

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 --

26

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?

26

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.

26

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.

26

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.

26

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,
26

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?

26

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?

26

1 A. Yes.

2 Q. So we can see, as you explained yesterday and as
3 I understand it, that at each connection point, that is
4 between 16 and 15, 15 and 14, and so forth, and so on,
5 there is a date given, and the signatures of those
6 inspecting?

7 A. This is correct.

8 Q. So we can see that this particular -- or the rebar --
9 sorry, the cages were inspected between 26 September
10 2013, that's the date at the bottom of page 13258, and
11 then you work your way up to the top of page 13257, and
12 it seems to go all the way up to 3 October?

13 A. Yes.

14 Q. That's good.

15 We might need to come back to that file shortly,
16 Mr Gillard, but if you could just put that on one side
17 for the moment.

18 Could I then ask you, please, to go to
19 bundle F4/2637. This will also be better in hard copy,
20 I am bound to say.

21 A. Okay.

22 Q. Thank you. Mr Gillard, are you able to explain to the
23 Commissioners what this drawing is? Let me just help
24 you first. The bottom right-hand corner, one sees the
25 reference to EH75?

26

1 A. Yes.

2 Q. This is sheet 1 of 5, and as I understand it, this is
3 a drawing prepared by Intrafor?

4 A. This is correct.

5 Q. Can you explain what it is?

6 A. This is one element of the so-called shop drawings, so
7 in this case apparently it's made of five separate
8 drawings. So this is the first drawing showing the
9 total elevation of the cage, and then after, on the
10 backs, you have further details because to understand
11 the cage you need to look at different drawings at the
12 same time to understand. So those are the drawings used
13 by the steel fixer to fabricate the cage and by the
14 engineers and everybody to carry out the inspection.

15 Q. Right. So these are the shop drawings?

16 A. Yes.

17 Q. Okay. Just taking you up on that observation you've
18 just made, if you would be good enough, please, to go to
19 page 2641.

20 A. Yes.

21 Q. And if you look in the top right-hand corner of 2641, we
22 see "Detail A"; do you see that?

23 A. Yes.

24 Q. Are you able to explain what that detail is showing, the
25 top part?

26

1 A. Okay. This is a detail, you need to read it in relation
2 to the one -- you've got a section 5 just on the left.

3 Q. Yes.

4 A. So, basically, this is showing where to put -- the big
5 message here is to highlight the location of those
6 couplers, the starter bars, that you can see, the
7 L-shaped starter bar, the T40 you can see on the
8 left-hand side. So it's basically to show you where to
9 locate them. And we can see the tremie pipe in the
10 middle. So the message is mainly -- not only -- the
11 reason for this detail is to clearly show where should
12 be the couplers, the starter bars.

13 Q. But, Mr Gillard, one can see from the detail at A that
14 there's a box with a dotted cross in it --

15 A. Yes.

16 Q. -- and an arrow comes down from the top saying, "Future
17 utilities through"; do you see that?

18 A. Yes.

19 Q. My understanding is this is the area of a box culvert,
20 and do you see that the actual level at the top is
21 plus 2.82?

22 A. This is correct.

23 Q. And that is the figure, the number, that you had on the
24 summary sheet that we looked at just a moment ago?

25 A. Mm-hmm.

26

1 Q. That's described as the cut-off level, as-built.

2 A. Okay.

3 Q. So do you know what you were installing between --
4 sorry, I should have mentioned, the design cut-off
5 level, we picked it up on the sheet earlier, was 0.55,
6 which one sees on the section 5 to the left. If you
7 stick with -- otherwise you will lose the thread,
8 Mr Gillard, if you start looking elsewhere.

9 A. Okay.

10 Q. You've got the level at the top, 2.82; yes?

11 A. Yes.

12 Q. But we know the design level, from the sheet we looked
13 at a moment ago, was 0.55; do you see? Do you see that
14 on the left-hand side, section 5?

15 A. Yes, "Concrete cut-off level", yes.

16 Q. So what I'm trying to understand to you, Mr Gillard, is
17 what is between 0.55 and 2.8 on this particular panel?

18 A. So what's your question again, just to be clear?

19 Q. I want to know, if you can assist us, what you
20 constructed, if anything, between plus 0.55 and
21 plus 2.82.

22 A. Okay. So the 0.55 is where, I would say -- also it's
23 written "Concrete cut-off level" on this particular
24 sheet is what is called a cut-off level on other sheets.
25 So there is a potential confusion on that. So this is

26

1 basically where the final -- the top level of the final
2 product after trimming should be, 0.55. So practically
3 over and above is slab top level. 2.82 is written as
4 being slab top level, but I would say after, when we are
5 going to do the casting of this panel, we will put some
6 concrete --

7 Q. Up to 2.82?

8 A. Not necessarily. We will put roughly -- we should put
9 it, say, 70 centimetres to 1 metre above the final
10 cut-off level of 0.55.

11 Q. Right, so down there?

12 A. Yes.

13 Q. We will pursue that a little bit further in a moment.
14 But my understanding of that detail, Mr Gillard, I don't
15 know whether you can help, is this, that in the usual
16 situation on these panels, what was envisaged is that
17 there were -- we are just focusing on the EWL slab at
18 the moment and how it connects into this diaphragm
19 wall -- there were two levels of rebar, called the top
20 levels, and that would consist of two or three rows, and
21 then the bottom level similarly; yes?

22 A. Yes.

23 Q. And what this appears to be showing to us is the bottom
24 level, and there was no top level in this particular
25 instance?

26

1 A. I think so, yes. I think you're right, yes.

2 Q. Okay. So one would not expect to find, in relation to
3 this particular panel, any couplers and rebar connected
4 to the couplers at the top level as opposed to the
5 bottom level?

6 A. Correct.

7 COMMISSIONER HANSFORD: Sorry, can I understand -- so,
8 therefore, what are those grey shaded boxes at the plus
9 0.550 level? At the top of each bar, there's a shaded
10 grey box. What are they?

11 A. I think they are couplers. I have to look at the bar
12 mark.

13 MR PENNICOTT: You think they are couplers?

14 A. I think so. We should look at the bar mark.

15 Q. They are going vertically?

16 A. Yes.

17 COMMISSIONER HANSFORD: So are they type A couplers?

18 A. I have to look at -- we need to look at the detail to be
19 able to answer this question.

20 COMMISSIONER HANSFORD: Forgive me if this is not relevant.

21 I'm just trying to understand this drawing.

22 A. Yes.

23 MR PENNICOTT: If you're not sure, Mr Gillard -- you think
24 they probably are couplers?

25 A. Yes, I think they are couplers, or maybe threaded bar,
26

1 yes.

2 COMMISSIONER HANSFORD: Thank you.

3 A. I'm not sure.

4 MR PENNICOTT: Okay.

5 Then could I ask you to look at bundle F17,
6 page 11177.

7 Mr Gillard, is this a drawing prepared by Intrafor?

8 A. Yes, it is.

9 Q. And one can see that it is in respect -- first of all,
10 let's just look at the middle of the page. One can see
11 it says, "As-built diaphragm wall panel layout"; do you
12 see that?

13 A. Yes.

14 Q. As I understand it, therefore, tell me if I'm wrong,
15 this is part of the process by which the as-built
16 drawings were ultimately prepared. Is this therefore
17 part of your submissions of the as-built situation to
18 Leighton/MTRC?

19 A. This is correct. This is what you call the as-built
20 developed elevation drawings, yes.

21 Q. And this particular sheet is showing the as-built
22 position with regard to the panels that we can see in
23 the box towards the bottom, that is SAT89 and EH1
24 through to EH7?

25 A. Yes.

26

1 Q. If one goes, please, to page 11181, we see a similar
2 presentation, but this time in relation to, we can see,
3 in the box on the right-hand side -- if that could be
4 blown up slightly; that's fine -- EH55 through to EH89,
5 between roughly gridlines 21 and 36?

6 A. Yes.

7 Q. And within that area or that length, we can find panels
8 EH75 and EM76, or EH75 for present purposes; do you see
9 that?

10 A. Yes.

11 Q. And at the top of EH75, and indeed EM76, there is
12 a hatched area; do you see that?

13 A. You mean in here? (Indicating).

14 Q. Yes, there's a hatched area.

15 A. Yes.

16 Q. If I have understood that correctly, the hatched area
17 relates to -- if you go to the legend of the box, it
18 says, "Concrete to be trimmed by others during basement
19 construction"; do you see that?

20 A. Yes.

21 Q. So it appears -- help me with this -- that you may well
22 have taken the concrete up to plus 2.82, but recognised
23 that it would then be reduced to the designed cut-off
24 level of 0.55; would that be right?

25 A. Yes, this would be a sensible interpretation of this
26

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

26

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
26

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,

26

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
26

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.

26

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
26

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.

26

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

26

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.

26

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

26

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
26

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,
26

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,
26

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,
26

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.

26

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

26

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
26

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,

26

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

26

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
26

1 filled in, or has a name of Mr Rooney; do you see that?

2 A. Yes.

3 Q. He signed that and dated it 13 January 2014.

4 If we go to the next page, please, 2647. So, as
5 I understand it, Mr Anthony Mak is also an employee of
6 Intrafor; is that correct?

7 A. He was at the time, yes.

8 Q. He was at the time. What he has signed here is:

9 "We confirm that the works will be commenced on
10 21 January ... and undertake to carry out the works in
11 strict compliance with standards in accordance with or
12 equivalent to those required under the Buildings
13 Ordinance and Regulations, recognising the special
14 requirements for railways, as stipulated in the
15 exemption letter dated 5 December 2012."

16 We know that is the date of the exemption letter.

17 A. Yes.

18 Q. So would Mr Mak have been aware of that letter; do you
19 know?

20 A. I would imagine, yes.

21 Q. I should say, I know this is dated 21 January, I know
22 your work started back in the middle of 2013.

23 A. Yes.

24 Q. This is because I think this commencement relates to
25 a particular area.

26

1 A. Yes.

2 Q. I think there were a number of these as matters moved
3 on.

4 A. Yes.

5 Q. And this is just one example of it.

6 A. Yes.

7 MR PENNICOTT: Thank you very much, Mr Gillard. No more
8 questions.

9 WITNESS: Thank you.

10 MR PENNICOTT: Sir, I've only been told that China
11 Technology would like to ask Mr Gillard some questions.
12 I think my other learned friends reserve their position,
13 so I don't quite know what their position is at this
14 moment. Perhaps we could enquire.

15 MR WILKEN: Mr Chairman and Professor, Leighton's position
16 is that obviously we need to ask for permission under
17 rule 17(3) for any cross-examination, and we are not
18 asking for permission in relation to this witness.

19 CHAIRMAN: Thank you.

20 MR BOULDING: That's our position as well, sir and
21 professor. No questions.

22 CHAIRMAN: Thank you very much.

23 COMMISSIONER HANSFORD: The government?

24 MR KHAW: Mr Chairman and Commissioner, we only have one
25 question for Mr Gillard, if I may ask for permission for
26

1 that one question.

2 CHAIRMAN: Yes, of course.

3 MR PENNICOTT: We suggest that the government ask its
4 question.

5 CHAIRMAN: If you might ask your question now. I don't
6 think there's any pre-ordained order of questions here.

7 MR PENNICOTT: No, sir, I don't think there is any
8 pre-ordained order, particularly in relation to this
9 witness, but there may in the future be some sort of
10 order with other witnesses.

11 CHAIRMAN: Of course. Thank you.

12 Cross-examination by MR KHAW

13 MR KHAW: I'm very grateful for the permission.

14 Just one question for clarification. If we can turn
15 to your third witness statement, page F24265. It should
16 be bundle F5. Paragraph 36, Mr Gillard, where you refer
17 to the Atkins report of 25 February 2015. Can you see
18 that?

19 A. Yes.

20 Q. Then you've quoted two paragraphs. If we may just have
21 a look at the two paragraphs that you have quoted:

22 "... However as the slab reinforcement has been made
23 continuous over the D-wall support without proper
24 anchorage into the D-wall for panel EH107, it is
25 proposed to demolish the top portion of D-wall and add

26

1 the required number and diameter of rebar as per the
2 design drawings and achieve the full anchorage length
3 with the D-wall vertical reinforcement. For details
4 refer to attached sketch."

5 Just to refresh everyone's memory, I also referred
6 the Commission to a similar Atkins report yesterday in
7 relation to this particular bit, which was included
8 actually in the design report as per the submission made
9 by MTR in July 2005.

10 The question that I wish to clarify with you is --
11 here, when you refer to Atkins' statement that "it is
12 proposed to demolish the top portion of D-wall and add
13 the required number and diameter of rebar ... [to]
14 achieve the full anchorage length with the D-wall
15 vertical reinforcement" -- now, am I correct to say
16 that -- I wouldn't say the only way -- probably one of
17 the ways to achieve such full anchorage length with the
18 D-wall vertical reinforcement is by way of the use of
19 L-bars; would you agree?

20 A. Yes. That's one of the methods, yes, not the only
21 method.

22 MR KHAW: Thank you. I have no further questions.

23 CHAIRMAN: Not the only method?

24 A. Not the only method.

25 CHAIRMAN: Thank you.

26

1 Yes?

2 MR SO: Sir, I do have some questions for Mr Gillard.

3 I wonder if, sir, you wish me to make a start now, or
4 would it be a convenient moment to have the break now?

5 I'm entirely --

6 CHAIRMAN: Make a start, please, until, say, 11.30.

7 MR SO: Of course.

8 Cross-examination by MR SO

9 Q. Mr Gillard, I represent China Technology. I have some
10 questions for you.

11 You recall yesterday, when Mr Cohen, your counsel,
12 was doing the examination-in-chief with you, he asked
13 you to show two types of couplers to the Commission?

14 A. Yes.

15 Q. Type A and type B. I also recall that you did
16 a demonstration before this Commission as to how to
17 screw in the rebar into the couplers, and at that
18 juncture Prof Hansford actually asked you to stand up.
19 Do you recall that point?

20 A. Yes, of course.

21 Q. Can I trouble the officers of the Secretariat to just go
22 back to the transcript of yesterday, which is at
23 page 132, line 24. I recall that was actually what you
24 said to the Commission. I will just quote it:

25 "Okay. So, basically, this bar, you take this bar,

26

1 and actually what's important is you screw the bar.
2 Okay? The key point is actually the bar is screwed
3 (demonstrating). Sorry, this is heavy. Okay. So,
4 basically, you screw to the turn, so by hand",
5 et cetera.

6 This is of course not on the transcript but I did
7 pay very close attention to your demonstration at that
8 time. Just for the record, you held the coupler in your
9 left hand, do you recall, and the rebar in your right
10 hand?

11 A. (Nodded head).

12 Q. And you initially attempted to connect the rebar and the
13 coupler horizontally; do you recall?

14 A. (Nodded head).

15 Q. Then I think it was at that juncture you said, "Sorry,
16 this is heavy. Okay", and you then demonstrated -- you
17 put it vertically and you screwed that in. Is that
18 true? Do you recall that moment?

19 A. I recall that moment, yes.

20 Q. Just to clarify -- there is no criticism whatsoever,
21 don't misunderstand -- so for the type A couplers, the
22 coupler would be embedded horizontally in the diaphragm
23 wall; is that my understanding?

24 A. I mean, yes, in general, or maybe all of them, most of
25 the type A -- the type are A in this particular project,

26

1 as far as I remember, the coupler for connection to the
2 slab, yes. But they could be everywhere. It's not ...

3 Q. So just to clarify, in the diaphragm wall, the type A
4 couplers would be placed horizontally outwards, so it's
5 not vertical? When you fix the rebars in the diaphragm
6 wall, it's horizontal to the diaphragm wall?

7 A. No. The type of the coupler, you can do it vertically.
8 I just mention that on this particular project, if
9 I recall, this type of coupler was used for the
10 connection to the slabs, and therefore they were --

11 Q. So, fair enough, just in this project, in the diaphragm
12 wall, the type A is horizontal, just in this project?

13 A. Okay.

14 Q. Is that correct?

15 A. Yes. I mean, in this project. Yes, in general, on this
16 project. I just don't want to say -- I'm not saying
17 that there is not a single type A coupler used beside
18 the horizontal position.

19 Q. I see.

20 A. So I don't know. I haven't checked every single
21 coupler, every single drawing, just to make such
22 definitive statement.

23 Q. Yes, of course. Thank you.

24 I understand this is not part of Intrafor's work,
25 but insofar as Intrafor is concerned, is Intrafor

26

1 required to screw the rebars into the coupler, just as
2 you demonstrated to the Commission yesterday?

3 A. This is a rebar in connection with the slab. We've got
4 nothing to do with the slab. So, in this instance,
5 there is no -- this is not part of our work, to screw
6 the slab bar into the type A coupler embedded into the
7 D-wall panel.

8 Q. I see. Just leave the type A for the moment.

9 You also recall that you did a demonstration on
10 type B couplers; correct?

11 A. Yes.

12 Q. I also recall that you specifically -- when you were
13 trying to screw that in, you mentioned that the rebar
14 and the coupler has to be exactly the right place in
15 order to get it screwed?

16 A. Yes.

17 Q. Do you agree that when the couplers are fixed on the
18 diaphragm wall, so it must be perpendicular, facing
19 outwards. In the situation that it has to be in the
20 diaphragm wall, it has to be just perpendicular, facing
21 outwards, not deviating into other angles, so that it
22 could be properly screwed in?

23 A. No. I would disagree with that.

24 Q. Why? Can you explain?

25 A. What is important is -- if the coupler is at a slight
26

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.

26

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?

26

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" --

26

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

26

1 cap?

2 A. Yes, they should be capped, yes.

3 Q. And of course the cap would not be removed before the
4 concrete was being poured?

5 A. Correct.

6 Q. And of course you would not check whether, when the cap
7 was removed, the threadings have any problem inside the
8 couplers?

9 A. If we receive, yes, we don't have any obligation to
10 actually -- we don't systematically, if this is your
11 question, check the thread of every coupler, that's
12 correct.

13 MR SO: Sir, I'm about to move to another topic.

14 CHAIRMAN: Yes.

15 Do you do any random testing in that regard?

16 A. I think, as we can see, actually, as evidenced by this
17 letter, we do look at what we receive. So the answer
18 would be yes, we do check randomly the material that we
19 are receiving, yes.

20 CHAIRMAN: Sorry, you are moving to another point now?

21 MR SO: Yes. Another point.

22 CHAIRMAN: Good. Thank you very much.

23 How long, Mr Pennicott, 10 or 15?

24 MR PENNICOTT: 15, please, sir.

25 CHAIRMAN: 15. Good.

26

1 MR PENNICOTT: Thank you.

2 (11.29 am)

3 (A short adjournment)

4 (11.48 am)

5 CHAIRMAN: Yes.

6 MR SO: May it please you, sir.

7 Mr Gillard, I wish to turn to the panel forms which
8 you discussed with Mr Ian Pennicott yesterday.

9 Can I trouble you to go to bundle F1, page F783.

10 I trust this is the exhibit that you have provided the
11 Commission in the first batch of your witness
12 statements, and if you turn to the next page, F784, you
13 have also told us yesterday that this is the panel
14 record. I wish to go into greater detail into the panel
15 record form itself.

16 You told us yesterday that the panel record form
17 itself is like a cover sheet, a summary sheet?

18 A. Yes.

19 Q. You also tell us there is a fundamental difference
20 between this cover sheet and the information behind this
21 cover sheet?

22 A. Yes. There should be -- yes, the fundamental difference
23 being that this is done after. The sheets behind are
24 contemporaneous records, so they are done on the spot,
25 yes.

26

1 Q. I see. So the records behind this cover sheet are
2 essentially contemporaneous records?

3 A. Correct.

4 Q. And those in the front are not necessarily
5 contemporaneous; it must come later than those
6 contemporaneous records?

7 A. That's correct.

8 Q. I recall that Mr Pennicott yesterday indicated to you
9 that some of those panels were actually not signed by
10 MTR, not signed by Leighton, or not signed by both MTR
11 and Leighton?

12 A. Yes, this is correct.

13 Q. Can we just turn to page 789, just behind this. It's
14 the same panel. It's panel EM98. This is the
15 coupler-by-coupler inspection sheets, if I'm correct?

16 A. No, this is a cage-by-cage inspection sheet.

17 Q. Pardon me, it's a cage-by-cage inspection sheet. As you
18 have told us just now, this is also one of the many
19 contemporaneous records that were made?

20 A. Yes.

21 Q. If we can go into details of this sheet, we can see also
22 the time, the date, and who actually was present in the
23 inspections, et cetera, and --

24 A. Yes.

25 Q. -- we saw signatures of representatives of MTR, Leighton
26

1 and Intrafor?

2 A. Yes.

3 Q. I also understand that from your evidence yesterday,
4 they would also count the bars, count the couplers and
5 the space, et cetera?

6 A. Yes.

7 Q. In the SCL project, I also understand that Intrafor was
8 not permitted to progress to the work on the next panel
9 or next cage unless MTR, Leighton and Intrafor, all
10 three parties, were satisfied with the connections being
11 done properly?

12 A. Yes, that's correct.

13 Q. So all three parties have to inspect it and confirm that
14 it is satisfactory standard and then proceed to the next
15 stage?

16 A. Yes, that's correct.

17 CHAIRMAN: You mean the next stage vertically?

18 MR SO: Yes, exactly.

19 From the cage at the bottom, going up, what I mean
20 by the next stage.

21 A. Yes.

22 MR COHEN: So not moving to the concrete but with it
23 connecting with the next panel, to the next stage.

24 CHAIRMAN: That's it, yes.

25 MR SO: Yes, exactly.

26

1 A. Yes.

2 Q. You also explained to us in your witness statement that
3 this is essentially what the project called -- this is
4 a hold point?

5 A. Yes.

6 Q. So you have to wait.

7 Just for illustration, pardon me for being
8 long-winded, but I just want to make it clear. For
9 example, if we focus on F789, we start from cage 7 to
10 cage 6, then after it was done it would be checked by
11 MTR, Leighton and Intrafor; is that correct?

12 Then you would move up to cage 6, to cage 5, and
13 after finish cage 6 to cage 5, again there would be
14 a joint inspection by the three parties; is that
15 correct?

16 A. Yes, this is correct.

17 Q. Thank you. So then after, if the whole panel is ready,
18 every information is collected, you would prepare the
19 sheet on page F784, the panel record, when all those
20 contemporaneous records of the whole panel is ready? Is
21 that so?

22 A. Sorry, can you just repeat what you just said?

23 Q. I will repeat myself. After all the contemporaneous
24 records were prepared by this panel, then you would
25 prepare this page F784, this panel record?

26

1 A. Yes.

2 Q. Then you told us yesterday that the whole set of
3 records, the panel records, the contemporaneous records,
4 all those, you would pass it to the contractor, that is
5 Leighton; is that correct?

6 A. Yes, this is correct.

7 Q. And presumably, I don't know whether you know or not --
8 you can tell us if you don't -- then this would be
9 passed to MTRC?

10 A. Yes. I would assume so, yes, I presume. That's part of
11 the documentation.

12 Q. I see. And it's also your understanding that MTRC would
13 pass everything back to Intrafor after that, at the end
14 of the whole project?

15 A. What do you mean exactly? We don't receive back our
16 documentation, no.

17 Q. Probably let's go back to the transcript of yesterday,
18 Day 2, page 167. You told us, at line 16, your answer
19 yesterday:

20 "... I'm not 100 per cent, this would have to be
21 double-checked, but normally this panel record will be
22 submitted to the main contractor, Leighton, for
23 submission after to MTR soon after the construction, so
24 maybe one week, two weeks after, maximum. We don't keep
25 them up to the end, that's normally the trend, and they
26

1 are actually part of the submission to -- part of the
2 exercise at the end of the project, part of the as-built
3 records which are actually submitted to BD."

4 A. Yes.

5 Q. So first you would submit it to Leighton?

6 A. Yes.

7 Q. Leighton then submit it to MTR?

8 A. I presume, yes.

9 Q. And then MTR would submit it back to you?

10 A. Where did you -- where did I say that?

11 Q. Is it? I'm just having an enquiry with you.

12 A. No.

13 Q. Because you told me that at the end you would submit it
14 to BD, so where did you get those records back?

15 A. The same documents are part of the copy of the document,
16 the same document, those contemporaneous records, as far
17 as I remember, are part of the as-built documentation,
18 yes.

19 Q. Thank you. You also told us that you would pass those
20 documents to the Buildings Department?

21 A. Yes.

22 Q. And then those records that we already have now before
23 the Commission, those are actually the records that you
24 have passed to the Buildings Department?

25 A. Yes, I think so.

26

1 Q. And you told us that usually it would take approximately
2 one week or so to do that and at most two weeks for the
3 maximum?

4 A. I mean, for us to submit to Leighton, yes, generally,
5 yes.

6 Q. Generally, one week or so and you will pass it to
7 Leighton?

8 A. Okay.

9 Q. Mr Pennicott yesterday put it to you that actually
10 sometimes we get the form signed by three, sometimes by
11 two, so it was sometimes. I suggest to you,
12 Mr Gillard -- and you can agree or disagree -- would you
13 actually agree that almost half of the panel records, up
14 to half, were not signed by all the parties?

15 MR COHEN: Sorry, can you take him to -- there are several
16 sets of panel records in the bundle. Can you take him
17 to which set you are talking about?

18 MR SO: Sir, I'm saying generally all the panel records,
19 half of those were not signed by all the parties.

20 CHAIRMAN: My understanding, and I may be in error, is that
21 the document we looked at first is like a summary sheet,
22 and that the summary sheet literally summarises all the
23 contemporaneous documents, so those have all been
24 signed, by and large, by everybody, or by the people who
25 are required to sign them. But the summary sheets which
26

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

26

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

26

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

26

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.

26

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
26

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.

26

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.

26

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
26

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.

26

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

26

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."

26

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

26

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

26

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.

26

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.

26

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
26

1 the Buildings Department.

2 Can I bring you to the next page, H5511. This
3 report was prepared by the consultant. At
4 paragraph 4 -- I quote from paragraph 4:

5 "The U-bars located at top of diaphragm wall shown
6 on record plan is not agreed with the actual constructed
7 with no U-bars at top of D-wall as informed by MTR's
8 representative Mr Kingsley, and amendment will be
9 submitted as soon as possible."

10 That is reviewed in EH -- at the top, you can see
11 that it also includes the panel that I have just shown
12 you with the photographs. Is that so?

13 A. I'm just -- I'm listening to you. I don't know what
14 you're trying to establish, to be honest.

15 Q. Can you explain why -- can you assist this Commission as
16 to why the inverted U-bar was actually not present when
17 the consultant actually inspected the diaphragm wall?

18 A. I cannot answer to you right now. I would have to look
19 at the documents. I've just been shown some -- I need
20 to analyse, if you want me to.

21 MR SO: Thank you, sir. There's no further questions.

22 CHAIRMAN: Thank you.

23 Mr Pennicott?

24 MR PENNICOTT: Sir, if anybody wants to re-examine, it can
25 only be Mr Cohen.

26

1 CHAIRMAN: Yes, of course.

2 MR COHEN: Sir, might it be possible just to take 10 to
3 15 minutes? Unusually, of course, those instructing me
4 are not sitting behind me, so therefore there are
5 a couple of matters on which I need to seek
6 instructions. I don't imagine my re-examination will
7 take much more than ten minutes.

8 CHAIRMAN: All right.

9 Peter, did you want to ask anything?

10 Questioning by THE COMMISSIONERS

11 COMMISSIONER HANSFORD: Yes. Thank you, Chairman.

12 It would help me to understand a little bit about
13 the management of documentation. Mr Gillard, you've
14 explained that the documentation here is vast.

15 A. Yes.

16 COMMISSIONER HANSFORD: Could you describe to us Intrafor's
17 document information management system for this project,
18 particularly how quality assurance records are stored
19 and managed?

20 A. Yes, okay. So we've got some -- we've got company
21 quality management system, then we've got the project
22 quality plan, which basically describes how quality
23 should be managed on a specific project, so making
24 reference to the project-specific requirement. Then
25 after we've got method statement, IATPs. So, basically,

26

1 yes, we are following those, the procedures and the
2 documents, which have to be filled in, as explained in
3 those different quality control or quality management
4 documents, yes.

5 I don't know if I've answered your question.

6 COMMISSIONER HANSFORD: Thank you.

7 CHAIRMAN: Can I ask just one thing: could you just, very
8 briefly, if that's possible, help me -- you've got
9 a cage which is at the bottom, and then you've got
10 a series of cages built on top of them. They are linked
11 together and are secured. And at one point nearer the
12 top, those cages have to have the ability to link in
13 with the slabs that are going to come across
14 horizontally.

15 A. Mmm.

16 CHAIRMAN: How do you ensure that the rebars coming out of
17 the slabs will be able to fit into the couplers that are
18 in the diaphragm wall? I mean is each cage measured as
19 to its height?

20 A. Yes, exactly, yes. Each cage is measured -- each cage
21 fabricated according to the shop drawings, which clearly
22 spell out what should be the dimension of the cage. So
23 this includes the position of the coupler, which are the
24 starter bar -- I mean the coupler to which the
25 reinforcement for the slab will be connected to, and

26

1 then after you've got some construction tolerance, yes.

2 CHAIRMAN: It would strike me that there must be occasions,
3 however, when your diaphragm wall is there with the
4 little red coupler --

5 A. Yes.

6 CHAIRMAN: -- covers, and you start to put the slab across
7 and they don't align. Does that ever happen?

8 A. Yes, this can happen, yes, sometimes.

9 CHAIRMAN: What do you do?

10 A. After, it's for the sub-contractor who is in charge of
11 the slab to actually find what's the best solution, but
12 first of all, I think in this case there was not -- if
13 I recall correctly -- many instances of coupler being
14 outside of the tolerance, and after, I would say
15 normally you will drill and try -- basically, you will
16 reposition by drilling a coupler inside the D-wall.
17 So ...

18 CHAIRMAN: So reposition the coupler inside the diaphragm
19 wall?

20 A. You will drill, okay, you will drill and put a new
21 starter bar in order to be able to connect. So you will
22 create a new connection.

23 CHAIRMAN: Okay. Good. So the answer to misalignment is
24 the job of creating a new connection point?

25 A. Yes.

26

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.

26

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

26

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),
26

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
26

1 place.

2 Can you please be taken to B16, page 13654. That is
3 the start of a reply statement from Wong Chi Chiu from
4 MTR.

5 If you could then be taken a few pages on to B13658.
6 Could you please read paragraph 7.1 and 7.2 which goes
7 over the page. So, when you've got to the end of 7.2,
8 can you tell us, and then we can just move on. Can you
9 read those paragraphs from Mr Wong's statement.

10 A. Yes, I read 7.1.

11 Q. If we could then go, please, to the top there and just
12 read those first three lines.

13 A. Yes.

14 Q. Do you have any comments on what Mr Wong has put in
15 those two paragraphs? Do you agree, disagree, or have
16 any comments?

17 A. I agree with those comments, yes.

18 Q. I understand -- I'm not sure whether you're able to help
19 us with this or not -- but Wong Chi Chiu is also known
20 as Kobe Wong?

21 MR PENNICOTT: Yes.

22 A. Yes.

23 MR COHEN: Thank you. I have no further questions, sir.

24 CHAIRMAN: Good.

25 Questioning by THE COMMISSIONERS

26

1 COMMISSIONER HANSFORD: Mr Gillard, while we have you here,
2 the chairman and I are trying to visualise the
3 inspection process of the cage-to-cage connections.
4 Would we be right in saying that at the time of the
5 connection between a lower cage and an upper cage, both
6 cages are being suspended? How does it actually work?
7 Could you explain to us what is happening to the cages
8 at the time that the inspection is being made, and where
9 in relation to the cage are the inspectors? We'd like
10 to understand that.

11 A. Okay. So actually the cage which is inside the panel is
12 partially inserted and actually it's supported using
13 some beams which are actually inserted through the cage
14 and actually -- so the bottom cage is at the end
15 supported on top of what we call the guide walls. The
16 guide walls are here to support the cage.

17 Then you've got some bars, the portion which needs
18 to be connected, which would typically be about, on this
19 project, 1 metre, 1.5 metres maximum, I would say about
20 1 metre above ground level. I think we can see it on
21 the picture described yesterday, typical. So basically
22 this is 1.5 metres.

23 Then you have the cage that we are trying to connect
24 will be lifted by either a crane or -- generally, it was
25 a crane on this project. So we present it, so we

26

1 connect it, so we are doing the connection
2 (demonstrating).

3 So at this time, to answer your question, so the
4 cage is suspended, to answer your question, to a crane,
5 yes.

6 COMMISSIONER HANSFORD: Just to be clear, the upper cage is
7 being suspended from a crane --

8 A. Yes.

9 COMMISSIONER HANSFORD: -- and the lower cage is being
10 supported on the support mechanism that you've just
11 discussed?

12 A. Exactly.

13 COMMISSIONER HANSFORD: And, in relation to those cages,
14 where would the inspectors be? Where would they be
15 located?

16 A. They will be on the ground, and they will be facing,
17 actually, more or less the connection, so it's very easy
18 to have access -- it's very easy for them, if this is
19 your question, to actually do the inspection of the
20 connection itself, and they will be able to visualise at
21 the same time the cage, yes.

22 CHAIRMAN: Once that's done, then the bottom one is lowered?

23 A. Exactly.

24 CHAIRMAN: Then the next one up is supported again?

25 A. Exactly.

26

1 CHAIRMAN: And then another one comes in?

2 A. Exactly.

3 CHAIRMAN: And then you have the inspection again?

4 A. Exactly.

5 CHAIRMAN: How often would those inspections take place in
6 respect of one diaphragm wall?

7 A. Okay.

8 CHAIRMAN: Every couple of days?

9 A. No, no, much more often than that. If you look at the
10 quality -- I recall actually it's very easy to trace
11 that you've got -- depending on the cage, how big --
12 you've got some big and smaller cages. If the cage is
13 bigger, of course the connection itself is going to take
14 longer because we have to do the connection, we do our
15 own inspection prior to call for Leighton and MTR to
16 actually do the connection.

17 But in short you would see that generally they are
18 going to make two or three connections per day.

19 CHAIRMAN: Per day?

20 A. Per day, yes.

21 MR PENNICOTT: Sir, we've got some photographs that might
22 help.

23 CHAIRMAN: Excellent. Thank you very much.

24 A. So it's a very repetitive process.

25 MR PENNICOTT: The one on the top left to start with.

26

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,

26

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

26

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

26

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
26

1 a particular panel, I'm not sure, but we may be able to.

2 CHAIRMAN: Good.

3 COMMISSIONER HANSFORD: I don't think that's necessary.

4 CHAIRMAN: That has been of assistance to us. Thank you.

5 MR COHEN: Sir, I have no re-examination arising.

6 CHAIRMAN: Good. We normally return at 2.15, but to give us
7 an hour and a quarter, we will return at 2.30.

8 MR PENNICOTT: Thank you very much.

9 CHAIRMAN: Are you able to say who the next witness is?

10 MR PENNICOTT: Yes, I am, sir. Mr Wong from Hung Choi is
11 the next witness.

12 CHAIRMAN: Does that mean Mr Gillard can be excused?

13 MR PENNICOTT: As far as I'm concerned, yes.

14 CHAIRMAN: Sorry, Mr Boulding.

15 MR BOULDING: No. I was just getting up because I thought
16 we were all going.

17 CHAIRMAN: Mr Gillard, thank you so much for all your
18 assistance. You needn't come back but please just be
19 aware that somebody may wish to call you at some stage,
20 in which case you will be contacted again.

21 WITNESS: Then I can come back. Thank you.

22 CHAIRMAN: Thank you very much. 2.30.

23 (The witness was released)

24 (1.12 pm)

25 (The luncheon adjournment)

26

1 (2.32 pm)

2 MR PENNICOTT: Sir, before we start, I have committed
3 something of a faux-pas, and indeed I need to put it
4 right immediately otherwise I will be accused of
5 favouring one party over the other. I am told that it
6 is also Mr Jat Sew Tong's birthday today as well.

7 Sir, the next witness is Mr Wong, Mr Wong Yiu Mo.
8 He is here and has his headphones on, so I hope
9 everything is being interpreted to you, Mr Wong. Is
10 that right? Can you hear me?

11 WITNESS: 都係等緊翻譯㗎。

12 MR PENNICOTT: Right, Mr Wong. Can we try again? Can you
13 hear me?

14 WITNESS: 聽到, 聽到。

15 MR PENNICOTT: Sir, Professor, are you hearing us loud and
16 clear?

17 CHAIRMAN: Yes.

18 MR PENNICOTT: Is anybody else having any problems? Sir,
19 obviously this is the first time we have used the
20 system, so let's keep our fingers crossed.

21 MR WONG YIU MO (affirmed in Puntì)

22 Examination by MR PENNICOTT

23 Q. Thank you very much, Mr Wong. Thank you very much for
24 coming along to give evidence today to the Commission.

25 You have provided us with three witness statements,
26 Mr Wong. The first is at bundle I, page 100. Mr Wong,

1 if you go to page 100, can you confirm that this is your
2 first witness statement?

3 A. 可以。

4 Q. If you go, please, to page 103, is that your signature?

5 A. 係呀，冇錯。

6 Q. And this is the statement you made on 21 September 2018?

7 A. 係。

8 Q. For everybody else's benefit, the English translation of
9 that statement is at bundle I/104 through to 107.

10 Mr Wong, your second witness statement, I believe,
11 is at bundle I, page 111. Do you have that?

12 A. 搵到，搵到。

13 Q. If you would be good enough, please, to turn to
14 page 116 -- again, is that your signature?

15 A. 係呀，冇錯。

16 Q. And your second statement made on 3 October 2018.

17 Again, for everybody else's benefit, the English
18 translation is at I117 to 122.

19 Then thirdly, Mr Wong, if you could turn to page 124
20 in bundle I, is that your third statement, or second
21 supplemental statement?

22 A. 係，冇錯。

23 Q. And at page 126, do we see -- or perhaps 125 -- your
24 signature on this statement made on 16 October 2018?

25 A. 係，係。

1 Q. Mr Wong, do you confirm that you wish to adopt the
2 contents of those three statements as your evidence to
3 the Commission?

4 A. 係呀，冇錯。

5 Q. Mr Wong, first of all, I understand you are a qualified
6 bar bender and fixer, with an appropriate certificate;
7 is that correct?

8 A. 係吖，冇錯。

9 Q. And you were a foreman with Hung Choi in their
10 sub-contract with Intrafor?

11 A. 係，係。

12 Q. I understand that you started at the site in June 2013;
13 is that correct?

14 A. 個時間大約係差唔多。

15 Q. Right. Can you tell us when you actually finished on
16 this particular site to do with the Hung Choi-Intrafor
17 sub-contract?

18 A. 即係所指嘅係離開--幾時離開呢個地盤？

19 Q. Yes.

20 A. 應該就係15年頭，15年1月份嘅。

21 Q. Okay. And, as I say, you were a foreman, and presumably
22 in that role you were supervising a number of other
23 Hung Choi employees; is that right?

24 A. 係吖，冇錯。

25 Q. And we know that they were doing the bar bending and

1 steel -- the cage fabrication and installing the cages
2 into the diaphragm walls.

3 A. 係，係。

4 Q. Did you personally get yourself involved with the actual
5 work that was going on, or were you just supervising?

6 A. 有親自監--親自參與。

7 Q. In what way? Can you explain to us what you actually
8 did on a sort of normal day?

9 A. 日常就即係分派我嘅員工去各個工作崗位做嘢先，跟住有陣時有特別要做嘢嘢
10 先至自己親自去做。

11 Q. What would those special tasks be?

12 A. 即係有某些員工可能對於個工序唔係太清楚或者有少少問題，咁我會參與到
13 其中同佢一齊完成咁。

14 Q. Okay. Can you explain very briefly to the Commissioners
15 how you knew what work you needed to carry out. Were
16 you given documents/drawings by Intrafor; how did it
17 work?

18 A. 大概上佢哋會有個即係日程表，佢哋未來嘅幾日要落邊個panel咁樣囉，即係
19 我哋會根據佢哋嘅要求完成佢哋所需要嘅panel，即係佢哋需要嘅鐵籠。

20 Q. Right. But how did you know about the configuration of
21 any particular cage? Were you physically given
22 a drawing to say, "Right, this is what we need to
23 build"?

24 A. 係呀，冇錯，佢哋嘅工程師會畀佢哋需要嗰個鐵籠個圖則我哋去完成。

25 CHAIRMAN: Right. I believe Hung Choi had a fairly large

1 workforce, and it may be that Mr Chui, I don't know,
2 who's coming along, may be able to confirm this, but
3 I will show you the document as well.

4 Could we please be shown bundle F34, page 23917.
5 You will see this on the screen, Mr Wong.

6 This is in fact a document, Mr Wong, that Intrafor
7 have prepared for us. I don't know whether they did it
8 in conjunction with Hung Choi but it doesn't matter.
9 But you can see you are the fourth name down on this
10 list; do you see that?

11 A. 見到，第4欄。

12 Q. And it looks as if you are right, I was right: you
13 started on 27 June 2013, according to Intrafor? Does
14 that sound about right?

15 A. Okay.

16 Q. We see at the top there's the owner, Mr Chui, who we
17 will be hearing from next week, and then three foremen,
18 and if we can scroll down, please, this goes on for two
19 and a half pages. So if you just keep going and then
20 keep going down to the next page -- stop there -- so we
21 see -- sorry, could you go up again, please; stop there,
22 thank you -- we see there a long list of bar benders and
23 fixers, and then it switches to "Steel fixer -- labour",
24 and these are two different qualifications, as
25 I understand it, Mr Wong; is that right?

26 A. 可以咁講。

1 Q. What are the "bar bender and fixer" doing? What are the
2 "steel fixer -- labour" doing? What is the distinction
3 in their operations?

4 A. 其實就我哋行內個牌照分兩種嘅，第一種係屬於中牌，有一種屬於大牌，就係
5 咁樣分嘅，佢屈同埋紮係冇乜分別，你必須要--因為紮鐵工人必須都要了解兩
6 樣嘅製作過程。

7 Q. And the "steel fixer -- labour", they are just the
8 general labourers, are they, not actually doing the bar
9 bending and fixing?

10 A. 唔係好明個問題，問多次，唔好意思。

11 Q. Let me try again. What I'm trying to ask you, Mr Wong,
12 is this: what is the difference between a bar bender and
13 fixer on the one hand and a steel fixer -- labourer on
14 the other?

15 A. 正常應該有分別呀，我唔知佢哋點樣分到又fixer、labour咁，有啲又
16 bender and fixer咁嘞，我唔知佢哋以咩嘢嚟分。

17 Q. That's a fair answer. Thank you very much. If we
18 scroll down to the end, it's another page, then we do
19 see some other descriptions: banksman -- I imagine that
20 should say truck driver -- welder, rigger, and if we go
21 down to the next page, that's the last page, and more
22 steel fixers we see there.

23 Am I right, Mr Wong, that whilst no doubt some of
24 the chaps working came and went, generally speaking
25 there was a pretty large labour force from Hung Choi on

1 this particular job?

2 A. 唔係，係流動性比較大啫，佢未必係個工程需要到咁多人，因為有啲人做咗，
3 跟住又有啲做，有啲人又後--可能14年先入嚟做呀，或者做幾個月又有做，
4 做一年、半載又有做咁樣。

5 Q. Okay. Could I ask you, please, to go to paragraph 6 of
6 your first witness statement. That's, for you, at
7 page I101, and for us, I104.

8 Paragraph 6, Mr Wong, in the first sentence you say
9 there:

10 "Hung Choi carried out its bar fixing work in
11 accordance with instructions (construction plans) [which
12 you mentioned a moment ago] from three parties ... MTR,
13 Leighton and Intrafor."

14 Would I be right in thinking, Mr Wong, that in fact
15 your instructions were received direct from Intrafor as
16 opposed to MTR and Leighton; is that right?

17 A. 係，冇錯，冇錯。

18 Q. So you wouldn't receive instructions directly from
19 MTR/Leighton; it was very much -- it was Intrafor that
20 you were dealing with?

21 A. 係，冇錯。

22 Q. You refer, further on in paragraph 6, to say that:

23 "If Intrafor was satisfied with the work", I imagine
24 that's the Hung Choi work, "Leighton representative
25 would be notified, and Leighton representative would

1 proceed to inspect, record and approve such work ..."

2 And then, at the end:

3 "... [an] MTR representative would carry out
4 inspection, recording and approval of such the work to
5 complete the entire inspection and approval process."

6 In all that, Mr Wong, was Hung Choi required to fill
7 in any records or forms, or was that just left to
8 Intrafor and the other parties?

9 A. 我哋唔需要填呢方面嘅表格同埋紀錄。

10 Q. Okay. Before we move on, Mr Wong, can I ask you this.
11 We have heard from Mr Gillard from Intrafor that
12 essentially his work and your work took place either at
13 the fabrication yard or at the location where the
14 diaphragm walls were being constructed.

15 A. 係, 冇錯。

16 Q. Did you personally spend time in both of those areas?

17 A. 有。

18 Q. So you would be involved in the fabrication at the yard,
19 and then, when diaphragm walls were being installed,
20 cages were being dropped down into the diaphragm walls
21 for concreting, you would also be part of that
22 operation?

23 A. 有, 有, 有。

24 Q. In paragraph 7 of your first witness statement, you
25 describe the process by which the various cages were

1 installed at the diaphragm wall.

2 A. 係，冇錯。

3 Q. I would like to, if I may, show you a few photographs
4 which you may be able to help us with. B5 -- sir,
5 I will have to read out the correct references to all of
6 these later on. I don't have them exactly to hand at
7 the moment.

8 Mr Wong, is that up on your screen? Can you see
9 a photograph there?

10 A. 睇到，睇到。

11 Q. Can you explain to us what is going on in this
12 photograph?

13 A. 就係關於駁緊籠，即係嗰個鐵籠一嚟，喺度駁緊。但係其實重點想知啲咩嘢？

14 Q. This presumably is at the diaphragm wall location, is
15 it?

16 A. 係，冇錯。

17 Q. There's a sort of mobile scaffold on the right-hand
18 side, and indeed on the left-hand side, and are these
19 operatives doing work, or are these inspectors, do you
20 know?

21 A. 嗰啲係做緊嘢嘅人嚟。

22 Q. Right. What are they doing? The cages are obviously --
23 there are a number of cages for these diaphragm wall
24 panel, and each has to be connected to the next.

25 A. 係，冇錯，佢哋而家喺度將啲--就係將啲鐵連接，主要嘅工序都係將啲鐵

1 連接，應該就係。

2 Q. How is one bar -- sorry, how was one cage connected to
3 the next cage?

4 A. 主要都係將啲直身，我哋而家喺相裏面見到直身啲螺絲頭駁埋。

5 Q. By what means? The use of couplers?

6 A. 係呀，用咩嘢方法？就係都係咁樣擺手或者用某啲工具，都係將下面而家
7 底層啲個螺絲頭駁埋。

8 Q. So they would hand-tighten them and then, if necessary,
9 use a tool to tighten them further; is that right?

10 A. 係，係，可能會有少少工具輔助，壓鉗、鍊鉗之類，有少少。

11 Q. Right. Can we go to the next photograph, please. And
12 the next one, sorry.

13 This is a photograph that we looked at -- you won't
14 know this, Mr Wong -- with Mr Gillard this morning.
15 Again, we can see what appears to be happening here is
16 a cage is being installed at the diaphragm wall
17 location; do you see the vertical cages on the left?
18 And you can see a group of gentlemen on the left there,
19 it looks like probably four, possibly five men there; do
20 you see? Do you see them?

21 A. 見到。

22 Q. Again, do you think they are labourers or are they
23 inspectors?

24 A. 工人。

25 Q. Right. Again, are they fixing the already-lowered cage

1 to the next cage as it's dropped down; is that right?

2 A. 其實呢幅相裏面可以見到嘅就有四個，應該都係工人嚟嘅，但係最裏面嗰度
3 有個就睇到唔係好清楚係咪--唔清楚佢係咪真係喺度檢驗緊，但係如果從我
4 個認知裏面，呢幅相，應該呢條鐵籠係起咗貨，即係已經接駁完成，但係就
5 等緊落落去，就做而家擺喺地下呢個。

6 Q. Right. I see. And so far as you -- and you actually
7 witnessed this sort of operation going on, did you,
8 Mr Wong, when you were at the site?

9 A. 成個工作個流程都有親眼睇過。

10 Q. Right. Once the workers had connected one cage to the
11 next cage, what would then happen?

12 A. 等啲阿Sir，即係等啲阿Sir過嚟收咗個--即係收貨，即係檢驗嗰個螺絲頭
13 接駁，睇下o唔okay，跟住先再放落去。

14 Q. Right. Mr Wong, to your knowledge, was there ever
15 an instance where a cage would be lowered, having been
16 connected, without it being inspected by the officers?

17 A. 據我所知，就應該就未試過嘅，因為其實根據呢幅相同埋頭先先前睇過有兩
18 個架嗰幅相，其實就分兩part嘅，佢去到一個layer，呢啲鐵籠就唔係我哋
19 公司負責接駁，都係由番盈發，即係而家企喺度，相裏面見到嗰啲工人，由
20 佢哋盈發個ligger負責接駁，即係少過兩個layer嘅籠。

21 Q. All right. When you say "officers", exactly who do you
22 mean?

23 A. 即係佢真正嘅--即係佢真正個--點講？即係佢到底係邊方面嘅人呢，其實
24 都係根據件衫嚟分嘅啫，我哋--去到我哋呢個層面呢，淨係知佢着住禮頓

1 衫，佢咪禮頓嘅人，着住港鐵嘅衫，就係港鐵嘅人，就係咁樣，我哋即係
2 熟悉嘅，就多數都係盈發嘅engine，就係咁樣。

3 Q. Right.

4 MR JAT: Excuse me, sir, it seems, in terms of translation,
5 I think the witness did say it's only when the cage has
6 two layers or less then it would Intrafor's workers who
7 would be doing the connection. That's missed.

8 MR PENNICOTT: Is that correct, Mr Wong?

9 A. 係呀，係呀，係。

10 MR PENNICOTT: Thank you very much.

11 Back to the photograph, Mr Wong, on the right-hand
12 side we can see that a cage is, as it were, lying on the
13 ground in a horizontal position. Am I right in thinking
14 that the silver rings, the circles on the end, are
15 couplers?

16 A. 係，係。

17 Q. Do you know the difference between a type A and a type B
18 coupler, Mr Wong?

19 A. 即係如果--即係以我嘅理解，我只可以當佢係全牙，全牙搭半牙，半牙搭
20 半牙咁囉，即係B類就全牙搭半牙，A類就屬於半牙搭半牙咁樣，即係以我哋
21 行內個理解。

22 Q. Right. The B is slightly longer and the A is slightly
23 shorter.

24 A. A係-- sorry.

25 Q. Do you recall which was used mostly on these rebar cages?

1 A. 知呀，知呀，知。

2 Q. Was it A or B?

3 A. 呢啲應該係B嚟。

4 Q. Okay. Could I then ask you, please, to look at your
5 second witness statement, at I111.

6 Mr Wong, I know that you were asked to review
7 a video and some stills taken from the video and some
8 photographs?

9 A. 係。

10 Q. That's right, is it?

11 A. (Via interpreter)係。

12 Q. What you've done for us -- we looked at the video
13 yesterday, so rest assured, Mr Wong, everybody has seen
14 the video -- and at paragraph 2(a) of your witness
15 statement is a still from the video, and you say that
16 the person standing up, with the arrow, is you?

17 A. 係呀，係呀。

18 Q. We understand that this would have been taken, because
19 the date we know, during the construction of the rebar
20 cages for the first panel to be installed?

21 A. 應該係。

22 Q. Right. Can I then ask you -- then over the page,
23 at 112, there's a close-up of you; it's a bit clearer.
24 Do you see that?

25 A. 睇到，睇到，睇到。

1 Q. Could I then ask you please to look at photograph 2 on
2 page 113, which is a photograph we've also looked at
3 before. The photograph -- you say the location is
4 inside the diaphragm wall, but you are unable to confirm
5 the exact location. The caption to the photograph at
6 the top says, "Photograph of the diaphragm wall work at
7 Hung Hom Station of the Shatin to Central line showing
8 that multiple couplers at the completed diaphragm wall
9 cages were not tightened."

10 First of all, it seems pretty obvious, Mr Wong, but
11 do you agree that at least certain of the couplers that
12 we can see were not tightened?

13 A. 如果淨係睇到幅相，我覺得佢未做完嘅呢條籠。

14 Q. Yes. So we can see the first rebar appears to be
15 connected to the coupler but perhaps not fully. The
16 next one in doesn't seem to be connected at all at the
17 bottom, do you see, and then the others perhaps are; do
18 you see?

19 A. 睇到，睇到，睇到。

20 Q. The question that was asked this morning -- was there
21 any reason why, that you may be able to think of, why
22 that second one in from the right would not have been
23 tightened? I appreciate the point that you've made,
24 that it's probably just during the course of
25 construction, but was there any sequence by which the
26 lines of rebar were connected?

1 A. 首先，我要重申多一次，佢呢啲一個layer就係盈發佢哋啲ligger負責
2 安裝，就唔係我哋公司啲員工負責安裝，你如果講到話佢有冇咩嘢特定嘅
3 次序，其實佢係冇乜特定次序安裝呢啲螺絲頭嘅，佢只不過佢係有啲易裝
4 嘅，即係對得--本身對得比較正嘅，好做嘅嗰啲做咗先嘅啫，佢剩低呢條
5 難做嘅，就留番last先做咁啫。

6 Q. Okay. If you look at page I120, you have been able to
7 locate that particular photograph, because we can see,
8 just about, the reference to EM98 in the bottom
9 left-hand corner. Page 120.

10 A. 係，冇錯。

11 MR PENNICOTT: All right. Thank you, Mr Wong. I've got no
12 further questions. I don't know whether anybody else in
13 the room wants to ask you some questions, but we will
14 soon find out.

15 CHAIRMAN: Yes.

16 MR BOULDING: Sir, no application from us to make questions.

17 CHAIRMAN: Thank you.

18 MR SO: No application for China Technology.

19 MR WILKEN: And none from Leighton.

20 MS CHONG: No questions from Fang Sheung.

21 MR COHEN: Sir, none from Intrafor.

22 CHAIRMAN: Thank you.

23 MR KHAW: Sorry, a few questions from me!

24 Cross-examination by MR KHAW

25 Q. Mr Wong, we just saw the list referred to by the

1 Commission's lawyer, telling us that there were two
2 categories of workers. One is called bar fixer and one
3 is called steel bender.

4 Am I right in saying that some workers from
5 Hung Choi only did steel bending work, not steel fixing
6 work; is that correct?

7 A. 多數都係咁分嘅，佢多數屈紮緊，佢唔會特別--即係特別要求到佢落去裏面
8 安裝，除非真係安裝嗰度需要人手，咁可能佢停一停自己身上嘅嘢入去幫手。

9 Q. In your witness statement, you told us that the bar
10 fixing work was carried out in accordance with
11 instructions given by other parties?

12 A. 係，係，冇錯。

13 Q. In relation to the bar bending work first -- we are
14 talking about the bar bending work first, because we all
15 know that the bar bending work would need to be done
16 before the bar fixing work.

17 A. 係，係，冇錯。

18 Q. In relation to the bar bending work, were you given
19 a particular schedule or a piece of paper in order to
20 tell you how to carry out the bar bending work?

21 A. 有呀，有呀，有。

22 Q. If you can take a look at F35, page 24293. This is what
23 we call a bar bending schedule, as provided by Intrafor.

24 A. 係，冇錯。

25 Q. You've seen that before; right?

1 A. 見過，見過。

2 Q. So the bar bending work would be carried out in
3 accordance with the schedule given to Hung Choi?

4 A. 唔好意思，個問題可唔可以問多次？

5 Q. So the bar bending work would be carried out by
6 Hung Choi in accordance with this bar bending schedule?

7 A. 係，冇錯。

8 Q. So presumably the steel bars would have been bent or cut
9 into a particular -- in accordance with certain
10 dimensions or specifications before they were actually
11 used to make the bar cage; am I right?

12 A. 係，冇錯。

13 Q. So it would not be necessary to cut or to further adjust
14 the reinforcement bars at the time when the actual bar
15 fixing work was done on site; is that right?

16 A. 唔使。

17 Q. Thank you. In that case, if you can take a look at
18 a photo at bundle D1, page 598. There's a picture that
19 apparently shows a worker using a cutter. Did you ever
20 come across a situation where a worker had to use such
21 a cutter on site?

22 A. 冇。

23 Q. Finally, I would like to clarify with you that during
24 the course of the bar fixing works for the diaphragm
25 walls in relation to this particular project, did you

1 ever come across a situation where the threaded parts
2 were too long so that the workers on site had to ask for
3 help in order to cut any reinforcement bar?

4 A. 冇。

5 MR KHAW: I have no further questions. Thank you.

6 MR PENNICOTT: Sir, nothing from me, and I understand
7 Mr Cohen doesn't want to ask any questions, so unless
8 you have anything else.

9 MS CHONG: Chairman, I wish to apply for permission to ask
10 one question.

11 CHAIRMAN: Yes.

12 Cross-examination by MS CHONG

13 MS CHONG: Just now, you were asked: did you ever come
14 across on site that the threaded bar was too long to be
15 cut on the site? And your answer is no.

16 My question is: did you ever come across a situation
17 that threaded bar type B were cut for the purpose to be
18 used as threaded bar type A, because there were
19 insufficient bars of type B?

20 A. 我哋未遇過咁嘅情況，我哋如果唔夠--某一種鐵料唔夠，我哋可以要求盈
21 發，等盈發要求BOSA擺過條畀我哋。

22 Q. But if type B were cut and to be used as type A, would
23 the cut bars, the strength and the safety, be undermined
24 by -- after cut?

25 A. 一個紮鐵工人應該答唔到呢個問題。

1 MS CHONG: I have no further questions.

2 CHAIRMAN: Thank you very much. We have no further
3 questions.

4 MR PENNICOTT: Thank you, sir.

5 Mr Wong, I think you are free to go.

6 WITNESS: Okay, 多謝晒各位。

7 CHAIRMAN: Thank you.

8 (The witness was released)

9 MR PENNICOTT: Sir, as I mentioned I think in passing
10 earlier, there is one further witness from Hung Choi;
11 however, he is unable to be here this week. We had
12 notification of that some time ago. But he will be
13 here, I understand, on 30 October and thereafter.

14 So we now have to switch to China Technology's
15 witnesses, and my understanding is that the first
16 witness is Mr But. However, that's going to cause
17 a little hiatus because we need to change the seating
18 arrangements before calling the next witness. So I'm
19 afraid we are going to need five minutes just to
20 reorganise the front and second row, I think.

21 CHAIRMAN: I take it that what we will do then is go through
22 the various witnesses from China Technology?

23 MR PENNICOTT: Yes, sir. The provisional timetable is such
24 that Mr But, as I say, is the first witness, and I know
25 Mr Poon is the last, however I can't quite recall which
26 order the other three are coming in. I think it's

1 Mr Ngai and then Mr Li and then Mr Chu. I think that's
2 the order. But certainly Mr But is next.

3 CHAIRMAN: Good. If you will let the Secretariat know what
4 you are ready to start again.

5 MR PENNICOTT: Yes, sir.

6 (3.20 pm)

7 (A short adjournment)

8 (3.29 pm)

9 MR PENNICOTT: Sir, the next witness is Mr But, so I will
10 hand over to I think Mr So.

11 MR SO: May it please you, sir.

12 Mr But --

13 WITNESS: 係，聽到。

14 MR SO: -- we have an interpretation service here. I hope
15 you can give your answers slowly.

16 WITNESS: 好，冇問題。

17 MR BUT HO YIN, IAN (affirmed in Puntì)

18 Examination-in-chief by MR SO

19 MR SO: Thank you, Mr But. I understand that you have made
20 three witness statements.

21 May I bring you to the first witness statement. It
22 is in bundle D3, page D909. This is your first witness
23 statement.

24 Can I invite you to go to page D916. On page D916,
25 you have signed on this witness statement, and this
26 witness statement is dated 19 September 2018. Can you

1 confirm that?

2 A. 冇錯。

3 Q. Can I ask you to turn to page D945. Do you have before
4 you D945?

5 A. 睇到。

6 Q. This is your second witness statement.

7 Can I bring you to the next page, D946. Again,
8 there is your signature there, and it is dated the
9 28th day of September 2018. Can you confirm that?

10 A. 冇錯。

11 Q. Lastly, may I bring you to page D1005. This is your
12 third witness statement, Mr But.

13 Can I bring you to D1006, the next page. Again, you
14 have signed on this witness statement, and it is dated
15 the 12th day of October 2018. Can you confirm that?

16 A. 正確。

17 Q. Mr But, do you wish to adopt these three witness
18 statements as part of your evidence?

19 A. 係。

20 Q. Mr But, I have some slight questions, just a few
21 questions, to ask you to confirm. Can I invite you to
22 go to D911. On page D911, above paragraph 8, you
23 mention, "Incidents in September 2015".

24 Can I bring you to the next page, paragraph 9.
25 There, you mentioned that you saw, in area C1, "2 to 3

1 workers of Leighton wearing reflective safety vests
2 using a cutting ... machine to cut the threaded rebars
3 of the steel threads." And there you also supplement
4 that the cutting machine was red in colour.

5 Mr But, if I now ask you to recognise the machine,
6 would you be able to identify it?

7 A. 可以。

8 Q. Can I bring you to bundle C1, page C40. Can you tell us
9 what was this?

10 A. 就係本人喺口供上面陳述嘅割鐵機，紅色嘅。

11 Q. Now, Mr But, you also mentioned at paragraph 9 of the
12 witness statement that you saw the workers cutting the
13 threaded rebars of the steel threads.

14 Sir, I wonder if the witness can be provided with
15 exhibit A. I'm most grateful, sir. (Handed).

16 Mr But, we now see exhibit A is a threaded rebar
17 connected with a coupler.

18 A. (Nodded head).

19 Q. Can you now help us a bit to unscrew it?

20 A. 好呀。

21 Q. Mr But, I think it would be better for you to maybe
22 stand up, so that the Commissioners can actually see
23 those couplers and rebars.

24 Thank you very much. Can you please unscrew it.

25 Mr But, I see that in your right hand you now hold
26 the rebar. In paragraph 9 you told us that two to three

1 workers of Leighton were using that machine to cut the
2 threaded rebars of the steel threads.

3 Can you now point to the Commissioners which part
4 are you actually referring to?

5 A. 係咪指用個機器剝個個位置呀？

6 Q. The machine that you have just identified in C40. Can
7 you point to us which part they were actually cutting?

8 A. (Indicating).

9 Q. For the record, the witness is now pointing at the
10 middle of the threads -- the threadings of the part of
11 the threaded rebar, approximately half of it.

12 Thank you very much, Mr But. Can you please sit
13 down.

14 Can I bring you to D915. In paragraph 24, there you
15 mention also a cutting and grinding machine that was
16 used for cutting threaded rebars. This time, it was in
17 or about early February 2016.

18 Can you confirm us, is it the same machine that you
19 have identified in C40 just now?

20 A. 正確。

21 Q. Can you also confirm whether the position this time the
22 workers were cutting was the same as you have
23 demonstrated to us just now?

24 A. 所講嘅工人係咪我嘅口供？

25 Q. You just told us, just in a demonstration, a position
26 where the Leighton workers were cutting on the

1 threadings on the threaded rebar. I just wish to
2 clarify that whether in paragraph 24 the position is the
3 same.

4 A. 相同嘅。

5 Q. Can I bring you to page D917. This is a witness
6 statement that you have provided to the police.

7 A. 冇錯。

8 Q. I understand that the evidence that you now give to the
9 Commission has also been given the same to the police.

10 A. 係，冇錯。

11 Q. Mr But, may I invite you to take a look at page D1005.
12 There, in paragraph 2, you have mentioned two persons,
13 namely Law Chi Keung and Ah Tung.

14 A. 係，冇錯。

15 Q. Regarding Ah Tung, is there anything happening within
16 this week relating to Ah Tung?

17 A. 大約今個星期10月22號左右嘅晚上9點鐘，我喺口供上面嘅阿東就曾經喺
18 嗰個時間打過電話畀我，...

19 Q. Pausing there, Mr But, regarding this Ah Tung, did you
20 actually know him before this telephone call?

21 A. 以前喺紅磡站工作嘅時候，差不多每日都會見到阿東嘅，因為佢就係跟住
22 禮頓個老總陳志業（譯音）先生，咁係認識嘅。

23 Q. Do you actually have the contact particulars of this
24 Ah Tung?

25 A. 我有佢嘅電話號碼，因為佢22號有打畀我，佢講咗話佢係阿東。

1 Q. Regarding Ah Tung, can you tell the Commission whether
2 you had the telephone number prior to this telephone
3 call on 22 October 2018?

4 A. 我有記錄低。

5 Q. But do you have his telephone number?

6 A. 我有。

7 Q. Now, I wish to focus on the content of the conversation
8 in that telephone call. When you picked up the
9 telephone call, who actually spoke first?

10 CHAIRMAN: Sorry, perhaps could we just ask him what he
11 said -- let him describe the telephone call?

12 MR SO: Of course.

13 CHAIRMAN: I would be happier that way, and then we can
14 return to it to consider portions of it, but let's just
15 hear in his own words what he says happened.

16 MR SO: Of course.

17 Mr But, can you then tell us the content of the
18 conversation then?

19 A. 咁當時晚飯--我就食緊晚飯嘅，咁我接到阿東嘅來電，阿東第一句說話就係
20 同我講，佢話佢自己有個律師就同佢講話我喺相片中--就喺嗰個相片入面認
21 得嗰個相中人係阿東，之後我就...

22 Q. Just pause there.

23 Please continue, Mr But.

24 A. 之後我就同佢講「咁若果你知道我有交代過呢啲相片嘅事情，咁如果你再打
25 電話畀我，咁咪即係騷擾證人。」

1 Q. Yes. Please continue.

2 A. 然後佢就問我，「連我阿東我自己我都唔認得張相片中人係我，你認得咁犀
3 利嘅？」

4 Q. Yes.

5 A. 咁我就回答阿東，「當時喺禮頓入面着住紅色衫同埋藍色衫嘅禮頓工人就寥寥
6 可數，更何況羅志強（譯音）每日都係着住藍色衫禮頓制服，戴住頂藍色帽，
7 同埋有一個圓形嘅豬咀口罩，咁我一定認得係羅志強。」

8 Q. Yes. Please continue.

9 A. 然後阿東就問我而家喺邊度工作。

10 Q. Did you reply him?

11 A. 我有，我話咗畀佢聽喺上水嘅瀘水廠工作。

12 Q. I'm afraid it should be "I was working at Sheung Shui"
13 instead of "he was working".

14 CHAIRMAN: What sort of work was it? What work?

15 MR TO: A distilling plant.

16 MR SO: Mr But, I just want to clarify. Did you answer

17 Ah Tung that you were working in Sheung Shui or he was
18 working in Sheung Shui?

19 A. 係本人我回答阿東我畢浩彥現在喺上水瀘水廠工作。

20 Q. Please move on.

21 A. 然後阿東就問我係咪返咗中科做，會唔會有糧出。

22 Q. And then?

23 A. 咁本人就回應阿東，「咁就係的確係返咗中科公司做，咁就唔會有糧出。」

24 MR LAM: [Draft] Line 20 of the transcript, that's

25 "China Tech". Not "Intrafor", it's "China Tech".

1 MR SO: I'm afraid I stand to be corrected. It should be
2 China Technology, instead of Intrafor.

3 CHAIRMAN: Yes. He has answered to that effect.

4 MR SO: I just want to clarify, Mr But. You just mentioned,
5 in the course of that telephone call -- I saw from the
6 transcription that you mentioned a face mask that was
7 worn by Law Chi Keung. What sort of face mask was that?

8 A. 一個覆蓋咗鼻同埋口嘅灰色口罩，咁喺個口罩上面個頂部就有個圓形嘅，個
9 濾心可以更換，個邊就係白色嘅。

10 Q. So, just for clarification, you mentioned face mask
11 doesn't mean those surgical face masks?

12 A. 並唔係醫生口罩。

13 Q. Thank you. Just to follow up with the telephone
14 conversation, is there anything more you want to add?

15 CHAIRMAN: Well, let me put it this way. You are saying
16 that this man, Ah Tung, asked you if you had gone back
17 to China Technology and if you were likely to get paid
18 by China Technology, and as I understand it you said
19 that you believed you would be paid; is that right?

20 A. 唔係相信，因為我本年8月已經返咗中科公司度做，出糧係準時嘅。

21 CHAIRMAN: Good. And what then was said in this
22 conversation?

23 A. 然後我就同阿東講「我食緊晚飯。」咁就收線喇。

24 MR SO: Thank you, Mr But. Did you ever tell Ho Hiu Tung,
25 this Ah Tung, that you were not receiving salary from

1 China Technology for almost six months, and you can only
2 receive salary after you complain to the Labour
3 Department?

4 A. 當時我同阿東講嘅內容係咁樣嘅，我重申一次，咁喺上年嘅大約4月左右，
5 禮頓嘅紅磡沙中線，禮頓地盤嘅好多判頭都係一樣有拖糧嘅問題，咁唔淨只
6 係我哋中科嘅，有其他判頭，例如好似碧海咁樣，就直頭上埋禮頓嘅寫字樓
7 度同佢哋有啲爭拗咁樣，然後最後係潘生有出番糧畀我哋嘅。

8 MR SO: Thank you, Mr But. I have no further questions for
9 you. Please stay there for cross-examination.

10 Examination by MR PENNICOTT

11 MR PENNICOTT: Mr But, good afternoon.

12 A. (Nodded head).

13 Q. Thank you for coming to give evidence to the Commission.

14 I act on behalf of the Commission and I've got a few
15 questions for you.

16 My first question is this. If you could go, please,
17 to paragraph 1 of your first witness statement, at D909.
18 You say you joined China Technology in August 2015. Is
19 that correct?

20 A. 正確。

21 Q. When you joined China Technology in August 2015, what
22 qualifications did you have?

23 A. 我當時修讀完一個釘板嘅課程，為期大約四至五個月左右，咁就投身建造業。

24 Q. You were good enough to give us your card issued by the
25 Construction Industry Council. It's at D948.

1 We can see, from the bottom photograph, that it's in
2 the principal trade division, carpenter (formwork --
3 building construction); do you see that?

4 A. 睇到。

5 Q. If we look at the top photograph, the issue -- the card
6 you have given us -- date is 17 April this year; do you
7 see that?

8 A. 冇錯。

9 Q. But are you saying you had this card, this
10 qualification, back in 2015?

11 A. 係呀，冇錯。

12 Q. So the card that you had then expired and you were given
13 a new one?

14 A. 到咗期㗎喇，一般藍卡就分三年期同埋五年期，我第一張係三年期，已經過
15 期㗎喇，所以早咗去續領。

16 Q. All right. Prior to August 2015, apart from the
17 training course that you did, had you ever worked in the
18 construction industry, in any shape or form?

19 A. 我有。

20 Q. I understand that you were a manager of a fast food shop
21 before August 2015; is that right?

22 A. 冇錯。

23 Q. Now, you joined, you say, China Technology in August
24 2015, and you tell us in paragraph 5 of your witness
25 statement, bundle D1, page 910, that you started working

1 at the Hung Hom site in September 2015; is that right?

2 A. 我2015年係9月係去到紅磡地盤工作。

3 Q. Yes. What were you doing for the first month? Were you
4 on the South Island Line project or some other project?

5 A. 金鐘個轉運站。

6 Q. For the SCL project or the South Island Line project?

7 A. 901地盤。

8 Q. Okay. You say you joined or started working at the
9 Hung Hom site in September 2015. Can you narrow that
10 down, Mr But: mid-September, was it?

11 A. 係呀，大概9月中。

12 Q. When you arrived at the site, were you required to go
13 through any induction or safety briefing given by
14 Leighton?

15 A. 有呀。

16 Q. How long did that last?

17 A. 通常進入禮頓地盤之前，要去禮頓個寫字樓上個一日嘅課程。

18 Q. And you did that course?

19 A. 有呀。

20 Q. Then you tell us, in paragraph 9 of your witness
21 statement, that you were first working in what we know
22 as area C1; is that correct?

23 A. 係呀，我係。

24 Q. How long did you work in area C1?

25 A. 大約一個月左右。

1 Q. Right. And, in that one month -- because we know, we'll
2 look at this in a moment, in October 2015 you say you
3 moved to area A. So, during that month of September
4 2015, was it exclusively in area C1, or did you go to
5 any other particular area?

6 A. 都係喺C區為主，因為我當時係跟住測量去每個位置做啲平水嘅工作。

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. 不限於C1區，係附近都有。

16 Q. Okay. The cutting that you say you saw in September
17 2015, was that then in area C1?

18 A. 以我記憶，大約係C1區嘅位置。

19 Q. And, Mr But, we know that in all the different areas
20 where the slab was being connected to the diaphragm
21 wall, there were lines or levels of rebar at the top of
22 the slab, and lines and levels of rebar at the bottom.
23 When you saw this cutting that you say you saw, was this
24 at the bottom level or the top level?

25 A. 我唔記得。

1 Q. Right. Have a think, Mr But. It could be important.

2 Recollect: September 2015. You were there for a month
3 in this area. Was the rebar being laid at the bottom or
4 the top in area C1 or in its immediate vicinity?

5 A. 我唔記得。

6 Q. Okay. In the last sentence of paragraph 9 of your
7 witness statement, at D1/912, you say that you saw the
8 workers cutting approximately ten threaded rebars.

9 First of all, Mr But, how long in total were the
10 individual ten rebars that you saw? What was the length
11 of these rebars?

12 A. 唔好意思，可唔可以問多一次？

13 Q. I can. You say you saw ten threaded rebars being cut;
14 is that right?

15 A. 係。

16 Q. Just take one of the rebars, Mr But. How long was it?

17 A. 係咪問緊成條鐵嘅總長度呀？

18 Q. Yes, I am.

19 A. 我唔記得。

20 Q. Okay. So you recall the cutting, you recall the number
21 10, but you don't recall the length of the rebar and you
22 don't recall whether it was at the top or the bottom?
23 Is that what it comes to?

24 A. 係呀。

25 Q. In paragraph 10 of your witness statement, at D1,

1 page 912, Mr But, you say this:

2 "With my training and knowledge in the construction
3 industry ..."

4 Mr But, with respect, what training and knowledge in
5 the construction industry did you have in September
6 2015?

7 A. 普通基本嘅釘板知識喇起碼。咁如果閣下問到係螺絲嘅話，咁就其實嗰個知識就
8 嚟自喺屋企普通嵌一個木櫃。

9 Q. All right.

10 CHAIRMAN: Sorry, could I just ask this: you were very new
11 to the construction industry at that time, in the sense
12 of working day-to-day on a construction site; that's
13 correct, is it?

14 A. 冇錯。

15 CHAIRMAN: What was it that drew your attention to these
16 workmen cutting the rebars? Why would you have paid any
17 particular attention or assumed necessarily that there
18 was anything being done that deserved your attention?

19 A. 因為當時我未見過紅色嘅我提及嘅機器。

20 CHAIRMAN: Yes, Mr Pennicott.

21 MR PENNICOTT: Thank you.

22 Just going back, picking up an additional point from
23 the chairman's question -- with regard to the rebar that
24 you saw being cut, can you remember how long it took to
25 cut one bar?

1 A. 當時嘅工人剪咗大約一分幾鐘左右，用紅色嘅機器。

2 Q. And so, what, you stood there for ten or so minutes, is
3 that right, watching them?

4 A. 冇錯，冇錯。

5 Q. Do you remember where you were standing?

6 A. 我確實講唔到出嚟。

7 Q. At paragraph 12 of your first witness statement, D1/912,
8 you've referred to a lunch meeting in or about late
9 September 2015; do you see that, Mr But?

10 CHAIRMAN: I'm sorry, could I just -- I do apologise, I'm
11 cutting across you.

12 MR PENNICOTT: Not at all.

13 CHAIRMAN: You were interested in the machine that they were
14 using to do the cutting. Was it a very noisy machine?

15 A. 會發出一啲鋸齒嘅聲音，高速鋸動嘅聲音。

16 CHAIRMAN: Can you describe it at all? Whining, growling?

17 A. 比較尖啲，唔偏向「共共」囉。

18 CHAIRMAN: Was it very loud?

19 A. 都幾大聲嘅。

20 CHAIRMAN: Were there other people in the area walking
21 backwards and forwards, other workmen?

22 A. 地盤範圍成日都有人行嚟行去，咁啲一刻我就唔確實可以作答。

23 CHAIRMAN: But, if you were watching for about ten minutes,
24 then there would presumably, in that time, have been
25 quite a number of workmen going by?

1 A. 有工人會經過，但係唔稱得上係十分之多。

2 CHAIRMAN: Did any of them go over to the workmen who were
3 engaged in cutting the rebars and discuss matters with
4 them at all?

5 A. 我有留意。

6 COMMISSIONER HANSFORD: Could I ask a question at this
7 point: Mr But, you had never seen this red machine
8 before; is that correct?

9 A. 讀建造業議會嘅時候有。

10 COMMISSIONER HANSFORD: So did you ask anybody else what was
11 happening, what the process was with this red machine?

12 A. 見到當時有呀，係到開飯會嘅時候，老闆先講出嚟嗰部機係有咩嘢作用同埋
13 係咩嘢嚟。

14 COMMISSIONER HANSFORD: Thank you.

15 MR PENNICOTT: Mr But, did you ever see more than one of
16 these machines, or was it just the solitary red machine?

17 A. 我唔清楚。

18 Q. All right.

19 Mr But, at paragraph 12 of your witness statement,
20 you refer to a lunch meeting in or about late September
21 2015. Do you see that?

22 A. 冇錯。

23 Q. You say in paragraph 13:

24 "After the lunch meeting, Mr Poon said he would
25 report the matter [that is the cutting of the threaded

1 rebar in area C1] to MTRC."

2 That's what you say there. Do you see that?

3 A. 係呀，冇錯。

4 Q. Do you know whether Mr Poon in fact reported the matter
5 to MTRC?

6 A. 我唔清楚。

7 Q. You go on to say in paragraph 13:

8 "He [that is Mr Poon] also asked all foremen to
9 report the matter to MTRC frontline officers should we
10 see similar incidents in the future."

11 But, Mr But, did you personally ever report the
12 cutting of these rebars to any MTRC frontline officers?

13 A. 我有。

14 Q. When you saw the bar cutting that you say you saw, did
15 you make, at any time, any attempt to stop the workers
16 who were doing the bar cutting?

17 A. 我有權阻止呀，佢啲工人全部都唔係本公司嘅職員。

18 Q. Could I ask you, please, to be shown paragraph 35 of
19 Mr Poon's statement, at bundle D1, page 20. You need to
20 look at this on the screen, I think, Mr But.

21 CHAIRMAN: Sorry, if I may just ask one question, Mr But.

22 At that time, on the first occasion, when you saw
23 this happening, you had only been there a short time and
24 in the industry a short time. Did you think yourself
25 that what they were doing was in any way wrong, or were

1 you there just to watch the machinery in action?

2 A. 我咁樣解釋一次喇，法官，我覺得件事情係錯嘅，因為好普通咁樣，你喺屋企
3 裝嵌一個大嘅木飾櫃，如果你將一粒螺絲剝咗一半，你個木嘅飾櫃好大機會會
4 跌落嚟，我睇到佢剝螺絲，就覺得有啲問題。

5 CHAIRMAN: Yes. Thank you.

6 MR PENNICOTT: Mr But, you indicated a short while ago that
7 you made no attempt to stop the cutting that you saw,
8 because you didn't think it was your responsibility to
9 do so; yes? Do you agree?

10 A. 我有權。

11 Q. I understand that. I was going to show you paragraph 35
12 of Mr Poon's witness statement. You've seen this
13 witness statement before, I assume, Mr But, Mr Poon's
14 witness statement?

15 A. 冇錯。

16 Q. What he says here is:

17 "In or about early September ... Mr But also
18 reflected to me that similar incidents occurred. He
19 also attempted to stop those doing what they were doing,
20 namely cutting the threaded rebars but, again, to no
21 avail."

22 So, given the answer you gave me just now, that
23 can't be right, can it? You did not attempt to stop
24 anybody?

25 A. 我有權阻止到。

1 Q. Now, in paragraph 14 of your first witness statement at
2 D1/913, you say:

3 "In October 2015, I was assigned to work in
4 area A ..."

5 Do you see that, Mr But?

6 A. 係呀，10月。

7 Q. Right. Whereabouts in area A did you work?

8 A. A區中間嗰層。

9 Q. When you say "the middle area", do you mean the NSL as
10 opposed to the EWL, or do you mean something else?

11 A. 唔係東西走廊。

12 Q. It wasn't? So it was in the lower area, the lower slab,
13 the NSL; is that right?

14 A. 係呀。

15 Q. You were working in that area between October and
16 December 2015, and you say in paragraph 18 you saw no
17 more cutting of rebar in that area, at the NSL?

18 A. 當時冇。

19 Q. Then, moving on in time, you were, in February 2016,
20 transferred again, this time to area C3; see
21 paragraph 19 of your statement. Is that correct?

22 A. 冇錯。

23 Q. As I understand it, when -- you say in the last sentence
24 of paragraph 19 that when you arrived at C3, you
25 realised that the couplers in area C3-5 to area C3-1

1 were already on the diaphragm wall. Now, just help me
2 with this, Mr But. Are you saying that the rebar was
3 all in place and installed into the couplers in those
4 areas when you arrived, or are you just saying, "I can
5 see the couplers on the wall"? What's the position?

6 A. 情況係見到啲螺絲帽，同埋啲螺絲帽係開咗個膠蓋嘅。

7 Q. And so was the installation of the rebar going on at
8 that time in those areas when you arrived?

9 A. 嗰一刻未安裝，但係嚟嘅工序係需要安裝。

10 Q. Right. So you were there when that installation was
11 taking place?

12 A. 當時我係跟住倪先生我哋個老總工作，螺絲帽唔係我哋公司扭嘅，咁我當然
13 唔會經常到場喇，亦都未必會到場。

14 Q. Did you witness any -- when you were doing the formwork
15 work, did you witness any of the bars being screwed into
16 the couplers by Fang Sheung?

17 A. 當時喺C3區，我唔清楚泛迅有冇咁樣做。

18 Q. Who did you think might be doing it?

19 A. 我直接啲講喇，一係，我唔清楚。

20 Q. Now, in paragraph 24 --

21 CHAIRMAN: Sorry, I'm still a bit uncertain of your evidence
22 in this regard. Are you saying that when you were
23 working alongside your boss, Mr Ngai, you saw that
24 rebars were being screwed into couplers on the diaphragm
25 walls, or not, or that you don't remember?

1 A. 我有睇過工人親手扭入去啲coupler入面。

2 MR PENNICOTT: All right.

3 In paragraph 24 of your witness statement -- sir,
4 D1/915 -- you say:

5 "In or about early February 2016, I saw on two
6 separate days that workers wearing Leighton uniforms
7 were holding a cutting/grinding machine to cut the
8 threaded rebars. The cutting/grinding machine was the
9 same as the one that I had observed the workers using in
10 September 2015 ... The workers cut threaded rebars 2 to
11 3 times on each of those ... days."

12 So are you saying, on those two days, you saw
13 between four and six rebars being cut?

14 A. 係呀，冇錯。

15 Q. And you say it was the same machine that you had seen
16 back in September?

17 A. 係類似嘅機嚟，但係我唔確認係咪同9月當時一模一樣嗰一部。

18 Q. Right. So it could have been a different machine, the
19 same type of machine?

20 A. 即係我唔可以確定話當時2月份工人揸住嗰部嘅機就係佢9月當時用緊嗰部嘅機器。

21 Q. All right. And, again, can I repeat a question I put to
22 you earlier: at which level did you see this cutting
23 going on? Was it at the lower level or the higher level
24 of the EWL slab?

25 A. 當時東西走廊係一層叫做東西走廊。

1 Q. So you've got the EWL slab, Mr But, we know it's got
2 rebar towards the top of the slab and some more rebar at
3 the bottom. Did you see this cutting going on at the
4 top or the bottom?

5 A. 我唔記得。

6 Q. With regard to these alleged cut rebars, did you see any
7 workers attempting to screw them into the couplers on
8 the diaphragm wall?

9 A. 我有見到。

10 Q. Mr But, in paragraph 25 of your witness statement, you
11 say:

12 "On one of those occasions, I saw a worker
13 approaching an area in C1 where there was a large
14 polyethylene cloth. When this worker flipped over the
15 polyethylene cloth, I saw about 20 threaded rebars lying
16 on the floor."

17 Mr But, what point are you seeking to make in
18 paragraph 25? I don't quite understand what it is
19 you're trying to tell us.

20 A. 可唔可以重複一次呀? 翻譯聽唔到, 唔知咩嘢部。

21 Q. Well, read paragraph 25 of your witness statement to
22 yourself, if you can.

23 You say you saw 20 threaded rebar lying on the
24 floor. What point are you trying to get across to us?
25 I am just trying to understand what you're trying to
26 tell us.

1 A. 我當時就--咁我哋喺C3區度工作，咁每日食飯就要行西場嗰邊，就會經過C1
2 區嘅，當時C1區有一個就係講嗰塊布搵住嘅地方，嗰個位置就放咗二十支剪短
3 咗螺絲頭個牙嘅鋼筋，就係咁嘅意思。

4 CHAIRMAN: Sorry, are you saying that what you saw were
5 little bits of cut rebar like this (indicating physical
6 exhibit), a matter of inches long or centimetres long,
7 or are you saying that you saw very long pieces of rebar
8 from which the threads at the end had been cut?

9 A. 就係見到剪咗嘅，我形容一下，就係咁樣，就係我手心入面嘅嗰一個部分，
10 擺喺地下二十支嘅。

11 MR PENNICOTT: So, what, about 3 feet long?

12 MR BOULDING: Can he put his hands up?

13 WITNESS: 唔使拎埋個螺絲頭呀？

14 MR PENNICOTT: No, you don't. We just want to know how long
15 these 20 rebars were. You seemed to be indicating they
16 were about 3 feet, of that order; is that right?

17 A. 唔好意思呀，我形容一下喇，大約米半至兩米長左右。

18 Q. Okay. You need longer arms.

19 CHAIRMAN: So that I understand it, if that's the case, what
20 you would have seen is rebar like this (indicating
21 physical exhibit), and then at the end, or one or either
22 end -- or at one end would be some threading; is that
23 right? Mainly the rebar with some threading at the end?

24 A. 咁嗰啲絞牙就係剩番一半嘅，一半嘅。

25 CHAIRMAN: Half of the threads left, but the rebars

1 themselves were only a metre or two long?

2 A. 冇錯，冇錯，冇錯。

3 MR PENNICOTT: You say in paragraph 26 of your witness
4 statement, Mr But -- D1/915 -- that at another lunch
5 meeting "Mr Ngai mentioned Mr Poon that he saw similar
6 incidents happening".

7 When you say "similar incidents", are you referring
8 back to either the cutting that you say you saw, or are
9 you referring back to seeing rebar on the floor under
10 a cloth? Which is it?

11 A. 倪生當時嘅匯報都係關於鋼筋嘅，即係講緊螺絲頭短咗，但係具體事情我就
12 唔記得。

13 Q. Perhaps Mr Ngai will remember. I'll ask him tomorrow.

14 You say, in paragraph 28 of your witness statement,
15 that in mid-April 2016, you once saw that there were
16 about 30 threaded bars placed in HKC with only about
17 2 centimetres of threaded rebars remaining on each of
18 them.

19 Again, let's go through the process, Mr But. Are
20 you saying that you saw lengths of rebar with shortened
21 threaded ends? Is that what you are saying?

22 A. 我咁樣講喇，咁個支就係大約兩米長，個螺絲頭被剪短咗剩番兩至三cm嘅鋼筋。

23 Q. Right. This was in the HKC?

24 A. 冇錯，冇錯。

25 Q. Then you say the following day you went to work and

1 those bars were not seen again?

2 A. 冇錯，冇錯。

3 Q. In relation to those bars, did you ever see anybody in
4 the HKC trying to thread/insert into couplers shortened,
5 cut rebar?

6 A. 我唔清楚。

7 Q. Well, if you had, Mr But, can I suggest you might have
8 remembered it?

9 A. 應該事情冇乜關係。

10 Q. In what sense is it irrelevant?

11 A. 見到二十支鐵喺地下同--sorry，三十支鐵喺地下同扭入去牆身應該冇關係。

12 Q. All right. Thank you very much.

13 CHAIRMAN: So it's correct, is it, Mr But, that you yourself
14 never witnessed anybody seeking to put a rebar into
15 a coupler in respect of which the threading had been
16 shortened? You didn't see anybody -- you didn't stop
17 and say, "Aha, they are trying to put this rebar into
18 a coupler and the thread has been cut short"?

19 A. 我唔記得有冇。

20 CHAIRMAN: All right.

21 MR PENNICOTT: Mr But, just one last point from me. In
22 paragraph 5.3 of your first witness statement, at
23 D1/911, you say this:

24 "Workers of Fang Sheung did not wear any form of
25 uniforms, they usually wore casual clothing of their own

1 or did not wear any upper clothing. Workers of Fang
2 Sheung also wore different colour safety vests with the
3 two Chinese characters [being the name of Fang Sheung]
4 printed at the back."

5 Do you see that?

6 A. 冇錯。

7 Q. Now, there is evidence from the Fang Sheung witnesses,
8 Mr But, that in fact the workers from Fang Sheung were
9 provided with uniforms, if that's the right word, by
10 Leighton when working on site, and that everyone had
11 three sets of uniforms supplied by Leightons, which
12 consisted of an orange top with reflective strips and
13 with "SCL" and "Leighton" printed on, and blue trousers
14 with reflective strips.

15 Were you aware that the Fang Sheung workers were
16 supplied with uniforms by Leighton?

17 A. 我唔清楚。

18 Q. Does that mean you don't know?

19 A. 唔清楚。

20 Q. Assuming that they are right, it would be more
21 difficult, presumably, to distinguish between
22 a Leightons worker on the one hand and a Fang Sheung
23 worker on the other; would you agree?

24 A. 如果假設係咁嘅，係會增加咗困難。

25 MR PENNICOTT: Thank you very much, Mr But. I know one or

1 two other people have questions for you.

2 I don't know if there's somebody who can just take
3 ten minutes, just to use up the time. Mr Wilken
4 indicated he might be half an hour or so; I don't know
5 about anybody else.

6 CHAIRMAN: Mr Wilken.

7 MR WILKEN: Sir, due to Mr Pennicott's helpful examination,
8 I can be shorter, but I will be longer ten minutes.

9 CHAIRMAN: Let's see how you are going at, say, 5.10, and
10 then obviously, if you are going to need some more time,
11 we will stop the proceedings then. But if you are able
12 perhaps to finish before 5.10 or 5.15, then at least we
13 are able to dispose of this one witness -- well, you are
14 able to dispose of this one witness.

15 MR WILKEN: Yes. The witness will obviously remain in
16 purdah.

17 WITNESS: 想去洗手間。

18 MR PENNICOTT: I think that's the answer to that then.

19 MR WILKEN: That solves that problem.

20 CHAIRMAN: Very good. Then we will adjourn until tomorrow
21 morning at 10 am. Thank you very much.

22 MR WILKEN: Sir, obviously the witness is still in purdah.

23 CHAIRMAN: Yes.

24 Mr But, we are going to adjourn now. You want to
25 take a few minutes yourself before returning and we have
26 now reached the time when we normally finish our work

1 for the day. But you are still giving evidence, and
2 therefore you are reminded that between now and the
3 completion of your evidence, you are not entitled to sit
4 down and discuss your evidence with anybody else. Do
5 you understand me?

6 WITNESS: 清楚,明白。

7 CHAIRMAN: And you will remain on your affirmation until you
8 have finished all of your evidence.

9 WITNESS: 知道。

10 CHAIRMAN: Good. It is especially important to remember
11 that you are not in a position to discuss your evidence
12 with anybody. It's quite tempting for people to come
13 across and ask you questions, what happened, why did you
14 say this, why didn't this happen. You just have to say
15 to these people, "No, I'm giving evidence, I've been
16 told by the judge that I'm not entitled to discuss it at
17 all until it is completed." Do you understand that?

18 WITNESS: 清楚,明白。

19 MR PENNICOTT: That includes the media outside.

20 CHAIRMAN: Yes, and that includes the newspapers. Okay?

21 Thank you.

22 WITNESS: 知道,知道。

23 (4.53 pm)

24 (The hearing adjourned until 10.00 am the following day)

25

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