CHAIRMAN: So there is no rule but might there be 22 a practical reason? I mean, if you can screw one in 23 easily because it's aligning directly -- 24 A. Yes. 25 CHAIRMAN: -- and the next one not quite --</p>	<p>1 A. Yes, and as I've explained, again, this is the first 2 cage, so things were not perfectly smooth. Also -- 3 nothing on the picture is wrong to me, but just to say 4 that it was the first cage, so things were not matching 5 perfectly when we were presenting the top cage above the 6 cages below, so ... 7 CHAIRMAN: Good. Thank you. 8 Sorry, Mr Pennicott. 9 MR PENNICOTT: Not at all, sir. Very helpful, at always. 10 Before I just ask some more questions of Mr Gillard, 11 can I mention two things? First of all, on a lighter 12 note, happy birthday to Mr Cohen. 13 Sir, on a slightly more serious note -- and I'm as 14 guilty as anybody about this -- I've had a chat with the 15 people doing the e-bundle and putting the material up 16 for us on the screen, and I think, if we -- and I'll try 17 and give everybody a lesson this morning, if I can -- 18 I'm told the best and quickest way for the e-bundle 19 operators to get to the documents is if we say, for 20 example, bundle B5, page 642, or whatever it may be, 21 rather than B124. That's what I'm told. I will try my 22 best, and if everybody else can do that, that, we hope, 23 will be the optimum efficiency in terms of getting the 24 documents up on the screen. 25 CHAIRMAN: Thank you.</p>		
<p>1 A. You're totally right, yes. 2 CHAIRMAN: -- you might leave it and then bang, bang or 3 push, push? 4 A. Actually, yes, you're right. I think common sense would 5 be you would try to position the cage, I would say in 6 general, so maybe you would start with the corner, to 7 try to avoid the cage actually to deform while you are 8 connecting it. So you try to constrain, I would say, 9 the deformation. So therefore going -- trying to 10 connect one bar, every second bar, would make sense. 11 So, yes, it's not that normal at all. 12 CHAIRMAN: So to try to constrain the cages becoming 13 deformed -- 14 A. Correct. 15 CHAIRMAN: -- you might first of all try and couple those 16 rebars which will most prevent that happening -- 17 A. Correct. 18 CHAIRMAN: -- and then fill in afterwards? 19 A. Correct. 20 CHAIRMAN: All right. Thank you very much. But again, 21 I think your answer yesterday was it's a work in 22 progress, and works in progress naturally progress in 23 different ways, depending on who's doing the working? 24 A. Exactly. 25 CHAIRMAN: And what the constraints are?</p>	<p>1 Examination by MR PENNICOTT (continued) 2 MR PENNICOTT: Thank you. 3 Mr Gillard, good morning. 4 A. Good morning. 5 Q. Before I come to ask you some questions about a couple 6 more panels, can I ask you whether you agree with this, 7 so far as the drawing hierarchy is concerned. If one 8 looks at it this way, can I start at the top with the 9 Buildings Department's accepted drawings. 10 A. (Nodded head). 11 Q. I don't say "approved", I say "accepted". 12 The Buildings Department having accepted the 13 drawings, let's say for the design of the diaphragm 14 walls, would it be right next that the MTRC, or Atkins 15 on their behalf, would then issue working drawings to 16 Leighton based on those BD-accepted drawings? 17 A. Yes, this is my understanding. 18 Q. Then, would this be right, that Leighton would pass the 19 working drawings to you, Intrafor, and based on those 20 working drawings you would produce shop drawings? 21 A. This is correct. 22 Q. And presumably, having produced those shop drawings, you 23 would then need to pass them back to Leighton or MTRC 24 for approval; is that right? 25 A. This is correct.</p>		

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<p>1 Q. And then, having got that approval, you would proceed to 2 construct the diaphragm wall in accordance with the 3 approved shop drawings? 4 A. This is correct. 5 Q. Then finally, perhaps -- tell me if I'm wrong -- once 6 the diaphragm wall is constructed, or at some point, 7 what will then be produced is as-built drawings? 8 A. This is correct. 9 Q. Just on that point, Mr Gillard, in the sub-contract, as 10 I understand it, you, Intrafor, were responsible for 11 producing the as-built drawings; is that right? 12 A. This is correct. 13 Q. Is that what happened? 14 A. Actually, we participated to the preparation of the 15 as-built drawings, but I would say the final version of 16 the as-built drawing is actually -- I mean the one which 17 is issued to the Buildings Department is actually 18 produced -- issued by Leighton, sorry, or MTR. So it's 19 actually -- we participate -- we submit information to 20 Leighton and MTR for actually them to produce the 21 as-built drawing. So I think what people will 22 understand and will record and will accept as being the 23 as-built drawings are actually not produced by us, they 24 are produced by -- is it Leighton or MTR, actually? I'm 25 not 100 per cent sure.</p>	<p>1 page 13249. 2 Sir, I don't suppose you have hard copies, do you? 3 COMMISSIONER HANSFORD: No. 4 MR PENNICOTT: Probably not. Never mind. 5 CHAIRMAN: We do have hard copies but they are a little bit 6 out of the way now. Sorry, it's bundle ...? 7 MR PENNICOTT: F19, sir. 8 CHAIRMAN: Yes, we've got it. 9 MR PENNICOTT: Do you have that, Mr Gillard? 10 A. I've got page 13249 in front of me. 11 Q. Yes, that's right. 12 Just for the purpose of my questions, Mr Gillard, 13 I just thought this might be a bit quicker to do it in 14 hard copy rather than on the screen. 15 We looked at one of these sheets yesterday. It's 16 a summary sheet. 17 A. Correct. 18 Q. This is for EH75. 19 A. Yes. 20 Q. It includes various details: the design cut-off level, 21 the as-built cut-off level; do you see that? 22 A. Yes. 23 Q. And lots of other information. As I understand it, that 24 collation of information is derived from the various 25 pages which follow this summary sheet?</p>
<p>Page 6</p> <p>1 Q. Okay. But you participate in the process by producing, 2 as you see it, as-built drawings to Leighton? 3 A. This is correct. 4 Q. And it's then up to them, as you see it, how they deal 5 with it with MTR and how MTR deals with the Buildings 6 Department? 7 A. This is correct, yes. 8 Q. We will perhaps look at one or two examples of these 9 drawings in a moment, but that's very helpful. Thank 10 you. 11 Now I would like, if I may, Mr Gillard, just to 12 spend a few moments looking at panel EH75, and we will 13 then look at EM76. Those two panels, Mr Gillard, 14 I don't know whether you will remember or you knew at 15 the time, those are the two panels that are in the area 16 called 1875. Were you aware of that? 17 A. No. 18 Q. All right. So far as EH75 is concerned -- this is 19 really just for the purposes of the Commissioners -- 20 EH75 is one of the panels where MTRC say couplers are 21 now still installed, despite the revisions that were 22 made at the top of the diaphragm wall, but you don't 23 need to worry about that. That's one of the panels on 24 their list. 25 Could I ask you, please, to go to bundle F19,</p>	<p>Page 8</p> <p>1 A. This is correct. 2 Q. That's why I thought it is easier to do it, as it were, 3 in hard copy. One can flick through and, for example, 4 if one goes to page 13254 -- 5 A. Yes. 6 Q. -- you see the figure of 55.55, which as I understand it 7 is the record depth of this particular panel of the 8 diaphragm wall? 9 A. Yes. 10 Q. And it's measured at certain points, as we can see? 11 A. Yes. 12 Q. Then that 55 -- and that's done, presumably, 13 contemporaneously? 14 A. Yes. 15 Q. And it's signed by all three parties? 16 A. Yes. 17 Q. And that 55.5 is then transferred on to the summary 18 sheet at page 13249? 19 A. This is correct. 20 Q. Likewise, if one goes to similar sheets that we looked 21 at yesterday with Mr Cohen, if we go to page 13258 -- 22 A. Yes. 23 Q. -- you will see, as we did yesterday, the various cages, 24 and this is obviously a very deep panel, at 55.5, so it 25 has 16 cages, as I understand it?</p>

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<p>1 A. Yes.</p> <p>2 Q. So we can see, as you explained yesterday and as</p> <p>3 I understand it, that at each connection point, that is</p> <p>4 between 16 and 15, 15 and 14, and so forth, and so on,</p> <p>5 there is a date given, and the signatures of those</p> <p>6 inspecting?</p> <p>7 A. This is correct.</p> <p>8 Q. So we can see that this particular -- or the rebar --</p> <p>9 sorry, the cages were inspected between 26 September</p> <p>10 2013, that's the date at the bottom of page 13258, and</p> <p>11 then you work your way up to the top of page 13257, and</p> <p>12 it seems to go all the way up to 3 October?</p> <p>13 A. Yes.</p> <p>14 Q. That's good.</p> <p>15 We might need to come back to that file shortly,</p> <p>16 Mr Gillard, but if you could just put that on one side</p> <p>17 for the moment.</p> <p>18 Could I then ask you, please, to go to</p> <p>19 bundle F4/2637. This will also be better in hard copy,</p> <p>20 I am bound to say.</p> <p>21 A. Okay.</p> <p>22 Q. Thank you. Mr Gillard, are you able to explain to the</p> <p>23 Commissioners what this drawing is? Let me just help</p> <p>24 you first. The bottom right-hand corner, one sees the</p> <p>25 reference to EH75?</p>	<p>1 A. Okay. This is a detail, you need to read it in relation</p> <p>2 to the one -- you've got a section 5 just on the left.</p> <p>3 Q. Yes.</p> <p>4 A. So, basically, this is showing where to put -- the big</p> <p>5 message here is to highlight the location of those</p> <p>6 couplers, the starter bars, that you can see, the</p> <p>7 L-shaped starter bar, the T40 you can see on the</p> <p>8 left-hand side. So it's basically to show you where to</p> <p>9 locate them. And we can see the tremie pipe in the</p> <p>10 middle. So the message is mainly -- not only -- the</p> <p>11 reason for this detail is to clearly show where should</p> <p>12 be the couplers, the starter bars.</p> <p>13 Q. But, Mr Gillard, one can see from the detail at A that</p> <p>14 there's a box with a dotted cross in it --</p> <p>15 A. Yes.</p> <p>16 Q. -- and an arrow comes down from the top saying, "Future</p> <p>17 utilities through"; do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. My understanding is this is the area of a box culvert,</p> <p>20 and do you see that the actual level at the top is</p> <p>21 plus 2.82?</p> <p>22 A. This is correct.</p> <p>23 Q. And that is the figure, the number, that you had on the</p> <p>24 summary sheet that we looked at just a moment ago?</p> <p>25 A. Mm-hmm.</p>
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<p>1 A. Yes.</p> <p>2 Q. This is sheet 1 of 5, and as I understand it, this is</p> <p>3 a drawing prepared by Intrafor?</p> <p>4 A. This is correct.</p> <p>5 Q. Can you explain what it is?</p> <p>6 A. This is one element of the so-called shop drawings, so</p> <p>7 in this case apparently it's made of five separate</p> <p>8 drawings. So this is the first drawing showing the</p> <p>9 total elevation of the cage, and then after, on the</p> <p>10 backs, you have further details because to understand</p> <p>11 the cage you need to look at different drawings at the</p> <p>12 same time to understand. So those are the drawings used</p> <p>13 by the steel fixer to fabricate the cage and by the</p> <p>14 engineers and everybody to carry out the inspection.</p> <p>15 Q. Right. So these are the shop drawings?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Just taking you up on that observation you've</p> <p>18 just made, if you would be good enough, please, to go to</p> <p>19 page 2641.</p> <p>20 A. Yes.</p> <p>21 Q. And if you look in the top right-hand corner of 2641, we</p> <p>22 see "Detail A"; do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Are you able to explain what that detail is showing, the</p> <p>25 top part?</p>	<p>1 Q. That's described as the cut-off level, as-built.</p> <p>2 A. Okay.</p> <p>3 Q. So do you know what you were installing between --</p> <p>4 sorry, I should have mentioned, the design cut-off</p> <p>5 level, we picked it up on the sheet earlier, was 0.55,</p> <p>6 which one sees on the section 5 to the left. If you</p> <p>7 stick with -- otherwise you will lose the thread,</p> <p>8 Mr Gillard, if you start looking elsewhere.</p> <p>9 A. Okay.</p> <p>10 Q. You've got the level at the top, 2.82; yes?</p> <p>11 A. Yes.</p> <p>12 Q. But we know the design level, from the sheet we looked</p> <p>13 at a moment ago, was 0.55; do you see? Do you see that</p> <p>14 on the left-hand side, section 5?</p> <p>15 A. Yes, "Concrete cut-off level", yes.</p> <p>16 Q. So what I'm trying to understand to you, Mr Gillard, is</p> <p>17 what is between 0.55 and 2.8 on this particular panel?</p> <p>18 A. So what's your question again, just to be clear?</p> <p>19 Q. I want to know, if you can assist us, what you</p> <p>20 constructed, if anything, between plus 0.55 and</p> <p>21 plus 2.82.</p> <p>22 A. Okay. So the 0.55 is where, I would say -- also it's</p> <p>23 written "Concrete cut-off level" on this particular</p> <p>24 sheet is what is called a cut-off level on other sheets.</p> <p>25 So there is a potential confusion on that. So this is</p>

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<p>1 basically where the final -- the top level of the final</p> <p>2 product after trimming should be, 0.55. So practically</p> <p>3 over and above is slab top level. 2.82 is written as</p> <p>4 being slab top level, but I would say after, when we are</p> <p>5 going to do the casting of this panel, we will put some</p> <p>6 concrete --</p> <p>7 Q. Up to 2.82?</p> <p>8 A. Not necessarily. We will put roughly -- we should put</p> <p>9 it, say, 70 centimetres to 1 metre above the final</p> <p>10 cut-off level of 0.55.</p> <p>11 Q. Right, so down there?</p> <p>12 A. Yes.</p> <p>13 Q. We will pursue that a little bit further in a moment.</p> <p>14 But my understanding of that detail, Mr Gillard, I don't</p> <p>15 know whether you can help, is this, that in the usual</p> <p>16 situation on these panels, what was envisaged is that</p> <p>17 there were -- we are just focusing on the EWL slab at</p> <p>18 the moment and how it connects into this diaphragm</p> <p>19 wall -- there were two levels of rebar, called the top</p> <p>20 levels, and that would consist of two or three rows, and</p> <p>21 then the bottom level similarly; yes?</p> <p>22 A. Yes.</p> <p>23 Q. And what this appears to be showing to us is the bottom</p> <p>24 level, and there was no top level in this particular</p> <p>25 instance?</p>	<p>1 yes.</p> <p>2 COMMISSIONER HANSFORD: Thank you.</p> <p>3 A. I'm not sure.</p> <p>4 MR PENNICOTT: Okay.</p> <p>5 Then could I ask you to look at bundle F17,</p> <p>6 page 11177.</p> <p>7 Mr Gillard, is this a drawing prepared by Intrafor?</p> <p>8 A. Yes, it is.</p> <p>9 Q. And one can see that it is in respect -- first of all,</p> <p>10 let's just look at the middle of the page. One can see</p> <p>11 it says, "As-built diaphragm wall panel layout"; do you</p> <p>12 see that?</p> <p>13 A. Yes.</p> <p>14 Q. As I understand it, therefore, tell me if I'm wrong,</p> <p>15 this is part of the process by which the as-built</p> <p>16 drawings were ultimately prepared. Is this therefore</p> <p>17 part of your submissions of the as-built situation to</p> <p>18 Leighton/MTRC?</p> <p>19 A. This is correct. This is what you call the as-built</p> <p>20 developed elevation drawings, yes.</p> <p>21 Q. And this particular sheet is showing the as-built</p> <p>22 position with regard to the panels that we can see in</p> <p>23 the box towards the bottom, that is SAT89 and EH1</p> <p>24 through to EH7?</p> <p>25 A. Yes.</p>
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<p>1 A. I think so, yes. I think you're right, yes.</p> <p>2 Q. Okay. So one would not expect to find, in relation to</p> <p>3 this particular panel, any couplers and rebar connected</p> <p>4 to the couplers at the top level as opposed to the</p> <p>5 bottom level?</p> <p>6 A. Correct.</p> <p>7 COMMISSIONER HANSFORD: Sorry, can I understand -- so,</p> <p>8 therefore, what are those grey shaded boxes at the plus</p> <p>9 0.550 level? At the top of each bar, there's a shaded</p> <p>10 grey box. What are they?</p> <p>11 A. I think they are couplers. I have to look at the bar</p> <p>12 mark.</p> <p>13 MR PENNICOTT: You think they are couplers?</p> <p>14 A. I think so. We should look at the bar mark.</p> <p>15 Q. They are going vertically?</p> <p>16 A. Yes.</p> <p>17 COMMISSIONER HANSFORD: So are they type A couplers?</p> <p>18 A. I have to look at -- we need to look at the detail to be</p> <p>19 able to answer this question.</p> <p>20 COMMISSIONER HANSFORD: Forgive me if this is not relevant.</p> <p>21 I'm just trying to understand this drawing.</p> <p>22 A. Yes.</p> <p>23 MR PENNICOTT: If you're not sure, Mr Gillard -- you think</p> <p>24 they probably are couplers?</p> <p>25 A. Yes, I think they are couplers, or maybe threaded bar,</p>	<p>1 Q. If one goes, please, to page 11181, we see a similar</p> <p>2 presentation, but this time in relation to, we can see,</p> <p>3 in the box on the right-hand side -- if that could be</p> <p>4 blown up slightly; that's fine -- EH55 through to EH89,</p> <p>5 between roughly gridlines 21 and 36?</p> <p>6 A. Yes.</p> <p>7 Q. And within that area or that length, we can find panels</p> <p>8 EH75 and EM76, or EH75 for present purposes; do you see</p> <p>9 that?</p> <p>10 A. Yes.</p> <p>11 Q. And at the top of EH75, and indeed EM76, there is</p> <p>12 a hatched area; do you see that?</p> <p>13 A. You mean in here? (Indicating).</p> <p>14 Q. Yes, there's a hatched area.</p> <p>15 A. Yes.</p> <p>16 Q. If I have understood that correctly, the hatched area</p> <p>17 relates to -- if you go to the legend of the box, it</p> <p>18 says, "Concrete to be trimmed by others during basement</p> <p>19 construction"; do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. So it appears -- help me with this -- that you may well</p> <p>22 have taken the concrete up to plus 2.82, but recognised</p> <p>23 that it would then be reduced to the designed cut-off</p> <p>24 level of 0.55; would that be right?</p> <p>25 A. Yes, this would be a sensible interpretation of this</p>

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<p>1 drawing, but I think if you want to know where we stop 2 the concrete, the most relevant document is to look at 3 the contemporaneous record for when we cast the 4 concrete. Then you will see where the concrete, the top 5 level of the concrete -- 6 Q. So we need to go back to -- 7 A. If this is your question, if you want to know exactly -- 8 Q. Let's see if we can determine it from there. I hope you 9 are right. 10 Back then to F19. 11 CHAIRMAN: Sorry, Mr Pennicott, that little shaded area -- 12 MR PENNICOTT: Yes, sir. 13 CHAIRMAN: -- at the top of EM76 and at the top of EH75, it 14 is in measurement, vertically at least, the difference 15 between the 0.55 and the 2.8 figures that you mentioned 16 earlier? 17 MR PENNICOTT: Yes, sir. 18 CHAIRMAN: All right. 19 MR PENNICOTT: Mr Gillard, if we go back to F19. 20 I think -- but you will correct me, no doubt, if I'm 21 wrong, Mr Gillard -- that we need to go to page 13268. 22 A. Yes, and I think you need to go -- I've got the answer 23 to your question by going to 13270. 24 Q. Thank you very much. Can you explain what that is? 25 Yes, I see. You are absolutely right. So it's the</p>	<p>1 Department -- sorry, this is the latest accepted design 2 drawing -- I'm sorry, it's the latest accepted design 3 drawing by the Buildings Department, not the submitted 4 as-built, the latest accepted design drawing by the 5 Buildings Department. If you look at the "Detail E10" 6 on the right-hand side, you will see it's the detail 7 for, amongst other things, EH75 and EM76; do you see 8 that? 9 A. Yes. 10 Q. And that, as I understand it -- Mr Gillard, help me with 11 this -- is showing through-bars at the top going right 12 across, and just the couplers and the rebar at the lower 13 level; do you see that? 14 A. Yes, I see that. 15 Q. So that seems to coincide with the detail that we were 16 looking at on the other drawing just a moment ago, where 17 the rebar is at the lower -- or the couplers and the 18 rebar were shown at the lower level? 19 A. Yes. 20 Q. I don't think we will go to it but I think, when we get 21 the as-built drawing out, that is what is reflected on 22 the as-built drawing. 23 A. Yes. 24 Q. So, in theory at least, unless there has been any 25 subsequent revisions, this is how you constructed,</p>
<p>Page 18</p> <p>1 "Remarks", the note we need to look at at the bottom: 2 "Additional instruction by Leighton. 3 The concrete level was increased from 0.55 to 2.82 4 upon Leighton requested when the concrete level is 5 reached plus 1.7." 6 A. Yes. You've got -- I saw another note on page 13269 7 which is more or less the same. 8 Q. Yes, indeed. 9 But the point we need to agree upon, Mr Gillard, is 10 that above the plus 0.55 level, the cage did not go that 11 far up? There was no rebar above 0.55? 12 A. If this is your question, yes. The rebar hasn't been 13 moved, so the rebar should be positioned and hasn't 14 moved -- should be exactly as per the indication on the 15 shop drawing, yes -- 16 Q. All right. 17 A. -- which is I don't know but you can look at it. 18 Q. All right. I think, with that, I won't trek through the 19 same exercise with EM76. I think that's very helpful 20 and pretty clear, save for this point. 21 Could I ask you, please, to go to bundle H3, 22 page 699. Could you just drop it down slightly? Thank 23 you. 24 As I understand it, Mr Gillard, this is the as-built 25 drawing ultimately submitted to the Buildings</p>	<p>Page 20</p> <p>1 essentially, EH75 and indeed EM76? 2 A. This is correct. 3 Q. That may or may not solve a particular point that's 4 raised in two of the MTRC witness statements. Could 5 I ask you please to be shown -- let's start with 6 bundle B1, page 390, paragraph 53.1, please. This is 7 part of Mr Louis Kwan's witness statement, Mr Gillard. 8 I don't know whether you have had an opportunity of 9 reading it? 10 A. No. 11 Q. This is mentioned in his -- this is just for the 12 purposes of the transcript, Mr Gillard; don't concern 13 yourself with it -- he mentions it also in 14 paragraph 21.2 of his responsive witness statement -- no 15 need to go to it -- bundle B16/13627, and also Mr Kit 16 Chan mentions this in his witness statement at B1/267. 17 It's the same point. 18 What he says here, Mr Gillard, is: 19 "For the area known as the '1875' box culverts 20 [which is what we have just been looking at], the rebar 21 fixing works were carried out from 10 March to 27 May 22 2015." 23 This is obviously not something you would know 24 about, I appreciate. 25 "I referred to working drawing no. ... 181 rev B</p>

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<p>1 which was issued on 25 October 2013 and was current at 2 the time -- this drawing indicated two rows of top layer 3 rebars (T1 and T3) from the EWL slab across the 4 diaphragm wall, which matched the number of rows and 5 spacing as constructed. I should add that at this 6 location, the cut-off level of the east diaphragm wall 7 (panels EH75 and EM76) is lower than at other locations 8 to cater for the box culvert construction, such that the 9 through-bars were adopted from the EWL slab across the 10 diaphragm wall up to the OTE/soil side." 11 Does that match with your understanding of what 12 we've just been looking at? 13 A. This matches with my understanding of the drawing, 14 I would say, and the need to -- maybe, at this cut-off 15 level, on the drawing at 0.55 you can see it's probably 16 linked with the culvert, yes. It would make sense. 17 Q. The point here, Mr Gillard -- I hope we don't need to 18 look at it -- you very helpfully helped the Commission 19 by providing us with several sheets summarising the 20 cut-off levels and the concrete levels of each of the 21 panels. It might actually be worth just taking the 22 Commissioners to that. It's back at bundle F17, I'm 23 afraid, at page 11201. 24 If we could rotate that, please. I've got this in 25 a nice A3 copy.</p>	<p>1 cut-off level they're referring to. So there is in fact 2 no difference between you; it's just a different cut-off 3 level. 4 A. Yes, probably, yes, correct. 5 CHAIRMAN: Mr Pennicott, forgive me if I ask these very 6 basic primary-school questions but it helps me to build 7 up some knowledge. 8 MR PENNICOTT: Not at all, sir. 9 CHAIRMAN: The cut-off level is 2.82 which means the cut-off 10 level containing reinforcing bars? 11 MR PENNICOTT: Not in this instance, sir. 12 CHAIRMAN: That was the question. So my question was going 13 to be does it stop there and then you just get empty 14 concrete, if I can put it that way, or unreinforced 15 concrete above it, or the bars go right up to the top 16 level and then you cut back, including cutting back the 17 reinforcing bars, back to 2.82? 18 MR PENNICOTT: Sir, no doubt the witness can explain it 19 better than me, but my understanding is that in the 20 ordinary position, you'd have your cages and then the 21 concrete would be a certain area above the top of the 22 top level cage, in the ordinary way, with the couplers 23 sticking out the side, as it were, and that's the 24 ordinary situation, and there would be no question of 25 trimming anything off, apart from the bentonite point.</p>
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<p>1 A. Okay. 2 Q. What we ask you to do, and you kindly did for us, 3 Mr Gillard, was to take each of the panel numbers, 4 you've given us the excavation start date, the 5 completion of excavation date, the date upon which each 6 panel was concreted, and I assume that you've lifted all 7 this material from the various documents that we've been 8 looking at this morning? 9 A. From the contemporaneous records, yes. 10 Q. And then, as we asked you to do, you've given us the 11 cut-off level as-built, and then the concrete top level 12 as-built for each of the panels; yes? 13 A. Yes. 14 Q. If you go to the next page, 11202, in the centre of the 15 page there we can see the reference to EH75 and EM76 -- 16 we've got the relevant dates for the excavation start 17 and completion, concreting date, and the cut-off level 18 you've given us is your cut-off level as-built, the 19 2.82? 20 A. Yes. 21 Q. I think when Mr Kwan and Mr Chan are talking about this 22 area having a lower cut-off level, my understanding is, 23 and no doubt they will confirm this in due course, what 24 they're talking about is the 0.55, because they reduced 25 it from the 2.82 down to the 0.55, and that's the</p>	<p>1 There might be a small area of concrete at the top that 2 has to be got rid of, but apart from that, it would be 3 left intact. That would be the ordinary situation. 4 It just so happens that in this particular area, the 5 1875 area, it's different. 6 CHAIRMAN: Because of the culvert? 7 MR PENNICOTT: Because of the culvert. 8 CHAIRMAN: All right. I have that. So whoever is trimming 9 back, trims back not just bare concrete, if I can put it 10 that way, but also trims back some internal steel 11 reinforcing? 12 MR PENNICOTT: If it's there, but in this situation, as we 13 understand it, there was no rebar above 0.55. 14 CHAIRMAN: Fine. Thank you. 15 MR PENNICOTT: The only reason I'm just a little bit focused 16 on that is because, as you are aware, it's not really 17 a question for Mr Gillard but I wanted to try to 18 establish what his understanding is, to help us 19 understand what Intrafor built at these two panels, and 20 particularly EH75, because we are now obviously -- one 21 of the purposes of the Inquiry is to try to establish, 22 with the help of the MTRC and Leighton, what is at the 23 top of this diaphragm wall now, as it's connected to the 24 slab. And we were told yesterday -- indeed, I think 25 it's in the witness statements anyway and in certain</p>

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<p>1 expert reports -- that EH75 is one of those areas that 2 was not changed, and it has couplers and therefore rebar 3 going into couplers. 4 I just wanted to make sure that we understood what 5 Intrafor had built and to see whether -- to what extent, 6 if at all, that has been changed by what was 7 subsequently done. 8 At the moment, we are slightly confused and a bit 9 mystified as to what may or may not have happened at 10 EH75 after Intrafor left the site. 11 CHAIRMAN: Okay. 12 MR PENNICOTT: Mr Gillard, going on to a different topic. 13 We know, and I don't want to go through it with you, 14 that so far as -- well, no, actually, before we go 15 there, just let me deal with this, I'm sorry. It will 16 save time in the long run. Keep those sheets out, the 17 cut-off level sheets, so back at bundle F17, page 11201. 18 This might be the quickest way to deal with this 19 point, Mr Gillard. If you look at page 11202. 20 A. Yes. 21 Q. And you go to the bottom of that page, please -- thank 22 you very much -- you have given some evidence to the 23 Commission, Mr Gillard, about EM104, EH105, EH106, EH108 24 and EH109? 25 A. Yes.</p>	<p>1 level of the concrete; is that right? 2 A. This is correct. 3 Q. Okay. As I understand it, you didn't enquire, you don't 4 know why you were given that instruction, but that's the 5 instruction you were given and that's what you did? 6 A. This is correct. 7 Q. All right. 8 CHAIRMAN: Did it strike you as odd, or was it part and 9 parcel of the complexities of engineering? 10 A. Yes, I would say that's not unusual, if I can -- that's 11 not exceptional; okay? It's a sign of -- I mean, the 12 project is developing, so it's relatively usual to have 13 some changes which can occur during the course of the 14 project, and having an instruction to lower down the 15 concrete level, the cut-off level, on a specific panel, 16 is, yes -- 17 CHAIRMAN: Not unusual? 18 A. Not unusual, and doesn't raise any safety concern, 19 I would say. That's important. 20 CHAIRMAN: Good. 21 MR PENNICOTT: On this point, continuing a little bit more 22 on this point, little bit, if I may, I am looking for 23 bundle H11, page 5456. 24 A. Yes, got it. 25 Q. Mr Gillard, this is, as we understand it, an as-built</p>
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<p>1 Q. Because they're essentially a special case, 2 collectively? 3 A. Yes. 4 Q. As you can see here, you have recorded, from your 5 records, contemporary records, the cut-off level 6 as-built in relation to those five panels that I've just 7 mentioned? Sorry, four of them are at plus 1. 8 A. Yes. 9 Q. And EH109 is at plus 2? 10 A. Yes. 11 Q. Then the concrete levels are given on the right-hand 12 column? 13 A. Yes. 14 Q. If one just casts one's eye up the page, one can see 15 that these are all at a significantly lower level than 16 the general run of the EH panels? 17 A. Yes. 18 Q. As I understand it, you were instructed by Leighton not 19 to take the concrete up to the levels that you had been 20 taking it up to with the other panels -- 21 A. Yes. 22 Q. -- but to keep it at a much lower level? 23 A. This is correct. 24 Q. I've got this picture in my mind from your evidence that 25 in fact the top rebar cage was sticking up above the</p>	<p>1 drawing that was submitted to the Buildings Department 2 sometime in 2015 by MTR? 3 A. Yes. 4 Q. If you go -- if we can be taken to the top of the 5 drawing, and if you can blow the top of the middle 6 drawing up; that's it there, okay -- now, what one sees 7 there, Mr Gillard, if you can see it, is the actual 8 cut-off level for EM104; do you see that? 9 A. Yes. 10 Q. Which, as I understand it, you built to 1 metre, or 11 1mPD? 12 A. Yes. 13 Q. This says EM104 cut-off level plus 2.82. Can you 14 explain -- are you able to explain why that might be? 15 A. From the first reading, it seems to be a mistake on the 16 drawing. There are sometimes some mistakes on the 17 drawings. 18 Q. Yes. I'm not suggesting this is something you prepared, 19 Mr Gillard. 20 A. Yes. 21 Q. This is an as-built drawing from MTR -- 22 A. Clearly, what I can say is, when I first read it, 23 indication, I would immediately think that you are 24 telling that there is concrete up to 2.82, some 25 concrete, because it means the concrete has to be sound,</p>

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<p>1 sound concrete up to 2.82, and clearly, on EM104, the 2 target was to have sound concrete at plus 1 only. So 3 very -- we didn't build the panel EM104 with sound 4 concrete up to 2.82, so ... 5 Q. The problem with that answer, Mr Gillard, if I may -- if 6 we can be taken down to the bottom left-hand corner of 7 the drawing, please -- who is the authorised signatory 8 on this drawing? 9 A. Yes, this is. 10 Q. Tong Shun Shan? 11 A. This is correct. 12 Q. He is one of your Intrafor people? 13 A. Yes. 14 Q. Is he still working with you, Mr Gillard? 15 A. Yes, he is. 16 Q. Just for good measure, if we could go to bundle H11, 17 page 5452, and if we could look again, please, at the 18 top of the middle drawing -- thank you very much, that's 19 fine -- we see an arrow that says -- we will come to 20 this point in a separate section in a moment -- it says 21 "T40 U-bar for 108 only"; do you see that, Mr Gillard? 22 A. Yes. 23 Q. And again one sees -- the reference to 108 is one of 24 your five panels that we were looking at just a moment 25 ago. Again, on this one, one has a similar annotation,</p>	<p>1 signing that document? 2 A. Yes. 3 Q. And so, that being the case -- I don't know whether you 4 can help with this -- what steps would the authorised 5 signatory take to ensure that what was being submitted 6 was in accordance with the agreed Buildings Department 7 drawings? 8 A. Okay. So he's going practically to -- he will go 9 through documentation and he's going to check, okay, 10 that things have been built according to the approved 11 shop drawings, which by -- indirectly. So he will 12 understand that indirectly, if we build with the 13 approved shop drawings, it will mean that we build with 14 the approved or -- yes, the correct set of drawings 15 issued by BD, in the absence of other drawings being 16 received by us indicating otherwise, of course, yes. 17 Q. Yes. We haven't gone to them but I think we've looked 18 at them and your contemporary records for these panels, 19 these five panels, are all consistent with the 20 instruction that you were given by Leighton to just take 21 the concrete up to 1? 22 A. Yes. 23 Q. And I think also that's reflected on your shop 24 drawings -- 25 A. Yes.</p>
Page 30	Page 32
<p>1 "Actual cut-off level for east panels plus 2.82", you've 2 got the reference to 108, and so one has a similar 3 discrepancy; would you agree? 4 A. Sorry, can you repeat? 5 Q. One has a similar discrepancy with 108 that we had with 6 104; do you agree? 7 A. The discrepancy being what? 8 Q. Between you being told to go to a cut-off level of 9 plus 1, and this showing a cut-off level of plus 2, 10 insofar as it relates to 108. 11 A. Yes. 12 Q. And again I think we'll find Mr Tong has signed this 13 document as well in the bottom left-hand corner. 14 A. Mmm. 15 Q. Mr Gillard, we know that when these various submissions 16 were made to the Buildings Department, apart from one of 17 your employees as an authorised signatory signing the 18 as-built drawings, they also signed a certificate -- 19 I put it broadly, a certificate; a piece of paper -- 20 A. Yes. 21 Q. -- certifying that the works had been constructed in 22 accordance with the agreed Buildings Department approved 23 drawings; do you recall? 24 A. Yes, I recall. 25 Q. That would also be the authorised signatory, would it,</p>	<p>1 Q. -- which we've also looked at, and they would 2 necessarily, as it happens -- one of them at least would 3 have been prepared after the instruction, because, 4 of course, you were originally expecting to go up to 5 a particular level? 6 A. Yes. 7 Q. And so you would then have had to prepare a new shop 8 drawing essentially to show the lower level? 9 A. There was no need, actually, to prepare such drawings, 10 because -- I mean, the change was only a last-minute 11 change regarding where you want to stop the concrete 12 level. 13 Q. Okay. 14 A. So there is no need for the projects to ask for a new 15 drawing because by the time the drawing will be there, 16 works will -- so there is no need for this drawing for 17 the work to proceed. 18 Q. Okay. I understand. So you just go straight to the 19 as-built situation? 20 A. Exactly. 21 Q. All right. 22 A. And I think in this case I recall, and I've explained in 23 my witness statement, there were actually some mistakes 24 in the first submission, because information was not 25 passed to our design department when they built the</p>

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<p>1 elevation, so actually the first set of elevations, we 2 did show 2.82 on those panels, which was clearly wrong. 3 Q. All right. We know -- and I'm not going to take you 4 through it, Mr Gillard -- that there was a change of 5 arrangement of the rebar at the top of the diaphragm 6 walls -- 7 A. Yes. 8 Q. -- on the east side. And essentially what happened -- 9 two major points -- certain U-bars were taken out? 10 A. Yes. 11 Q. And straight bars were used instead? 12 A. Yes. 13 Q. And instead of two rows, three rows? 14 A. Yes. 15 Q. The only big point about this -- but that was 16 a consequence of certain buildability issues and in 17 particular the necessity to get the tremie pipe down, 18 through the rebar, down to where it needed to be, to 19 pump the concrete? 20 A. Yes. 21 Q. But, as you've explained in one of your witness 22 statements, in fact in relation to a number of panels, 23 the U-bars were reintroduced? 24 A. Yes. 25 Q. And we've done as quick a calculation as we can on the</p>	<p>1 and a day or two before you were given the instruction 2 to put in some additional -- well, reintroduce the 3 U-bar? 4 A. Yes. 5 Q. Which you did. 6 A. Yes, this is correct. 7 Q. And then the panel was concreted almost a day after, 8 I think? 9 A. Yes. 10 CHAIRMAN: So the reintroduction of U-bars, whatever changes 11 there were, were all accomplished before concreting? 12 MR PENNICOTT: Yes, sir. 13 And, as we understand it, Mr Gillard -- you've given 14 us the example of EH45; that's very helpful -- this 15 happened on a number of other occasions? 16 A. This is correct. 17 MR PENNICOTT: Sir, I'm not going to go through all of them. 18 I think we can work it out from the drawings as to which 19 ones they are. Whether they coincide with anything 20 else, we are not sure. It just so happens that 45 does 21 coincide, because it happens to be one of the ones on 22 the MTR list that apparently is not subjected to 23 through-bars. 24 Just a couple more questions, Mr Gillard, from me, 25 not many, just on the Buildings Department's</p>
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<p>1 documents, Mr Gillard. Can you estimate how many times 2 that happened? 3 A. I wouldn't give any figure. I don't know. 4 Q. Right. We think it's about 25 or 26 times that the 5 U-bars were reintroduced. 6 A. Okay. 7 Q. Again, no big point about this, but do you know why they 8 happen to have been reintroduced in relation to certain 9 of the panels? 10 A. I've explained it in one of my witness statements. 11 Okay, initially, as you said, there is no need, there is 12 some discussion, okay, no need for U-bar, and then -- 13 back in 2015, early 2015. So then there is apparently 14 some question, question mark, and I would say, yes, we 15 are being asked to put back some. So we are putting 16 back as many U-bars as possible, as we can accommodate, 17 yes. 18 Q. Because the example that you give in your witness 19 statement is actually by reference to EH45. 20 A. Yes. 21 Q. Which is also on the MTR list of ten or however many 22 there are that have not been changed. 23 A. Mmm. 24 Q. And as I understand it -- we don't need to go through 25 it -- you were almost on the verge of concreting EH45,</p>	<p>1 requirements. 2 Were you fully aware about and do you know about the 3 instrument of exemption; is that something you are 4 familiar with? 5 A. Yes, I think so, to a certain extent. 6 Q. Yes, I'm sorry, I'm not going to cross-examine you on 7 the meaning of it. 8 As a registered specialist contractor, this is 9 something that you would know about? 10 A. Yes. 11 Q. Was it something you did look at, the instrument of 12 exemption, at the time? Would you have been given 13 a copy of it? 14 A. In this case, actually, are not involved in the design, 15 so actually this is not -- the short answer is there is 16 no urgency for us to know all the detail about this 17 letter, I would say. 18 Q. Okay. I'll just pursue a little bit further. If we 19 could see bundle H7, page 2646, we see here, Mr Gillard 20 a "Notice of appointment of contractor, Notice of 21 commencement of works and undertaking by contractor", 22 and it relates to the diaphragm wall construction; we 23 can see that? 24 A. Yes. 25 Q. And it's addressed to the Building Authority, and it's</p>

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<p>1 filled in, or has a name of Mr Rooney; do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. He signed that and dated it 13 January 2014.</p> <p>4 If we go to the next page, please, 2647. So, as</p> <p>5 I understand it, Mr Anthony Mak is also an employee of</p> <p>6 Intrafor; is that correct?</p> <p>7 A. He was at the time, yes.</p> <p>8 Q. He was at the time. What he has signed here is:</p> <p>9 "We confirm that the works will be commenced on</p> <p>10 21 January ... and undertake to carry out the works in</p> <p>11 strict compliance with standards in accordance with or</p> <p>12 equivalent to those required under the Buildings</p> <p>13 Ordinance and Regulations, recognising the special</p> <p>14 requirements for railways, as stipulated in the</p> <p>15 exemption letter dated 5 December 2012."</p> <p>16 We know that is the date of the exemption letter.</p> <p>17 A. Yes.</p> <p>18 Q. So would Mr Mak have been aware of that letter; do you</p> <p>19 know?</p> <p>20 A. I would imagine, yes.</p> <p>21 Q. I should say, I know this is dated 21 January, I know</p> <p>22 your work started back in the middle of 2013.</p> <p>23 A. Yes.</p> <p>24 Q. This is because I think this commencement relates to</p> <p>25 a particular area.</p>	<p>1 that one question.</p> <p>2 CHAIRMAN: Yes, of course.</p> <p>3 MR PENNICOTT: We suggest that the government ask its</p> <p>4 question.</p> <p>5 CHAIRMAN: If you might ask your question now. I don't</p> <p>6 think there's any pre-ordained order of questions here.</p> <p>7 MR PENNICOTT: No, sir, I don't think there is any</p> <p>8 pre-ordained order, particularly in relation to this</p> <p>9 witness, but there may in the future be some sort of</p> <p>10 order with other witnesses.</p> <p>11 CHAIRMAN: Of course. Thank you.</p> <p>12 Cross-examination by MR KHAW</p> <p>13 MR KHAW: I'm very grateful for the permission.</p> <p>14 Just one question for clarification. If we can turn</p> <p>15 to your third witness statement, page F24265. It should</p> <p>16 be bundle F5. Paragraph 36, Mr Gillard, where you refer</p> <p>17 to the Atkins report of 25 February 2015. Can you see</p> <p>18 that?</p> <p>19 A. Yes.</p> <p>20 Q. Then you've quoted two paragraphs. If we may just have</p> <p>21 a look at the two paragraphs that you have quoted:</p> <p>22 "... However as the slab reinforcement has been made</p> <p>23 continuous over the D-wall support without proper</p> <p>24 anchorage into the D-wall for panel EH107, it is</p> <p>25 proposed to demolish the top portion of D-wall and add</p>
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<p>1 A. Yes.</p> <p>2 Q. I think there were a number of these as matters moved</p> <p>3 on.</p> <p>4 A. Yes.</p> <p>5 Q. And this is just one example of it.</p> <p>6 A. Yes.</p> <p>7 MR PENNICOTT: Thank you very much, Mr Gillard. No more</p> <p>8 questions.</p> <p>9 WITNESS: Thank you.</p> <p>10 MR PENNICOTT: Sir, I've only been told that China</p> <p>11 Technology would like to ask Mr Gillard some questions.</p> <p>12 I think my other learned friends reserve their position,</p> <p>13 so I don't quite know what their position is at this</p> <p>14 moment. Perhaps we could enquire.</p> <p>15 MR WILKEN: Mr Chairman and Professor, Leighton's position</p> <p>16 is that obviously we need to ask for permission under</p> <p>17 rule 17(3) for any cross-examination, and we are not</p> <p>18 asking for permission in relation to this witness.</p> <p>19 CHAIRMAN: Thank you.</p> <p>20 MR BOULDING: That's our position as well, sir and</p> <p>21 professor. No questions.</p> <p>22 CHAIRMAN: Thank you very much.</p> <p>23 COMMISSIONER HANSFORD: The government?</p> <p>24 MR KHAW: Mr Chairman and Commissioner, we only have one</p> <p>25 question for Mr Gillard, if I may ask for permission for</p>	<p>1 the required number and diameter of rebar as per the</p> <p>2 design drawings and achieve the full anchorage length</p> <p>3 with the D-wall vertical reinforcement. For details</p> <p>4 refer to attached sketch."</p> <p>5 Just to refresh everyone's memory, I also referred</p> <p>6 the Commission to a similar Atkins report yesterday in</p> <p>7 relation to this particular bit, which was included</p> <p>8 actually in the design report as per the submission made</p> <p>9 by MTR in July 2005.</p> <p>10 The question that I wish to clarify with you is --</p> <p>11 here, when you refer to Atkins' statement that "it is</p> <p>12 proposed to demolish the top portion of D-wall and add</p> <p>13 the required number and diameter of rebar ... [to]</p> <p>14 achieve the full anchorage length with the D-wall</p> <p>15 vertical reinforcement" -- now, am I correct to say</p> <p>16 that -- I wouldn't say the only way -- probably one of</p> <p>17 the ways to achieve such full anchorage length with the</p> <p>18 D-wall vertical reinforcement is by way of the use of</p> <p>19 L-bars; would you agree?</p> <p>20 A. Yes. That's one of the methods, yes, not the only</p> <p>21 method.</p> <p>22 MR KHAW: Thank you. I have no further questions.</p> <p>23 CHAIRMAN: Not the only method?</p> <p>24 A. Not the only method.</p> <p>25 CHAIRMAN: Thank you.</p>

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<p>1 Yes?</p> <p>2 MR SO: Sir, I do have some questions for Mr Gillard.</p> <p>3 I wonder if, sir, you wish me to make a start now, or</p> <p>4 would it be a convenient moment to have the break now?</p> <p>5 I'm entirely --</p> <p>6 CHAIRMAN: Make a start, please, until, say, 11.30.</p> <p>7 MR SO: Of course.</p> <p>8 Cross-examination by MR SO</p> <p>9 Q. Mr Gillard, I represent China Technology. I have some</p> <p>10 questions for you.</p> <p>11 You recall yesterday, when Mr Cohen, your counsel,</p> <p>12 was doing the examination-in-chief with you, he asked</p> <p>13 you to show two types of couplers to the Commission?</p> <p>14 A. Yes.</p> <p>15 Q. Type A and type B. I also recall that you did</p> <p>16 a demonstration before this Commission as to how to</p> <p>17 screw in the rebar into the couplers, and at that</p> <p>18 juncture Prof Hansford actually asked you to stand up.</p> <p>19 Do you recall that point?</p> <p>20 A. Yes, of course.</p> <p>21 Q. Can I trouble the officers of the Secretariat to just go</p> <p>22 back to the transcript of yesterday, which is at</p> <p>23 page 132, line 24. I recall that was actually what you</p> <p>24 said to the Commission. I will just quote it:</p> <p>25 "Okay. So, basically, this bar, you take this bar,</p>	<p>1 as far as I remember, the coupler for connection to the</p> <p>2 slab, yes. But they could be everywhere. It's not ...</p> <p>3 Q. So just to clarify, in the diaphragm wall, the type A</p> <p>4 couplers would be placed horizontally outwards, so it's</p> <p>5 not vertical? When you fix the rebars in the diaphragm</p> <p>6 wall, it's horizontal to the diaphragm wall?</p> <p>7 A. No. The type of the coupler, you can do it vertically.</p> <p>8 I just mention that on this particular project, if</p> <p>9 I recall, this type of coupler was used for the</p> <p>10 connection to the slabs, and therefore they were --</p> <p>11 Q. So, fair enough, just in this project, in the diaphragm</p> <p>12 wall, the type A is horizontal, just in this project?</p> <p>13 A. Okay.</p> <p>14 Q. Is that correct?</p> <p>15 A. Yes. I mean, in this project. Yes, in general, on this</p> <p>16 project. I just don't want to say -- I'm not saying</p> <p>17 that there is not a single type A coupler used beside</p> <p>18 the horizontal position.</p> <p>19 Q. I see.</p> <p>20 A. So I don't know. I haven't checked every single</p> <p>21 coupler, every single drawing, just to make such</p> <p>22 definitive statement.</p> <p>23 Q. Yes, of course. Thank you.</p> <p>24 I understand this is not part of Intrafor's work,</p> <p>25 but insofar as Intrafor is concerned, is Intrafor</p>
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<p>1 and actually what's important is you screw the bar.</p> <p>2 Okay? The key point is actually the bar is screwed</p> <p>3 (demonstrating). Sorry, this is heavy. Okay. So,</p> <p>4 basically, you screw to the turn, so by hand",</p> <p>5 et cetera.</p> <p>6 This is of course not on the transcript but I did</p> <p>7 pay very close attention to your demonstration at that</p> <p>8 time. Just for the record, you held the coupler in your</p> <p>9 left hand, do you recall, and the rebar in your right</p> <p>10 hand?</p> <p>11 A. (Nodded head).</p> <p>12 Q. And you initially attempted to connect the rebar and the</p> <p>13 coupler horizontally; do you recall?</p> <p>14 A. (Nodded head).</p> <p>15 Q. Then I think it was at that juncture you said, "Sorry,</p> <p>16 this is heavy. Okay", and you then demonstrated -- you</p> <p>17 put it vertically and you screwed that in. Is that</p> <p>18 true? Do you recall that moment?</p> <p>19 A. I recall that moment, yes.</p> <p>20 Q. Just to clarify -- there is no criticism whatsoever,</p> <p>21 don't misunderstand -- so for the type A couplers, the</p> <p>22 coupler would be embedded horizontally in the diaphragm</p> <p>23 wall; is that my understanding?</p> <p>24 A. I mean, yes, in general, or maybe all of them, most of</p> <p>25 the type A -- the type are A in this particular project,</p>	<p>1 required to screw the rebars into the coupler, just as</p> <p>2 you demonstrated to the Commission yesterday?</p> <p>3 A. This is a rebar in connection with the slab. We've got</p> <p>4 nothing to do with the slab. So, in this instance,</p> <p>5 there is no -- this is not part of our work, to screw</p> <p>6 the slab bar into the type A coupler embedded into the</p> <p>7 D-wall panel.</p> <p>8 Q. I see. Just leave the type A for the moment.</p> <p>9 You also recall that you did a demonstration on</p> <p>10 type B couplers; correct?</p> <p>11 A. Yes.</p> <p>12 Q. I also recall that you specifically -- when you were</p> <p>13 trying to screw that in, you mentioned that the rebar</p> <p>14 and the coupler has to be exactly the right place in</p> <p>15 order to get it screwed?</p> <p>16 A. Yes.</p> <p>17 Q. Do you agree that when the couplers are fixed on the</p> <p>18 diaphragm wall, so it must be perpendicular, facing</p> <p>19 outwards. In the situation that it has to be in the</p> <p>20 diaphragm wall, it has to be just perpendicular, facing</p> <p>21 outwards, not deviating into other angles, so that it</p> <p>22 could be properly screwed in?</p> <p>23 A. No. I would disagree with that.</p> <p>24 Q. Why? Can you explain?</p> <p>25 A. What is important is -- if the coupler is at a slight</p>

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<p>1 angle, you can still screw the bar. 2 Q. I see. 3 A. What is important is the rebar has to face -- has to be 4 face to face, but it doesn't have to be absolutely 5 perpendicular to the D-wall, yes. 6 Q. So it will be acceptable if it is slightly tilted, if 7 I put it that way? 8 A. Yes. 9 Q. But if it deviates to a degree that is not acceptable, 10 it will be difficult to screw it in, at least? 11 A. What do you call "not acceptable"? Can you define your 12 term "not acceptable"? 13 Q. -- just a degree that would exceed the acceptable range, 14 then it would be somehow difficult to screw that in; can 15 I put it that way, just in layman and general terms? 16 A. Sorry, I don't understand your question. For me, if the 17 bar -- the point I have just explained, if the bar has 18 to be precisely face to face -- you know, it's like 19 screwing -- it's nothing different than a nut on 20 a typical screw, so the thing has to be reasonably 21 aligned, because the thread have very limited tolerance, 22 so for you to be able to engage a bar into the coupler, 23 they've got to be relatively aligned. 24 Q. Aligned to each other? 25 A. Aligned to each other, yes.</p>	<p>1 A. I think I have developed this in my witness statement, 2 but first of all we are at the beginning of the project, 3 and there are some, I would say again, usual teething 4 issues, and I think here we found from time to time we 5 were receiving some rebar where the thread was not -- we 6 could see that the thread was not right. So, when we 7 are trying to install the coupler, when we are fixing 8 the cage, we could see that there was some problem, so 9 we are returning the bars to the supplier. 10 So it was a little bit too frequent at the 11 beginning, so that's why we thought it was necessary to 12 raise it to Leighton, in order to address it. Again, 13 I think I have explained it in my witness statement. 14 Those are usual teething issues, especially at the 15 beginning of the project, yes. 16 Q. I see. I just want to focus on the point of couplers. 17 A. Yes. 18 Q. What type precisely of the poor workmanship of the 19 couplers instead of the threads -- what poor workmanship 20 occurred on the couplers? 21 A. I don't know. What are you referring to? I don't 22 recall. Where? 23 CHAIRMAN: Paragraph 3 says, "Type of non-conformance -- 24 substandard and damaged thread to ends of reinforcement 25 bars" --</p>
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<p>1 Q. And in situations where if it does not align to each 2 other, in your words, not reasonably aligned to each 3 other, it would be not possible to screw them in? 4 A. Yes, you won't be able to engage the connection bar 5 fully inside the coupler, that's correct. 6 Q. Is Intrafor actually responsible for engaging 7 manufacturers to supply the threaded rebars for the 8 couplers? 9 A. No. The bars and couplers were supplied actually by 10 BOSA through Leighton. So actually for us it's Leighton 11 supplying all rebars, couplers and threaded bars to 12 Intrafor. 13 Q. I see. Can I trouble you to go to bundle F3, 14 page F1709. Just for the benefit of the record, this is 15 a letter, of course that was not signed by you, by 16 Intrafor to Leighton. 17 A. Yes. 18 Q. In particular, point 3, you reported that there was a 19 "Type of non-conformance -- substandard and damaged 20 thread to ends of reinforcement bars to be connected 21 with coupler. 22 4. Quality issue -- poor workmanship and quality 23 control on the part of BOSA." 24 Can you tell us what type of poor workmanship 25 actually occurred at that point, if you know?</p>	<p>1 A. Yes. 2 CHAIRMAN: -- which are "to be connected with coupler". So 3 that would suggest it's the reinforcement bars are the 4 subject of criticism -- 5 A. Yes. 6 MR SO: I understand that. I'm focusing on the couplers 7 themselves. Let's focus on the couplers. 8 A. Okay. 9 Q. When you actually put the couplers into the diaphragm 10 wall, I recalled that yesterday you told this Commission 11 that there were caps actually on the couplers? 12 A. Yes. 13 Q. Those caps were to protect the threadings inside the 14 couplers -- 15 A. Yes. 16 Q. -- not to get damaged? 17 A. Yes. 18 Q. So, when Intrafor actually placed those couplers inside 19 the diaphragm wall, would Intrafor remove the cap before 20 pouring the concrete onto the diaphragm wall? 21 A. I don't think so. I mean, if we receive the coupler 22 with a cap on it, we are not going to -- I think there 23 is no reason for us to remove the cap -- 24 Q. So the question is before the concrete was poured to the 25 diaphragm wall, the couplers were still capped by that</p>

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<p>1 cap?</p> <p>2 A. Yes, they should be capped, yes.</p> <p>3 Q. And of course the cap would not be removed before the</p> <p>4 concrete was being poured?</p> <p>5 A. Correct.</p> <p>6 Q. And of course you would not check whether, when the cap</p> <p>7 was removed, the threadings have any problem inside the</p> <p>8 couplers?</p> <p>9 A. If we receive, yes, we don't have any obligation to</p> <p>10 actually -- we don't systematically, if this is your</p> <p>11 question, check the thread of every coupler, that's</p> <p>12 correct.</p> <p>13 MR SO: Sir, I'm about to move to another topic.</p> <p>14 CHAIRMAN: Yes.</p> <p>15 Do you do any random testing in that regard?</p> <p>16 A. I think, as we can see, actually, as evidenced by this</p> <p>17 letter, we do look at what we receive. So the answer</p> <p>18 would be yes, we do check randomly the material that we</p> <p>19 are receiving, yes.</p> <p>20 CHAIRMAN: Sorry, you are moving to another point now?</p> <p>21 MR SO: Yes. Another point.</p> <p>22 CHAIRMAN: Good. Thank you very much.</p> <p>23 How long, Mr Pennicott, 10 or 15?</p> <p>24 MR PENNICOTT: 15, please, sir.</p> <p>25 CHAIRMAN: 15. Good.</p>	<p>1 Q. I see. So the records behind this cover sheet are</p> <p>2 essentially contemporaneous records?</p> <p>3 A. Correct.</p> <p>4 Q. And those in the front are not necessarily</p> <p>5 contemporaneous; it must come later than those</p> <p>6 contemporaneous records?</p> <p>7 A. That's correct.</p> <p>8 Q. I recall that Mr Pennicott yesterday indicated to you</p> <p>9 that some of those panels were actually not signed by</p> <p>10 MTR, not signed by Leighton, or not signed by both MTR</p> <p>11 and Leighton?</p> <p>12 A. Yes, this is correct.</p> <p>13 Q. Can we just turn to page 789, just behind this. It's</p> <p>14 the same panel. It's panel EM98. This is the</p> <p>15 coupler-by-coupler inspection sheets, if I'm correct?</p> <p>16 A. No, this is a cage-by-cage inspection sheet.</p> <p>17 Q. Pardon me, it's a cage-by-cage inspection sheet. As you</p> <p>18 have told us just now, this is also one of the many</p> <p>19 contemporaneous records that were made?</p> <p>20 A. Yes.</p> <p>21 Q. If we can go into details of this sheet, we can see also</p> <p>22 the time, the date, and who actually was present in the</p> <p>23 inspections, et cetera, and --</p> <p>24 A. Yes.</p> <p>25 Q. -- we saw signatures of representatives of MTR, Leighton</p>
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<p>1 MR PENNICOTT: Thank you.</p> <p>2 (11.29 am)</p> <p>3 (A short adjournment)</p> <p>4 (11.48 am)</p> <p>5 CHAIRMAN: Yes.</p> <p>6 MR SO: May it please you, sir.</p> <p>7 Mr Gillard, I wish to turn to the panel forms which</p> <p>8 you discussed with Mr Ian Pennicott yesterday.</p> <p>9 Can I trouble you to go to bundle F1, page F783.</p> <p>10 I trust this is the exhibit that you have provided the</p> <p>11 Commission in the first batch of your witness</p> <p>12 statements, and if you turn to the next page, F784, you</p> <p>13 have also told us yesterday that this is the panel</p> <p>14 record. I wish to go into greater detail into the panel</p> <p>15 record form itself.</p> <p>16 You told us yesterday that the panel record form</p> <p>17 itself is like a cover sheet, a summary sheet?</p> <p>18 A. Yes.</p> <p>19 Q. You also tell us there is a fundamental difference</p> <p>20 between this cover sheet and the information behind this</p> <p>21 cover sheet?</p> <p>22 A. Yes. There should be -- yes, the fundamental difference</p> <p>23 being that this is done after. The sheets behind are</p> <p>24 contemporaneous records, so they are done on the spot,</p> <p>25 yes.</p>	<p>1 and Intrafor?</p> <p>2 A. Yes.</p> <p>3 Q. I also understand that from your evidence yesterday,</p> <p>4 they would also count the bars, count the couplers and</p> <p>5 the space, et cetera?</p> <p>6 A. Yes.</p> <p>7 Q. In the SCL project, I also understand that Intrafor was</p> <p>8 not permitted to progress to the work on the next panel</p> <p>9 or next cage unless MTR, Leighton and Intrafor, all</p> <p>10 three parties, were satisfied with the connections being</p> <p>11 done properly?</p> <p>12 A. Yes, that's correct.</p> <p>13 Q. So all three parties have to inspect it and confirm that</p> <p>14 it is satisfactory standard and then proceed to the next</p> <p>15 stage?</p> <p>16 A. Yes, that's correct.</p> <p>17 CHAIRMAN: You mean the next stage vertically?</p> <p>18 MR SO: Yes, exactly.</p> <p>19 From the cage at the bottom, going up, what I mean</p> <p>20 by the next stage.</p> <p>21 A. Yes.</p> <p>22 MR COHEN: So not moving to the concrete but with it</p> <p>23 connecting with the next panel, to the next stage.</p> <p>24 CHAIRMAN: That's it, yes.</p> <p>25 MR SO: Yes, exactly.</p>

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<p>1 A. Yes.</p> <p>2 Q. You also explained to us in your witness statement that</p> <p>3 this is essentially what the project called -- this is</p> <p>4 a hold point?</p> <p>5 A. Yes.</p> <p>6 Q. So you have to wait.</p> <p>7 Just for illustration, pardon me for being</p> <p>8 long-winded, but I just want to make it clear. For</p> <p>9 example, if we focus on F789, we start from cage 7 to</p> <p>10 cage 6, then after it was done it would be checked by</p> <p>11 MTR, Leighton and Intrafor; is that correct?</p> <p>12 Then you would move up to cage 6, to cage 5, and</p> <p>13 after finish cage 6 to cage 5, again there would be</p> <p>14 a joint inspection by the three parties; is that</p> <p>15 correct?</p> <p>16 A. Yes, this is correct.</p> <p>17 Q. Thank you. So then after, if the whole panel is ready,</p> <p>18 every information is collected, you would prepare the</p> <p>19 sheet on page F784, the panel record, when all those</p> <p>20 contemporaneous records of the whole panel is ready? Is</p> <p>21 that so?</p> <p>22 A. Sorry, can you just repeat what you just said?</p> <p>23 Q. I will repeat myself. After all the contemporaneous</p> <p>24 records were prepared by this panel, then you would</p> <p>25 prepare this page F784, this panel record?</p>	<p>1 are actually part of the submission to -- part of the</p> <p>2 exercise at the end of the project, part of the as-built</p> <p>3 records which are actually submitted to BD."</p> <p>4 A. Yes.</p> <p>5 Q. So first you would submit it to Leighton?</p> <p>6 A. Yes.</p> <p>7 Q. Leighton then submit it to MTR?</p> <p>8 A. I presume, yes.</p> <p>9 Q. And then MTR would submit it back to you?</p> <p>10 A. Where did you -- where did I say that?</p> <p>11 Q. Is it? I'm just having an enquiry with you.</p> <p>12 A. No.</p> <p>13 Q. Because you told me that at the end you would submit it</p> <p>14 to BD, so where did you get those records back?</p> <p>15 A. The same documents are part of the copy of the document,</p> <p>16 the same document, those contemporaneous records, as far</p> <p>17 as I remember, are part of the as-built documentation,</p> <p>18 yes.</p> <p>19 Q. Thank you. You also told us that you would pass those</p> <p>20 documents to the Buildings Department?</p> <p>21 A. Yes.</p> <p>22 Q. And then those records that we already have now before</p> <p>23 the Commission, those are actually the records that you</p> <p>24 have passed to the Buildings Department?</p> <p>25 A. Yes, I think so.</p>
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<p>1 A. Yes.</p> <p>2 Q. Then you told us yesterday that the whole set of</p> <p>3 records, the panel records, the contemporaneous records,</p> <p>4 all those, you would pass it to the contractor, that is</p> <p>5 Leighton; is that correct?</p> <p>6 A. Yes, this is correct.</p> <p>7 Q. And presumably, I don't know whether you know or not --</p> <p>8 you can tell us if you don't -- then this would be</p> <p>9 passed to MTRC?</p> <p>10 A. Yes. I would assume so, yes, I presume. That's part of</p> <p>11 the documentation.</p> <p>12 Q. I see. And it's also your understanding that MTRC would</p> <p>13 pass everything back to Intrafor after that, at the end</p> <p>14 of the whole project?</p> <p>15 A. What do you mean exactly? We don't receive back our</p> <p>16 documentation, no.</p> <p>17 Q. Probably let's go back to the transcript of yesterday,</p> <p>18 Day 2, page 167. You told us, at line 16, your answer</p> <p>19 yesterday:</p> <p>20 "... I'm not 100 per cent, this would have to be</p> <p>21 double-checked, but normally this panel record will be</p> <p>22 submitted to the main contractor, Leighton, for</p> <p>23 submission after to MTR soon after the construction, so</p> <p>24 maybe one week, two weeks after, maximum. We don't keep</p> <p>25 them up to the end, that's normally the trend, and they</p>	<p>1 Q. And you told us that usually it would take approximately</p> <p>2 one week or so to do that and at most two weeks for the</p> <p>3 maximum?</p> <p>4 A. I mean, for us to submit to Leighton, yes, generally,</p> <p>5 yes.</p> <p>6 Q. Generally, one week or so and you will pass it to</p> <p>7 Leighton?</p> <p>8 A. Okay.</p> <p>9 Q. Mr Pennicott yesterday put it to you that actually</p> <p>10 sometimes we get the form signed by three, sometimes by</p> <p>11 two, so it was sometimes. I suggest to you,</p> <p>12 Mr Gillard -- and you can agree or disagree -- would you</p> <p>13 actually agree that almost half of the panel records, up</p> <p>14 to half, were not signed by all the parties?</p> <p>15 MR COHEN: Sorry, can you take him to -- there are several</p> <p>16 sets of panel records in the bundle. Can you take him</p> <p>17 to which set you are talking about?</p> <p>18 MR SO: Sir, I'm saying generally all the panel records,</p> <p>19 half of those were not signed by all the parties.</p> <p>20 CHAIRMAN: My understanding, and I may be in error, is that</p> <p>21 the document we looked at first is like a summary sheet,</p> <p>22 and that the summary sheet literally summarises all the</p> <p>23 contemporaneous documents, so those have all been</p> <p>24 signed, by and large, by everybody, or by the people who</p> <p>25 are required to sign them. But the summary sheets which</p>

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<p>1 come somewhat later are not always signed by everybody. 2 Would that be right? 3 A. This is correct. 4 MR COHEN: Sir, what you have in the bundle is a number of 5 different types of summary sheet. There is the one 6 which we were taken to yesterday, which is the Intrafor 7 summary sheet. There are then, as Mr Gillard deals with 8 in his second statement, also a set of Leighton similar 9 records. So there is an Intrafor version in the bundle, 10 and then there is, sir, a Leighton version. The 11 Leighton versions have different sets of signatures on, 12 and then there is a third set which is sort of the 13 Leighton versions coming back to Intrafor at the end of 14 the day, with all three sets of signatures on. 15 So it's the case, I think you will find in the 16 bundle, that the Intrafor versions, the first 17 generation, if I put it like that, are sometimes signed 18 by Intrafor and other parties and at other times by 19 Intrafor. It's the case that there are Leighton 20 versions and there are sort of two sets of those, as it 21 were, in the bundle. One is an outgoing set from 22 Intrafor to Leighton, where Intrafor has signed the 23 Leighton records. We have not been able to find the 24 incoming versions. Obviously, Leighton must have sent 25 those at some stage to Intrafor to sign. We've not</p>	<p>1 records. So this is a key point and a key message to 2 the Commission as well. 3 CHAIRMAN: Yes. My understanding from yesterday was that 4 those contemporaneous records, they are the ones signed 5 on the spot or just about on the spot that same day. 6 A. Correct. 7 CHAIRMAN: And whoever is going to do the summary sheet, if 8 it's an Intrafor summary sheet, it summarises what's -- 9 A. Exactly. 10 CHAIRMAN: -- taken from those contemporaneous records. 11 A. Exactly. That's what's supposed to happen, yes. 12 MR SO: If you would allow me to repeat your answer, the key 13 point and the key message is the contemporaneous record 14 at the back? 15 A. Yes. 16 Q. So the summary sheet is just putting those things on 17 top? 18 A. Yes. 19 Q. Can I bring you to bundle F17, page F11223. I believe 20 this is a panel record that -- in the words of Mr Cohen, 21 it is the batch that you sent out to MTR. We can see at 22 the right-hand corner it's panel 1AB2. Is that so? 23 Does that accord with your understanding? 24 A. It's a panel 1AB2, so it's a barrette. 25 Q. If we scroll down, we can see MTR has not signed on that</p>
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<p>1 located the incoming but we have located and disclosed 2 most, if not all, of the outgoing versions. 3 And then in transmittal I think it's 990 that's in 4 the bundle, you get a third set which are the Leighton 5 records that we sent out, us having signed, which are 6 then sent back to Intrafor with everyone's signatures on 7 them. 8 So there are three different sets of those summaries 9 but only one of those is an Intrafor summary. 10 CHAIRMAN: All right. 11 So, Mr So, that accords with your understanding, 12 does it? 13 MR SO: That accords with my understanding. I just thought 14 this would be explained by Mr Gillard, but obviously 15 I am most grateful for Mr Cohen for explaining on behalf 16 of Mr Gillard on this point. 17 CHAIRMAN: You can ask Mr Gillard -- 18 MR SO: On his understanding of those panel records. 19 A. Yes. I could have given you the same explanation, yes. 20 Q. Thank you. 21 A. Fundamentally, yes, there are different sets of 22 summaries. The cover sheet, the so-called summary 23 sheets, there are a few different versions, but 24 fundamentally there is only one set of contemporaneous 25 records, and nobody ever changed those contemporaneous</p>	<p>1 record? 2 A. Yes. 3 Q. Leighton has signed it but this is the record that you 4 have sent out? 5 A. Yes. 6 Q. If we just turn to the next panel, that is in the same 7 bundle, F11260, in the same batch, and scroll to the 8 end, where the panel record shows the signature. In the 9 box this time, both Leighton and MTR did not sign. 10 A. Yes. 11 Q. Can you explain why, in the same batch, Leighton signed 12 in panel 1BA2 but not in panel 2BA1? 13 A. I can't explain exactly but the key message -- I think 14 the message to the Commission is, as far as I'm 15 concerned, actually there is no real need for them to 16 sign. Again, it's a summary. 17 What's key for the Commission to look at is whether 18 the actual records behind inspection, when we do the 19 inspection, whether people did sign what they were 20 supposed to sign. 21 Q. I see. So most importantly the cage-to-cage inspections 22 and all those others -- for example, cage-to-cage 23 inspections, all those other contemporaneous records 24 were signed? 25 A. Yes.</p>

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<p>1 Q. Can I just go to the cage-to-cage record that you have 2 just illustrated to us. 3 Bundle F1, page F789. That is also the EM98 record. 4 According to your understanding -- so this sheet is 5 actually the contemporaneous record brought to the 6 construction site? 7 A. Yes. 8 Q. And representatives of MTR, Leighton and Intrafor would 9 actually take this sheet to the construction site with 10 them, when doing the inspection? 11 A. Yes. There is one sheet, I believe, yes. 12 Q. And once they have inspected, they will sign immediately 13 after that, contemporaneous as it was? 14 A. Yes, immediately, more or less, I mean very, very 15 shortly after, yes. 16 Q. I see. I suggest to you that quite a large number of 17 cage-to-cage inspections were actually not signed by all 18 three parties; would you agree? 19 A. Yes. 20 Q. I will just take the Commission to some of those. I'm 21 not going down the list, of course. Can we go to 22 bundle F1, page F951. Can I just go to the bottom of 23 it, the 6th to 7th cage. I observe that Leighton did 24 not sign on this record; is that true? 25 A. Okay, so cage 6 to 7. Yes, we can't see a signature</p>	<p>1 Q. So there was a representative of Leighton at that point; 2 is that your evidence? 3 A. This record is not an evidence but -- 4 Q. No, I'm saying on your evidence, you disagreed with me 5 that -- my suggestion to you was that there were no 6 representatives of Leighton there when the inspection of 7 the 6th and 7th cage occurred. You disagreed; correct? 8 A. There is just a missing signature on this record, yes. 9 Q. So why was it missed, if there was a representative 10 there? 11 A. As I've explained to you, sometimes people say, "I am 12 going to sign", they are called and they go for another 13 inspection, and just forget to come back and sign the 14 paper. 15 Q. You told us that this cage-to-cage inspection form is 16 very important because it is a hold point, in your 17 witness statement; correct? 18 A. This is correct. 19 Q. So, unless all three parties actually inspected it, the 20 next cage could not be constructed? 21 A. But the cage were inspected, yes. 22 Q. But it was, in this instance, certainly not inspected by 23 Leighton? 24 A. How can you say that? 25 Q. At least no one signed on the form.</p>
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<p>1 there. 2 Q. Why has Leighton not signed? 3 A. Probably they missed a signature? Actually, I did ask 4 personally one of our inspectors, Mr KW Tang. I asked 5 him a few questions about how those inspections were 6 performed. I did ask him the question, "Some of the 7 records sometimes with missing signature, what's the 8 reason?" His answer, he said, okay, inspection took 9 place, but sometimes someone is called and you go away 10 and they forget to come back and to actually do the 11 signature. So he admits that sometimes people were 12 forgetting to put the signatory in front of everything. 13 But fundamentally, the message he passed to me and 14 he confirmed to me that the inspections were always 15 taking place, so the absence of what message he gave to 16 me, and I'm reassured with that, is that the absence of 17 some signature on some of the drawings should not be 18 interpreted as inspection not taking place. The 19 inspection took place. 20 Q. Definitely not trying to be blunt but just trying to be 21 precise: it is not Leighton forgetting to sign but there 22 were no representatives of Leighton in place when, for 23 example, take this as an example, the inspection of 24 cage 6 to 7 was actually conducted? 25 A. No, I disagree with that.</p>	<p>1 A. Okay. So then I also mention in my witness statement 2 that there are some other forms, called the RISC forms, 3 which are actually part of the quality system which is 4 a system which runs in parallel between Leighton and 5 MTR, and if you take the RISC form -- I think maybe we 6 should try to identify the RISC form -- actually, let's 7 go back on the cover sheet. I think, on this particular 8 panel, we make reference to the RISC form, and the RISC 9 form is signed by Leighton and MTR, confirming that all 10 the cages were inspected and found satisfactory. 11 There is another form where you've got signature 12 basically regarding the same information, ie that all 13 cages were inspected and found to be compliant, which 14 I think is signed by Leighton and MTR, or MTR confirming 15 that they're happy with that. 16 Q. So now it's not the contemporaneous record that was the 17 key; it was the RISC form now? 18 A. No. Sorry? 19 Q. I'm a bit confused. So is this contemporaneous record 20 accurate or most accurately reflect what happened during 21 the inspection? 22 A. No. It's a true reflection of what happened. I'm just 23 explaining that there are other documentation -- 24 Q. I see. 25 A. -- which also -- which are imposed. This is also why</p>

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<p>1 you can miss some of the signatures. I have to explain 2 to the Commission that the documentation, all the 3 records which we need to fill, to record, that's for 4 right purpose, all the construction process, actually 5 this documentation is passed. So it's not unusual to 6 have some missing signature, and I would go further by 7 saying I am quite pleased to see that sometimes 8 signatures are missing because to me this is an evidence 9 that those records are done on the spot and are not just 10 done after, back in the container, in the site office, 11 two or three days after. 12 So I would have all the documents, every signature, 13 on every single piece of document -- we are talking 14 about thousands of signatures -- for me, it would raise 15 some questions. 16 So, sorry, but I think -- and more importantly, I 17 would say MTR's signature is there. So it's MTR that 18 has the authority to release the hold point. It's not 19 Leighton. So ... 20 Q. I see. Can I bring you to bundle F17, page F11220. 21 Cage 2 to cage 1. 22 A. Yes. 23 Q. In this cage, there were no signatures whatsoever by any 24 parties. 25 A. Yes.</p>	<p>1 were simply not present, for whatever reason were not 2 present, on 3 January 2014 at 1730 hours, when cage 2 to 3 cage 3 inspection took place, representatives of MTR 4 were not there; would you accept that? 5 A. No, I don't accept that. 6 Q. You don't accept that? All right. Actually, this 7 situation happens not just sometimes but quite often, 8 that there are a lot of cage-to-cage inspection forms 9 were not signed by all parties; would you accept that? 10 A. Yes. 11 MR SO: Sir, I'm entirely in your hands, but I don't 12 propose, unless you wish to, to go through each and 13 every single document that there are missing signatures. 14 CHAIRMAN: Mr Gillard has accepted that there would be 15 occasions, indeed quite regularly, when not all three 16 parties would sign. My understanding is that he's 17 saying that he's satisfied, however, that 18 representatives of all three parties would have been 19 there, and particularly MTR, from my understanding of 20 his evidence, because they hold the power to say, 21 "Sorry, this is a hold point", and if Mr Gillard had 22 gone ahead and concreted, they could have had the power 23 to say -- 24 A. Sure. 25 CHAIRMAN: -- "Knock it all down and start again."</p>
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<p>1 Q. So was the inspection actually taken out? 2 A. Yes. 3 Q. All right. Then back to cage 2 to cage 3, just below. 4 This time, MTR's signature is not there. 5 A. Yes. 6 Q. So did MTR actually send representatives to attend the 7 inspections? 8 A. Yes. MTR was always there. When we are having 9 inspection, we will never -- we would never lower 10 down -- I mean install a cage without having carried out 11 the inspection and for all three parties to find it 12 satisfactory. 13 Q. Just so I don't misunderstand your evidence, so you say 14 MTR was always there but they didn't sign it? 15 A. I think this is another example where this document was 16 not signed, but I would invite again you to look at the 17 RISC form, which records more or less the same thing. 18 So there is maybe another piece of document to give you 19 evidence that -- where MTR is confirming that they found 20 the cage satisfactory and they did inspect. So, yes, 21 sometimes some of the signatures are missing on some of 22 the forms. 23 Q. Let's just put the RISC form aside, Mr Gillard. On the 24 inspection where this cage-to-cage inspection form was 25 produced, would you accept that representatives of MTR</p>	<p>1 A. Exactly. 2 CHAIRMAN: I understand entirely what you're saying, but I'm 3 not making any finding, I just think we know what the 4 evidence is, and to go through each document we will 5 Mr Gillard saying, "Yes, I appreciate that, but it 6 doesn't change what I'm saying." 7 MR SO: Yes. 8 Would you fairly accept that none of the panel forms 9 and the contemporaneous records were actually signed by 10 you yourself, Mr Gillard; none of them? 11 A. This is correct. 12 Q. Being the general manager of Intrafor, you would also 13 fairly accept that you did not give direct orders for 14 the construction whatsoever? 15 A. This is correct. 16 Q. So only gathered the information from the written 17 records when you were preparing your witness statements? 18 A. And some discussion that I had with some of my staff, 19 yes. And also I visited the site as well, so ... 20 Q. Fair enough. Can I bring you to your witness statement, 21 which is in F1, page F38, paragraph 36. You mentioned 22 that on occasions, MTR would measure exposed threads 23 with a tape measure, and they would also randomly 24 unscrew the couplers, and you also vividly describe that 25 on occasions they would attempt to slide a piece of</p>

Page 69	1 paper between the two ends. 2 A. Yes. 3 Q. On those occasions, were you actually on the site? 4 A. No. For example, this is what Mr KW Tang explained to 5 me when I asked him exactly in detail what was 6 happening, how or what was inspected, and so on. So 7 this is what he explained to me. 8 Q. I note from your answer yesterday that as part of the 9 as-built records, you would have to submit these panel 10 forms together with the contemporaneous records to the 11 Buildings Department. 12 A. Yes. 13 Q. So I understand that Intrafor is a registered specialist 14 contractor on foundation works? 15 A. Yes. 16 Q. And this is not part of the specialist that Leighton, 17 although he is the contractor, enjoys, this position as 18 a specialist contractor on foundation works? 19 A. Correct. 20 Q. In paragraph 43 of your witness statement, which is in 21 F40, you have indicated to the Commission that after 22 reviewing those records which obviously includes the 23 panel forms and the cage-to-cage inspection forms, and 24 you were satisfied that each and every coupler was 25 individually supervised and inspected, I suggest to you	Page 71	1 MR SO: All right. I will rephrase my questions, in that 2 case. 3 Mr Gillard, so, after reviewing the panel records 4 and the cage-by-cage inspection forms, would you be 5 satisfied that the couplers have been individually 6 supervised and inspected by Leighton? 7 A. Yes, I am satisfied. 8 Q. Again, after reviewing the panel records and the 9 cage-by-cage inspection forms, would you be satisfied 10 that each coupler was individually supervised and 11 inspected by MTR? 12 A. Yes. 13 Q. Just a last bit of my cross-examination. Can I bring 14 you to F -- I do apologise, I do not have the bundle 15 number, but it's F13932. For your reference, 16 Mr Gillard, this is panel EH111A and this is the 17 cage-by-cage inspection form that we are looking at. 18 Can I ask you to focus on the top of the 19 cage-by-cage inspection form. We can observe that at 20 the top of the inspection form there is an inverted 21 U-bar in the diaphragm wall; is that correct? 22 A. Yes. 23 Q. This is definitely also, this time, inspected and signed 24 jointly by MTR, Leighton and Intrafor? 25 A. Yes, it appears.
Page 70	1 that could not be the situation. Would you agree? 2 A. I think I have amended this statement maybe in my 3 second -- maybe there is an amendment to paragraph 43 in 4 my second statement, I think. 5 Q. I note that, but would you accept that this would not be 6 correct? 7 A. Sorry, what is not correct? 8 Q. In light of your inspection of the panel forms and the 9 cage-to-cage inspection forms, you would not accept -- 10 you would not satisfy yourself that each coupler was 11 individually supervised and inspected? 12 MR COHEN: Sorry, could you possibly ask by whom, because 13 the answer may be different between individually 14 inspected by Intrafor or Leighton or MTR. 15 MR SO: I'm just lifting from paragraph 43 of your witness 16 statement, which Mr Gillard said that each connection 17 and coupler was individually supervised and inspected. 18 I suppose I would not limit my question as to which 19 party Mr Gillard is referring -- 20 MR COHEN: If the witness -- sir, the witness has indicated 21 that he has clarified, in a subsequent witness 22 statement, paragraph 43, and so the question, with 23 respect, I submit, should be put stage by stage, 24 Intrafor, Leighton, MTR, or, if he wants a compound 25 question, then he has to have a compound answer, sir.	Page 72	1 Q. And the date of that was -- pardon me if I'm wrong, it 2 should be 31 March 2014 at 1530 hours. 3 Then turn to another piece of document. This is I1, 4 page I95. This is the document of -- the construction 5 drawings of Hung Choi, which is your sub-contractor, and 6 the same -- we can see at the top of the construction 7 plan that there was an inverted U-bar. Is that so? 8 A. What is the question, sorry? 9 Q. At the top of I95, in this construction drawing of 10 Hung Choi -- 11 A. Yes. 12 Q. -- which is your sub-contractor -- 13 A. Yes. 14 Q. -- you can see the inverted U-bar there? 15 A. There is no construction drawing of Hung Choi here, 16 first of all. I don't know. 17 Q. The drawings you provided to Hung Choi. 18 A. Yes. 19 Q. I do apologise. This is also the case in I98, which we 20 can also see at the area -- under "Detail C" there is 21 that inverted U-bar? 22 A. Yes. 23 Q. May I cast your mind to another document. This is 24 H5510. This is a checklist for Form BA14. Insofar as 25 I understand, this is the report for completion sent to

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<p>1 the Buildings Department.</p> <p>2 Can I bring you to the next page, H5511. This</p> <p>3 report was prepared by the consultant. At</p> <p>4 paragraph 4 -- I quote from paragraph 4:</p> <p>5 "The U-bars located at top of diaphragm wall shown</p> <p>6 on record plan is not agreed with the actual constructed</p> <p>7 with no U-bars at top of D-wall as informed by MTR's</p> <p>8 representative Mr Kingsley, and amendment will be</p> <p>9 submitted as soon as possible."</p> <p>10 That is reviewed in EH -- at the top, you can see</p> <p>11 that it also includes the panel that I have just shown</p> <p>12 you with the photographs. Is that so?</p> <p>13 A. I'm just -- I'm listening to you. I don't know what</p> <p>14 you're trying to establish, to be honest.</p> <p>15 Q. Can you explain why -- can you assist this Commission as</p> <p>16 to why the inverted U-bar was actually not present when</p> <p>17 the consultant actually inspected the diaphragm wall?</p> <p>18 A. I cannot answer to you right now. I would have to look</p> <p>19 at the documents. I've just been shown some -- I need</p> <p>20 to analyse, if you want me to.</p> <p>21 MR SO: Thank you, sir. There's no further questions.</p> <p>22 CHAIRMAN: Thank you.</p> <p>23 Mr Pennicott?</p> <p>24 MR PENNICOTT: Sir, if anybody wants to re-examine, it can</p> <p>25 only be Mr Cohen.</p>	<p>1 yes, we are following those, the procedures and the</p> <p>2 documents, which have to be filled in, as explained in</p> <p>3 those different quality control or quality management</p> <p>4 documents, yes.</p> <p>5 I don't know if I've answered your question.</p> <p>6 COMMISSIONER HANSFORD: Thank you.</p> <p>7 CHAIRMAN: Can I ask just one thing: could you just, very</p> <p>8 briefly, if that's possible, help me -- you've got</p> <p>9 a cage which is at the bottom, and then you've got</p> <p>10 a series of cages built on top of them. They are linked</p> <p>11 together and are secured. And at one point nearer the</p> <p>12 top, those cages have to have the ability to link in</p> <p>13 with the slabs that are going to come across</p> <p>14 horizontally.</p> <p>15 A. Mmm.</p> <p>16 CHAIRMAN: How do you ensure that the rebars coming out of</p> <p>17 the slabs will be able to fit into the couplers that are</p> <p>18 in the diaphragm wall? I mean is each cage measured as</p> <p>19 to its height?</p> <p>20 A. Yes, exactly, yes. Each cage is measured -- each cage</p> <p>21 fabricated according to the shop drawings, which clearly</p> <p>22 spell out what should be the dimension of the cage. So</p> <p>23 this includes the position of the coupler, which are the</p> <p>24 starter bar -- I mean the coupler to which the</p> <p>25 reinforcement for the slab will be connected to, and</p>
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<p>1 CHAIRMAN: Yes, of course.</p> <p>2 MR COHEN: Sir, might it be possible just to take 10 to</p> <p>3 15 minutes? Unusually, of course, those instructing me</p> <p>4 are not sitting behind me, so therefore there are</p> <p>5 a couple of matters on which I need to seek</p> <p>6 instructions. I don't imagine my re-examination will</p> <p>7 take much more than ten minutes.</p> <p>8 CHAIRMAN: All right.</p> <p>9 Peter, did you want to ask anything?</p> <p>10 Questioning by THE COMMISSIONERS</p> <p>11 COMMISSIONER HANSFORD: Yes. Thank you, Chairman.</p> <p>12 It would help me to understand a little bit about</p> <p>13 the management of documentation. Mr Gillard, you've</p> <p>14 explained that the documentation here is vast.</p> <p>15 A. Yes.</p> <p>16 COMMISSIONER HANSFORD: Could you describe to us Intrafor's</p> <p>17 document information management system for this project,</p> <p>18 particularly how quality assurance records are stored</p> <p>19 and managed?</p> <p>20 A. Yes, okay. So we've got some -- we've got company</p> <p>21 quality management system, then we've got the project</p> <p>22 quality plan, which basically describes how quality</p> <p>23 should be managed on a specific project, so making</p> <p>24 reference to the project-specific requirement. Then</p> <p>25 after we've got method statement, IATPs. So, basically,</p>	<p>1 then after you've got some construction tolerance, yes.</p> <p>2 CHAIRMAN: It would strike me that there must be occasions,</p> <p>3 however, when your diaphragm wall is there with the</p> <p>4 little red coupler --</p> <p>5 A. Yes.</p> <p>6 CHAIRMAN: -- covers, and you start to put the slab across</p> <p>7 and they don't align. Does that ever happen?</p> <p>8 A. Yes, this can happen, yes, sometimes.</p> <p>9 CHAIRMAN: What do you do?</p> <p>10 A. After, it's for the sub-contractor who is in charge of</p> <p>11 the slab to actually find what's the best solution, but</p> <p>12 first of all, I think in this case there was not -- if</p> <p>13 I recall correctly -- many instances of coupler being</p> <p>14 outside of the tolerance, and after, I would say</p> <p>15 normally you will drill and try -- basically, you will</p> <p>16 reposition by drilling a coupler inside the D-wall.</p> <p>17 So ...</p> <p>18 CHAIRMAN: So reposition the coupler inside the diaphragm</p> <p>19 wall?</p> <p>20 A. You will drill, okay, you will drill and put a new</p> <p>21 starter bar in order to be able to connect. So you will</p> <p>22 create a new connection.</p> <p>23 CHAIRMAN: Okay. Good. So the answer to misalignment is</p> <p>24 the job of creating a new connection point?</p> <p>25 A. Yes.</p>

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<p>1 CHAIRMAN: Right. Is that a bit laborious? In other words, 2 it's going to take a bit of time? 3 A. Yes. If you've got hundreds of them, yes, it's going to 4 take some time, but if you've got a few connections to 5 redo per panel, it doesn't take so much time. 6 CHAIRMAN: And you have to make good, obviously, before 7 securing? 8 A. Of course. 9 CHAIRMAN: So you are going to have to put new concrete in 10 and -- 11 A. Actually, you don't use concrete. You use some special 12 chemical actually to make the connections. So it's 13 not -- but it's still some work because you need to 14 drill, you need to install, so it's not something you do 15 in five minutes. But it's not -- the key point is, if 16 you don't have hundreds of them, it should not be too 17 long. If you've got massive works, if all the 18 connections are not where they should be, then, yes, 19 it's going to be a problem. 20 CHAIRMAN: Thank you. 21 Would you like a little time? 22 MR COHEN: Sir, if I might. Thank you. 23 CHAIRMAN: Good. Would you let the Secretariat know as soon 24 as you are ready to start again? 25 MR COHEN: Absolutely. Thank you, sir.</p>	<p>1 not, I can just read it out. 2 CHAIRMAN: I think just read it out. 3 MR COHEN: There's a question at the bottom of page 45, from 4 line 25: 5 "Question: I'm just trying to say -- I don't 6 understand -- just a degree that would exceed the 7 acceptable range, then it would be somehow difficult to 8 screw that in ..." 9 We are talking about the rebars and alignment. 10 "Can be put it that way, in general terms." 11 And at the top of the next page of the transcript, 12 your answer was: 13 "Sorry, I don't understand your question. For me, 14 if the bar -- the point I have just explained, if the 15 bar has to be precisely face to face -- you know, it's 16 like screwing --" 17 Then you go on at line 9 to refer to "because the 18 thread [has a] very limited tolerance." 19 If you could please go -- and my apologies, I do not 20 have the F bundle but I believe it will be -- it's 21 page 1429 in F, so it will be, I think, in about F2. 22 Page 1429. 23 At (5) -- this is a document Mr Pennicott took you 24 to yesterday in relation to tolerances. Can you tell 25 the Commission or can you comment on paragraph (5),</p>
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<p>1 (12.33 pm) 2 (A short adjournment) 3 (12.55 pm) 4 CHAIRMAN: Sorry, just before we start, for interest of 5 those who are present, there's a press release out. 6 I don't know if you're aware of it. 7 MR PENNICOTT: Sir, if it's about the interim report no. 1, 8 I have a copy of it. 9 CHAIRMAN: You are way ahead of us. Okay. We imagined that 10 might be the case. 11 MR PENNICOTT: Yes, sir. I think one or two people in the 12 room know already, but for those who haven't picked it 13 up, the expert adviser team of the government has 14 published its interim report this morning, we 15 understand, but have not yet read all of it. 16 CHAIRMAN: Hopefully you can digest that over the lunch 17 hour. 18 MR PENNICOTT: Thank you very much, sir! 19 CHAIRMAN: Mr Cohen. 20 Re-examination by MR COHEN 21 MR COHEN: Thank you, sir and professor. 22 You were asked some questions this morning, and if 23 we could go, please, to the end of page 45 of the 24 [draft] transcript from today and pick it up at line 25. 25 I don't know whether it's easy to display that. If</p>	<p>1 please. 2 A. Okay. These are the detail of the tolerances in 3 positioning reinforcement and couplers. So you are 4 talking about -- so longitudinal clearance of cage, so 5 it's basically measure the top, so it's basically 6 plus/minus 75mm, plus 1:100, which is the verticality of 7 the -- the tolerance and the verticality of the panel, 8 so it's a compound, basically, tolerance. Then after we 9 have a vertical tolerance which is also plus/minus 75mm 10 for the first 25 metres below the guide wall level, and 11 if it's deeper, the tolerance increases to 100mm. Then 12 after we've got the lateral tolerance which is basically 13 on the width, along the width of the panel, so basically 14 the cage and the coupler can be plus/minus 25mm. 15 Q. If you combine those tolerances, does that produce, or 16 not produce, a three-dimensional tolerance? 17 A. Yes, it does. 18 Q. Thank you. 19 You were asked some questions also this morning 20 about panel records, in particular drawings attached to 21 panel records -- 22 A. Yes. 23 Q. -- that didn't have signatures. 24 A. Yes. 25 Q. And you gave some evidence about inspections taking</p>

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<p>1 place.</p> <p>2 Can you please be taken to B16, page 13654. That is</p> <p>3 the start of a reply statement from Wong Chi Chiu from</p> <p>4 MTR.</p> <p>5 If you could then be taken a few pages on to B13658.</p> <p>6 Could you please read paragraph 7.1 and 7.2 which goes</p> <p>7 over the page. So, when you've got to the end of 7.2,</p> <p>8 can you tell us, and then we can just move on. Can you</p> <p>9 read those paragraphs from Mr Wong's statement.</p> <p>10 A. Yes, I read 7.1.</p> <p>11 Q. If we could then go, please, to the top there and just</p> <p>12 read those first three lines.</p> <p>13 A. Yes.</p> <p>14 Q. Do you have any comments on what Mr Wong has put in</p> <p>15 those two paragraphs? Do you agree, disagree, or have</p> <p>16 any comments?</p> <p>17 A. I agree with those comments, yes.</p> <p>18 Q. I understand -- I'm not sure whether you're able to help</p> <p>19 us with this or not -- but Wong Chi Chiu is also known</p> <p>20 as Kobe Wong?</p> <p>21 MR PENNICOTT: Yes.</p> <p>22 A. Yes.</p> <p>23 MR COHEN: Thank you. I have no further questions, sir.</p> <p>24 CHAIRMAN: Good.</p> <p>25 Questioning by THE COMMISSIONERS</p>	<p>1 connect it, so we are doing the connection</p> <p>2 (demonstrating).</p> <p>3 So at this time, to answer your question, so the</p> <p>4 cage is suspended, to answer your question, to a crane,</p> <p>5 yes.</p> <p>6 COMMISSIONER HANSFORD: Just to be clear, the upper cage is</p> <p>7 being suspended from a crane --</p> <p>8 A. Yes.</p> <p>9 COMMISSIONER HANSFORD: -- and the lower cage is being</p> <p>10 supported on the support mechanism that you've just</p> <p>11 discussed?</p> <p>12 A. Exactly.</p> <p>13 COMMISSIONER HANSFORD: And, in relation to those cages,</p> <p>14 where would the inspectors be? Where would they be</p> <p>15 located?</p> <p>16 A. They will be on the ground, and they will be facing,</p> <p>17 actually, more or less the connection, so it's very easy</p> <p>18 to have access -- it's very easy for them, if this is</p> <p>19 your question, to actually do the inspection of the</p> <p>20 connection itself, and they will be able to visualise at</p> <p>21 the same time the cage, yes.</p> <p>22 CHAIRMAN: Once that's done, then the bottom one is lowered?</p> <p>23 A. Exactly.</p> <p>24 CHAIRMAN: Then the next one up is supported again?</p> <p>25 A. Exactly.</p>
<p>Page 82</p> <p>1 COMMISSIONER HANSFORD: Mr Gillard, while we have you here,</p> <p>2 the chairman and I are trying to visualise the</p> <p>3 inspection process of the cage-to-cage connections.</p> <p>4 Would we be right in saying that at the time of the</p> <p>5 connection between a lower cage and an upper cage, both</p> <p>6 cages are being suspended? How does it actually work?</p> <p>7 Could you explain to us what is happening to the cages</p> <p>8 at the time that the inspection is being made, and where</p> <p>9 in relation to the cage are the inspectors? We'd like</p> <p>10 to understand that.</p> <p>11 A. Okay. So actually the cage which is inside the panel is</p> <p>12 partially inserted and actually it's supported using</p> <p>13 some beams which are actually inserted through the cage</p> <p>14 and actually -- so the bottom cage is at the end</p> <p>15 supported on top of what we call the guide walls. The</p> <p>16 guide walls are here to support the cage.</p> <p>17 Then you've got some bars, the portion which needs</p> <p>18 to be connected, which would typically be about, on this</p> <p>19 project, 1 metre, 1.5 metres maximum, I would say about</p> <p>20 1 metre above ground level. I think we can see it on</p> <p>21 the picture described yesterday, typical. So basically</p> <p>22 this is 1.5 metres.</p> <p>23 Then you have the cage that we are trying to connect</p> <p>24 will be lifted by either a crane or -- generally, it was</p> <p>25 a crane on this project. So we present it, so we</p>	<p>Page 84</p> <p>1 CHAIRMAN: And then another one comes in?</p> <p>2 A. Exactly.</p> <p>3 CHAIRMAN: And then you have the inspection again?</p> <p>4 A. Exactly.</p> <p>5 CHAIRMAN: How often would those inspections take place in</p> <p>6 respect of one diaphragm wall?</p> <p>7 A. Okay.</p> <p>8 CHAIRMAN: Every couple of days?</p> <p>9 A. No, no, much more often than that. If you look at the</p> <p>10 quality -- I recall actually it's very easy to trace</p> <p>11 that you've got -- depending on the cage, how big --</p> <p>12 you've got some big and smaller cages. If the cage is</p> <p>13 bigger, of course the connection itself is going to take</p> <p>14 longer because we have to do the connection, we do our</p> <p>15 own inspection prior to call for Leighton and MTR to</p> <p>16 actually do the connection.</p> <p>17 But in short you would see that generally they are</p> <p>18 going to make two or three connections per day.</p> <p>19 CHAIRMAN: Per day?</p> <p>20 A. Per day, yes.</p> <p>21 MR PENNICOTT: Sir, we've got some photographs that might</p> <p>22 help.</p> <p>23 CHAIRMAN: Excellent. Thank you very much.</p> <p>24 A. So it's a very repetitive process.</p> <p>25 MR PENNICOTT: The one on the top left to start with.</p>

Page 85	1 CHAIRMAN: There it is, yes. 2 So the ideal way it works -- and obviously the 3 practical way too -- is that you will check each cage 4 first, to make sure that it meets the specifications, 5 and that any couplers that are there are correctly 6 placed, ready to be coupled with the next one, and that 7 they've been properly fastened with any cage below? 8 A. Yes. The focus of the inspection will be -- 9 CHAIRMAN: And when you get to a portion or one of the cages 10 which is eventually going to link in with a horizontal 11 slab, then you will have to check that those couplers, 12 with their red or yellow plastic covers on, are in 13 position. Then you will call MTR and Leighton? 14 A. Yes. 15 CHAIRMAN: And their people will come along and have a look? 16 A. Yes. 17 CHAIRMAN: Okay. Then you will sign? 18 A. Yes. 19 CHAIRMAN: Can I ask one thing -- it was just raised -- in 20 this day of technology, even waiters in restaurants in 21 some parts of the world, you're asked what you want and 22 they just go tick, tick, tick on these magic little 23 boxes called iPhones or similar. Do you not have 24 something similar that can be used on a building site 25 where everyone says, "Yes, we agree", click, click,
Page 87	1 one you see on the ground which is going to be lifted 2 probably from the other end of the cage to the end 3 closer to the crane, and typically here, yes, you see 4 this is a typical connection of the bottom of a cage to 5 be installed, because you can see all the couplers. So 6 these are the couplers which are going to be the rebar 7 to be equipped with couplers, so type B, which is going 8 to be lifted up and presented on top of the thread of 9 the next one, yes. 10 CHAIRMAN: And those are going to be A couplers? 11 A. No. 12 CHAIRMAN: Sorry. 13 A. B coupler, position. 14 CHAIRMAN: B coupler. They are B, these ones, right? 15 A. Yes, position type, yes, exactly. 16 CHAIRMAN: Okay. 17 A. Type B coupler. 18 CHAIRMAN: I just have one question in respect of this, 19 actually. Is it meant to be -- there's a thread here. 20 A. Yes. 21 CHAIRMAN: Is it meant to be that there's a little bit of 22 thread here and a little bit of thread here (indicating 23 physical exhibit) or not, or at the end of it, when you 24 connect it, do you just have thread at one end? 25 A. I think, if I'm totally correct, there is a little bit
Page 86	1 click? 2 A. Not yet but I'm working on it, actually. 3 CHAIRMAN: Thank you very much. 4 Further examination by MR PENNICOTT 5 MR PENNICOTT: Sir, can I just follow up on that? If you 6 see the photograph put up there, you can see the crane 7 dropping in the rebar cage. 8 Can I just ask Mr Gillard if he can explain the 9 actual cages that are lying down horizontally, you 10 see -- 11 A. Yes. 12 Q. -- presumably, Mr Gillard, that's for the next cage or 13 cages to go in? 14 A. Exactly, yes. 15 Q. And what do we see on the end, the silvery bits at the 16 end? 17 A. Yes, we can see the couplers, they are actually 18 installed. 19 Q. That's the couplers. Okay. 20 A. So actually, as I explained, this one is going to be -- 21 the next cage probably after this one is going to be 22 lifted up. So once the cage that we see currently being 23 suspended by the crane -- once this one will be 24 installed and inspected and lowered inside the panel, 25 probably, I guess, the next cage to be installed is the
Page 88	1 of tolerance. I think there is one thread at the 2 bottom, there is some tolerance so the thread -- I think 3 you can have some exposed thread at the bottom, if this 4 is your question. 5 CHAIRMAN: Yes, because if one does it, you can end up 6 having some thread on this side and on that side. 7 A. Yes, yes. No, but there's a maximum actually. 8 CHAIRMAN: So there's some tolerance either side? 9 A. Exactly, exactly. 10 CHAIRMAN: So if a photograph showed some thread underneath 11 and some thread above, that wouldn't necessarily mean 12 that it was wrongly connected? 13 A. This is correct. Again, it's up to the tolerance. 14 CHAIRMAN: Right. Good. 15 Is there anything arising from those who wish to 16 ask? 17 MR PENNICOTT: Just for the purposes of the transcript, this 18 is one of a series of quite helpful photographs on this 19 particular topic supplied by MTR. I'm afraid it's not 20 in the hard copy, we've only got this in the electronic 21 bundle, but it's B5/44_12a, if anyone is looking for it. 22 As I say, there are quite a few photographs in this 23 sequence which shed light on this particular point. I'm 24 looking at the date and it looks as though it's 25 September 2013. Whether we can actually hone it down to

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<p>1 a particular panel, I'm not sure, but we may be able to.</p> <p>2 CHAIRMAN: Good.</p> <p>3 COMMISSIONER HANSFORD: I don't think that's necessary.</p> <p>4 CHAIRMAN: That has been of assistance to us. Thank you.</p> <p>5 MR COHEN: Sir, I have no re-examination arising.</p> <p>6 CHAIRMAN: Good. We normally return at 2.15, but to give us</p> <p>7 an hour and a quarter, we will return at 2.30.</p> <p>8 MR PENNICOTT: Thank you very much.</p> <p>9 CHAIRMAN: Are you able to say who the next witness is?</p> <p>10 MR PENNICOTT: Yes, I am, sir. Mr Wong from Hung Choi is</p> <p>11 the next witness.</p> <p>12 CHAIRMAN: Does that mean Mr Gillard can be excused?</p> <p>13 MR PENNICOTT: As far as I'm concerned, yes.</p> <p>14 CHAIRMAN: Sorry, Mr Boulding.</p> <p>15 MR BOULDING: No. I was just getting up because I thought</p> <p>16 we were all going.</p> <p>17 CHAIRMAN: Mr Gillard, thank you so much for all your</p> <p>18 assistance. You needn't come back but please just be</p> <p>19 aware that somebody may wish to call you at some stage,</p> <p>20 in which case you will be contacted again.</p> <p>21 WITNESS: Then I can come back. Thank you.</p> <p>22 CHAIRMAN: Thank you very much. 2.30.</p> <p>23 (The witness was released)</p> <p>24 (1.12 pm)</p> <p>25 (The luncheon adjournment)</p>	<p>1 coming along to give evidence today to the Commission.</p> <p>2 You have provided us with three witness statements,</p> <p>3 Mr Wong. The first is at bundle I, page 100. Mr Wong,</p> <p>4 if you go to page 100, can you confirm that this is your</p> <p>5 first witness statement?</p> <p>6 A. Yes.</p> <p>7 Q. If you go, please, to page 103, is that your signature?</p> <p>8 A. Yes, correct.</p> <p>9 Q. And this is the statement you made on 21 September 2018?</p> <p>10 A. Yes.</p> <p>11 Q. For everybody else's benefit, the English translation of</p> <p>12 that statement is at bundle I/104 through to 107.</p> <p>13 Mr Wong, your second witness statement, I believe,</p> <p>14 is at bundle I, page 111. Do you have that?</p> <p>15 A. Yes, got it.</p> <p>16 Q. If you would be good enough, please, to turn to</p> <p>17 page 116 -- again, is that your signature?</p> <p>18 A. Yes, correct.</p> <p>19 Q. And your second statement made on 3 October 2018.</p> <p>20 Again, for everybody else's benefit, the English</p> <p>21 translation is at I117 to 122.</p> <p>22 Then thirdly, Mr Wong, if you could turn to page 124</p> <p>23 in bundle I, is that your third statement, or second</p> <p>24 supplemental statement?</p> <p>25 A. Yes, correct.</p>
<p>Page 90</p> <p>1 (2.32 pm)</p> <p>2 MR PENNICOTT: Sir, before we start, I have committed</p> <p>3 something of a faux-pas, and indeed I need to put it</p> <p>4 right immediately otherwise I will be accused of</p> <p>5 favouring one party over the other. I am told that it</p> <p>6 is also Mr Jat Sew Tong's birthday today as well.</p> <p>7 Sir, the next witness is Mr Wong, Mr Wong Yiu Mo.</p> <p>8 He is here and has his headphones on, so I hope</p> <p>9 everything is being interpreted to you, Mr Wong. Is</p> <p>10 that right? Can you hear me?</p> <p>11 WITNESS: (Via interpreter) I'm waiting for interpretation.</p> <p>12 MR PENNICOTT: Right, Mr Wong. Can we try again? Can you</p> <p>13 hear me?</p> <p>14 WITNESS: (Via interpreter) Yes, I heard you.</p> <p>15 MR PENNICOTT: Sir, Professor, are you hearing us loud and</p> <p>16 clear?</p> <p>17 CHAIRMAN: Yes.</p> <p>18 MR PENNICOTT: Is anybody else having any problems? Sir,</p> <p>19 obviously this is the first time we have used the</p> <p>20 system, so let's keep our fingers crossed.</p> <p>21 MR WONG YIU MO (affirmed in Puntì)</p> <p>22 (All answers given via simultaneous interpreter</p> <p>23 except where otherwise specified)</p> <p>24 Examination by MR PENNICOTT</p> <p>25 Q. Thank you very much, Mr Wong. Thank you very much for</p>	<p>Page 92</p> <p>1 Q. And at page 126, do we see -- or perhaps 125 -- your</p> <p>2 signature on this statement made on 16 October 2018?</p> <p>3 A. Yes, yes.</p> <p>4 Q. Mr Wong, do you confirm that you wish to adopt the</p> <p>5 contents of those three statements as your evidence to</p> <p>6 the Commission?</p> <p>7 A. Yes, correct.</p> <p>8 Q. Mr Wong, first of all, I understand you are a qualified</p> <p>9 bar bender and fixer, with an appropriate certificate;</p> <p>10 is that correct?</p> <p>11 A. Yes, correct.</p> <p>12 Q. And you were a foreman with Hung Choi in their</p> <p>13 sub-contract with Intrafor?</p> <p>14 A. Yes, yes.</p> <p>15 Q. I understand that you started at the site in June 2013;</p> <p>16 is that correct?</p> <p>17 A. In terms of the timing, yes, it's more or less it.</p> <p>18 Q. Right. Can you tell us when you actually finished on</p> <p>19 this particular site to do with the Hung Choi-Intrafor</p> <p>20 sub-contract?</p> <p>21 A. You mean when I left the site?</p> <p>22 Q. Yes.</p> <p>23 A. It should be 2015, early 2015, January 2015.</p> <p>24 Q. Okay. And, as I say, you were a foreman, and presumably</p> <p>25 in that role you were supervising a number of other</p>

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<p>1 Hung Choi employees; is that right?</p> <p>2 A. Yes, correct.</p> <p>3 Q. And we know that they were doing the bar bending and</p> <p>4 steel -- the cage fabrication and installing the cages</p> <p>5 into the diaphragm walls.</p> <p>6 A. Yes.</p> <p>7 Q. Did you personally get yourself involved with the actual</p> <p>8 work that was going on, or were you just supervising?</p> <p>9 A. I personally was involved.</p> <p>10 Q. In what way? Can you explain to us what you actually</p> <p>11 did on a sort of normal day?</p> <p>12 A. Well, in a normal day, I would assign work to my</p> <p>13 workers, to various positions to do the work, and when</p> <p>14 there are special tasks then I would do it personally.</p> <p>15 Q. What would those special tasks be?</p> <p>16 A. For example, maybe some workers were not clear with the</p> <p>17 work process or they may have questions, then I would be</p> <p>18 involved and finish it together with the workers.</p> <p>19 Q. Okay. Can you explain very briefly to the Commissioners</p> <p>20 how you knew what work you needed to carry out. Were</p> <p>21 you given documents/drawings by Intrafor; how did it</p> <p>22 work?</p> <p>23 A. Well, in general, there would be day-to-day works</p> <p>24 schedule, so say in the next few days which panel we</p> <p>25 need to work on. We would go by their demands to</p>	<p>1 will be hearing from next week, and then three foremen,</p> <p>2 and if we can scroll down, please, this goes on for two</p> <p>3 and a half pages. So if you just keep going and then</p> <p>4 keep going down to the next page -- stop there -- so we</p> <p>5 see -- sorry, could you go up again, please; stop there,</p> <p>6 thank you -- we see there a long list of bar benders and</p> <p>7 fixers, and then it switches to "Steel fixer -- labour",</p> <p>8 and these are two different qualifications, as</p> <p>9 I understand it, Mr Wong; is that right?</p> <p>10 A. Yes, you could say so.</p> <p>11 Q. What are the "bar bender and fixer" doing? What are the</p> <p>12 "steel fixer -- labour" doing? What is the distinction</p> <p>13 in their operations?</p> <p>14 A. In fact, in our trade there are two different licences.</p> <p>15 One is a specialist licence, the other a general</p> <p>16 licence. There is no distinction between bending and</p> <p>17 fixing because bar benders must be familiar with both</p> <p>18 processes.</p> <p>19 Q. And the "steel fixer -- labour", they are just the</p> <p>20 general labourers, are they, not actually doing the bar</p> <p>21 bending and fixing?</p> <p>22 A. I don't quite understand the question. Can you ask it</p> <p>23 again?</p> <p>24 Q. Let me try again. What I'm trying to ask you, Mr Wong,</p> <p>25 is this: what is the difference between a bar bender and</p>
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<p>1 complete the relevant panel, or the cages for the</p> <p>2 panels.</p> <p>3 Q. Right. But how did you know about the configuration of</p> <p>4 any particular cage? Were you physically given</p> <p>5 a drawing to say, "Right, this is what we need to</p> <p>6 build"?</p> <p>7 A. Yes, correct. The engineers would provide the drawings</p> <p>8 for the relevant cage for us to complete the work.</p> <p>9 CHAIRMAN: Right. I believe Hung Choi had a fairly large</p> <p>10 workforce, and it may be that Mr Chui, I don't know,</p> <p>11 who's coming along, may be able to confirm this, but</p> <p>12 I will show you the document as well.</p> <p>13 Could we please be shown bundle F34, page 23917.</p> <p>14 You will see this on the screen, Mr Wong.</p> <p>15 This is in fact a document, Mr Wong, that Intrafor</p> <p>16 have prepared for us. I don't know whether they did it</p> <p>17 in conjunction with Hung Choi but it doesn't matter.</p> <p>18 But you can see you are the fourth name down on this</p> <p>19 list; do you see that?</p> <p>20 A. Yes, row 4.</p> <p>21 Q. And it looks as if you are right, I was right: you</p> <p>22 started on 27 June 2013, according to Intrafor? Does</p> <p>23 that sound about right?</p> <p>24 A. (In English) Okay.</p> <p>25 Q. We see at the top there's the owner, Mr Chui, who we</p>	<p>1 fixer on the one hand and a steel fixer -- labourer on</p> <p>2 the other?</p> <p>3 A. Normally, there is no difference. I don't know how they</p> <p>4 distinguish between "bar bender and fixer" and "steel</p> <p>5 fixer -- labourer". I don't know how they make such</p> <p>6 distinguishment.</p> <p>7 Q. That's a fair answer. Thank you very much. If we</p> <p>8 scroll down to the end, it's another page, then we do</p> <p>9 see some other descriptions: banksman -- I imagine that</p> <p>10 should say truck driver -- welder, rigger, and if we go</p> <p>11 down to the next page, that's the last page, and more</p> <p>12 steel fixers we see there.</p> <p>13 Am I right, Mr Wong, that whilst no doubt some of</p> <p>14 the chaps working came and went, generally speaking</p> <p>15 there was a pretty large labour force from Hung Choi on</p> <p>16 this particular job?</p> <p>17 A. I would say there is high mobility. They might not need</p> <p>18 so many workers for this work. Some of them only joined</p> <p>19 in 2014. Some of them might have left after a few</p> <p>20 months or after a short period of time.</p> <p>21 Q. Okay. Could I ask you, please, to go to paragraph 6 of</p> <p>22 your first witness statement. That's, for you, at</p> <p>23 page I101, and for us, I104.</p> <p>24 Paragraph 6, Mr Wong, in the first sentence you say</p> <p>25 there:</p>

Page 97	1 "Hung Choi carried out its bar fixing work in 2 accordance with instructions (construction plans) [which 3 you mentioned a moment ago] from three parties ... MTR, 4 Leighton and Intrafor." 5 Would I be right in thinking, Mr Wong, that in fact 6 your instructions were received direct from Intrafor as 7 opposed to MTR and Leighton; is that right? 8 A. Yes, correct. 9 Q. So you wouldn't receive instructions directly from 10 MTR/Leighton; it was very much -- it was Intrafor that 11 you were dealing with? 12 A. Correct. 13 Q. You refer, further on in paragraph 6, to say that: 14 "If Intrafor was satisfied with the work", I imagine 15 that's the Hung Choi work, "Leighton representative 16 would be notified, and Leighton representative would 17 proceed to inspect, record and approve such work ..." 18 And then, at the end: 19 "... [an] MTR representative would carry out 20 inspection, recording and approval of such the work to 21 complete the entire inspection and approval process." 22 In all that, Mr Wong, was Hung Choi required to fill 23 in any records or forms, or was that just left to 24 Intrafor and the other parties? 25 A. We don't have to fill any records or forms.	Page 99	1 A. Yes, I can. 2 Q. Can you explain to us what is going on in this 3 photograph? 4 A. These photographs show the process of connecting the 5 steel cages. So what were you going at, actually? 6 Q. This presumably is at the diaphragm wall location, is 7 it? 8 A. Yes, correct. 9 Q. There's a sort of mobile scaffold on the right-hand 10 side, and indeed on the left-hand side, and are these 11 operatives doing work, or are these inspectors, do you 12 know? 13 A. Those were workers. 14 Q. Right. What are they doing? The cages are obviously -- 15 there are a number of cages for these diaphragm wall 16 panel, and each has to be connected to the next. 17 A. Yes, correct. They were connecting the steel. I think 18 that was the main work: they were connecting the steel. 19 Q. How is one bar -- sorry, how was one cage connected to 20 the next cage? 21 A. From the photo, well, the work was mainly about 22 connecting the vertical threads. 23 Q. By what means? The use of couplers? 24 A. Yes. Well, it was manual work. They might also use 25 some tools. They would connect the couplers on the
Page 98	1 Q. Okay. Before we move on, Mr Wong, can I ask you this. 2 We have heard from Mr Gillard from Intrafor that 3 essentially his work and your work took place either at 4 the fabrication yard or at the location where the 5 diaphragm walls were being constructed. 6 A. Yes, correct. 7 Q. Did you personally spend time in both of those areas? 8 A. Yes. 9 Q. So you would be involved in the fabrication at the yard, 10 and then, when diaphragm walls were being installed, 11 cages were being dropped down into the diaphragm walls 12 for concreting, you would also be part of that 13 operation? 14 A. Yes. 15 Q. In paragraph 7 of your first witness statement, you 16 describe the process by which the various cages were 17 installed at the diaphragm wall. 18 A. Yes, correct. 19 Q. I would like to, if I may, show you a few photographs 20 which you may be able to help us with. B5 -- sir, 21 I will have to read out the correct references to all of 22 these later on. I don't have them exactly to hand at 23 the moment. 24 Mr Wong, is that up on your screen? Can you see 25 a photograph there?	Page 100	1 bottom layer. 2 Q. So they would hand-tighten them and them, if necessary, 3 use a tool to tighten them further; is that right? 4 A. Yes. The workers might be assisted by some tools such 5 as pliers or a wrench. 6 Q. Right. Can we go to the next photograph, please. And 7 the next one, sorry. 8 This is a photograph that we looked at -- you won't 9 know this, Mr Wong -- with Mr Gillard this morning. 10 Again, we can see what appears to be happening here is 11 a cage is being installed at the diaphragm wall 12 location; do you see the vertical cages on the left? 13 And you can see a group of gentlemen on the left there, 14 it looks like probably four, possibly five men there; do 15 you see? Do you see them? 16 A. Yes. 17 Q. Again, do you think they are labourers or are they 18 inspectors? 19 A. They were workers. 20 Q. Right. Again, are they fixing the already-lowered cage 21 to the next cage as it's dropped down; is that right? 22 A. From the photo, we see four persons. They were probably 23 workers. But the final one was not very obvious. We 24 cannot see whether that person was doing the inspection. 25 But from what I know, the cages were already connected

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<p>1 in this photo and they were waiting to be lowered.</p> <p>2 Q. Right. I see. And so far as you -- and you actually</p> <p>3 witnessed this sort of operation going on, did you,</p> <p>4 Mr Wong, when you were at the site?</p> <p>5 A. I witnessed the entire process.</p> <p>6 Q. Right. Once the workers had connected one cage to the</p> <p>7 next cage, what would then happen?</p> <p>8 A. We would wait for the officers to come and inspect the</p> <p>9 thread connections, to see whether they were all right,</p> <p>10 and then it would be lowered.</p> <p>11 Q. Right. Mr Wong, to your knowledge, was there ever</p> <p>12 an instance where a cage would be lowered, having been</p> <p>13 connected, without it being inspected by the officers?</p> <p>14 A. As far as I know, there was no such instance. Based on</p> <p>15 this photograph and the earlier photo with two cages --</p> <p>16 well, there were actually two parts to it. Our company</p> <p>17 was not responsible for connecting these cages.</p> <p>18 Intrafor workers were responsible for connecting the</p> <p>19 cages.</p> <p>20 Q. All right. When you say "officers", exactly who do you</p> <p>21 mean?</p> <p>22 A. They are -- how shall I put it? I can only tell the</p> <p>23 person by their uniform. If they are wearing a Leighton</p> <p>24 uniform, they are from Leighton; MTRC, they are from</p> <p>25 MTRC. The one we are familiar with are those engineers</p>	<p>1 A. These are B.</p> <p>2 Q. Okay. Could I then ask you, please, to look at your</p> <p>3 second witness statement, at I111.</p> <p>4 Mr Wong, I know that you were asked to review</p> <p>5 a video and some stills taken from the video and some</p> <p>6 photographs?</p> <p>7 A. Yes.</p> <p>8 Q. That's right, is it?</p> <p>9 A. Yes.</p> <p>10 Q. What you've done for us -- we looked at the video</p> <p>11 yesterday, so rest assured, Mr Wong, everybody has seen</p> <p>12 the video -- and at paragraph 2(a) of your witness</p> <p>13 statement is a still from the video, and you say that</p> <p>14 the person standing up, with the arrow, is you?</p> <p>15 A. Yes, correct.</p> <p>16 Q. We understand that this would have been taken, because</p> <p>17 the date we know, during the construction of the rebar</p> <p>18 cages for the first panel to be installed?</p> <p>19 A. I suppose so.</p> <p>20 Q. Right. Can I then ask you -- then over the page,</p> <p>21 at 112, there's a close-up of you; it's a bit clearer.</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Could I then ask you please to look at photograph 2 on</p> <p>25 page 113, which is a photograph we've also looked at</p>
<p>Page 102</p> <p>1 from Intrafor.</p> <p>2 Q. Right.</p> <p>3 MR JAT: Excuse me, sir, it seems, in terms of translation,</p> <p>4 I think the witness did say it's only when the cage has</p> <p>5 two layers or less then it would Intrafor's workers who</p> <p>6 would be doing the connection. That's missed.</p> <p>7 MR PENNICOTT: Is that correct, Mr Wong?</p> <p>8 A. Yes, correct.</p> <p>9 MR PENNICOTT: Thank you very much.</p> <p>10 Back to the photograph, Mr Wong, on the right-hand</p> <p>11 side we can see that a cage is, as it were, lying on the</p> <p>12 ground in a horizontal position. Am I right in thinking</p> <p>13 that the silver rings, the circles on the end, are</p> <p>14 couplers?</p> <p>15 A. Yes, correct.</p> <p>16 Q. Do you know the difference between a type A and a type B</p> <p>17 coupler, Mr Wong?</p> <p>18 A. Well, from my understanding, I treat them as different</p> <p>19 connection. B is the different -- different steel bar</p> <p>20 screwed into different couplers.</p> <p>21 Q. Right. The B is slightly longer and the A is slightly</p> <p>22 shorter. Do you recall which was used mostly on these</p> <p>23 rebar cages?</p> <p>24 A. Yes, I do.</p> <p>25 Q. Was it A or B?</p>	<p>Page 104</p> <p>1 before. The photograph -- you say the location is</p> <p>2 inside the diaphragm wall, but you are unable to confirm</p> <p>3 the exact location. The caption to the photograph at</p> <p>4 the top says, "Photograph of the diaphragm wall work at</p> <p>5 Hung Hom Station of the Shatin to Central line showing</p> <p>6 that multiple couplers at the completed diaphragm wall</p> <p>7 cages were not tightened."</p> <p>8 First of all, it seems pretty obvious, Mr Wong, but</p> <p>9 do you agree that at least certain of the couplers that</p> <p>10 we can see were not tightened?</p> <p>11 A. Yes. From this photo, I don't think this cage is</p> <p>12 completed.</p> <p>13 Q. Yes. So we can see the first rebar appears to be</p> <p>14 connected to the coupler but perhaps not fully. The</p> <p>15 next one in doesn't seem to be connected at all at the</p> <p>16 bottom, do you see, and then the others perhaps are; do</p> <p>17 you see?</p> <p>18 A. Yes.</p> <p>19 Q. The question that was asked this morning -- was there</p> <p>20 any reason why, that you may be able to think of, why</p> <p>21 that second one in from the right would not have been</p> <p>22 tightened? I appreciate the point that you've made,</p> <p>23 that it's probably just during the course of</p> <p>24 construction, but was there any sequence by which the</p> <p>25 lines of rebar were connected?</p>

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<p>1 A. Well, first of all, I would like to reiterate that this 2 is a one-layer cage. That's the work for Intrafor. It 3 is not for our company. As to whether there is any 4 particular sequence, there is no particular sequence for 5 installing these couplers. And for those that are well 6 aligned, they would do them first, and for the most 7 difficult ones, they would leave them last. 8 Q. Okay. If you look at page I120, you have been able to 9 locate that particular photograph, because we can see, 10 just about, the reference to EM98 in the bottom 11 left-hand corner. Page 120. 12 A. Yes. 13 MR PENNICOTT: All right. Thank you, Mr Wong. I've got no 14 further questions. I don't know whether anybody else in 15 the room wants to ask you some questions, but we will 16 soon find out. 17 CHAIRMAN: Yes. 18 MR BOULDING: Sir, no application from us to make questions. 19 CHAIRMAN: Thank you. 20 MR SO: No application for China Technology. 21 MR WILKEN: And none from Leighton. 22 MS CHONG: No questions from Fang Sheung. 23 MR COHEN: Sir, none from Intrafor. 24 CHAIRMAN: Thank you. 25 MR KHAW: Sorry, a few questions from me!</p>	<p>1 Q. If you can take a look at F35, page 24293. This is what 2 we call a bar bending schedule, as provided by Intrafor. 3 A. Yes, sir. 4 Q. You've seen that before; right? 5 A. Yes, I have. 6 Q. So the bar bending work would be carried out in 7 accordance with the schedule given to Hung Choi? 8 A. Your question again, please? 9 Q. So the bar bending work would be carried out by 10 Hung Choi in accordance with this bar bending schedule? 11 A. Yes, correct. 12 Q. So presumably the steel bars would have been bent or cut 13 into a particular -- in accordance with certain 14 dimensions or specifications before they were actually 15 used to make the bar cage; am I right? 16 A. Yes, correct. 17 Q. So it would not be necessary to cut or to further adjust 18 the reinforcement bars at the time when the actual bar 19 fixing work was done on site; is that right? 20 A. No, we don't have to. 21 Q. Thank you. In that case, if you can take a look at 22 a photo at bundle D1, page 598. There's a picture that 23 apparently shows a worker using a cutter. Did you ever 24 come across a situation where a worker had to use such 25 a cutter on site?</p>
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<p>1 Cross-examination by MR KHAW 2 Q. Mr Wong, we just saw the list referred to by the 3 Commission's lawyer, telling us that there were two 4 categories of workers. One is called bar fixer and one 5 is called steel bender. 6 Am I right in saying that some workers from 7 Hung Choi only did steel bending work, not steel fixing 8 work; is that correct? 9 A. Well, that's how they are distinguished. If they are 10 bending the steel, they wouldn't be required to go down 11 and do the installation, unless they need the manpower, 12 and then they have to stop their work and help out. 13 Q. In your witness statement, you told us that the bar 14 fixing work was carried out in accordance with 15 instructions given by other parties? 16 A. Yes, correct. 17 Q. In relation to the bar bending work first -- we are 18 talking about the bar bending work first, because we all 19 know that the bar bending work would need to be done 20 before the bar fixing work. 21 A. Yes. 22 Q. In relation to the bar bending work, were you given 23 a particular schedule or a piece of paper in order to 24 tell you how to carry out the bar bending work? 25 A. Yes, we do.</p>	<p>1 A. No. 2 Q. Finally, I would like to clarify with you that during 3 the course of the bar fixing works for the diaphragm 4 walls in relation to this particular project, did you 5 ever come across a situation where the threaded parts 6 were too long so that the workers on site had to ask for 7 help in order to cut any reinforcement bar? 8 A. No. 9 MR KHAW: I have no further questions. Thank you. 10 MR PENNICOTT: Sir, nothing from me, and I understand 11 Mr Cohen doesn't want to ask any questions, so unless 12 you have anything else. 13 MS CHONG: Chairman, I wish to apply for permission to ask 14 one question. 15 CHAIRMAN: Yes. 16 Cross-examination by MS CHONG 17 MS CHONG: Just now, you were asked: did you ever come 18 across on site that the threaded bar was too long to be 19 cut on the site? And your answer is no. 20 My question is: did you ever come across a situation 21 that threaded bar type B were cut for the purpose to be 22 used as threaded bar type A, because there were 23 insufficient bars of type B? 24 A. We have not come across such a case. If, say, for 25 a particular type of steel materials that we don't have</p>

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<p>1 enough, then we could ask Intrafor and Intrafor would 2 ask BOSA for more for us. 3 Q. But if type B were cut and to be used as type A, would 4 the cut bars, the strength and the safety, be undermined 5 by -- after cut? 6 A. A bar bender should not be able to answer the question. 7 MS CHONG: I have no further questions. 8 CHAIRMAN: Thank you very much. We have no further 9 questions. 10 MR PENNICOTT: Thank you, sir. 11 Mr Wong, I think you are free to go. 12 WITNESS: Thank you very much, everybody. 13 CHAIRMAN: Thank you. 14 (The witness was released) 15 MR PENNICOTT: Sir, as I mentioned I think in passing 16 earlier, there is one further witness from Hung Choi; 17 however, he is unable to be here this week. We had 18 notification of that some time ago. But he will be 19 here, I understand, on 30 October and thereafter. 20 So we now have to switch to China Technology's 21 witnesses, and my understanding is that the first 22 witness is Mr But. However, that's going to cause 23 a little hiatus because we need to change the seating 24 arrangements before calling the next witness. So I'm 25 afraid we are going to need five minutes just to</p>	<p>1 MR BUT HO YIN, IAN (affirmed) 2 (All answers given via simultaneous interpreter 3 except where otherwise specified) 4 Examination-in-chief by MR SO 5 MR SO: Thank you, Mr But. I understand that you have made 6 three witness statements. 7 May I bring you to the first witness statement. It 8 is in bundle D3, page D909. This is your first witness 9 statement. 10 Can I invite you to go to page D916. On page D916, 11 you have signed on this witness statement, and this 12 witness statement is dated 19 September 2018. Can you 13 confirm that? 14 A. Correct. 15 Q. Can I ask you to turn to page D945. Do you have before 16 you D945? 17 A. Yes, I see that. 18 Q. This is your second witness statement. 19 Can I bring you to the next page, D946. Again, 20 there is your signature there, and it is dated the 21 28th day of September 2018. Can you confirm that? 22 A. Correct. 23 Q. Lastly, may I bring you to page D1005. This is your 24 third witness statement, Mr But. 25 Can I bring you to D1006, the next page. Again, you</p>
<p>Page 110</p> <p>1 reorganise the front and second row, I think. 2 CHAIRMAN: I take it that what we will do then is go through 3 the various witnesses from China Technology? 4 MR PENNICOTT: Yes, sir. The provisional timetable is such 5 that Mr But, as I say, is the first witness, and I know 6 Mr Poon is the last, however I can't quite recall which 7 order the other three are coming in. I think it's 8 Mr Ngai and then Mr Li and then Mr Chu. I think that's 9 the order. But certainly Mr But is next. 10 CHAIRMAN: Good. If you will let the Secretariat know what 11 you are ready to start again. 12 MR PENNICOTT: Yes, sir. 13 (3.20 pm) 14 (A short adjournment) 15 (3.29 pm) 16 MR PENNICOTT: Sir, the next witness is Mr But, so I will 17 hand over to I think Mr So. 18 MR SO: May it please you, sir. 19 Mr But -- 20 WITNESS: (Via interpreter) Yes, I hear you. 21 MR SO: -- we have an interpretation service here. I hope 22 you can give your answers slowly. 23 WITNESS: (Via interpreter) All right, no problem. 24 25</p>	<p>Page 112</p> <p>1 have signed on this witness statement, and it is dated 2 the 12th day of October 2018. Can you confirm that? 3 A. Correct. 4 Q. Mr But, do you wish to adopt these three witness 5 statements as part of your evidence? 6 A. Yes. 7 Q. Mr But, I have some slight questions, just a few 8 questions, to ask you to confirm. Can I invite you to 9 go to D911. On page D911, above paragraph 8, you 10 mention, "Incidents in September 2015". 11 Can I bring you to the next page, paragraph 9. 12 There, you mentioned that you saw, in area C1, "2 to 3 13 workers of Leighton wearing reflective safety vests 14 using a cutting ... machine to cut the threaded rebars 15 of the steel threads." And there you also supplement 16 that the cutting machine was red in colour. 17 Mr But, if I now ask you to recognise the machine, 18 would you be able to identify it? 19 A. Yes, I can. 20 Q. Can I bring you to bundle C1, page C40. Can you tell us 21 what was this? 22 A. As I said in the witness statement, this is the cutting 23 machine in red. 24 Q. Now, Mr But, you also mentioned at paragraph 9 of the 25 witness statement that you saw the workers cutting the</p>

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1 threaded rebars of the steel threads.
2 Sir, I wonder if the witness can be provided with
3 exhibit A. I'm most grateful, sir. (Handed).
4 Mr But, we now see exhibit A is a threaded rebar
5 connected with a coupler.
6 A. (Nodded head).
7 Q. Can you now help us a bit to unscrew it?
8 A. Okay.
9 Q. Mr But, I think it would be better for you to maybe
10 stand up, so that the Commissioners can actually see
11 those couplers and rebars.
12 Thank you very much. Can you please unscrew it.
13 Mr But, I see that in your right hand you now hold
14 the rebar. In paragraph 9 you told us that two to three
15 workers of Leighton were using that machine to cut the
16 threaded rebars of the steel threads.
17 Can you now point to the Commissioners which part
18 are you actually referring to?
19 A. Were you referring to the part which was cut by the
20 cutting machine?
21 Q. The machine that you have just identified in C40. Can
22 you point to us which part they were actually cutting?
23 A. (Indicating).
24 Q. For the record, the witness is now pointing at the
25 middle of the threads -- the threadings of the part of

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1 the threaded rebar, approximately half of it.
2 Thank you very much, Mr But. Can you please sit
3 down.
4 Can I bring you to D915. In paragraph 24, there you
5 mention also a cutting and grinding machine that was
6 used for cutting threaded rebars. This time, it was in
7 or about early February 2016.
8 Can you confirm us, is it the same machine that you
9 have identified in C40 just now?
10 A. Correct.
11 Q. Can you also confirm whether the position this time the
12 workers were cutting was the same as you have
13 demonstrated to us just now?
14 A. Were you referring to the workers in my witness
15 statement?
16 Q. You just told us, just in a demonstration, a position
17 where the Leighton workers were cutting on the
18 threadings on the threaded rebar. I just wish to
19 clarify that whether in paragraph 24 the position is the
20 same.
21 A. Yes, it's the same.
22 Q. Can I bring you to page D917. This is a witness
23 statement that you have provided to the police.
24 A. Correct.
25 Q. I understand that the evidence that you now give to the

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1 Commission has also been given the same to the police.
2 A. Yes, correct.
3 Q. Mr But, may I invite you to take a look at page D1005.
4 There, in paragraph 2, you have mentioned two persons,
5 namely Law Chi Keung and Ah Tung.
6 A. Correct.
7 Q. Regarding Ah Tung, is there anything happening within
8 this week relating to Ah Tung?
9 A. This week, at night, on around 22 October at about 9 pm,
10 the person Ah Tung I mentioned in my witness statement
11 called me.
12 Q. Pausing there, Mr But, regarding this Ah Tung, did you
13 actually know him before this telephone call?
14 A. When I worked at Hung Hom Station before, I saw Ah Tung
15 almost every day, and I knew him from the boss of
16 Leighton, Mr Chan.
17 Q. Do you actually have the contact particulars of this
18 Ah Tung?
19 A. I have his phone number. He called me on 22 October.
20 He told me he was Ah Tung.
21 Q. Regarding Ah Tung, can you tell the Commission whether
22 you had the telephone number prior to this telephone
23 call on 22 October 2018?
24 A. I haven't recorded it.
25 Q. But do you have his telephone number?

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1 A. I don't.
2 Q. Now, I wish to focus on the content of the conversation
3 in that telephone call. When you picked up the
4 telephone call, who actually spoke first?
5 CHAIRMAN: Sorry, perhaps could we just ask him what he
6 said -- let him describe the telephone call?
7 MR SO: Of course.
8 CHAIRMAN: I would be happier that way, and then we can
9 return to it to consider portions of it, but let's just
10 hear in his own words what he says happened.
11 MR SO: Of course.
12 Mr But, can you then tell us the content of the
13 conversation then?
14 A. Well, I was having dinner at the time, I got a call from
15 Ah Tung. The first thing he said was he had a lawyer
16 telling him that I was in the picture, and in the
17 picture there was a person who was recognised as being
18 Ah Tung.
19 Q. Just pause there.
20 Please continue, Mr But.
21 A. Then I told him if I explain things about these photos
22 and you are calling me, then you are actually
23 interfering with the witness.
24 Q. Yes. Please continue.
25 A. Then he asked me, he said, "I, Ah Tung, don't even

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<p>1 recognise me as being Ah Tung. It's so amazing that you 2 can recognise Ah Tung." 3 Q. Yes. 4 A. Then I told him in reply, at Leighton the workers are 5 dressed in blue and red, the number was very small. And 6 plus, Mr Law Chi Keung is always in blue, in Leighton 7 uniform, in blue helmet, and also wore a kind of face 8 mask, I recognise him as being Law Chi Keung. 9 Q. Yes. Please continue. 10 A. Then Ah Tung asked me where I was working. 11 Q. Did you reply him? 12 A. I did. I told him that I was working at the treatment 13 work in Sheung Shui. 14 Q. I'm afraid it should be "I was working at Sheung Shui" 15 instead of "he was working". 16 CHAIRMAN: What sort of work was it? What work? 17 MR TO: A distilling plant. 18 MR SO: Mr But, I just want to clarify. Did you answer 19 Ah Tung that you were working in Sheung Shui or he was 20 working in Sheung Shui? 21 A. It was me. I said in reply that me, Ian But, was 22 working at the Sheung Shui treatment work, water 23 treatment work. 24 Q. Please move on. 25 A. Then Ah Tung asked me, whether I went back to Intrafor</p>	<p>1 that this man, Ah Tung, asked you if you had gone back 2 to China Technology and if you were likely to get paid 3 by China Technology, and as I understand it you said 4 that you believed you would be paid; is that right? 5 A. It wasn't the case that I believed that I would get 6 paid, because I went back to China Tech in August and 7 I got paid on time. 8 CHAIRMAN: Good. And what then was said in this 9 conversation? 10 A. Then I told Ah Tung I was having dinner and then I hung 11 up. 12 MR SO: Thank you, Mr But. Did you ever tell Ho Hiu Tung, 13 this Ah Tung, that you were not receiving salary from 14 China Technology for almost six months, and you can only 15 receive salary after you complain to the Labour 16 Department? 17 A. At that time, that's what I said to Ah Tung -- let me 18 repeat. 19 About April last year, at the Shatin-Central Line, 20 the Hung Hom Station, there weren't many contractors. 21 Delaying payment of salary is not just China Tech. 22 There were other contractors, like Bik Hoi, that went up 23 to the Leighton office and had some sort of an argument. 24 Then Mr Poon did pay us eventually. 25 MR SO: Thank you, Mr But. I have no further questions for</p>
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<p>1 [China Tech] to work, whether it is likely that there 2 wouldn't be any pay. 3 Q. And then? 4 A. And then I said, in reply to Ah Tung, that indeed I went 5 back to China Technology and it was unlikely that 6 I wouldn't get paid. 7 MR LAM: [Draft] Line 20 of the transcript, that's 8 "China Tech". Not "Intrafor", it's "China Tech". 9 MR SO: I'm afraid I stand to be corrected. It should be 10 China Technology, instead of Intrafor. 11 CHAIRMAN: Yes. He has answered to that effect. 12 MR SO: I just want to clarify, Mr But. You just mentioned, 13 in the course of that telephone call -- I saw from the 14 transcription that you mentioned a face mask that was 15 worn by Law Chi Keung. What sort of face mask was that? 16 A. It was a face mask that covers his face and his mouth. 17 It was grey in colour. On the face mask, on top of 18 that, there was a circle, and the filter there inside 19 can be changed, and the rim is white in colour. 20 Q. So, just for clarification, you mentioned face mask 21 doesn't mean those surgical face masks? 22 A. No, it's not surgical mask. 23 Q. Thank you. Just to follow up with the telephone 24 conversation, is there anything more you want to add? 25 CHAIRMAN: Well, let me put it this way. You are saying</p>	<p>1 you. Please stay there for cross-examination. 2 Examination by MR PENNICOTT 3 MR PENNICOTT: Mr But, good afternoon. 4 A. (Nodded head). 5 Q. Thank you for coming to give evidence to the Commission. 6 I act on behalf of the Commission and I've got a few 7 questions for you. 8 My first question is this. If you could go, please, 9 to paragraph 1 of your first witness statement, at D909. 10 You say you joined China Technology in August 2015. Is 11 that correct? 12 A. Correct, sir. 13 Q. When you joined China Technology in August 2015, what 14 qualifications did you have? 15 A. At that time, I finished a course on formwork which 16 lasted for about four to five months and then I joined 17 the construction trade. 18 Q. You were good enough to give us your card issued by the 19 Construction Industry Council. It's at D948. 20 We can see, from the bottom photograph, that it's in 21 the principal trade division, carpenter (formwork -- 22 building construction); do you see that? 23 A. Yes, I do. 24 Q. If we look at the top photograph, the issue -- the card 25 you have given us -- date is 17 April this year; do you</p>

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1 see that?
2 A. That's correct.
3 Q. But are you saying you had this card, this
4 qualification, back in 2015?
5 A. Yes, correct.
6 Q. So the card that you had then expired and you were given
7 a new one?
8 A. It expired. Normally, for cards like this, they can be
9 three years or five years. The first one I had was
10 three years. It had already expired, so I renewed it
11 early.
12 Q. All right. Prior to August 2015, apart from the
13 training course that you did, had you ever worked in the
14 construction industry, in any shape or form?
15 A. No.
16 Q. I understand that you were a manager of a fast food shop
17 before August 2015; is that right?
18 A. Yes, correct.
19 Q. Now, you joined, you say, China Technology in August
20 2015, and you tell us in paragraph 5 of your witness
21 statement, bundle D1, page 910, that you started working
22 at the Hung Hom site in September 2015; is that right?
23 A. In September 2015, I went to work at the Hung Hom
24 Station site.
25 Q. Yes. What were you doing for the first month? Were you

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1 on the South Island Line project or some other project?
2 A. The Admiralty interchange station.
3 Q. For the SCL project or the South Island Line project?
4 A. 901 site, 901.
5 Q. Okay. You say you joined or started working at the
6 Hung Hom site in September 2015. Can you narrow that
7 down, Mr But: mid-September, was it?
8 A. Yes, around mid-September.
9 Q. When you arrived at the site, were you required to go
10 through any induction or safety briefing given by
11 Leighton?
12 A. Yes.
13 Q. How long did that last?
14 A. Usually, before we go into a Leighton site, we have to
15 go to the Leighton's office for a one-day course.
16 Q. And you did that course?
17 A. Yes, I did.
18 Q. Then you tell us, in paragraph 9 of your witness
19 statement, that you were first working in what we know
20 as area C1; is that correct?
21 A. Yes.
22 Q. How long did you work in area C1?
23 A. About one month or so.
24 Q. Right. And, in that one month -- because we know, we'll
25 look at this in a moment, in October 2015 you say you

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1 moved to area A. So, during that month of September
2 2015, was it exclusively in area C1, or did you go to
3 any other particular area?
4 A. Mostly in area C, because at the time I was following
5 the surveying staff to every location for level
6 measurement.
7 Q. Mr But, be careful, please. You say in your witness
8 statement specifically area C1. My question was: did
9 you confine yourself for that one-month period in
10 area C1? Your answer said "area C". Now, area C, we
11 know, is made of you areas C1, C2 and C3. So can you
12 just think about my question again. Was your work in
13 September through to October confined to area C1, or did
14 it go wider than that?
15 A. It wasn't just confined to area C1. The vicinity too.
16 Q. Okay. The cutting that you say you saw in September
17 2015, was that then in area C1?
18 A. As far as I could recall, it was around area C1,
19 roughly.
20 Q. And, Mr But, we know that in all the different areas
21 where the slab was being connected to the diaphragm
22 wall, there were lines or levels of rebar at the top of
23 the slab, and lines and levels of rebar at the bottom.
24 When you saw this cutting that you say you saw, was this
25 at the bottom level or the top level?

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1 A. I couldn't recall.
2 Q. Right. Have a think, Mr But. It could be important.
3 Recollect: September 2015. You were there for a month
4 in this area. Was the rebar being laid at the bottom or
5 the top in area C1 or in its immediate vicinity?
6 A. I don't recall.
7 Q. Okay. In the last sentence of paragraph 9 of your
8 witness statement, at D1/912, you say that you saw the
9 workers cutting approximately ten threaded rebars.
10 First of all, Mr But, how long in total were the
11 individual ten rebars that you saw? What was the length
12 of these rebars?
13 A. Sorry, can you ask your question again?
14 Q. I can. You say you saw ten threaded rebars being cut;
15 is that right?
16 A. Yes.
17 Q. Just take one of the rebars, Mr But. How long was it?
18 A. Are you asking about the entire bar, the total length of
19 the bar?
20 Q. Yes, I am.
21 A. I don't recall or remember.
22 Q. Okay. So you recall the cutting, you recall the number
23 10, but you don't recall the length of the rebar and you
24 don't recall whether it was at the top or the bottom?
25 Is that what it comes to?

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<p>1 A. Yes.</p> <p>2 Q. In paragraph 10 of your witness statement, at D1,</p> <p>3 page 912, Mr But, you say this:</p> <p>4 "With my training and knowledge in the construction</p> <p>5 industry ..."</p> <p>6 Mr But, with respect, what training and knowledge in</p> <p>7 the construction industry did you have in September</p> <p>8 2015?</p> <p>9 A. General basic knowledge on formwork at least. And if</p> <p>10 you ask about threads -- well, the knowledge comes from,</p> <p>11 you know, me putting together a wooden cupboard at home.</p> <p>12 Q. All right.</p> <p>13 CHAIRMAN: Sorry, could I just ask this: you were very new</p> <p>14 to the construction industry at that time, in the sense</p> <p>15 of working day-to-day on a construction site; that's</p> <p>16 correct, is it?</p> <p>17 A. Yes, correct.</p> <p>18 CHAIRMAN: What was it that drew your attention to these</p> <p>19 workmen cutting the rebars? Why would you have paid any</p> <p>20 particular attention or assumed necessarily that there</p> <p>21 was anything being done that deserved your attention?</p> <p>22 A. Because at the time I have never seen that red machine</p> <p>23 that I mentioned.</p> <p>24 CHAIRMAN: Yes, Mr Pennicott.</p> <p>25 MR PENNICOTT: Thank you.</p>	<p>1 CHAIRMAN: Were there other people in the area walking</p> <p>2 backwards and forwards, other workmen?</p> <p>3 A. Within a construction site, people would walk backwards</p> <p>4 and forwards all the time. I cannot say for sure what</p> <p>5 happened at that time.</p> <p>6 CHAIRMAN: But, if you were watching for about ten minutes,</p> <p>7 then there would presumably, in that time, have been</p> <p>8 quite a number of workmen going by?</p> <p>9 A. There were workmen passing by but I wouldn't say there</p> <p>10 were a lot.</p> <p>11 CHAIRMAN: Did any of them go over to the workmen who were</p> <p>12 engaged in cutting the rebars and discuss matters with</p> <p>13 them at all?</p> <p>14 A. I didn't pay attention.</p> <p>15 COMMISSIONER HANSFORD: Could I ask a question at this</p> <p>16 point: Mr But, you had never seen this red machine</p> <p>17 before; is that correct?</p> <p>18 A. I never saw this machine when I was studying at the</p> <p>19 Construction Industry Council.</p> <p>20 COMMISSIONER HANSFORD: So did you ask anybody else what was</p> <p>21 happening, what the process was with this red machine?</p> <p>22 A. I didn't at that time, and during the lunch meeting the</p> <p>23 boss told us what the machine was for and what the</p> <p>24 machine was about.</p> <p>25 COMMISSIONER HANSFORD: Thank you.</p>
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<p>1 Just going back, picking up an additional point from</p> <p>2 the chairman's question -- with regard to the rebar that</p> <p>3 you saw being cut, can you remember how long it took to</p> <p>4 cut one bar?</p> <p>5 A. At the time, the workers spent about a minute or so</p> <p>6 using that red machine to cut the bar.</p> <p>7 Q. And so, what, you stood there for ten or so minutes, is</p> <p>8 that right, watching them?</p> <p>9 A. Yes, correct. Correct.</p> <p>10 Q. Do you remember where you were standing?</p> <p>11 A. I couldn't say for sure.</p> <p>12 Q. At paragraph 12 of your first witness statement, D1/912,</p> <p>13 you've referred to a lunch meeting in or about late</p> <p>14 September 2015; do you see that, Mr But?</p> <p>15 CHAIRMAN: I'm sorry, could I just -- I do apologise, I'm</p> <p>16 cutting across you.</p> <p>17 MR PENNICOTT: Not at all.</p> <p>18 CHAIRMAN: You were interested in the machine that they were</p> <p>19 using to do the cutting. Was it a very noisy machine?</p> <p>20 A. It would emit some sort of sound that would be emitted</p> <p>21 from a high-speed machinery.</p> <p>22 CHAIRMAN: Can you describe it at all? Whining, growling?</p> <p>23 A. The sound is rather sharp. It's not really a growl.</p> <p>24 CHAIRMAN: Was it very loud?</p> <p>25 A. Yes, it is rather loud.</p>	<p>1 MR PENNICOTT: Mr But, did you ever see more than one of</p> <p>2 these machines, or was it just the solitary red machine?</p> <p>3 A. I'm not sure.</p> <p>4 Q. All right.</p> <p>5 Mr But, at paragraph 12 of your witness statement,</p> <p>6 you refer to a lunch meeting in or about late September</p> <p>7 2015. Do you see that?</p> <p>8 A. Yes, correct.</p> <p>9 Q. You say in paragraph 13:</p> <p>10 "After the lunch meeting, Mr Poon said he would</p> <p>11 report the matter [that is the cutting of the threaded</p> <p>12 rebars in area C1] to MTRC."</p> <p>13 That's what you say there. Do you see that?</p> <p>14 A. Yes, correct.</p> <p>15 Q. Do you know whether Mr Poon in fact reported the matter</p> <p>16 to MTRC?</p> <p>17 A. I don't know.</p> <p>18 Q. You go on to say in paragraph 13:</p> <p>19 "He [that is Mr Poon] also asked all foremen to</p> <p>20 report the matter to MTRC frontline officers should we</p> <p>21 see similar incidents in the future."</p> <p>22 But, Mr But, did you personally ever report the</p> <p>23 cutting of these rebars to any MTRC frontline officers?</p> <p>24 A. I didn't.</p> <p>25 Q. When you saw the bar cutting that you say you saw, did</p>

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<p>1 you make, at any time, any attempt to stop the workers 2 who were doing the bar cutting? 3 A. I had no right to stop them. The workers were not staff 4 of our company. 5 Q. Could I ask you, please, to be shown paragraph 35 of 6 Mr Poon's statement, at bundle D1, page 20. You need to 7 look at this on the screen, I think, Mr But. 8 CHAIRMAN: Sorry, if I may just ask one question, Mr But. 9 At that time, on the first occasion, when you saw 10 this happening, you had only been there a short time and 11 in the industry a short time. Did you think yourself 12 that what they were doing was in any way wrong, or were 13 you there just to watch the machinery in action? 14 A. I will try to explain this, Chairman. I thought it was 15 wrong. The reason was, even if you assemble a wooden 16 cupboard at home, if you cut a thread in half, your 17 wooden cupboard is likely to collapse. When I saw the 18 bars being cut, I thought it was problematic. 19 CHAIRMAN: Yes. Thank you. 20 MR PENNICOTT: Mr But, you indicated a short while ago that 21 you made no attempt to stop the cutting that you saw, 22 because you didn't think it was your responsibility to 23 do so; yes? Do you agree? 24 A. I had no right. 25 Q. I understand that. I was going to show you paragraph 35</p>	<p>1 Q. It wasn't? So it was in the lower area, the lower slab, 2 the NSL; is that right? 3 A. Yes. 4 Q. You were working in that area between October and 5 December 2015, and you say in paragraph 18 you saw no 6 more cutting of rebar in that area, at the NSL? 7 A. Not at that time. 8 Q. Then, moving on in time, you were, in February 2016, 9 transferred again, this time to area C3; see 10 paragraph 19 of your statement. Is that correct? 11 A. Yes, correct. 12 Q. As I understand it, when -- you say in the last sentence 13 of paragraph 19 that when you arrived at C3, you 14 realised that the couplers in area C3-5 to area C3-1 15 were already on the diaphragm wall. Now, just help me 16 with this, Mr But. Are you saying that the rebar was 17 all in place and installed into the couplers in those 18 areas when you arrived, or are you just saying, "I can 19 see the couplers on the wall"? What's the position? 20 A. I saw the couplers and the protective caps of the 21 couplers were removed. 22 Q. And so was the installation of the rebar going on at 23 that time in those areas when you arrived? 24 A. At that moment, they were not installed, but going 25 forward, the next step, they have to be installed.</p>
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<p>1 of Mr Poon's witness statement. You've seen this 2 witness statement before, I assume, Mr But, Mr Poon's 3 witness statement? 4 A. Correct. 5 Q. What he says here is: 6 "In or about early September ... Mr But also 7 reflected to me that similar incidents occurred. He 8 also attempted to stop those doing what they were doing, 9 namely cutting the threaded rebars but, again, to no 10 avail." 11 So, given the answer you gave me just now, that 12 can't be right, can it? You did not attempt to stop 13 anybody? 14 A. I had no right to stop them. 15 Q. Now, in paragraph 14 of your first witness statement at 16 D1/913, you say: 17 "In October 2015, I was assigned to work in 18 area A ..." 19 Do you see that, Mr But? 20 A. Yes, it was in October. 21 Q. Right. Whereabouts in area A did you work? 22 A. The middle level of area A. 23 Q. When you say "the middle area", do you mean the NSL as 24 opposed to the EWL, or do you mean something else? 25 A. It wasn't the EWL.</p>	<p>1 Q. Right. So you were there when that installation was 2 taking place? 3 A. At that time, I was working alongside Mr Ngai, my boss. 4 Couplers, we didn't screw the bars into the couplers. 5 I wasn't there -- I wasn't always there. 6 Q. Did you witness any -- when you were doing the formwork 7 work, did you witness any of the bars being screwed into 8 the couplers by Fang Sheung? 9 A. In area C3, I wasn't sure whether Fang Sheung was doing 10 that. 11 Q. Who did you think might be doing it? 12 A. To put it directly, I am not sure. 13 Q. Now, in paragraph 24 -- 14 CHAIRMAN: Sorry, I'm still a bit uncertain of your evidence 15 in this regard. Are you saying that when you were 16 working alongside your boss, Mr Ngai, you saw that 17 rebars were being screwed into couplers on the diaphragm 18 walls, or not, or that you don't remember? 19 A. I didn't witness workers screwing the steel bars into 20 the couplers. 21 MR PENNICOTT: All right. 22 In paragraph 24 of your witness statement -- sir, 23 D1/915 -- you say: 24 "In or about early February 2016, I saw on two 25 separate days that workers wearing Leighton uniforms</p>

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1 were holding a cutting/grinding machine to cut the
2 threaded rebars. The cutting/grinding machine was the
3 same as the one that I had observed the workers using in
4 September 2015 ... The workers cut threaded rebars 2 to
5 3 times on each of those ... days."
6 So are you saying, on those two days, you saw
7 between four and six rebars being cut?
8 A. Yes, correct.
9 Q. And you say it was the same machine that you had seen
10 back in September?
11 A. But I'm not sure whether it was exactly the same machine
12 that I saw in September.
13 Q. Right. So it could have been a different machine, the
14 same type of machine?
15 A. I cannot be certain. In February, the machine used by
16 the workers was exactly the same that was used in
17 September.
18 Q. All right. And, again, can I repeat a question I put to
19 you earlier: at which level did you see this cutting
20 going on? Was it at the lower level or the higher level
21 of the EWL slab?
22 A. There is one slab called EWL.
23 Q. So you've got the EWL slab, Mr But, we know it's got
24 rebar towards the top of the slab and some more rebar at
25 the bottom. Did you see this cutting going on at the

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1 top or the bottom?
2 A. I don't remember.
3 Q. With regard to these alleged cut rebars, did you see any
4 workers attempting to screw them into the couplers on
5 the diaphragm wall?
6 A. I didn't. I didn't see it.
7 Q. Mr But, in paragraph 25 of your witness statement, you
8 say:
9 "On one of those occasions, I saw a worker
10 approaching an area in C1 where there was a large
11 polyethylene cloth. When this worker flipped over the
12 polyethylene cloth, I saw about 20 threaded rebars lying
13 on the floor."
14 Mr But, what point are you seeking to make in
15 paragraph 25? I don't quite understand what it is
16 you're trying to tell us.
17 A. Please would you repeat your question? I didn't quite
18 get the question.
19 Q. Well, read paragraph 25 of your witness statement to
20 yourself, if you can.
21 You say you saw 20 threaded rebar lying on the
22 floor. What point are you trying to get across to us?
23 I am just trying to understand what you're trying to
24 tell us.
25 A. At that time, we were working at area C3. During lunch,

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1 we had to walk past area C1, at the western wall, and
2 there is an area where there was the cloth, the
3 polyethylene cloth. There, there were 20 bars for which
4 the threads had been cut, that were lying there.
5 CHAIRMAN: Sorry, are you saying that what you saw were
6 little bits of cut rebar like this (indicating physical
7 exhibit), a matter of inches long or centimetres long,
8 or are you saying that you saw very long pieces of rebar
9 from which the threads at the end had been cut?
10 A. I saw -- let me describe it -- it's like this
11 (indicating), that's at the part between my hands, there
12 were 20 lying on the floor.
13 MR PENNICOTT: So, what, about 3 feet long?
14 MR BOULDING: Can he put his hands up?
15 WITNESS: Do I have to carry the couplers?
16 MR PENNICOTT: No, you don't. We just want to know how long
17 these 20 rebars were. You seemed to be indicating they
18 were about 3 feet, of that order; is that right?
19 A. Sorry, let me describe it. It is about 1.5 metres to
20 2 metres long.
21 Q. Okay. You need longer arms.
22 CHAIRMAN: So that I understand it, if that's the case, what
23 you would have seen is rebar like this (indicating
24 physical exhibit), and then at the end, or one or either
25 end -- or at one end would be some threading; is that

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1 right? Mainly the rebar with some threading at the end?
2 A. Yes, for the threads, there were half of the threads
3 left.
4 CHAIRMAN: Half of the threads left, but the rebars
5 themselves were only a metre or two long?
6 A. Correct, yes, correct.
7 MR PENNICOTT: You say in paragraph 26 of your witness
8 statement, Mr But -- D1/915 -- that at another lunch
9 meeting "Mr Ngai mentioned Mr Poon that he saw similar
10 incidents happening".
11 When you say "similar incidents", are you referring
12 back to either the cutting that you say you saw, or are
13 you referring back to seeing rebar on the floor under
14 a cloth? Which is it?
15 A. Mr Ngai reported something about the shortened thread to
16 Mr Poon, but I'm not sure I remember the exact details.
17 Q. Perhaps Mr Ngai will remember. I'll ask him tomorrow.
18 You say, in paragraph 28 of your witness statement,
19 that in mid-April 2016, you once saw that there were
20 about 30 threaded bars placed in HKC with only about
21 2 centimetres of threaded rebars remaining on each of
22 them.
23 Again, let's go through the process, Mr But. Are
24 you saying that you saw lengths of rebar with shortened
25 threaded ends? Is that what you are saying?

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1 A. Let me put it this way. There was a 2-metre steel bar
2 and the threads were cut short with 2cm to 3cm of
3 threads left.
4 Q. Right. This was in the HKC?
5 A. Correct, that's correct.
6 Q. Then you say the following day you went to work and
7 those bars were not seen again?
8 A. That's correct.
9 Q. In relation to those bars, did you ever see anybody in
10 the HKC trying to thread/insert into couplers shortened,
11 cut rebar?
12 A. I'm not sure.
13 Q. Well, if you had, Mr But, can I suggest you might have
14 remembered it?
15 A. Yes. I should say it's irrelevant.
16 Q. In what sense is it irrelevant?
17 A. I saw 20 rebars on the floor -- sorry, I saw 30 rebars
18 on the floor, and it should have nothing to do with it
19 being screwed into the wall or them being screwed into
20 the wall.
21 Q. All right. Thank you very much.
22 CHAIRMAN: So it's correct, is it, Mr But, that you yourself
23 never witnessed anybody seeking to put a rebar into
24 a coupler in respect of which the threading had been
25 shortened? You didn't see anybody -- you didn't stop

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1 and say, "Aha, they are trying to put this rebar into
2 a coupler and the thread has been cut short"?
3 A. I don't remember if I did see that.
4 CHAIRMAN: All right.
5 MR PENNICOTT: Mr But, just one last point from me. In
6 paragraph 5.3 of your first witness statement, at
7 D1/911, you say this:
8 "Workers of Fang Sheung did not wear any form of
9 uniforms, they usually wore casual clothing of their own
10 or did not wear any upper clothing. Workers of Fang
11 Sheung also wore different colour safety vests with the
12 two Chinese characters [being the name of Fang Sheung]
13 printed at the back."
14 Do you see that?
15 A. Yes, correct.
16 Q. Now, there is evidence from the Fang Sheung witnesses,
17 Mr But, that in fact the workers from Fang Sheung were
18 provided with uniforms, if that's the right word, by
19 Leighton when working on site, and that everyone had
20 three sets of uniforms supplied by Leightons, which
21 consisted of an orange top with reflective strips and
22 with "SCL" and "Leighton" printed on, and blue trousers
23 with reflective strips.
24 Were you aware that the Fang Sheung workers were
25 supplied with uniforms by Leighton?

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1 A. I'm not sure.
2 Q. Does that mean you don't know?
3 A. I do not know, for sure.
4 Q. Assuming that they are right, it would be more
5 difficult, presumably, to distinguish between
6 a Leightons worker on the one hand and a Fang Sheung
7 worker on the other; would you agree?
8 A. If assuming that's true, yes, it would make it more
9 difficult.
10 MR PENNICOTT: Thank you very much, Mr But. I know one or
11 two other people have questions for you.
12 I don't know if there's somebody who can just take
13 ten minutes, just to use up the time. Mr Wilken
14 indicated he might be half an hour or so; I don't know
15 about anybody else.
16 CHAIRMAN: Mr Wilken.
17 MR WILKEN: Sir, due to Mr Pennicott's helpful examination,
18 I can be shorter, but I will be longer ten minutes.
19 CHAIRMAN: Let's see how you are going at, say, 5.10, and
20 then obviously, if you are going to need some more time,
21 we will stop the proceedings then. But if you are able
22 perhaps to finish before 5.10 or 5.15, then at least we
23 are able to dispose of this one witness -- well, you are
24 able to dispose of this one witness.
25 MR WILKEN: Yes. The witness will obviously remain in

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1 purdah.
2 WITNESS: I would like to go to the loo.
3 MR PENNICOTT: I think that's the answer to that then.
4 MR WILKEN: That solves that problem.
5 CHAIRMAN: Very good. Then we will adjourn until tomorrow
6 morning at 10 am. Thank you very much.
7 MR WILKEN: Sir, obviously the witness is still in purdah.
8 CHAIRMAN: Yes.
9 Mr But, we are going to adjourn now. You want to
10 take a few minutes yourself before returning and we have
11 now reached the time when we normally finish our work
12 for the day. But you are still giving evidence, and
13 therefore you are reminded that between now and the
14 completion of your evidence, you are not entitled to sit
15 down and discuss your evidence with anybody else. Do
16 you understand me?
17 WITNESS: Yes, clear, and I understood. Thank you.
18 CHAIRMAN: And you will remain on your affirmation until you
19 have finished all of your evidence.
20 WITNESS: Yes, I know.
21 CHAIRMAN: Good. It is especially important to remember
22 that you are not in a position to discuss your evidence
23 with anybody. It's quite tempting for people to come
24 across and ask you questions, what happened, why did you
25 say this, why didn't this happen. You just have to say

1 to these people, "No, I'm giving evidence, I've been
2 told by the judge that I'm not entitled to discuss it at
3 all until it is completed." Do you understand that?
4 WITNESS: Yes, understood clearly.
5 MR PENNICOTT: That includes the media outside.
6 CHAIRMAN: Yes, and that includes the newspapers. Okay?
7 Thank you.
8 WITNESS: Yes, I know.
9 (4.53 pm)
10 (The hearing adjourned until 10.00 am the following day)
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