

1 Monday, 5 November 2018

2 (10.02 am)

3 MR POON CHUK HUNG, JASON (on former oath)

4 Cross-examination by MR BOULDING (continued)

5 MR BOULDING: Good morning, sir. Good morning, Professor.

6 And good morning, Mr Poon.

7 A. Good morning.

8 Q. Mr Poon, I would like to continue my discussions with
9 you, if I may, and I'd like to talk with you about what
10 you allege you told Aidan Rooney about the rebar
11 cutting.

12 A. Understand.

13 Q. You'll know, won't you, that Aidan Rooney worked for
14 MTR?

15 A. Understand. Yes.

16 Q. If you'd be kind enough to turn to your first witness
17 statement. We can pick it up at paragraph 44 on
18 page D22.

19 A. Yes.

20 Q. You say:

21 "Probably due to Chinat's reporting of the incidents
22 in August 2015 ..."

23 Just pausing, we've discussed whether that actually
24 occurred and I don't want to go back over that.

25 But reading on:

26 "... I recall that Mr Aidan Rooney, the then general

1 manager of MTRC, had asked me on 3 occasions in
2 September 2015 if I or any other staff member of Chinat
3 witnessed the practice of cutting the threaded rebars in
4 the Hung Hom Station construction site. These questions
5 were asked of me when both of us were participating in
6 the joint site inspection on Monday mornings. On all
7 occasions, I reported to him, that I saw and heard, that
8 such practices were continuing."

9 So you tell us that these discussions occurred on
10 Monday mornings, do you not?

11 A. Yes.

12 Q. I wonder if we can just have a look at a document that
13 we've looked at before, an old friend, C5720, and
14 I understand that's in bundle C8. These are the
15 Leighton records.

16 If you go down to the penultimate entry on that
17 first page, C5720, we see your name, do we not, Mr Poon?

18 A. Yes.

19 Q. Looking across the top, we can see that Mondays
20 occurred, what, on 7 September?

21 A. Yes.

22 Q. 14 September?

23 A. Yes.

24 Q. 21 September?

25 A. Yes.

26 Q. And 28 September?

1 A. Yes.

2 Q. Looking down at your attendance, we can see, can we not,
3 that you're only recorded as being present on two of the
4 four Mondays; correct?

5 A. Yes.

6 Q. So it appears, for a start, does it not, that your
7 suggestion that you met him on three occasions, three
8 Mondays, is inconsistent with the Leighton record, is it
9 not?

10 A. 唔啱呀。

11 Q. Look at the record. It shows you were there on just two
12 Mondays, doesn't it?

13 A. 紀錄上面係，但係實際唔係。

14 Q. Well, you must have been ghosting in and out again,
15 Mr Poon, I suppose?

16 A. 我相信呢個紀錄係唔reliable。

17 Q. Well, any document which seems to contradict your
18 version of events, Mr Poon, is described by you as being
19 unreliable; that's right, isn't it?

20 A. 唔啱呀，其實呢份紀錄，我哋--跟住我哋其實公司負責出入閘嘅同事會補一份
21 口供嘅，嗰份口供上面亦都有禮頓嘅文件投訴嘅出入閘同埋嗰嘅上班人數同埋
22 考勤人數完全唔對，我哋稍後就會入呢份文件，亦都搵到禮頓嘅文件出嚟㗎喇。

23 Q. Okay. There we are. You say three, that says two, but
24 I'll move on, and we will see what Mr Rooney says.

25 I think we can pick this up in the MTR witness

1 statement bundle. If we go, please, to -- it starts at
2 B181, but for my purposes I would like to go to B216.

3 A. Yes.

4 Q. Presumably, you've had an opportunity to read what
5 Mr Aidan Rooney says here, Mr Poon?

6 A. 係，粗略睇過。

7 Q. Let's just see what he says, because he's coming to give
8 evidence on oath in about two weeks' time.

9 A. 係。

10 Q. Paragraph 113:

11 "As stated in paragraph 70 above, I had no knowledge
12 about the alleged defective steel works until they were
13 first reported by Jason Poon to Leighton on 6 January
14 2017."

15 So he's saying that he didn't know anything about
16 the defective steel until something, what, 18 months
17 after you say you told him?

18 A. Yes.

19 Q. Then he goes on:

20 "Prior to that, nobody raised any issues relating to
21 the alleged defective steel works during the meetings or
22 site visits that I attended or on ... other occasions."

23 Then 114:

24 "I did occasionally run into Jason Poon on site.
25 During those occasions when we met, Jason Poon did not
26 mention any issues about the alleged defective steel

1 works. On the few occasions that we talked, we
2 discussed the adequacy of the resources provided by
3 China Technology and performance issues in relation to
4 the safety and quality of China Technology's works."

5 Now, what Mr Rooney says there is correct, is it
6 not? It's correct?

7 A. 胡宏利先生喺一三--我想講清楚，係佢問我，唔係我主動講畀佢聽嘅，三次
8 都係，我係答佢問題嘅，我有主動同佢講，當時，即係佢已經問我喇；第二，
9 佢114段，佢講嘅嘢係咁嘅，只不過佢就漏咗問我有關defective steel
10 work--即係接駁鋼筋嘅問題啫，佢係有講其他有關資源，有關嗰個safety、
11 quality嘅問題，都有嘅。

12 Q. And that's omitted from Mr Rooney's statement because
13 you never had the discussion with him concerning
14 defective steel works that you refer to in paragraph 44
15 of your witness statement; that's correct, isn't it,
16 Mr Poon?

17 A. 我供詞同胡宏利先生唔同，但係我好清楚記得胡宏利先生有問過我。

18 Q. And your statement is different from Mr Rooney's because
19 your statement is incorrect, is it not?

20 A. 唔同意。

21 Q. If we can look at a document we've looked at before, but
22 it serves my purpose here -- if we could go, please, to
23 D234.

24 A. Yes.

25 Q. This is a document that you've been asked about before,

1 is it not, Mr Poon, by amongst others Mr Shieh; do you
2 remember that? Correct?

3 A. 係呀，係。

4 Q. It's a document that you told the learned Commissioner
5 that you sent on 6 January to, amongst others,
6 Mr Zervaas; correct?

7 A. Yes.

8 Q. "Subject: Demand on structural safety assurance on
9 malpractice use of couplers". So we're talking here,
10 are we not, about the alleged defective steel works;
11 correct?

12 A. Yes.

13 Q. We can see what you say:

14 "Dear Joe,

15 During our review on progress photos and videos, we
16 found plenty of records concerning malpractice use of
17 coupler in this project SCL1112 observing as [below]".

18 Then in the first paragraph you make the point that
19 the malpractices were carried out by Leighton staff; do
20 you see that?

21 A. 係。

22 Q. Then you make a couple of points in paragraphs 2 and 3
23 that I needn't take up with you, but the second
24 paragraph under number 3:

25 "We attach herewith two of the found photos taken at
26 18:18 to 18:19 of September 22, 2015 ..."

1 Just pausing there, according to paragraph 44 of
2 your witness statement, this is exactly the time when
3 you allege you told Mr Rooney about the existence of the
4 defective steel; correct?

5 A. 係。

6 Q. Then, reading on:

7 "... showing two Leighton labour cut away the
8 threading section of the threaded lapping bars and
9 installed them onto the west shear face on the diaphragm
10 wall, while MTRC didn't discover such malpractice and
11 even unable to inspect the coupler installation due to
12 access problem. The pour had been poured without
13 finding on such malpractice finally."

14 So you're telling Joe there and Mr Zervaas, are you
15 not, that MTRC had not discovered this malpractice at
16 the time? That's what you're telling them?

17 A. Yes.

18 Q. Can I suggest to you, Mr Poon, that had you told
19 Mr Rooney three times in September of that malpractice,
20 what you would have stated in this email is, "Well, MTR
21 didn't discover the malpractice but of course I told
22 them"? That would have been the thing to do, would it
23 not, Mr Poon?

24 A. 我電郵真係冇咁寫，不過電郵講嗰個就係講即係個相片見到嘅case。

25 Q. Mr Poon --

26 A. Yes.

1 Q. -- please concentrate upon my question. What I'm
2 suggesting to you is that if you had told Mr Rooney, not
3 once, not twice, not three times -- three times, in
4 September 2015, the very month that's being referred to
5 here, of the defective steel malpractice, it's something
6 that you would have referred to in this email, is it
7 not?

8 A. 嗰封電郵冇提到嘅，的確冇提到，但係封電郵出嘅原因就係因為10月嘅時候，
9 Anthony由本身好合作傾嗰個補救方案去到佢轉咗一個完全唔同嘅一個態度，
10 所以先改為用書面。

11 Q. I suggest that the email didn't mention your alleged
12 conversations, three conversations, with Mr Rooney
13 because, as Mr Rooney says, they did not occur; you
14 didn't tell him about the defective steel work in August
15 2015, did you, or September; correct?

16 A. 唔同意。

17 Q. Can I ask you this: if the conversations had taken
18 place, Mr Poon, why did you not write to MTR, drawing
19 their attention to the defective steel work at the same
20 time as you wrote to Mr Zervaas and Joe Tam in January
21 2017? Why didn't you write to MTR saying, "Look, MTR,
22 do you know this is going on"?

23 A. 其實我哋同港鐵冇直接嘅商務關係，冇合約關係，所以其實我哋一直喺成個
24 contract period，我哋都有寫畀港鐵嘅，直到最近有關honeycomb，
25 我哋先至有將電郵寫畀佢。

1 Q. I think we are going back where we were on Friday,
2 Mr Poon, but what I suggest to you is that if this
3 serious malpractice was going on, a malpractice, with
4 safety considerations, the fact that you had no
5 commercial relationship with MTRC gave you no excuse at
6 all for failing to bring the malpractice to its
7 attention. That's correct, isn't it; fair comment?

8 A. 係，yes，this is fair point，但係我係有同胡宏利，亦都有同黃唯銘
9 講，用電話講，同黃唯銘就。

10 Q. There's an issue between us on that.

11 Staying with conversations that you allegedly had at
12 the time. If you would be kind enough to look at
13 paragraph 48 of your witness statement. This is on D23.
14 Here you are referring, are you not, to your contention
15 that you reported to Mr Philco Wong the incidents that
16 had occurred in August 2015 to Philco Wong on or about
17 9 December 2016; correct?

18 A. Yes.

19 Q. Just to see exactly what you say:

20 "On or about 9 December 2016, I reported the
21 incidents in August 2015 to Mr Philco Wong, the then
22 project director of MTRC. Mr Philco Wong said he would
23 handle the matter. He expressly asked me not to be
24 outspoken on this matter. He also asked me to keep him
25 informed on the matter of the defective steel works
26 through his subordinate, a person called 'Raymond'."

1 Now, again, have you seen what Mr Philco Wong has to
2 say about your allegation, Mr Poon?

3 A. 我有睇到，冇親自去睇過。

4 Q. Let's have a little peek together, please, if we could.
5 We need to pick it up at B150 in the first instance.

6 A. Yes.

7 Q. It's paragraphs 41 to 43 that I would invite your
8 attention to. Here, Mr Philco Wong says:

9 "I first knew about Mr Jason Poon in mid-2015. At
10 that time, China Technology was a formwork
11 sub-contractor in the South Island Line project ..."

12 And that was correct; you were a formwork
13 sub-contractor on the South Island Line?

14 A. Yes.

15 Q. Yes, that's right. I thought you would agree that.

16 "... during which Mr Mark Cuzner (the general
17 manager of SIL at the time) informed me that there were
18 concerns that China Technology did not place sufficient
19 resources into the performance of its tasks. As
20 a result of these concerns, I attended a meeting with
21 Mr Ken Wong (the project manager of SIL at the time) and
22 Mr Jason Poon at the Kowloon Bay headquarters of MTR in
23 June 2015."

24 You remember that?

25 A. Remember, remember. 但係個內容唔係咁樣嘅。

26 Q. Well, Mr Philco Wong is coming along in due course to

1 tell the learned Commissioner and the good professor
2 that it was indeed the content, and I suggest to you
3 that what Mr Philco Wong says here is in fact correct;
4 that was the content of those discussions?

5 A. 41段，佢喺2015年中，我唔記得幾多月，...

6 Q. Yes, paragraph 41.

7 A. ...係，2015年中係叫過我上去地鐵嘅29樓總寫字樓開會係事實，個
8 會議係有關金鐘站嗰個進度係事實，但係就並唔係講我哋公司唔夠資源，而
9 係要我哋公司即係一個subcontractor直接聽命於港鐵。其實幾奇怪嘅，
10 港鐵同個分判商冇合約關係，點解會捉個分判商上去佢總寫字樓29樓嗰度開
11 會呢？當時其實港鐵同埋個main con.有少少--不過同呢個無關。

12 Q. It's not related to this Inquiry, but what I suggest to
13 you is that they wanted a meeting with you, because, as
14 Mr Philco Wong says, you had not placed sufficient
15 resources into the performance of your tasks, and in
16 those circumstances they were concerned and they wanted
17 to know what you were going to do about it, didn't they?

18 A. 唔係，唔係。

19 Q. Anyway, it says in paragraph 42:

20 "I did not hear from Mr Jason Poon after our meeting
21 with him in mid-2015 relating to the SIL project, until
22 one day in late 2016, my secretary told me that Mr Jason
23 Poon called my office ... and left a message for me that
24 he would like to speak with me."

25 That's correct, isn't it? You called his office and

1 left a message, "Please can I speak to him"; correct?

2 A. 我同黃先生嘅溝通就有用我公司嘅電話，即係用公司嘅fixed line
3 打去佢嘅fixed line，亦都用我手提電話打去佢手提電話。

4 Q. Okay. So I think you're agreeing with me; is that
5 correct?

6 A. 我記得一開始係好似係手提電話先嘅，即係我打去佢手提電話度。

7 Q. Okay. Then:

8 "I recall this happened in late 2016 because that
9 was the time when China Technology had completed its
10 works for contract 1112 ..."

11 That's correct, you had completed your works by
12 then, hadn't you, just about?

13 A. 未，未，未，未，當時係去到尾聲，就喺2月，2017年2月初先至完到
14 degree 1嘅，12月同1月係最高峰、最危險、壓力最大嗰兩個月嚟，
15 2016年嘅12月同埋2017年1月係最辛苦嗰段時間，因為要儘量谷，喺
16 2017年2月4號起貨。

17 Q. And, as Mr Philco Wong says, "China Technology", at or
18 about that time, "would be in the process of finalising
19 the final account for China Technology's works";
20 correct?

21 A. 呢個係其中一個，係，呢個其中一個有討論嘅項目，就唔係講結數，係講
22 禮頓冇畀錢。

23 Q. Then in paragraph 43, Philco Wong says:

24 "I knew that China Technology was involved in
25 contract 1112 and I also heard in general during the

1 communications meetings that there were concerns that
2 China Technology did not place sufficient resources into
3 the performance of its tasks. I therefore asked my
4 secretary to connect me with him."

5 That in fact occur, did it not? Mr Philco Wong's
6 secretary connected you up to a telephone conversation
7 with Philco Wong; do you remember that?

8 A. 我係收過港鐵寫字樓嘅電話，係黃唯銘聽嘅，就唔係由秘書接，但係亦都
9 收過黃唯銘手提電話打畀我手提電話，亦都我嘅手提電話打畀黃唯銘手提
10 電話，就並唔係咁轉接，就要由個秘書去駁畀我。

11 Q. Well, it sounds as though the secretary phoned you at
12 least once, but anyway, it's not the most important
13 point.

14 Mr Philco Wong goes on to say:

15 "I remember that Mr Jason Poon's message during that
16 telephone conversation was that Leighton had not paid
17 China Technology sufficiently, or at all ..."

18 You told him that, didn't you?

19 A. Yes, one of the topic --

20 Q. You also asked him, as Mr Philco Wong says, did you not,
21 to step in to help resolve the issue; correct?

22 A. Yes. Yes.

23 Q. It's right, is it not, when Mr Philco Wong says that
24 you, Mr Poon, did not raise any allegations as regards
25 the cutting of steel bars? You didn't raise that matter
26 at all, did you?

1 A. 有提兩個問題嘅，鋼筋同埋錢都有提。

2 Q. Well, Mr Philco Wong disputes that.

3 But it's right, is it not, that Mr Philco Wong told
4 you, Mr Poon, that he would ask his team to look into
5 the payment issue; correct?

6 A. 佢其實有講個team，佢直頭講Raymond，我唔記得Raymond姓乜，但係
7 呢度寫Raymond Au。

8 Q. Okay. Okay.

9 Then just to pick up Mr Philco Wong's further
10 evidence on this, because it may well turn out to be
11 an important point. If you could go to B13618. Are you
12 there?

13 A. Yes.

14 Q. Splendid. Perhaps we ought, to be fair to you, to start
15 at B13617.

16 A. Okay.

17 Q. You'll see that in paragraph 4, Mr Philco Wong is
18 referring, is he not, directly to paragraph 48 of your
19 statement, which we talked about together a few moments
20 ago; correct?

21 A. Yes.

22 Q. Then he says in paragraph 5:

23 "As stated in paragraphs 42 and 43 of my witness
24 statement" -- they're the paragraphs we've just looked
25 at, Mr Poon -- "I did have a telephone conversation with
26 Mr Poon in late 2016. However, as this telephone

1 conversation took place almost two years ago, I cannot
2 remember the precise date of that telephone
3 conversation.

4 6. As I have explained in my witness statement, my
5 recollection of that telephone conversation with Mr Poon
6 was that Mr Poon complained about payment issues his
7 company had with Leighton."

8 And you've been kind enough to agree that much with
9 me.

10 "That was why after my telephone conversation with
11 Mr Poon, I called Mr Raymond Au from MTR's procurement
12 and contracts department to follow up with Mr Poon on
13 the commercial matters that Mr Poon raised with me in
14 that telephone call."

15 Then, pausing there, that's the same gentleman that
16 you referred to in our discussions two or three minutes
17 ago?

18 A. Yes. Yes.

19 Q. And we'll have to come there in due course.

20 A. Okay.

21 Q. Then 7:

22 "As our telephone call took place almost two years
23 ago, I cannot recall whether Mr Poon mentioned any
24 specific quality issues regarding Leighton's works
25 during our call. However, had Mr Poon mentioned any
26 threaded bar cutting issues with me during that

1 telephone call, I would have asked the project team
2 (rather than Mr Raymond Au) to carry out investigation
3 as Mr Raymond Au's role was to handle procurement and
4 contracts issues rather than works quality-related
5 issues. In any event, I would not simply have followed
6 up on these types of quality issues with Mr Raymond Au,
7 because I would have considered such allegations on
8 cutting threaded bars as a serious matter."

9 So, in short, Mr Philco Wong is saying there, is he
10 not, Mr Poon, that you simply did not mention the matter
11 of threaded bar cutting issues with him; that's what
12 he's saying, isn't he?

13 A. 唔同意，Philco係咁講，但係我唔同意。

14 Q. Okay. Then he says:

15 "I also recall that my telephone conversation with
16 Mr Poon was a very brief one."

17 That's right, isn't it? It was a brief call?

18 A. 幾分鐘喇，幾分鐘已經夠喇。

19 Q. And:

20 "If Mr Poon did raise any such serious allegations
21 on threaded bar cutting, that telephone call would have
22 lasted much longer."

23 Then 9:

24 "As regards Mr Poon's contention that I told him
25 'not to be outspoken', in view of that which was set out
26 above, it is inconceivable that I said such words to him

1 in relation to any bar cutting (if that was even raised
2 by Mr Poon) during that telephone conversation. In
3 fact, I do not recall having said any such words or
4 words to that effect to him in that telephone
5 conversation at all."

6 A. Mmm.

7 Q. What I've got to suggest to you, Mr Poon, is that
8 Mr Philco Wong's recollection of his call with you is
9 indeed accurate, is it not? There was no mention at all
10 of threaded rebar cutting?

11 A. 唔同意呀，唔同意。

12 Q. Then of course I don't think we need to turn it up
13 again, but I suggest, once again, that had you had such
14 a conversation with Mr Philco Wong, it would have been
15 obvious that the appropriate thing to do was to have
16 referred to it in your email to Mr Zervaas dated
17 6 January which we discussed a few moments ago. That
18 would have been the correct thing to do, wouldn't it,
19 Mr Poon?

20 A. 事實上，就算commercial嘅電郵，我都有講到我有同黃唯銘先生有聯絡嘅，
21 其實喺同禮頓電郵之間，我冇講到同禮頓--喺同港鐵嘅聯絡擺落去我哋嘅溝
22 通裏面，而另一方面，喺2015年--2016年嘅10月開始禮頓已經拖糧㗎喇，
23 去到二零一--拖糧係其中一個我係concern嘅subject㗎嘅，但係我都未
24 去到覺得需要搵港鐵嘅，但係去到2016年嘅12月，本來傾得好好地，覺得
25 喺嗰個cut鋼筋有解決嘅空間嘅時候，突然間Anthony改變佢嗰個態度，

1 所以先導致我打電話畀黃唯銘，而之前咁長時間我係冇同黃唯銘有電話聯絡
2 或者有聯絡嘅。

3 Q. Well, there we are, Mr Poon. There's an issue between
4 us on that, and in due course the learned Commissioner
5 will have to resolve that.

6 But going on to the final conversation --

7 A. Okay.

8 Q. -- I need to talk to you about, it is indeed
9 a conversation with Mr Raymond Au, who we mentioned
10 during the course of our discussions a few moments ago.
11 You deal with this in paragraph 50 of your first
12 statement.

13 A. Yes.

14 Q. Here you say -- this is D25:

15 "Following the 6 January 2017 email, Raymond
16 contacted me by telephone. Raymond asked me to 'stop
17 pushing Leighton'."

18 Now, first of all, it's right, is it not, that you
19 have no note whatsoever of this alleged conversation;
20 correct?

21 A. 冇做筆記，冇做。

22 Q. Even though, I suggest, it would have been an important
23 conversation so far as you and your company were
24 concerned?

25 A. 我不嬲都有做筆記嘅習慣嘅，喺對話度，同埋Raymond同我好多溝通嘅，

1 唔係淨係呢個溝通嘅。

2 Q. Well, there's a dispute over that, Mr Poon.

3 What I'm suggesting is that it is indeed remarkable
4 that you've got no notes whatsoever of any of these
5 important conversations. It would have been obvious,
6 wouldn't it, that they were the sort of conversations
7 that you ought to have recorded in writing if they
8 really took place; is that fair comment?

9 A. 唔公道呀，我哋建築唔係坐喺寫字樓嘅，我哋一日到黑大部分時間都係喺
10 出面嘅，一係travelling緊，一係喺地盤，我唔會--我從來冇呢個習慣
11 要對呢個conversation做筆記，從來冇有。

12 Q. And that's because these conversations simply did not
13 occur, or certainly did not occur in the sense that
14 you've described them. You didn't mention defective
15 steel works and you weren't told by Raymond Au to stop
16 pushing Leighton. He never said that, did he?

17 A. 有，Raymond Au後起去到唔知幾多月之後，都係呢幾個月內嘅，我唔記得
18 幾時，仲故意安排我去投禮頓喺呢個灣--會展站嘅標添，即係為咗令到當
19 時我同禮頓個tension減低，都係Raymond Au安排。會展站本來禮頓--
20 本來我哋公司一直都喺嗰個投標清單裏面嘅，但係禮頓就因為我哋同佢有爭
21 議，所以佢搵咗我哋出嚟，最起都係Raymond Au擺番我哋落去。

22 Q. That's all very interesting but nothing to do with what
23 I'm discussing with you at the moment, Mr Poon.

24 A. 呢個係事實嚟嘅，唔係，所以我就冇擺落去，係，所以我就冇擺落去。

25 Q. That's no reason why, if Mr Raymond Au, as you allege,

1 had made the very important statement to you,
2 immediately after you have sent your email of 6 January
3 2017, "stop pushing Leighton". That's just the sort of
4 thing that you would have been expected to record in
5 a note, is it not, Mr Poon?

6 A. 冇呀，我真係完全冇任何嘢電話紀錄度寫筆記嘅習慣，包括同Philco好，同
7 任何一個important subject都好。

8 Q. At least we agree it's important.

9 Let's move on to what Mr Au says. That's B13674.

10 A. Mm-hmm.

11 Q. I think we can pick it up at paragraph 3. Can you see
12 in paragraph 3, Mr Au is saying --

13 A. Yes.

14 Q. -- "I wish to set out my account of the matters
15 contended in paragraph 50 of Mr Poon's 1st witness
16 statement."

17 That's the paragraph we've just been discussing.

18 "Before I do so, I wish to state that I have never
19 met Mr Poon before and I only had one very short
20 telephone conversation with him as set out below."

21 That is correct, isn't it? He had never met you
22 before and he only had one very short telephone
23 conversation with you?

24 A. Yes, we never meet. We never meet.

25 但係對--conversation就唔止一次，好多次。

26 Q. And 4:

1 "As Dr Philco Wong mentioned in paragraph 44 of his
2 witness statement, Dr Wong called me in around late 2016
3 and asked me to follow up with Mr Poon on the
4 sub-contractor payments to China Technology Corporation
5 Ltd by the main contractor. I remember that this was in
6 December 2016 although I cannot remember when in
7 December 2016 Dr Wong called me. Dr Wong told me that
8 Mr Poon was complaining that China Technology was
9 underpaid by the main contractor."

10 That indeed was one of your complaints at the time,
11 was it not?

12 A. Mmm, mmm, mmm.

13 Q. "He then gave me the mobile number of Mr Poon and asked
14 me to contact Mr Poon to find out what the problem was.

15 I then called Mr Poon's mobile number to follow up
16 on the matter. I introduced myself on the phone to him
17 and told him that Dr Wong asked me to phone him to find
18 out what issues he had with his payments from
19 Leightons."

20 You presumably recall Mr Au phoning you on your
21 mobile and saying words to you to that effect; correct?

22 A. 歐先生第一次打畀我，我真係唔記得用咩電話，但係我同歐生係的確有
23 手提電話傾嘅，因為我唔係成日喺寫字樓，所以我真係記唔到，但係我記得
24 係有打過佢嘅手提電話，其實好多對話，歐生之間。

25 Q. Well, Mr Au says he had one conversation with you --

1 A. 唔係。

2 Q. -- and in this conversation, you remember, do you not,
3 that he told you that Philco Wong had asked him to phone
4 you to find out what issues you had with your payments
5 from Leighton; do you remember him saying that to you?

6 A. 錢個方面都係，係其中一個subject。

7 Q. Then:

8 "His reply to me was very short and he just told me
9 that there was no problem now and everything was
10 resolved. The call then ended."

11 That's correct, is it not? That's correct?

12 A. 唔啱呀，我記得係--我哋其實係搵番個電話紀錄，我哋喺12月9號，我手提
13 電話打畀Philco Wong手提電話嘅，就嗰個--我記得係用手提電話打嘅，
14 我記得喺地盤嘅，我哋係港珠澳大橋嘅地盤度嘅，所以我用唔到個檯頭電話嘅，
15 而個內容有兩個point，一個就係payment，另一個就係嗰個剪鋼筋嘅問題。
16 歐生我記得好快就覆番嚟喇，我唔記得咗幾快，我記得係快到係一、兩個
17 鐘之內，嗰個兩粒鐘之內，我哋同禮頓仲未解決個商務問題，未。

18 Q. I think we can skip the next paragraph and go to
19 paragraph 7:

20 "I am certain that Dr Wong did not mention any
21 issues relating to the defective steel works in his
22 telephone call to me."

23 Then he goes on to describe the logic or otherwise
24 of that position. But it's paragraph 8 I would like to
25 come to:

1 "At paragraph 50 of Mr Poon's 1st witness statement,
2 he alleges that I contacted him following an email dated
3 6 January 2017 from Mr Poon to Mr Joe Tam of
4 Leighton ..."

5 That's the email we looked at five or ten minutes
6 ago, Mr Poon. Do you remember that?

7 A. 記得。

8 Q. And that you ask him -- he asked -- and that he asked --
9 "I asked him to 'stop pushing Leighton'", and as Mr Au
10 says:

11 "I deny such allegations. I neither contacted
12 Mr Poon in 2017; nor asked him to 'stop pushing
13 Leighton'."

14 That's correct, isn't it, Mr Au did not contact you?

15 A. 唔啱呀，唔啱呀。

16 Q. And it's right, is it not, that his only conversation
17 with you was the one he refers to in paragraph 5 above,
18 which took place in late 2016; correct?

19 A. 唔啱。

20 Q. That was the only conversation he had with you?

21 A. 唔啱，我哋公--我已經將我自己個手提電話嘅通話紀錄去擺咗落去我嘅
22 bundle度喇，個通話紀錄唯一一個唔好嘅，就係因為私隱條例，只有我
23 打出嘅電話係可以show到出嚟，我收嘅電話係show唔到嗰個電話杯巴嘅，
24 其實大家可以睇番晒啲電話杯巴，就睇到歐先生同我嘅聯絡係好多，唔係--
25 絕對唔係一次。

1 Q. No doubt if that's the case we'll hear about that in
2 your re-examination, Mr Poon.

3 Let's have a look at paragraph 93 of your statement.
4 This is D38.

5 A. Yes.

6 Q. At this stage in your statement, I understand that
7 you're talking about the MTR investigations; correct?

8 A. Yes.

9 Q. You say:

10 "Representatives of the MTR inquired as to why I did
11 not disclose matters in the weekly progress meetings."

12 I'm told and I suggest to you that you were
13 a regular attendee at the MTR weekly progress meetings;
14 correct?

15 A. 係。

16 Q. "I told the representatives of MTR that China
17 Technology, unfortunately, was the only sub-contractor
18 attending the meetings and was not a stakeholder of that
19 stage of the project. Strictly speaking, the progress
20 meetings was purely a matter between MTRC and Leighton.
21 I told them that it would be difficult, if not
22 impossible, for China Technology to raise such matters
23 in the progress meetings."

24 Now, by "such matters", you are referring once
25 again, are you not, to the malpractice of cutting the
26 threaded bars?

1 A. 係。

2 Q. What I also suggest to you, Mr Poon, having witnessed
3 your demeanour in the witness box over the course of the
4 last four or five days, is that if that had occurred to
5 the extent you say it had occurred, you are the sort of
6 person who would have had no hesitation at all in
7 raising that matter with MTR in the weekly progress
8 meetings; that's correct, isn't it?

9 A. 先講先，嗰個weekly meeting其實唔係一開始我就參與嘅，我記得大概去到
10 2016年嘅10月份開始我先參與嘅，之前我有參與嘅，之前只係pure between
11 禮頓同埋港鐵嘅，點解去到10月份先開始參與呢？因為我哋degree 1嘅
12 completion本來schedule喺2017年嘅1月，後畀revise咗，係2017年嘅
13 2月4號，因為有好大嘅壓力，所以先叫埋我一齊出席，而我係列席，就唔係坐
14 上去檯嘅，我係坐喺後面嘅。主要就係當我講到我哋公司嘅問題，我要聽，又
15 或者我哋公司有關嘅，要加人、邊度急又或者有啲咩嘢--中間有啲乜嘢嘅
16 interface，我要聽，而我係冇乜發言權嘅，你可以見到會議紀錄上面我哋冇--
17 中科係冇講過嘢。咁而...

18 Q. That may well be right, but what I'm suggesting to you
19 is that whenever you started attending these meetings,
20 Mr Poon, had the alleged defective rebar cutting
21 occurred, as you say it had, you would have stated that
22 during the course of the meetings; that's correct, isn't
23 it, fair comment?

24 A. 第一，就嗰個會議就並唔係你哋想像中咁高層嘅，嗰個會議係James Ho

1 嘅咋，最高級都係，喺MTR嚟講，即係senior cone.，senior
2 construction engineer，就並未去到--遠遠去唔到manager、
3 general manager個級數。而喺佢哋嗰個level，即係senior cone.
4 同埋--senior construction engineer同construction engineer
5 嘅level根本完全知道剪鋼筋嘅問題。而喺2017年10月，即係開始咗會議
6 嘅時候，已經係有--sorry，2016年10月，我講錯，2016年10月，都已經
7 係有再剪--即係有再留意到新嘅剪鋼筋問題，已經係去到解決嘅階段。所以...

8 Q. You're suggesting to the learned Commissioner that it
9 would be difficult if not impossible for China
10 Technology to raise the rebar cutting in the progress
11 meetings, and I am saying that that is simply
12 a non-credible statement. Had it been occurring as you
13 say, it would have been just the sort of thing that you
14 could and ought to have raised; that's fair comment,
15 isn't it?

16 A. 唔公道，其實呢一段93個段就嚟自6月13號我被邀請上去紅磡站港鐵嘅
17 寫字樓度做呢個調查嘅，協助呢個調查嘅，我都係畀緊witness嘅，而
18 當時我嘅expectation就係我作為其中一方，畀完witness畀港鐵，
19 港鐵應該就住啲witness再去調查嘅，反而港鐵嘅做法就將我所有嗰日
20 講嘅嘢全部delete咗，冇擺落去個report裏面。呢個唔係我而家講番
21 我而家做嘅witness statement...

22 Q. Mr Poon, I don't want to stop you if you are giving
23 relevant evidence, but you are not. You are running off
24 along a track of your own.

1 What I'm suggesting to you is there was absolutely
2 no reason at all why you could not have told MTR, if it
3 was really occurring, of the defective steel works in
4 the weekly progress meetings.

5 A. 我有同港鐵講，有同港鐵講，有同港鐵講，喺需要嘅時候，我更加提高，係
6 不斷將個層次提高，當我提高個層次嘅時候，我有理由返番轉頭，喺個正式
7 會議或者佢哋嘅正式會議而我只係列席嘅情況之下，我走去同啲低級嘅再講
8 一次，冇咁嘅需要㗎。呢個會議呢...

9 Q. This is a different reason -- that's a different reason
10 from the reason you state in paragraph 93. You say:

11 "I told them that it would be difficult, if not
12 impossible, for China Technology to raise such matters
13 in the progress meetings."

14 You are now giving a completely different reason for
15 why you did not raise those matters, Mr Poon, but let's
16 move on because I have made my point and I would like to
17 ask you a question or two arising out of Mr Pennicott's
18 questioning of you --

19 A. Okay.

20 Q. -- I think probably almost week or so ago. Do you
21 remember being asked by Mr Ian Pennicott about BOSA's
22 manual?

23 A. Manual?

24 Q. Yes.

25 A. Yes.

1 Q. And in particular the tolerance in terms of the amount
2 of thread that was visible outside the coupler; do you
3 remember?

4 A. Yes.

5 Q. He suggested to you that for a T40 rebar, that's
6 a 40 millimetre rebar --

7 A. Yes.

8 Q. -- the tolerance for the external thread was
9 4 millimetres; do you remember him suggesting that?

10 A. Yes. Yes.

11 Q. That was for a type A coupler, that's what he was
12 suggesting; correct?

13 A. Yes.

14 Q. You said he was wrong; do you remember saying that?

15 A. Yes.

16 Q. Then, as a result of that, you told the learned
17 Commissioner and the good professor that you carried out
18 some lunchtime work, and you referred them to Mr Kobe
19 Wong's statement, Mr Kobe Wong being an MTR employee; do
20 you remember that?

21 A. Yes.

22 Q. You referred them to his statement at paragraph 28.3,
23 and we'll need to turn that up, just to remind ourselves
24 of what was said.

25 A. B427.

26 Q. B427. If I may be permitted to read from it again,

1 Mr Kobe Wong says:

2 "For the EWL slab rebar fixing works, for instance,
3 the workers of Fang Sheung Construction would normally
4 insert a type A rebar into a coupler by hand to ensure
5 proper alignment, and then use a pipe wrench to screw
6 the rebar fully into the coupler."

7 A. Yes.

8 Q. And you emphasised --

9 A. "Fully".

10 Q. -- the word "fully".

11 A. "Fully".

12 Q. Then he goes on to say:

13 "For the construction of the diaphragm walls,
14 Intrafor would do the same with the type B rebars and
15 couplers."

16 A. Mmm.

17 Q. We all have our favourite parts of the witness
18 statement, and if you would be kind enough to look at
19 paragraph 30, which you didn't draw the learned
20 Commissioner's attention to.

21 A. Yes.

22 Q. "When the inspector of works, assistant inspector of
23 works and I conducted site surveillance of the EWL slab
24 works, we would pay attention to whether the type A
25 splicing assemblies were within the tolerance of not
26 more than 1 to 1.5 full pitches of threading being

1 exposed, as per the footnote in the template record
2 sheet in appendix B to the QSP."

3 A. Mmm.

4 Q. That is indeed, is it not, the tolerance on the type A
5 couplers; correct? Correct, or do you want to look at
6 the footnote?

7 A. Yes.

8 Q. You're agreeing with me?

9 A. I agree with what --我睇到Kobe Wong寫乜，但係我唔同意。

10 Q. You're still disagreeing with it?

11 A. 1.5倍喎，佢而家講緊6mm嗰度喎。You were talking about 1.5 round -- 6mm.

12 Q. Yes.

13 A. 6mm係從來冇任何文件--QSP任何一張文件，冇show到，QSP有兩個version
14 嘅，如果你睇番唔同嘅人submit嘅唔同嘅QSP version，分別有夾到--夾附
15 到3.5同埋4，都唔超過4，4係個pitch嚟嘅，即係話個pitch個tolerance
16 最多係1嘅啫，就唔應該達到1.5嘅。

17 Q. Let's have a look at B2655, if we can.

18 A. Yes.

19 Q. I don't know whether that could be blown up a little
20 bit, and then go down to the footnotes, please. Do you
21 see the penultimate footnote, the double asterisk:

22 "Ensure that a maximum of between 1 to 1.5 full
23 pitch is visible after tightening is completed."

24 A. Mmm.

25 Q. And that, I suggest, supports what Mr Kobe Wong says in

1 paragraph 30 of his witness statement, does it not?

2 A. 呢一個就contradict咗有關個--成個QSP裏面，如果你咁樣講，即係話
3 最少我見到有三個唔同嘅discrepancy，淨係講緊ductility coupler
4 上面，第一，我哋見到個表，即係話D2658呢個表...

5 Q. I'm talking about type A splicing assembly.

6 A. 我哋其實都要睇番個tolerance，呢個就係我哋engineer睇嘢嘅方法，
7 第一個就係2658個表，個表講T40個個tolerance係4mm。

8 Q. That's correct. That's what Mr Pennicott took you to.

9 A. And the pitch--個pitch都係4mm，所以係一個圈，唔會超過一個圈，
10 我亦都講畀你聽其實我睇到喺嗰一萬三千張文件裏面，呢一個表出現過兩個
11 唔同嘅version，有一個version，我唔記得係邊份文件見到，呢個
12 version就變咗個pitch係3.5，而個tolerance都係3.5，都係一個圈，
13 即係話都係sidepiece，即係都係ductility嘅coupler都係type A，
14 但係都係1112個project，淨係呢一張表都出現過兩個唔同version，
15 如果呢個表個version啱，B2655註腳兩粒星嗰個1至1.5，我就覺得有
16 懷疑喇，即係我就唔知信邊個喇。不過因為Kobe Wong係T3...

17 Q. We disagree with you there, Mr Poon.

18 A. 因為我尊重Kobe Wong嘅，因為佢係T3，佢本身嘅QSP係由佢去負責講
19 收貨標準嘅，但係我就有doubts。

20 Q. Well, you have doubts, and what I suggest is that you've
21 no reason to have those doubts.

22 Just to conclude this --

23 A. 唔係--有呀，有呀，...

24 Q. -- if we go to page B2640 --

1 A. ...其實我哋睇過咁多份，分別由禮頓，由港鐵同理由政府擺出嚟嘅
2 QSP都有後畀由禮頓submit嗰張圖。

3 Q. Then if we look at B2640 --

4 A. Yes.

5 Q. -- we can see, can we not, that this was the quality
6 supervision plan, otherwise referred to as QSP --

7 A. Yes.

8 Q. -- which was provided to government; correct?

9 A. Yes.

10 Q. On 12 August 2013; do you see that?

11 A. Yes. Yes. I saw it.

12 Q. Now, Mr Poon, you attempted to rely, when Mr Shieh was
13 discussing his case with you, his various propositions
14 with you, on the Prevention of Bribery Ordinance.

15 A. Mmm.

16 Q. Do you remember that?

17 A. Yes.

18 MR BOULDING: I'm not going to debate that with you, but
19 I will adopt Mr Shieh's cross-examination on that
20 particular point, and in due course make my submissions.

21 So thank you very much.

22 Thank you, sir. Thank you, Professor.

23 Questioning by THE COMMISSIONERS

24 CHAIRMAN: Thank you very much, Mr Boulding.

25 Mr Poon, on this question of corruption, I just have
26 a couple of matters to try to clarify your evidence.

1 A. Yes.

2 CHAIRMAN: First, the question of who was doing the work
3 of -- we'll call it cutting of rebars; okay?

4 Would I be correct to say that you identified the
5 people who were doing the cutting by their working
6 clothes?

7 A. Yes.

8 CHAIRMAN: And that these working clothes, on all occasions
9 that you could tell, were Leighton clothes?

10 A. Yes.

11 CHAIRMAN: If somebody other than Leighton, for example
12 Fang Sheung, were also supplying their workers with
13 Leighton clothing, then that could mean that Fang Sheung
14 people may have been doing the cutting?

15 A. Yes. There is a doubt there.

16 CHAIRMAN: So you rely entirely on the working clothing that
17 you saw; yes?

18 A. Yes.

19 CHAIRMAN: Thank you.

20 The second issue is this. In your email of
21 6 January --

22 A. Yes.

23 CHAIRMAN: -- this is the very first documentary evidence we
24 have of contacting Mr Zervaas, but I think calling him
25 Joe, in fact, which is the name of the person who was
26 copied the document -- that doesn't matter, that's just

1 an aside, to identify the document --

2 A. Mmm.

3 CHAIRMAN: -- you appear to be saying that what you had
4 witnessed was the cutting of rebars, when there were
5 difficulties encountered in installing the rebars. So
6 in fact, to quote you here, you say:

7 "... it is quite normal that the embedded couplers
8 in the diaphragm wall were not able to accommodate the
9 correct installation of [the rebars, possibly by reason
10 of damage to the] internal threading or the tilted
11 embedment of the couplers ..."

12 Then you go on to say, in those circumstances, it
13 was normal for the Leighton workers or the people
14 wearing Leighton clothing to cut the threads.

15 A. Yes.

16 CHAIRMAN: This email of course was sent a good many months
17 after your witnessing of events?

18 A. Yes.

19 CHAIRMAN: Is that your evidence now, that what you saw was
20 a cutting of threads when there were difficulties in
21 bringing about installation --

22 A. Mmm.

23 CHAIRMAN: -- or do you take your evidence further than
24 that?

25 A. Further.

26 CHAIRMAN: Okay.

1 A. 當時嗰個1月6號嗰個電郵，其實就有一個背景，就係Anthony本來有一個--
2 我一直覺得Anthony好開明嘅，Anthony由肯傾去到突然間180度轉變話冇
3 呢件事，所以個電郵某個程度上係說服佢，話畀佢聽係事實嚟嘅，係真嘅，
4 唔係假嘅，因為Anthony後起話就係話佢啲伙記，即係佢下面啲下屬話畀佢
5 聽我講嘅係大話，根本從來冇cut過鋼筋呢件事，當然當時我都唔知有NCR嘅，
6 我唔知地鐵有NCR畀咗禮頓或者係泛迅。而另一方面，我想講一講成件事...

7 CHAIRMAN: Sorry, just bear with me. I'm not taking into
8 account what you saw or didn't see. I'm just working on
9 the basis of what you say you saw at the moment; okay?
10 I'm not disputing it.

11 A. Mmm, mmm, mmm.

12 CHAIRMAN: It seems to me that in your email, you were
13 saying that what you had seen was the cutting of the
14 threads of rebars, when there were difficulties in
15 bringing about the installation of those rebars into the
16 couplers.

17 A. Mmm.

18 CHAIRMAN: But it seems to me -- and you appear to have
19 accepted this -- that in your evidence you go somewhat
20 further and suggest that the cutting of rebar threads
21 was systematic and planned, not only when there were
22 difficulties in installation but when the question of
23 difficulty was not relevant; in other words, that it was
24 done not wholesale but it was done in a planned and
25 systematic way, even when there were no difficulties in

1 ensuring installation.

2 A. Yes.

3 CHAIRMAN: And it seems to be your evidence that the only
4 reason for this could be because there were corrupt
5 motives, cutting corners, either saving money by that
6 methodology or making money.

7 A. Mmm.

8 CHAIRMAN: But you have no direct evidence of this.

9 A. No.

10 CHAIRMAN: So this is, would it be correct to say,
11 speculation -- I don't mean that in a derogatory
12 sense -- it's an assessment by you based on what must
13 have been the case, in your view?

14 A. Yes. Especially after I reviewing the photos and the
15 case of NAT.

16 CHAIRMAN: "The case of NAT", that would be --

17 COMMISSIONER HANSFORD: What is "NAT"?

18 A. North Approach Tunnel.

19 COMMISSIONER HANSFORD: Thank you.

20 A. And there we have different people, different
21 sub-contractors. We have only a common managerial
22 staff from Leightons.

23 CHAIRMAN: Would it be correct, however, to say this, that
24 on your assessment, because this was not wholesale but
25 was nevertheless systematic and planned --

26 A. Yes.

1 CHAIRMAN: -- your assessment is that about 5 per cent of
2 the installations would have been rendered inefficient
3 or --

4 A. Problematic, problematic connections.

5 CHAIRMAN: -- problematic? And I know you've given this to
6 us already, but just so that I have an understanding,
7 you have come to this assessment of 5 per cent related
8 here only to cutting of threads.

9 A. Yes.

10 CHAIRMAN: On what form of mathematics? How have you come
11 to 5 per cent?

12 A. We have about 26 bays that I think cutting exists on
13 EWL slab, and each bay we have 30 to about 100 pieces
14 cut. On average, we have 50 pieces of the threads being
15 cut and thread installed. So times 26 bays, equal to
16 1,300.

17 CHAIRMAN: All right. Then it would be 5 per cent because
18 you were aware of the total number of rebars that had to
19 be coupled?

20 A. Yes, about 26,000 announced by MTR.

21 CHAIRMAN: Now, was that number MTR's figure prior to
22 correction --

23 A. I think so.

24 CHAIRMAN: -- or subsequent to correction? Because if
25 I remember correctly, subsequently they said, "Oh, yes,
26 there was a change in plan which reduced the number of

1 couplers we needed."

2 A. Because of the connection, the through-bar on the top,
3 that will be reduced for 2,000 pieces, so altogether
4 it should become downward to -- I heard the figure
5 is 23,500.

6 CHAIRMAN: All right. But -- it's not really directly
7 relevant -- your mathematical approach to assessment was
8 to take a figure of the installation of about 26,000?

9 A. Yes.

10 CHAIRMAN: And then your average of what would have been
11 faulty connections, and those two base figures bring you
12 to an assessment of about 5 per cent?

13 A. Yes, only a rough assessment, never precise --

14 CHAIRMAN: No, I appreciate that. That's your assessment,
15 not precise, of about how many couplers would have been
16 problematic, to use your term?

17 A. Yes.

18 CHAIRMAN: All right. It's just -- if you've got workers
19 who are told to install -- who are told to cut rebars,
20 even though there's no difficulty in making the
21 installation, just cut them systematically. I can
22 understand you saying, "Cut half of them" or "Cut
23 a quarter of them", but 5 per cent is a somewhat more
24 precise figure, is it not? You know, you are turning
25 around and saying, "Right, I want you to cut 5 per cent
26 of these." Because you can't say "Cut all of them"

1 because there's no connection at all then, and you can't
2 say -- and you're not suggesting anybody said to these
3 workers, "Cut half of them."

4 A. No.

5 CHAIRMAN: So how do they assess how many they should cut?
6 Surely the only way to assess is by looking at the wall
7 and saying, "We've got problems with these various
8 installations, and we've been told, 'Don't bother to
9 wash out, don't bother to report to Leightons and get
10 their specialist team to come in, just cut.'"

11 But that would bring you back again, would it not,
12 to the issue that the only time cutting took place was
13 when there was a potential difficulty in installation?

14 A. Mmm. The estimation is mainly based on the informations
15 that we observe, including the cut pieces from floor,
16 and the time that we observe the people cutting it, and
17 divided by the time per piece. It is a relatively
18 estimation by means of time, by means of our visual
19 evidence, et cetera.

20 CHAIRMAN: All right. Good. Thank you very much indeed.

21 That helps me. Thank you.

22 Cross-examination by MR KHAW

23 MR KHAW: Thank you, Mr Chairman.

24 Good morning.

25 A. Good morning.

26 Q. I act for the government.

1 A. I understand.

2 Q. Like the Commission of Inquiry, the government also
3 wants to get to the truth of what actually happened.

4 A. Mm-hmm.

5 Q. And hence I have a few matters that I wish to clarify
6 with you or perhaps gather further details from you.

7 A. Understand.

8 Q. And hopefully I can bring your cross-examination to
9 a relatively more peaceful end.

10 The first area I wish to very briefly go through
11 with you is perhaps a rather minor point, a relatively
12 straightforward point.

13 A. Okay.

14 Q. That is the email that you sent to the government --

15 A. Yes.

16 Q. -- ie the Secretary for Transport and Housing. There
17 should be not much controversy regarding that particular
18 point. In fact both Mr Pennicott and Mr Shieh have also
19 referred you to that particular email.

20 A. Yes.

21 Q. But, as you may be aware -- or you may not be aware;
22 I can tell you now -- a few government officers have
23 made their witness statements for this particular
24 purpose. So, if there is not much controversy between
25 you and me on this point --

26 A. I have no.

1 Q. -- and on certain conversations between you and the
2 government officers, then we may not be required to call
3 all the government officers to come --

4 A. I agree, I fully agree.

5 Q. Just to save everyone's time. Just a few questions on
6 this, to complete the picture.

7 If we can first take a look at G3/2033.

8 A. Yes.

9 Q. That no doubt is the email that we have all seen, that
10 is the email dated 15 September --

11 A. Yes.

12 Q. -- 2017 that you sent to the Secretary.

13 If we can take a look at one of the witness
14 statements filed by the government. G3/2056.

15 A. Yes, I got it.

16 Q. This is -- the English translation at 2056.1.

17 This is a witness statement from an assistant
18 clerical officer, Ms So, and in paragraph 4 she said:

19 "Shortly after lunch time, between 2 pm and 3 pm, on
20 15 September 2017, I received a phone call from ...

21 Mr Poon ... Mr Poon stated that he had sent an email
22 concerning the MTR and a contractor known as Leighton,
23 which was related to public safety issues, to the
24 officials of the THB on that day. He told me his mobile
25 phone number and requested the relevant officer to give
26 him a reply."

1 Would you agree that that basically summarises
2 your --

3 A. Agree.

4 Q. -- conversation with Ms So?

5 Then if we can take a look at another witness
6 statement, G3/2026.

7 A. Yes.

8 Q. It's a statement from Mr Leung Sai Ho of Highways
9 Department.

10 If we can take a look at paragraph 9.

11 A. Mmm.

12 Q. In about the middle, can you see, "Hence, I made
13 a return call to Jason Poon"; do you see that?

14 A. Yes.

15 Q. "As far as I can remember, Jason Poon told me that the
16 issue was about the poor quality of couplers used in the
17 contract. He said he had asked Leighton to rectify the
18 problem but in vain."

19 A. Yes.

20 Q. "Jason Poon also said he did not approach Highways
21 Department or any government officers on this issue
22 until [your first email to the secretary]."

23 A. Yes.

24 Q. "He considered that it was his last resort before he
25 would approach the media. Jason Poon indicated that he
26 would welcome officers from the Highways Department with

1 professional knowledge to discuss the issue with him."

2 A. Agree, agree.

3 Q. Would you also agree that this is the gist of your
4 conversation?

5 A. Agree.

6 Q. Thank you.

7 Then there's also a conversation -- this is what
8 happened on 15 September. On 16 September, there was
9 a conversation between you --

10 A. A lady.

11 Q. -- and a lady called Christie Wong. If we can have
12 a look at the relevant bit of her witness statement.
13 G3/2151.

14 A. Yes.

15 Q. Do you see 2151, paragraph 5?

16 A. Yes.

17 Q. Maybe we can just take a look at paragraph 6:

18 "On 16 September ..., I waited in Vincent Chu's
19 office ... but did not get any call from Jason Poon."

20 You realise that before that they had difficulties
21 in trying to get hold of you?

22 A. Understand.

23 Q. Then:

24 "I therefore called Jason Poon at around 0915 [in
25 the morning]. Over the phone, I stated that I was the
26 engineer responsible for the Hung Hom Station of the SCL

1 project and would like to discuss with him about the
2 issue and his concerns. However, Jason Poon stated that
3 he preferred discussing with Vincent Chu directly on
4 18 September 2017. Jason Poon also said that he would
5 be engaged in a meeting that morning but should be able
6 to call Vincent Chu at around 1100 hours on 18 September
7 2017. I subsequently emailed Jason Poon ... and
8 recorded his preference to discuss with Vincent Chu ..."

9 You also agree that this was the gist of your
10 conversation with Ms Wong?

11 A. Fully agree.

12 Q. Thank you. If we can just complete the email chain
13 here. If we can take a look at G3/2144.

14 A. Yes. Got it.

15 Q. Yes. 2144, at the bottom --

16 A. Yes.

17 Q. -- was an email from the government, Mr Vincent Chu to
18 you, on 18 September at around 5.10 pm. It said, "tried
19 to call you" but not available, et cetera.

20 Then at the top there was another email, follow-up
21 email, from you to Vincent Chu on the same day. It
22 said:

23 "As discussed on the phone ... you agreed to provide
24 information of the issue by writing to us within
25 an hour. Upon receiving the information, please note
26 that we would follow up the issue accordingly."

1 So you have no dispute --

2 A. No dispute.

3 Q. -- over these emails.

4 Then finally, just one passage from Vincent Chu's
5 witness statement. G3/2110.

6 A. Yes.

7 Q. This is a witness statement from Vincent Chu. At
8 paragraph 12 he says:

9 "On 18 September 2017, I called Jason Poon ... At
10 1845 hours on the same day, I managed to contact Jason
11 Poon by phone and he agreed to provide information of
12 the 'issue' by writing within an hour."

13 This is what Mr Vincent Chu said --

14 A. Exactly.

15 Q. -- and you agree; right?

16 A. Yes.

17 Q. Finally, do you remember what we call the "close file"
18 email?

19 A. Yes.

20 Q. 2147.

21 A. yes.

22 Q. Where you asked the government to close the file because
23 you believed that you had already brought this matter to
24 an end.

25 A. Yes.

26 Q. Then you also express your acknowledgement in relation

1 to the services provided by the government?

2 A. Yes.

3 Q. So, so far so good, so quite an amicable start that we
4 have.

5 Now, one area that I wish to explore with you, which
6 perhaps also related to the questions just raised by the
7 chairman, if I could ask you to take a look at the
8 transcript, Day 7, page 86.

9 A. Yes, got it.

10 Q. 86, line 17, take a look.

11 A. Yes.

12 Q. That is a question raised by Mr Pennicott on Day 7.

13 A. Mmm.

14 Q. You see:

15 "The problem we've got with your evidence, as we see
16 it, I think, is that even before they've encountered any
17 particular problem in any particular area, at any
18 particular coupler, that it's all being cut before that
19 happens, and there just doesn't seem any explanation as
20 to why they would do it. There's simply no advantage to
21 Fang Sheung, there's no advantage to Leighton, there's
22 no advantage to MTRC. Who is gaining any advantage, and
23 what is it, from this process?"

24 Do you see that?

25 A. Yes.

26 Q. Then your answer is:

1 "Definitely there is advantage for Fang Sheung."

2 Then Mr Chairman followed up by asking:

3 "What's the advantage for Fang Sheung?"

4 Answer: To reduce the cost of labour" -- that is
5 what we had to explore last Friday.

6 A. Yes.

7 Q. "And second, yes, there is no immediate and direct
8 advantage to the corporation of Leightons, but on that
9 level of superintendence, et cetera, they are achieving
10 the [same] benefits on settling the things, the
11 difficulties that they are encountering on site ..."

12 Now, pausing here, if we can go down a little bit to
13 around line 17, "And further" -- can you see that?

14 A. Yes.

15 Q. "... one further information that Leighton might not
16 release to the Commission yet. At that particular
17 moment, Leightons had encountered problems on fixing the
18 threaded bars onto the couplers."

19 Okay?

20 A. Yes.

21 Q. Pausing here, I believe perhaps some people in this room
22 at that time might not be able to fully understand what
23 you said. I say "some people" because I don't wish to
24 admit that I am the only who was one not able to
25 understand what you said at that time.

26 Pausing here, can I just ask you to briefly describe

1 what you meant by problems encountered by Leighton
2 regarding fixing the threaded bars into the couplers?
3 What were the exact problems that you were talking about
4 at that point in time?

5 A. I remember they have about four problems. The first
6 problem is --

7 CHAIRMAN: Sorry, are you happy to do it in English?

8 I don't mind if you swap.

9 A. Because I am just afraid the translation will become
10 distorted.

11 CHAIRMAN: Okay.

12 A. The first problem is in regards the breaking methods.
13 They are hacking away the concrete above the cut-off
14 level. When the people hacking away the concrete,
15 they are using held-free machines to hack it, in the
16 beginning of time. Afterwards, it changed to water
17 jet, but in the beginning they are using pneumatic
18 hacking.

19 The head of the coupler was damaged during the
20 hacking, especially the first external few threads.
21 Yes.

22 Then the second point is they hacked too much. The
23 coupler is about semi-exposed. It makes the coupler
24 itself become undone from the original fixing of the
25 embedded threaded bar. We saw some of the coupler even
26 drop onto the floor, and therefore a hole, a big hole,

1 was left on the diaphragm wall.

2 Third, the third problem is one of the critical
3 problems. It's the coupler is not horizontally -- is
4 not ideally horizontally aligned, and it tilted for
5 certain angles. The tiltion itself makes the fixing of
6 the bar become impossible. When the bar, when they turn
7 the bar, the bar will crash with either the blinding
8 concrete or the fixed layers of rebar.

9 And the fourth problem is mainly due to the
10 threadings. The threadings subsequently fixed to the
11 couplers. There are some damage during transportation
12 or handling of the threadings. Therefore, the threads
13 are not easy to screw into the embedded couplers.

14 MR KHAW: If I may just pause you here. You talk about
15 couplers being damaged, and there were couplers above
16 the cut-off level, above the hack-off level.

17 A. Yes.

18 Q. The first thing to clarify with you is: were there
19 supposed to be couplers above the hack-off or the
20 cut-off level?

21 A. Should not, but the site actual situation is I suspect
22 they are not following the original cut-off level to
23 hack the concrete. I've spoken before, even in our
24 records of photos showing it, they are shaping the
25 diaphragm wall of 1.2 metres wide into a shapened shape
26 (demonstrating). Therefore, the faces of coupler

1 supposed below the cut-off level also subject to
2 hacking.

3 Q. Stop here first. When did you first come to know about
4 this problem that you just told us?

5 A. About sometime in August. I can't really remember
6 the exact time.

7 Q. August ...?

8 A. August 2015.

9 Q. And that was around the time when, according to your
10 evidence, you first witnessed the cutting of the
11 threaded rebar?

12 A. Yes.

13 Q. If we can just move on to see your answer in the
14 transcript.

15 A. Okay.

16 Q. What I don't quite understand is what you then said.
17 You said:

18 "Leighton is trying to get its sub-contractor to
19 handle these special works ..."

20 A. Yes.

21 Q. First of all, what "special works" were you talking
22 about here?

23 A. To exchange the damaged coupler.

24 Q. Right. Then you said:

25 "... because at that particular moment Fang Sheung
26 thinks, did opine, they are not responsible to handle

1 that work difficulties."

2 A. Yes.

3 Q. What do you mean by "Fang Sheung not responsible to
4 handle that work difficulties"?

5 A. Because I also heard, on that particular moment, I
6 remember I had received a document named schedule of
7 coupler, et cetera, which is a document in Microsoft
8 Excel format, recording the quantities of couplers in
9 the diaphragm wall. That document was given by a QS,
10 quantity surveyor of Leightons, to me directly. He
11 said he received an instruction from his supervisor,
12 asking Chinat also to price on exchange of the
13 problematic couplers. However, the detailed method,
14 et cetera, is not finalised yet.

15 He also said because the works originally is
16 belonged to Fang Sheung, but Fang Sheung complained the
17 difficulties was not generated by them and they have no
18 contract liability to handle these such difficulties.

19 Q. So can you tell us who is the person from Leighton who
20 told you about this?

21 A. I can't remember. The QS, maybe a young boy who left
22 Leighton for a long time already.

23 Q. Then if we go back to the transcript. You said
24 Fang Sheung were not responsible, and then "I got the
25 coupler schedule at that particular moment."

26 So you were told by one quantity surveyor of

1 Leighton that Fang Sheung would not be responsible for
2 these problems?

3 A. Yes.

4 Q. So, according to your knowledge, who was eventually
5 required to carry out the works?

6 A. I remember, and in also my vision, Leightons.

7 Q. Their own people, or they hired another group of
8 sub-contractors to carry out the work?

9 A. During the time between August 2015 and middle, I
10 mean June, 2016, there is changes. First of all,
11 Leighton have some direct labours, and Leighton
12 also have some daywork labour. They are mixing
13 together. We cannot identify them. We can only
14 identify this group of people by their clothing, because
15 they have their own special Leighton clothing.

16 In the beginning of time, especially until the month
17 of September or October, they are dressing in the
18 Leighton orange, blue and yellow shirts, to undertake
19 the process of cutting and installation. We then
20 observe Leighton had changed and concentrate this kind
21 of works to few people. They are all either wearing red
22 or blue shirt of banksmen or riggers.

23 Q. Just to follow up on what you said. When you said it
24 was probably Leighton's direct labour or their, what do
25 you call it, daywork labour?

26 A. Daywork labour. Daywork labour means they engaged the

1 labour from a third party.

2 Q. From outside?

3 A. Yes.

4 Q. And when you said Leighton had its own labour or hired
5 extra labour to deal with such "difficulties" --

6 A. Yes.

7 Q. -- when did such labourers come to the site to deal with
8 the difficulties; do you know?

9 A. Even earlier than us. We are engaged at late May, and
10 must at least start our works in July, and when I visit
11 the site even on March 2015, when I tendering the works,
12 I already observed Leighton have a lot of people
13 working on these areas.

14 Q. So how long did that process take, I mean the process
15 that we had Leighton's labourers who came to the site to
16 deal with the difficulties; how long did that take?

17 A. Not really a long time, because Leighton have another
18 works, to clean the soil, to deal with the excavation,
19 et cetera, so they are overlapping with this kind of --

20 Q. Until when, approximately, can you tell us?

21 A. You mean the particular cutting or you mean the period
22 of engagement?

23 Q. The period where extra labour was engaged.

24 A. From our beginning, it means May 2015 until the end of
25 the project -- until we left in September 2017.

26 Q. Right. So, during that period of time, there were both

1 Fang Sheung's workers and also Leighton's direct
2 labourers or daytime labourers who actually dealt with
3 the bar fixing work?

4 A. Yes.

5 Q. Thank you.

6 CHAIRMAN: Could I ask you: were you able to ascertain how
7 they worked in complement to each other, how they worked
8 together?

9 A. They are working together not only on the coupler
10 installations. The coupler installation is in layers.
11 If they are too advanced to install earlier -- the
12 subsequent layers, it would obstruct the rebar fixer
13 to lay the intermediate layers of the main bars. So
14 they have to work together.

15 Secondly, I understand due to the contract scope
16 Leighton is responsible for the horizontal and vertical
17 transportation of the rebar, I mean the bent rebar, into
18 this box of fixing. Therefore Leighton always maintains
19 certain quantity of labour, mixed in Fang Sheung teams,
20 to assist for moving, transportation of the cut and bent
21 materials.

22 CHAIRMAN: There's some evidence which we may come across,
23 I think, that if Fang Sheung had problems, shall we say,
24 a coupler full of drying concrete, they didn't do the
25 work themselves, they reported to Leighton, Leighton
26 brought in an expert team, you might call it, and they

1 used water to wash out and oil or whatever, and then
2 they either handed it back to Fang Sheung to properly
3 install, or did that installation themselves; I'm not
4 sure.

5 What that seems to suggest, if that evidence comes
6 up to proof, is that Leightons always had some people in
7 reserve to come in and deal with installation
8 difficulties. Is it possible that what you saw was no
9 more than a regular fire-fighting team, if I can call it
10 that, who waited and, when there were difficulties,
11 received a report and then dealt with the difficulties?
12 So you may have seen them cutting, pulling out, even
13 leaving a damaged coupler on the floor, while it went to
14 get a new one?

15 A. Yes, you are correct. The speculation is one of the
16 alternatives. The only difference is or only critical
17 point is originally they are working quite open, in normal
18 working hours, and they are using grinding machines,
19 therefore a lot of sparks fly, et cetera, would be
20 visualised, and subsequently they changed to the
21 intersection time between the day shift and night shift
22 and even working in night-time for this cutting and
23 installation exercise, and using the band saw, the
24 electrical band saw, so there is no sparking appear.
25 The sound is still high.

26 CHAIRMAN: All right. I don't want to put words into your

1 mouth, but what you're saying is that what you saw could
2 have been nothing more than the fire-fighting team of
3 Leighton workers who came in to deal with difficult
4 installations at the request of Fang Sheung?

5 A. Maybe. Maybe.

6 CHAIRMAN: But you don't think that's the case, you can't
7 put it higher than that, because, number one, this
8 fire-fighting team started to do its work at the
9 intersection period late in the afternoons, into the
10 evenings, and/or started to use a particular type of
11 machinery which didn't throw off sparks and was
12 therefore less likely to attract attention?

13 A. Yes.

14 CHAIRMAN: But you don't put it any higher than that. So
15 what you might have seen, in fact, if those matters can
16 be explained, is nothing more than the regular work of
17 the Leighton team moving in to deal with problematic
18 installations?

19 A. Mmm. One further point.

20 CHAIRMAN: Sorry, would you agree that may be the case?

21 A. I agree your point. That may be the case.

22 One further point is if it involves Leightons, then
23 it becomes a higher level of handling. No one will use
24 an unaforesigned (?) and unapproved method to deal with
25 such kind of difficulties.

26 CHAIRMAN: I do apologise, I don't understand that.

1 COMMISSIONER HANSFORD: I don't understand that either.

2 A. If Leighton have a fire-fighting team and there is a
3 sub-contractor, for example Fang Sheung asking Leightons
4 to handle the difficulties, because they are not
5 responsible for, then the practice of Leightons will be
6 orient on approved methods, a proper way to deal with
7 the above difficulties, instead of cutting or using
8 unaforsigned (?) method or hidden method to deal with
9 the difficulties.

10 CHAIRMAN: All right. I understand. So what you are saying
11 is you accept that there may well have been a team of
12 Leighton workers who were called in by Fang Sheung to
13 repair damaged couplers and the like, and to make good
14 for installation, and that would have been quite regular
15 and quite proper. But although you can't be definite,
16 your concern is that, to you, it appeared that improper
17 methods of dealing with the problems were being employed
18 and were being employed at a time of the working day
19 that suggested covert activity?

20 A. Yes. Yes. Exactly.

21 CHAIRMAN: But if these things could be explained as being
22 normal and in good faith, then you would accept that
23 what you may have seen may have been quite regular and
24 proper activity?

25 A. Yes, if explanation is coming out, yes.

26 CHAIRMAN: It's been suggested -- we've gone on a little

1 longer -- but thank you very much. We will have
2 a 15-minute adjournment.

3 (11.46 am)

4 (A short adjournment)

5 (12.05 pm)

6 MR KHAW: Just to perhaps let us better understand what you
7 told us before the morning break --

8 A. Okay.

9 Q. -- regarding how, according to the evidence, the
10 couplers were damaged. Do you remember you talked about
11 the cut-off level --

12 A. Cut-off level.

13 Q. -- et cetera.

14 If I can ask you to take a look at one of the
15 photographs that you provided, D1/232.

16 According to your evidence, this picture shows
17 workers, according to you, are cutting rebars.

18 A. Mmm.

19 Q. For avoidance of any doubt or confusion, the two workers
20 were working on rebars, and then we can see that that
21 particular layer, that obviously is the rebars on the
22 slab; right?

23 A. Yes. Yes.

24 Q. So that picture cannot show what you describe as the
25 couplers being damaged, I mean the couplers on the top
26 level, ie the cut-off level or near the cut-off level,

1 being damaged; right?

2 A. Yes.

3 Q. Is there any picture that you have supplied to the
4 Commission which can show what you just described
5 regarding the damaged couplers near the cut-off level?

6 A. We may refer to photo D594. It is on the phases that the
7 east diaphragm wall panel EH19 and EH20, which is the
8 very beginning of fixing the rebar onto the slab.

9 We can see on the very bottom layer of the
10 couplers --

11 CHAIRMAN: Sorry, just so that again I understand it --

12 A. Okay.

13 CHAIRMAN: -- my understanding would be that the metal floor
14 that you look at is in fact temporary works; is that
15 right? So the greenish-grey floor that takes up the
16 bottom third of this photograph is the metal flooring
17 that's put in as a temporary works while the slab is put
18 together?

19 A. Yes. The greenish-brown or greenish-black, et cetera,
20 is plywood.

21 COMMISSIONER HANSFORD: That's the formwork?

22 A. Formwork.

23 COMMISSIONER HANSFORD: Installed by China Technology?

24 A. Yes. Exactly.

25 CHAIRMAN: Sorry, give me that again.

26 COMMISSIONER HANSFORD: That is the formwork. What you are

1 calling the flooring is the formwork.

2 CHAIRMAN: So that's going to contain the concrete?

3 A. Yes.

4 CHAIRMAN: Thank you. You've put in the formwork and then
5 they start to put in --

6 A. The rebar.

7 CHAIRMAN: -- the rebars? Thank you very much.

8 A. You can see, along the bottom layer of the couplers,
9 for example in this section, I mean in the central
10 but intend to the left sections, you can see some of
11 the bars -- we already enlarge the photo, so we can
12 see, on the right-hand side, the threaded bar already
13 successfully install onto the couplers.

14 CHAIRMAN: Yes.

15 A. On the left-hand side, you can see they are not, and
16 the couplers is located in a very lower level that's
17 touching the formwork, which is an entirely different
18 scenario than the right-hand side. The right-hand
19 side, we have about, say, 70mm to 100mm above -- I mean
20 the coupler, above the formwork. We can also see --
21 the rebar is T40, the diameter of the rebar is T40 --
22 we can also see the rebar, after installation, there
23 is a tiltion angle. They are not truly horizontal
24 fixing onto the couplers.

25 CHAIRMAN: Fine. Just so you can help me again -- I have
26 now been educated as to my metal floor is in fact

1 formwork, and thank you, I understand that. Then if we
2 go to the top half, that's the diaphragm wall.

3 A. Yes.

4 CHAIRMAN: And when you speak earlier about using pickaxes,
5 or whatever the term you used to chip away at this,
6 you're talking about the sort of chipping away that we
7 see here?

8 A. Yes.

9 CHAIRMAN: And that's done in order to expose the couplers
10 so that there can be installation?

11 A. Exactly, exactly.

12 CHAIRMAN: And also, where necessary, to bring about certain
13 shaping to enable easier connection?

14 A. It is one of the requirements as a shear key.

15 CHAIRMAN: Okay.

16 A. To increase the shear performance between the new slab
17 and the interface of the diaphragm wall.

18 CHAIRMAN: Thank you.

19 A. But unluckily, the levels of the bottom layers of the
20 couplers has actually deviated from what we have to build.
21 In the left-hand side of the photos, we can see the coupler
22 is just sitting on top of our formwork, and they had, they
23 did try to fix the threading, threaded bar onto the
24 couplers but unsuccessful. Therefore, they left the
25 threaded bar just beside the coupler.

26 We can see the reasons on the right-hand side. Even

1 though if you isolate to see the couplers, you cannot
2 see the tiltion of the coupler.

3 CHAIRMAN: I appreciate that, but again returning to
4 an observation I made a while ago, that a photograph is
5 a moment in the history, and looking at the overall
6 thing, we can see that a lot have not yet been put in.

7 A. Yes.

8 CHAIRMAN: But is that not because this photograph
9 catches -- or could it not be that this photograph
10 catches --

11 A. Maybe.

12 CHAIRMAN: -- us mid-work, so to speak, so some are in, some
13 are not in?

14 A. Definitely, it is in a mid-work --

15 CHAIRMAN: A work in progress?

16 A. Work in progress. But generally you can see the
17 couplers on the right-hand side have a distance with
18 the formworks, but on the left-hand side the coupler is
19 touching the formworks.

20 CHAIRMAN: We appreciate that, but does that make any real
21 difference, if you can still screw them in?

22 A. You can see the tiltion of the installed bar, the
23 tilted angle of the installed bar. The tiltion itself
24 makes the bar, when they are screwing in, they have to
25 be working in a cone shape (demonstrating).

26 So, if the coupler is too low that the cone shape,

1 the cone operation, is obstructing by the floor, then it
2 becomes unfeasible.

3 CHAIRMAN: Thank you.

4 A. We can also observe from this picture the big holes
5 on the wall, I mean on the diaphragm wall, that some
6 of the couplers were already dropped down.

7 COMMISSIONER HANSFORD: Sorry, before we go to that, can
8 I just go back.

9 A. Okay.

10 COMMISSIONER HANSFORD: On the transcript it's [draft] 71.1,
11 lines 3, 4 and 5. I don't understand that sentence
12 that's currently in the transcript. It says:

13 "So if the coupler is too low, that the cone shape,
14 the cone operation, is obstructing by the floor, it
15 becomes invisible."

16 I don't understand that.

17 CHAIRMAN: If you want to go back to Cantonese, if you feel
18 happier to explain that concept.

19 COMMISSIONER HANSFORD: I just need a proper sentence there.
20 I don't understand what's being said.

21 A. For example, 呢個係嗰支要扭落去嘅螺絲牙, 呢個要扭落螺絲牙, 如果個
22 螺絲頭係好靚咁安裝喺個牆身上面, 呢個螺絲牙就係打橫扭入去嘅啫, 但係
23 呢個螺絲頭如果係向下少少傾斜咗, 佢扭落去嘅工作就要咁樣, 就會造成一個
24 對本身喺度已經有嘅一啲鐵或者一啲板嘅撞擊, 嗰個cone-shape就係呢個,
25 即係話嗰個螺絲頭嗰個tiltion...

1 COMMISSIONER HANSFORD: I understand entirely. I didn't
2 understand what was invisible. You said it was
3 invisible. What do you mean?

4 A. Sorry. Because I don't have the transcript.

5 CHAIRMAN: Sorry, do you recall --

6 COMMISSIONER HANSFORD: It's a very simple question. It's
7 just that a few lines previously you talked about the
8 cone shape. I understand the cone shape, and you said
9 it would be invisible. I don't know what was invisible.

10 MR KHAW: Professor, according to what I heard, it could be
11 the use -- not "invisible", it is "unfeasible".

12 COMMISSIONER HANSFORD: Ah, "unfeasible".

13 CHAIRMAN: "Not feasible".

14 COMMISSIONER HANSFORD: "Not feasible", not "invisible".

15 Thank you. Now I understand. Thank you very much,
16 Mr Khaw.

17 CHAIRMAN: Mr Poon, just to assist me again, it would be
18 correct, would it not, that this line that runs right
19 across the photograph, and that shows that people have
20 been chipping away at the diaphragm wall, that would run
21 all the way along, would it not, in order -- that's the
22 area where you're going to secure the platform?

23 A. Yes.

24 CHAIRMAN: So couplers are going to be exposed, because you
25 can't install the reinforcing bars unless you expose
26 them, and so, in doing that sort of work, you're also

1 going to see the vertical rebars already in the
2 diaphragm wall?

3 A. Yes.

4 CHAIRMAN: And that would be, would it not, a perfectly
5 normal, everyday expectation in any form of engineering
6 work where you are securing a slab against a diaphragm
7 wall?

8 A. No. Along the diaphragm wall, we have ...

9 我哋已經有一啲shear key嘅位置喺個圖則好清楚，逢shear key
10 嘅位置，嗰啲鋼筋係要成條expose出嚟嘅，個情況就比起EH19嗰個區域
11 仲要鑿得深，即係話成個鋼筋要露晒出嚟嘅，而我哋中科係需要喺個shear
12 key位油番淺藍色油，嗰個淺藍色油就係保護漆嚟嘅。而一般嘅情況之下，
13 冇shear key嘅位置，佢係需要外露嗰個coupler，但係所謂外露係絕對
14 唔會將個coupler外露咗佢大部分地方嘅，只係會外露coupler個頭嘅啫，
15 咁表面嘅啫。原因如果外露得太多嘅話，就會導致個coupler可以轉動。

16 CHAIRMAN: I appreciate that.

17 A. 而家呢張相就正正見到就係因為外露得過多，所以部分coupler跌咗落嚟，
18 我哋見到有好多個大窿，尤其是喺中間噴咗啲紅漆嘅地方，好多粒coupler
19 已經跌咗落嚟--跌咗出嚟。譬如我哋見到“EH19”下面，咁有紅色漆嘅地方
20 嗰排成排coupler跌咗出嚟。

21 COMMISSIONER HANSFORD: Mr Poon, I think the chairman has
22 already mentioned that, of course, this is work in
23 progress. This is not the completed installation prior
24 to concreting.

1 A. I understand. Yes.

2 COMMISSIONER HANSFORD: This is work in progress; is that
3 correct?

4 A. Agree.

5 MR PENNICOTT: Sir, before Mr Khaw continues, I went back to
6 have a word with the MTRC just now because this is
7 a genuine request for information because I just don't
8 understand what's going on in this photograph, for this
9 reason. We can see that it's EH19 and EH20, if the
10 photograph -- if you come out a bit.

11 CHAIRMAN: Yes.

12 MR PENNICOTT: EH19 and EH20 are in area A, and in fact this
13 is bay 1 of area A. Bay 1 of area A was the first in
14 time to be concreted. It was concreted on 16 May 2015.
15 This photograph is 22 September 2015. I just don't
16 understand, and this is a genuine request for
17 information from one or more of the parties as to what
18 this photograph is showing, where it was actually taken.
19 Was it inside the diaphragm wall, outside the diaphragm
20 wall? At the moment, I just can't understand how, if we
21 are told, area A, bay 1, which includes EH19 and EH20,
22 was concreted on 16 May, four months before this
23 photograph was taken, I just don't understand it.
24 I don't know whether anybody from MTRC/Leightons can
25 possibly explain to us -- this is not for you,
26 Mr Poon -- this photograph, because at the moment, I'm

1 afraid I'm completely lost with it.

2 I understand what Mr Poon has been saying about it
3 and I have no problem with that. It's just the
4 orientation of it. Is it really showing the slab or is
5 it something else?

6 CHAIRMAN: I appreciate that. That is critical --

7 MR PENNICOTT: I'm not in any sense seeking to alter
8 anything Mr Poon has said about the photograph.

9 CHAIRMAN: I appreciate that. I think Mr Poon was asked to
10 go to a photograph that might illustrate the type of
11 problems that could be encountered, and he has used
12 that --

13 MR PENNICOTT: Yes, and I have no problem with that.

14 CHAIRMAN: But on the other hand, you are quite right, if in
15 fact this illustrative photograph has in-built into it
16 what appears to be a very fundamental contradiction ...

17 MR PENNICOTT: As I say, I don't want to cut across anything
18 Mr Poon has said about what he says this illustrates,
19 that's fine, he has given his evidence about that, I've
20 no problem with that. It's just a genuine request for
21 somebody to try to explain what appears on the face of
22 it to be something of a discrepancy.

23 COMMISSIONER HANSFORD: That would be helpful.

24 MR PENNICOTT: I don't suppose Mr Khaw would like to help.

25 WITNESS: 如果我答，得唔得㗎？

26 CHAIRMAN: Yes.

1 A. 我哋A區有三塊面嘅，three slab，頭先講EWL slab--track slab，
2 的確喺5、6月嗰時完成㗎喇，而跟住我哋就走落去下面做嘅middle level，
3 跟住就再落下面做NSL level，呢塊slab，如果時間上，我記得好似係
4 middle level㗎嘅。

5 COMMISSIONER HANSFORD: I believe Mr Edward Mok's evidence
6 will tell us where he thinks photographs are. Is that
7 not the case?

8 MR PENNICOTT: There are one or two witnesses who deal with
9 these photographs, yes.

10 CHAIRMAN: Yes. Perhaps we will rest on that at the moment.
11 Thank you.

12 Mr Khaw.

13 MR KHAW: Thank you. Just since we are still on this
14 question regarding the reasons for the difficulties, if
15 I may ask you to take a look at what you said in the
16 police statement: D1/821.2. The Chinese version appears
17 at D820.

18 A. Yes.

19 Q. Paragraph 4 -- this perhaps is the only information
20 I could find in all your witness statements trying to
21 describe the problems that you identified, correct me if
22 I am wrong. But let's take a look --

23 A. Okay.

24 Q. -- at this part first. You said:

25 "Below are several situations which would damage the

1 couplers, making it not possible for the threaded ends
2 of rebars to be screwed into such couplers".

3 A. Yes.

4 Q. "(1) At the time of concrete pouring, the protective
5 caps of the couplers detached from the couplers, and
6 concrete flowed inside the inner sleeve of couplers."

7 A. Yes.

8 Q. This is a problem other than the problem that you just
9 described; right?

10 A. Yes.

11 Q. That's a separate problem; right?

12 A. Mmm.

13 Q. Now let's look at (2):

14 "Jackhammers/pneumatic breakers used by workers for
15 carrying out the work process of chiselling concrete
16 also hit the inner threads of the couplers, making them
17 to deform."

18 That perhaps relates to the problems that you just
19 described; right?

20 A. Yes.

21 Q. "(3) At the time of rebar fixing, there is a deviation
22 in the orientation of the rebar to be connected to
23 coupler, or at the time of concrete pouring, concrete
24 hit the rebar ... deviating the orientation of rebar,
25 thus causing difficulty in screwing ..."

26 Now, insofar as the concrete bit is concerned, that

1 relates to (1); right?

2 A. Yes.

3 Q. So that's just a repetition of (1). And the first part
4 of (3) --

5 A. Mm-hmm.

6 Q. -- if you look at (3):

7 "At the time of rebar fixing, there is a deviation
8 in the orientation of the rebar to be connected ..."

9 What do you mean by that?

10 A. The tiltion.

11 Q. That also relates to the problem that you just
12 described?

13 A. Yes.

14 Q. So that is relevant to (2); is that correct? So (3) is
15 in fact a repetition of just (1) and (2); right?

16 A. No, no, no.

17 因為(3)就喺個diaphragm落石屎嘅時候，佢個個--佢鐵籠嚟㗎嘛，
18 個鐵籠會郁少少嘅，佢會導致個個coupler--本來安得可能好靚嘅，好硬
19 淨，但係佢成個鐵籠郁少少，就導致個個coupler嘅tiltion angle就
20 郁咗，第(3)點其實講呢一個嘅。即係就算佢好靚咁打咗出嚟，佢因為佢
21 斜咗，可能佢撞到某一啲嘢而導致佢冇辦法扭入去。

22 CHAIRMAN: Yes, I think we understand -- and thank you for
23 putting that in -- that there are a number of dynamics
24 in play which can damage the coupler, which can
25 disorientate the difficulties facing its orientation.

1 We understand those difficulties.

2 The question is, as we understand it, how you deal
3 with it, and what you need to do is to ensure that these
4 difficulties are fixed and that the reinforcing bars are
5 properly connected then to each of the couplers.

6 A. Yes, exactly.

7 CHAIRMAN: And you are saying that what you saw, you
8 believe, constituted on occasions an improper method,
9 which was cutting the rebar threads and just placing the
10 cut rebar either against the coupler or close to the
11 coupler --

12 A. Yes.

13 CHAIRMAN: -- or threading it in only with one or two
14 threads?

15 A. Yes.

16 CHAIRMAN: Thank you.

17 MR KHAW: I will move to another topic. Regarding the issue
18 that has been raised by various parties in the openings,
19 that's the change in design, if we can take a look at
20 your evidence in transcript Day 7, at page 141.

21 A. Okay. Got it.

22 Q. Page 141, line 6 --

23 A. Yes.

24 Q. -- can you see, "There were Leighton staff" there?

25 A. Yes.

26 Q. "There were Leighton staff who told me, that is after we

1 started work, RDO and BD were hammering Leighton because
2 they did not follow the plans to do work. That's why I
3 kept seeing that there were changes to plans on site. I
4 noticed changes made to drawings. It's just that at the
5 time I misunderstood it to be remedial measures for
6 changing those plans. That's what I thought all
7 along ..."

8 A. Mmm.

9 Q. So, pausing here, you talk about changes to plans
10 on site.

11 A. Mmm.

12 Q. Did you personally actually see the drawings?

13 A. 有。

14 Q. Were you actually aware of the changes in the drawings?

15 A. 有。

16 Q. Who told you about these changes, or who told you -- or
17 who gave you these drawings?

18 A. 我哋合約上面就夾附咗嗰個track slab同埋個diaphragm wall之間嘅
19 關係，就係C12/606號圖，我記得我都夾咗落去。Sorry，C12唔係bundle，
20 係我哋中科嘅圖--個bundle裏面，我夾咗喺邊？我夾附咗喺671頁，係喇，
21 係喇，係呢個。

22 我特別留意到嘅乜嘢呢？其實有一個general concept嘅，喺呢啲圖
23 上面。呢個圖紙就係我哋合約上面擺出嚟嘅，喺我哋施工嘅時候，呢張圖紙
24 係不斷咁樣update、不斷嘅改動，但係我哋係冇收到正式嘅改動圖，但係
25 我哋就係張圖紙上面見到一啲好general嘅一個concept，譬如我哋移去

1 張圖嘅左手面啲。我哋見到呢三個section都係講緊section F1、F2同
2 F3，都有一個好--對我哋嚟講，一眼睇落去，有一個非常之直接嘅一個
3 idea，三個section上面特別打咗好密斜線嘅，黑啲嘅，個嚟其實就係
4 cut-off level要打走嘅diaphragm wall，而即係話2.84，雖然呢
5 度好朦，2.84就係話嗰個track slab嘅top level其實就係cut-off
6 level，呢張圖好朦，但係其實係2.84嚟嘅，但係我哋地盤見到嘅情況就
7 唔係咁嘅，我見到嗰個diaphragm wall個cut-off level係低咗嘅。
8 呢個就係我成日嚟地盤度見到嘅情況，因為我哋好強嘅概念，雖然我唔係
9 負責紮鐵，但係我概念好強呢，嗰個structural arrangement，個
10 EWL track slab係直頭碰落去一個diaphragm wall嘅cut-off level
11 度嘅，但係實際現場唔係咁，所以我留意到個分別。

12 Q. Let's move on a little bit. I believe Mr Pennicott then
13 asked you, if you take a look at line 20:

14 "Mr Poon, are you sure that you haven't got things
15 slightly confused in your own mind? Because we've
16 touched on this a couple of times already today, that
17 Leighton and the MTR certainly did alter the design of
18 the rebar in significant areas of the east diaphragm
19 wall -- we know that; all right? -- by reducing the
20 level of the concrete, exposing some of the rebar that
21 was there; yes? You understand that? You understand
22 what I am talking about?

23 Answer: Perhaps I know more than you do.

24 Question: I'm sure you do.

1 Answer: I did."

2 That is what I would like to explore a bit with you:

3 "Question: It depends what subject we're talking
4 about of course, Mr Poon. But anyway, leaving that
5 aside. So we've got this reduction of the concrete
6 level along large sections of the east diaphragm wall.
7 You know what I'm talking about. And I'm just concerned
8 that what you were actually seeing was the removal of
9 some of that rebar at the top that was in the diaphragm
10 wall, the couplers, and so forth, that were no longer
11 necessary because they were having through-bars. I
12 mean, is that what you were witnessing? Is that what
13 you were confusing?

14 Then you quite adamantly say:

15 "No. No.

16 Now, Leighton and MTR have been packaging this story
17 and the Commission has been listening to this story.
18 It's a story.

19 Fabrication.

20 Question: Sorry, what is a fabrication, Mr Poon?"

21 Then you talk about Intrafor, they only poured five
22 panels of concrete, et cetera. Then 143:3 is important:

23 "From my recollection on site, I did not see any
24 special circumstances, because if there were special
25 circumstances, I would have seen it. I have sharp eyes.
26 It's like just now there were nine panels out of ten.

1 Then just now you said Leighton and MTRC knew about
2 it, it's because they changed the plans for a better
3 design, and so they made the diaphragm walls lower. So,
4 for the couplers originally on top, they were replaced
5 by a continuous bar so there would be better strength
6 and better performance and a better structure. But in
7 reality that's not the case."

8 "That's not the case", you said.

9 A. Mmm.

10 Q. Can you tell us why? First of all, do you agree or
11 disagree that the connections were eventually made by
12 the use of through-bars without couplers?

13 A. 我有留意到本身螺絲帽嘅地方，即係coupler嘅地方畀人拆走咗，因為我
14 見到地下一堆堆嘅coupler，我有留意到嗰條唔係through-bar，呢個就
15 即刻bring我嘅concern，我哋可以睇下D607頁，其實呢一個現象--當然
16 當時我係有懷疑，因為對我嚟講，lapping，即係嗰啲鐵嗰個lap其實唔可
17 以隨便擺嘅，我哋一定要擺喺一啲係low tensile zone嘅，而呢一個位
18 置喺我嘅understanding，佢上面仲有一個OTE structure，而我哋相
19 片見到有一個人踏咗喺呢個位置，即係話呢一個我隻手所指呢個位置，其實
20 佢嘅上方，即係話佢嘅右手方其實係一塊cantilever slab嚟嘅，而呢塊
21 cantilever就係要support住上面個OTE，即係話嗰個風槽位--石屎風
22 槽位，我嘅印象，即刻我見到嘅現象，就係啲鐵就唔應該停喺有淺藍色嘅
23 diaphragm wall嗰度。

24 如果我哋將個diaphragm wall打低，冇錯，港鐵嗰個講法係咁嘅，

1 我哋應該將個面鐵條through bar去到嗰個白色嘅防水層，呢張相就正正
2 見到呢一bay其實佢就有將嗰個鐵條去到嗰個end of the slab，而係停
3 咗喺個diaphragm wall前面。而跟住D609...

4 COMMISSIONER HANSFORD: Sorry, do we know where that
5 photograph was taken?

6 A. 從日子可以搵得番出嚟，應該係--我當時估計過喺C2-6嘅，當時得兩區係
7 做緊呢個status，分別係C2-3同埋C2-6，但係憑嗰個圖則上面見到呢條
8 圓柱嘅位置，同埋好近嗰個open area，即係呢度好光嘅地方，所以我估計
9 佢係C2-6。

10 跟住喺D609，就大概去到同一日，由朝頭早去到收工，我哋去咗收工，
11 即係話大概喺七個鐘之後，我哋見到呢一個位置(indicating)，即係話本
12 來D607最左手面嘅位置喺收工嘅時候做到嘅樣貌。唔好意思，呢度跳來跳去。

13 D609就係其實就係正正係白色嗰個防水層最左手面個位置嚟嘅，即係
14 呢個位置(indicating)，我哋見到我哋啲板，即係話我哋嘅收口板，就喺
15 呢度出現咗(indicating)。我哋見到個白色嘅防水層已經可以紮鐵啲喇，
16 我哋企喺呢個位置影嘅時候，我哋啱啱就見到個diaphragm wall，即係話
17 呢一個位置(indicating)，即係話D609嘅下方。

18 我哋就正正見到兩排淺藍色嘅鐵，一排就喺最下方，另一排就喺個相嘅
19 中間位置嘅，呢個位置就係喺1.2米厚個diaphragm wall個位置嚟嘅。我哋
20 見到我哋D609嗰度有條橫鐵，橫鐵大概上300毫米嘅，你見到佢有個lap嘅，
21 多咗個lap嘅度，下面短啲嗰條鐵(indicating)，其實就係我哋D607見到紮鐵
22 嘅現象，佢停咗喺個擋土牆度。

23 跟住喺後面嗰個附加嗰嚟，即係未紮晒嗰嚟EWL track slab，佢哋另外

1 就加咗一條駁鐵落去，所以我好判斷--好斷定，100%肯定，呢個並唔係地鐵
2 所講嗰條through-bar，其實根本就斬開咗。地鐵嗰個through-bar其實
3 就唔應該出現一條短鐵嘅，條鐵應該由頭到尾去到最尾嘅。

4 呢個就係我點解講，我覺得呢個港鐵自己講嘅一個故事。

5 MR KHAW: So you were raising this query as to whether
6 actually through-bars were used for the connections;
7 that was your query?

8 A. 其實我有質疑過，就當時我有質疑過可唔可以喺呢啲lap鐵嘅，同埋就算lap，
9 即係就算--如果你就算批核喺度lap，都要staggered lap嘅，即係話前後，
10 一條鐵喺後面，一條鐵喺前面lap，唔可以同一個橫切面度lap鐵嘅，呢個就講
11 緊嗰個Code of Practice for Structural Use of Concrete 2004年
12 版本，section 8.7 所講紮鐵嘅一啲要求，但係當時我得到嘅答案就係話...

13 CHAIRMAN: So are you saying -- just to help me again --
14 that in this photograph, D609, at the bottom of the
15 photograph, you're looking at the cut-down top of
16 a diaphragm wall?

17 A. Yes.

18 CHAIRMAN: And what should be lying on top of it, if this is
19 a correct section, are the through-bars?

20 A. Yes.

21 CHAIRMAN: If this is the correct section, because the
22 through a-bars weren't everywhere.

23 A. Mmm.

24 CHAIRMAN: And you are saying that some of them are not
25 going right the way through.

1 A. All of them.

2 CHAIRMAN: All of them are not?

3 A. All of them.

4 MR KHAW: All right. We will certainly explore this with
5 Leighton and MTR later.

6 If I may go back to the two incidents, according to
7 your evidence, where you said you actually witnessed the
8 cutting of the rebars.

9 A. Yes.

10 Q. I believe that appears in two paragraphs in your witness
11 statement, paragraphs 30 and 39. If we can just give
12 you the page reference. D19 --

13 A. I got it. D21.

14 Q. Then 39, it's about the site inspection that was carried
15 out, and during the inspection you were with Mr So and
16 Mr Rodgers?

17 A. Yes.

18 Q. If we could go back to paragraph 30 first, in relation
19 to the incident in mid-August; right?

20 A. Yes.

21 Q. Can I just try to clarify this with you. You said you
22 saw somebody cutting the threaded rebars using machines,
23 et cetera.

24 A. Mmm.

25 Q. Let's not talk about which particular machine for the
26 time being. The cutting incident was carried out at the

1 top of the reinforcement of the slab or the bottom of
2 the reinforcement of the slab; can you tell us?

3 A. 我嗰時有一個足夠嘅information去判斷。

4 Q. So you can't tell, right?

5 A. Can't tell.

6 Q. If we can take a look at a photograph at D1/232.

7 A. Yes.

8 Q. Can you tell us which part of this photograph shows
9 a diaphragm wall?

10 A. This one (indicating).

11 Q. Then we can see, I think, the concreted area here?

12 (Indicating).

13 A. Yes.

14 Q. On the left of this photograph?

15 A. Yes.

16 Q. Can you tell us what this is, according to your
17 knowledge?

18 A. 呢個係EWL track slab嘅adjacent bay。

19 Q. Then we can see there's a void area in between. Is that
20 where the air duct appears?

21 A. Yes. 風槽位。同埋呢張相可以睇到喺東面嘅，因為你可以見到呢條石屎線係
22 咁樣嘅，即係話呢塊track slab係有一條咁嘅石屎線嘅(indicating)，
23 而我哋東面嘅特色就係有一塊cantilever structure，就係呢塊。

24 Q. Back to the question regarding the cutting machine. You
25 remember when you were being cross-examined by Mr Shieh?

1 A. Yes.

2 Q. You were referred to certain information and then you
3 said you were told by one of the foremen of Leighton
4 that they would need to buy a new cutting machine for
5 the purpose of speeding up the process; right?

6 A. Mmm, mmm, mmm.

7 Q. Can you recall who was the foreman who told you about
8 this?

9 A. 我唔記得咗係--我記得係可能--我shortlist到兩個，但係我記唔到係邊個。

10 Q. Can you tell us who were these two that you have
11 shortlisted?

12 A. 其實嗰兩個名我都唔記得嘅，一個就係好似叫做K--其實佢兩個都係負責C區
13 嘅管工嚟嘅，我記唔起佢兩個個名，一個就係後尾調咗去管挖泥，調咗落去管
14 挖泥，另一個就係跟住佢嗰個後生仔。

15 Q. You can't recall the names; right?

16 A. 兩個我都記唔到個名。

17 Q. Finally, I would like to just very briefly ask you to
18 take a look at B17, page 14268, which is about the
19 honeycombing problems that have been referred to.

20 A. Yes.

21 Q. Just very briefly, when did you first become aware of
22 the honeycombing problems?

23 A. 我係喺2018年8月31號個新聞聽到。

24 Q. That was the first time you were aware of this?

25 A. First time.

1 Q. Yes?

2 A. 唔係，應該咁講，黃蜂竇其實係我2017年2月去到2017年9月係有執過嘅，
3 係有做過啲defect嘅，不過呢咁相講嘅就係2018年8月31號先知。

4 Q. If we talk about the honeycombing problems in general,
5 you were first aware of this problem and then you had to
6 rectify it; right?

7 A. Yes.

8 Q. You were first aware of this problem in 2017?

9 A. Yes.

10 Q. Approximately when?

11 A. 2月至到9月都有handle呢啲事。

12 Q. Then you were responsible for doing the rectification
13 works; correct?

14 A. 如果嗰個係我哋嘅--搵到係我哋責任，因為有幾個責任嘅，唔係淨係我哋嘅。

15 Q. Who else was responsible for carrying out the
16 rectification works?

17 A. 當時最多就係反而就係啲泥，因為禮頓要負責將啲泥喺我哋嘅區域搵走嘅，
18 反而就係好多啲石屎底係攞咗泥，咁嗰個無論鑿同埋補都係禮頓自己做。有
19 啲case，就係我哋鑿下就發覺啲鐵係密麻麻成塊鐵板咁，即係話啲石屎
20 落唔--因為啲鐵冇罅，而落唔到底，嗰啲又唔係我哋責任。

21 Q. Did you actually liaise with people in Leighton as to
22 who should be responsible for what? Did you?

23 A. 我哋有幾個層次嘅，喺前線，我就唔會參與嘅，前線我哋有一個--有兩、三個
24 科文係負責同禮頓同埋港鐵一齊睇，佢哋喺前線會嘗試去將啲責任分開嘅，

1 但係跟住到禮頓做咗個list出嚟之後，我就會睇，我就會每一個星期大概一至兩
2 次就坐低同Joe Tam逐個item睇。

3 Q. All right. Now, obviously, we can see from these
4 pictures, which are apparently taken in 2018, that the
5 problems still exist?

6 A. 我有啲保留嘅，呢啲相片，其實我哋會補加個witness statement嘅。我哋
7 其實睇番--我唔想喺度再好臃腫講，呢啲相片上面見到嘅位置，因為佢前面有
8 啲layout plan show咗出嚟嘅，同我哋見到我哋自己擁有嘅工程紀錄相片，
9 同埋港鐵喺B44.3上面嘅相片有衝突嘅，明明見到石屎係靚嘅，明明見到石屎
10 冇黃蜂竇嘅，但係喺呢啲相片就畀人鑿到見晒鐵，係完全兩個唔同嘅現象嚟嘅。
11 我哋而家就喺包括港鐵嘅相同我哋嘅相上面去搵番、對照番每一個位置，喺
12 2017--2016年去到2017年9月嘅時候嘅狀況，同埋去到一年後，2018年8月
13 無端端畀人鑿到咁樣嘅狀況嘅對照。

14 Q. So, just to put it fairly, according to what you said,
15 there are still disputes as to who should be responsible
16 for what in relation to the honeycombing problems?

17 A. 呢度有兩個層次，第一個層次就係究竟呢度係咪真係有黃蜂竇，定係另一個
18 purpose去鑿開啲石屎去想視察某啲嘢，而搵一個藉口，呢個第一個層次；
19 第二個層次就係真係黃蜂竇，真係honeycomb或者真係concrete defects，
20 我哋仲要睇係邊個責任。

21 Q. So did you liaise with MTR or Leighton as to what should
22 be done in order to ascertain the cause or to map out
23 what rectification works would need to be done?

24 A. 有呀，有呀，我哋8月31號一知道--即係晚間新聞一見到之後，我哋已經即刻

1 出電郵畀禮頓，要求佢畀我哋入去地盤視察，當時未有呢啲相嘅，我哋見唔到
2 呢啲相，我哋淨係聽到個現象嘅啫，就聽到局長就話有三個可能性--有三個
3 現象，第一現象就係honeycomb，第二個現象佢就係話鋼筋外露，第三個現象
4 佢就係話石屎剝落。

5 喺我哋嘅understanding，我哋走嗰時候就並冇呢啲現象留低嘅，即係
6 當然會有啲latent嘅，即係隱藏咗，我哋見唔到，唔奇嘅，唔奇嘅，但係我哋
7 明明見到當時EWL track slab嘅底其實已經做晒裝修，做晒機電設備，即係
8 我哋走嘅時候，即係其實我喺嗰時候，去到嗰個status先離開，咁點解會而家
9 返轉頭話個石屎有問題，我哋有懷疑。所以我哋想落去睇，但係禮頓一直唔畀我
10 哋落去睇。

11 跟住其實我哋曾經聯絡--嘗試聯絡政府幫手，聯絡地鐵站幫手，政府就有
12 得say嘅，因為政府喺呢件事上面唔能夠咁樣插手，因為我哋同政府冇合約㗎嘛，
13 政府就將件事就去可能同地鐵講過嚟，地鐵冇回到回應畀我哋嘅，地鐵就話唔反
14 對我哋落去，不過個決策權喺禮頓度。結果我哋到而家都落唔到去，即係我哋冇
15 辦法喺現場睇個實際情況。

16 我哋而家能夠做嘅就係攞我哋啲紀錄，相片紀錄，同埋攞埋地鐵嘅相片紀錄，
17 即係B44.3嘅相片紀錄，去搵番而家點解會搞到咁嘅。

18 Q. You mean the contemporaneous photo records?

19 A. 係。

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

21 CHAIRMAN: Good. That's an ideal time for the luncheon

22 adjournment. One hour and 15 minutes. Thank you very

23 much.

1 (1.02 pm)

2 (The luncheon adjournment)

3 (2.15 pm)

4 Further examination by MR PENNICOTT

5 MR PENNICOTT: Sir, good afternoon. Two things. Firstly,

6 I understand Mr Khaw wishes to ask another question of

7 the witness. Secondly, and I don't know which order you

8 want to go in, Mr Wilken is going to offer us some

9 assistance regarding one of the photographs that we

10 looked at this morning.

11 CHAIRMAN: Thank you very much.

12 MR PENNICOTT: So perhaps Mr Khaw should go first.

13 CHAIRMAN: Yes.

14 MR KHAW: Perhaps one tends to be forgetful when one is

15 hungry, which unfortunately is what happened to me

16 before lunch.

17 Just on the quotation that I believe you have been

18 referred to, regarding the quotation for additional

19 work -- you understand?

20 A. Yes.

21 Q. We have seen the quotation and perhaps we can take

22 a look at what you said in the transcript on that

23 particular point. That is Day 7, page 126, line 20,

24 where there's a question from Mr Pennicott:

25 "Sorry, Mr Poon, D1/825."

26 A. Yes.

1 Q. You can take it from me that that is the quotation.

2 "That's the quotation that you gave; is that right?

3 Answer: Correct.

4 Question: As I understand it, this was for, if you
5 like, the face of the diaphragm wall that you were
6 quoting for?

7 Answer: Yes.

8 Question: This had nothing to do with the removal
9 of the concrete at the top of the diaphragm wall; this
10 was just for the face of the diaphragm wall, is that
11 right?

12 Answer: That's what I thought at first, but when
13 I started work, because it's daywork, and then I found
14 my workers also hacked the capping zone, the top of the
15 diaphragm wall."

16 A. Yes.

17 Q. Just pausing here. Initially you were under the
18 impression that the work included in this quotation, ie
19 the additional work, was simply for the face of the
20 diaphragm wall and not the actually hacking off of the
21 diaphragm wall; right?

22 A. Yes.

23 Q. So, eventually, were you or was your company responsible
24 for doing this hacking-off work, the actual hacking-off
25 work?

26 A. 係，有，大約做咗十日嘅。

1 Q. Do you remember approximately when?

2 A. 呢個quotation之後十日。

3 Q. This quotation I remember was I think issued in August
4 2015?

5 A. Yes, exactly.

6 Q. So around that time?

7 A. Yes.

8 Q. Okay. With this in mind, I would like you to take
9 a look at another part of your transcript, on the same
10 day, Day 7, page 144.

11 A. Yes, got it.

12 Q. If you can have a look at the first paragraph,
13 "Secondly" -- do you see that?

14 A. Yes.

15 Q. "Secondly, I even saw gridline 45 to 48, east side,
16 there was someone putting a code in the diaphragm wall
17 and the rebar stopped before the diaphragm wall. I also
18 saw that when the diaphragm wall was chiselled, there
19 was not a proper cut-off level. Of course the cut-off
20 level should be 2.84."

21 I believe you somehow covered that earlier in your
22 evidence.

23 A. Yes.

24 Q. Then:

25 "If someone reduced it by 600 or 700 to accommodate
26 the seven to 11 layers or five to seven layers of rebar,

1 then it makes sense, but that's not what I saw."

2 Pausing here, you referred to what you saw. Now,
3 was it at the time when your company was doing the
4 hacking-off work?

5 A. The wrong message come from the English translation of
6 the words in the fourth sentence of "code".

7 Q. "Code", yes.

8 A. I'm using a Cantonese "曲", a bent bar.

9 Q. Yes. That was what I was trying to clarify with you
10 again. So "code" here means --

11 A. Mean -- should be a bent bar, L-shaped, bent bar.

12 Q. Bent bar, right.

13 CHAIRMAN: And the word is "bent", B-E-N-T?

14 MR KHAW: Yes.

15 A. Yes.

16 Q. Then if we can continue:

17 "It's like people sharpening a pencil. If you cut
18 a cross-section, sometimes the diaphragm wall became
19 an A-shape."

20 I don't quite understand what you said here. I want
21 you to clarify. So what did you see when you were
22 referring to this A-shaped diaphragm wall?

23 A. We can imagine --我哋可以想像個diaphragm wall係1米2闊，
24 continuous，咁可以見到佢係將--如果我哋cut呢個section，可以
25 見到佢將呢度刨尖咗，sharpened in this section。

1 Q. And what's wrong with that?

2 A. 咁就會令到剩番啲鐵、coupler吊吊揸喺度，即係剩番嘅位置，而好容易
3 甩出嚟，好容易鬆。

4 Q. When you are refer to the A shape, were you referring to
5 this shape in the context of the concreted area or what?

6 A. The top, the capping zone of the diaphragm wall. Or it is
7 not really an A, but it is two chamfers (demonstrating).

8 COMMISSIONER HANSFORD: It's tapered from both sides?

9 A. Tapered.

10 COMMISSIONER HANSFORD: Thank you.

11 MR KHAW: So did the A shape that you just described affect
12 any of the reinforcement or any part of the structure?

13 A. 同埋我去諗，本身個設計就係個連續牆喺度，嗰個slab就碰埋嚟，就個所有
14 shear face都係垂直嘅，而家嘅做法就係將個連續牆打低咗，so it
15 become lower, in a sharp shape, 而嗰個track slab就喺上面走過，
16 呢個A shape就變咗個pin joint, 擱住咗嗰個EWL track slab, 喺結構
17 上係完全唔同兩個概念嚟。

18 Q. So you mean that is a deviation from the original
19 design?

20 A. 係，我留意到仲有兩個大偏離，第一個偏離就係結構嘅arrangement，
21 structural arrangement；第二個就係上面嘅RC details, 即係話
22 鋼筋佈置。

23 Q. You are talking about -- if we are talking about the
24 east diaphragm wall --

25 A. Yes.

1 Q. -- which part of the east diaphragm wall was affected by
2 what you just described to us?

3 A. Maybe we call it sections. Better to see in a section.

4 Q. Yes.

5 A. I will call a drawing to show the sections. Is it okay?
6 H350, we start from that drawing.

7 Wrong drawing.

8 Q. Maybe you can take a look at bundle C.

9 A. Okay.

10 Q. C34/26494, and also 26495. Would they be able to help
11 you refer to any particular sections?

12 A. Yes, it's helpful. On 26494, in the lower left corner,
13 we have a type 1 section.

14 Q. Yes.

15 A. 灰色嗰度就係嗰個diaphragm wall，灰色頂有啲一點點、一點點深色嘅就
16 係再鑿多咗個位置，喺隔離右手邊個“3,000”嗰度就3米嗰塊EWL track
17 slab，而喺左手邊嗰塊其實1米嚟嘅，就係嗰塊cantilever slab，就係
18 EWL嘅cantilever slab。實際我見到灰色嗰嚟，即係話灰色嗰嚟位置其實
19 就係刨尖咗嘅。唔知咁樣形容理唔理解？

20 CHAIRMAN: All right. Tapered off by whom?

21 A. By Leighton staff.

22 CHAIRMAN: By Leighton staff?

23 A. By another Leighton sub-contractor who chiselled the ...

24 CHAIRMAN: Was it, in your opinion, at that time, in
25 accordance with the plans, to taper off in this way?

1 A. No. No.

2 COMMISSIONER HANSFORD: Can I just ask here, Mr Poon: so
3 what I'm seeing here on the type 1 section is that the
4 top of the section should be completely removed, the
5 concrete should be completely removed, for 450 to
6 550 millimetres?

7 A. Yes, approximately. Mm-hmm.

8 COMMISSIONER HANSFORD: And I think what you're saying --
9 well, tell me have I got this correct -- you are saying
10 rather than all of that being removed, it was left as
11 an A shape, it was left tapered, so parts were removed
12 at the sides but the middle still went up to the top
13 level? Is that what you are saying?

14 A. 個頂都係冇掂到2.84嘅，都係低咗，top level係正2.84...

15 COMMISSIONER HANSFORD: Okay. So what you are saying is the
16 top level was removed down below the 2.84?

17 A. Yes.

18 COMMISSIONER HANSFORD: But the full width of the diaphragm
19 wall was not taken down --

20 A. Yes.

21 COMMISSIONER HANSFORD: -- to the 450; it was left tapered
22 in the middle? Is that the evidence?

23 A. Yes.

24 COMMISSIONER HANSFORD: Thank you.

25 A. 而最特別就係跟住我見到冇鐵露出嚟，因為理論上，如果你刨尖咗佢，個
26 diaphragm wall兩邊兩個face嘅鐵就露出嚟，最特別就係我見唔到鐵

1 露出嚟。

2 COMMISSIONER HANSFORD: Sorry, I don't understand that
3 sentence.

4 A. 其實就我讀過有關譬如的diaphragm wall嗰時候嘅圖，所有鐵係鐵紮到
5 去2.84，即係紮到去個本身original cut-off level 2.84，理論上
6 我哋打任何嘢都會見到好多鐵喺度，剩番好多鋼筋喺度，remove咗啲
7 concrete之後，啲鋼筋就露晒出嚟，但係佢刨尖咗之後，我係見到冇乜
8 鋼筋。

9 COMMISSIONER HANSFORD: Okay. Thank you.

10 MR KHAW: And if we are talking about the sharpened part of
11 the diaphragm wall that you just mentioned, before
12 concrete was poured, was this rectified, before concrete
13 was poured?

14 A. No. No. No.

15 Q. All right.

16 CHAIRMAN: But you were the one doing the pouring?

17 A. Yes.

18 CHAIRMAN: And were you happy to pour, even though there had
19 not been rectification?

20 A. Not really. 我有問，我有問佢哋點解會搞到咁，佢哋就話呢度跟圖改完
21 之後嘅version嚟。

22 COMMISSIONER HANSFORD: Sorry, who's the "they"?

23 A. Andy Ip呀啲啲...

24 COMMISSIONER HANSFORD: Which party?

25 A. Leighton.

1 MR KHAW: Just one final -- perhaps I will go back to my
2 earlier question. The sharpened part of the diaphragm
3 wall, did it only occur to one part of the diaphragm
4 wall, or it applied to various parts of the diaphragm
5 wall?

6 A. 我留意到由gridline大概24去到gridline接近49嘅東面都有差唔多嘅
7 現象，都係東面。

8 Q. Perhaps a last issue that I wish to explore with you.
9 If we can take a look at the transcript, Day 8.

10 A. Yes.

11 Q. Page 60, at the top of page 60 --

12 A. Yes.

13 Q. -- you remember the chairman was asking you regarding
14 the percentage, and then there was just one answer from
15 you that I wish to discuss with you. That is line 4.
16 You said:

17 "Well, the drilled holes, that is something I heard
18 about. I haven't read all the documents. Just Leighton
19 alone, where they submitted an NCR to Intrafor, they
20 mentioned in one area they had missed some -- there were
21 some 200-plus pieces of couplers that were missing.
22 That's just one NCR."

23 A. Yes.

24 Q. Now, here you said that's what you heard, and you went
25 on to say, "I haven't read all the documents." Now,
26 first of all, did you actually see any workers carrying

1 out the drilling works on the site?

2 A. Yes. Yes.

3 Q. When was that?

4 A. A whole period of time. From August 2015
5 to I think July, et cetera, of 2016, including EWL and
6 NSL.

7 Q. At which particular area?

8 A. All. All areas.

9 Q. Now, in your evidence earlier today, ie before lunch,
10 I believe you told us a few incidents where there were
11 problems with the couplers.

12 A. Mmm.

13 Q. I think the second incident that you talked about, if
14 I can just retrieve the transcript of this: [draft] page
15 56, line 1:

16 "The coupler is about semi-exposed. It makes the
17 coupler itself become undone from the original fixing of
18 the embedded threaded bar. We saw some of the coupler
19 even drop onto the floor, and therefore a hole, a big
20 hole, was left on the diaphragm wall."

21 I would like to clarify with you on this. This
22 incident on page 56 that we've just seen, is it the same
23 incident or different incident, if we go back to page 60
24 of the transcript for Day 8 that we have just discussed?

25 A. Different. Different.

26 Q. So the incident you told us this morning was not covered

1 by this NCR?

2 A. This morning, 我哋關心嗰啲窿大概直徑係八、九十mm嘅, 即係我肉眼睇得
3 好清楚八、九十mm, 而鑽窿嘅窿個直徑得五、六十嘅啫, 個窿嘅大細完全唔同。

4 CHAIRMAN: All right. And the bigger ones are for couplers?

5 A. Bigger ones is undoing of the couplers.

6 CHAIRMAN: Yes, the coupler has fallen out or become

7 dislodged and been taken out. And the smaller one?

8 A. The smaller one is post-drill. I think at that moment
9 it is a proper way to rectify the defective couplers.

10 CHAIRMAN: You rectified it by drilling --

11 A. At that moment, I think it is a proper method to rectify
12 the problematic couplers' connections, by means of
13 drilling holes, using RE500 to chemically grout the
14 dowel bar.

15 However, I am now thinking different, because of the
16 requirement of ductility.

17 MR KHAW: Mr Poon, all along, our understanding regarding
18 the alleged problems with the couplers, they appeared in
19 the EWL slab?

20 A. Mmm. Actually, no.

21 Q. Is that right?

22 A. I think from the beginning of the mass media until the
23 very beginning of this Commission, I can observe everyone
24 has this opinion that the problematic condition is only
25 orient on EWL track slab. But we are not at this vision.
26 China Technology is seeing different area have different

1 problems and overlapping problems, including NSL,
2 including the mid slab of area A, which is also talking
3 about the slab connecting to the diaphragm wall by
4 couplers originally.

5 MR KHAW: I have no further questions, but before I sit down
6 perhaps just one clarification regarding what
7 I mentioned this morning when I first went through the
8 emails and also conversations between Mr Poon and the
9 government officers. I made a suggestion that if there
10 is no controversy between us and Mr Poon, then it may
11 not be necessary to call all the government officers to
12 give evidence. That is only my suggestion. Of course
13 it's subject to what the Commission thinks at the end of
14 the day, and we will abide by that direction.

15 MR PENNICOTT: Sir, obviously we will look at that, if I may
16 say so, very helpful passage of cross-examination by
17 Mr Khaw.

18 CHAIRMAN: Yes.

19 MR PENNICOTT: We will certainly look at that and advise the
20 government accordingly.

21 MR WILKEN: Sir, one point of clarification from me, and
22 this may be -- I stress no more than "may be" --
23 an example of the risks of unheralded forays into the
24 technical evidence with this particular witness, who is
25 obviously not a structural engineer.

26 Before lunch, we were taken to D1/594, a photograph

1 which caused much confusion and puzzlement. We think
2 we've found out where this is -- we think. We think it
3 is the eastern D-wall connection, bay 1, NSL mezzanine
4 area A.

5 Our reasoning for that is as follows. There was
6 an NCR for this. It's in B5, the TS folder, the
7 technical submission folder, page 258, if that can be
8 pulled up. Hopefully it's on the system somewhere.

9 MR PENNICOTT: It is.

10 MR WILKEN: It's not on my screen yet.

11 COMMISSIONER HANSFORD: Nor mine.

12 MR WILKEN: It's the first technical submission, the big
13 folder at the top with the disc -- that's the one -- and
14 it is 258. The fourth one down. Scroll down to 258,
15 please. You will see here "Details of non-conformance",
16 it gives you the area, NSL mezzanine level in area A,
17 "Exceedance of vertical tolerance by 1mm to 400mm was
18 observed ..."

19 If you scroll down, "post-drill methodology" and
20 "LCAL records", so this would be remediated as per TQ.

21 Then the reason why we think it's this area, if you
22 go to 271 --

23 COMMISSIONER HANSFORD: Sorry, Mr Wilken, a TQ?

24 MR WILKEN: Technical query.

25 COMMISSIONER HANSFORD: Thank you.

26 MR WILKEN: You will see this looks remarkably like D1 -- as

1 it's got "EH19" sprayed on the wall, I hope.

2 MR PENNICOTT: Wrong page.

3 MR WILKEN: I'm grateful to Mr Pennicott. Does he have
4 another a better reference.

5 WITNESS: It's EH9.

6 MR WILKEN: I agree. We can try it the other way, which is
7 from Fang Sheung's records -- we will try to track down
8 a precise photograph. We can get it the other way, from
9 Fang Sheung's records, at E5/1336.

10 You see here this is a photograph taken on
11 22 September 2015, which is why I noticed it over the
12 weekend. You will see it looks very like the previous
13 photograph, and you will see there:

14 "Discovered problem with hole-drilling and starter
15 bar installation.

16 Could not proceed with steel fixing work.

17 Leighton carried out rectification of hole-drilling
18 and starter bar installation work."

19 So those appear to us to dovetail.

20 COMMISSIONER HANSFORD: Mr Wilken, what you are telling us,
21 I think, is it appears that this situation that Mr Poon
22 drew our attention to is covered by a non-conformance
23 report, and that remedial action was agreed, which was
24 the drilling of dowel bars in this location.

25 MR WILKEN: That's our current understanding, yes.

26 COMMISSIONER HANSFORD: Thank you.

1 MR WILKEN: Sir, unless I can assist further.

2 CHAIRMAN: No. Thank you.

3 Re-examination by MR TO

4 MR TO: Chairman and Commissioner, good afternoon.

5 Good afternoon, Mr Poon. I'm going to re-examine
6 you on a few questions, if I may.

7 Remember on Day 7, if you go to page 108 of the
8 transcript.

9 A. Yes. Got it.

10 Q. Look at line 25 -- can you see that?

11 A. Yes.

12 Q. Mr Pennicott was asking you something about Leighton's
13 check-in and also check-out time document; do you
14 remember that?

15 A. Yes.

16 Q. Before I show you the check-in/check-out time document,
17 which is C8/5720, I'd like to ask you a few questions,
18 if I may, just for clarification.

19 A. Okay.

20 Q. Can you explain to us what is the process of going into
21 a construction site in Leighton?

22 MR PENNICOTT: This construction site?

23 MR TO: In this construction site.

24 A. Okay. First, 嗰個labour或者嗰個人就需要有綠卡同埋需要冇工人註冊
25 證呢兩個文件, 呢兩個文件亦都係法定要求嚟嘅。跟住其實喺禮頓嘅site,
26 佢雖然每個site都話佢有大、細堂, 但係實際上唔需要跟大、細堂都可以入

1 到去嘅，因為每一個閘口都有本簽到簿，只要有一係個綠卡，一係工人註冊
2 證連埋個身分證，就可以喺佢個secure嗰度簽到入去喇喇。

3 Q. Okay. Can I take you to C8/5720.

4 A. Okay.

5 Q. What can you tell us from this diagram or this monthly
6 employee report?

7 A. 呢一個係我哋成日見到嘅文件嚟嘅，每一個月或者每半個月禮頓都會畀一次
8 我哋嘅，個文件--呢個我奇怪，我記得個文件會有月份嘅，但係其實頭先我
9 睇咗呢十二頁文件嘅第一頁都係冇月份嘅，我哋可以上到去--佢而家係page
10 8 per 12，我哋行前八頁就睇到呢份文件嘅開頭，但係都見唔到有月份。呢
11 度冇月份，再上都有月份，再上--呢度第一頁喇，呢度第一頁同埋前面cover
12 page都係冇月份嘅，佢就有咗個period嗰度，呢個係應該係上一個，last
13 document。咁我哋...

14 COMMISSIONER HANSFORD: Sorry, I thought I saw a period with
15 dates.

16 WITNESS: On August.

17 MR PENNICOTT: Sir, if you go to page 12, go down 12 pages
18 from 5713. Stop there. Go up one page.

19 COMMISSIONER HANSFORD: Yes.

20 MR PENNICOTT: There it is, at the end, bottom left-hand
21 corner.

22 COMMISSIONER HANSFORD: Yes. That's what I got.

23 A. Okay，呢個第一個，我哋平時見到嘅月份就喺上面呢度已經見到
24 (indicating)。

1 第二，呢份文件係事實，我相信，本身就係個出入閘嘅電子系統嘅紀錄
2 嚟嘅，本身，但係佢係從來--尤其是喺最初嗰段時間，從來都唔記錄晒我哋
3 嘅出入閘紀錄嘅，我會睇成如果話呢度有返，就理論上應該有返，如果佢話
4 冇返，個工人未必冇返，因為工人可以用簽到方法入，亦都可以係因為個系統
5 度冇將個電子紀錄擺到落去呢個表上面。

6 而第三，我好記得呢個電子紀錄版可以改，因為最初嘅時間曾經試過就係
7 我哋啲人要簽出、簽入，就改落去，但係因為太多，太難搵，所以冇再咁做。喺
8 呢個地盤最開嘅最初嗰段時間，因為人--啲工人仲未穩定，所以就算我哋公司
9 都唔係全部人打卡，縱使佢已經上咗大堂、細堂，有打卡嘅能力都好，佢都唔
10 係即刻打卡嘅。而通常擺到證之後第一、二日，照打卡入，係入到嘅，即係個
11 turnstile係work嘅，但係紀錄通常就係冇嘅。呢個就係呢個表嘅大約解釋。

12 MR TO: Is there anything else in this diagram you can tell
13 us, anything further?

14 A. 呢個表本身後面呢幾個column係電子化計嘅，即係理論上佢係自動化計出嚟
15 嘅，就應該脗合番--大致脗合番嗰個打卡紀錄嘅。

16 Q. Remember someone asked a question about the colour of
17 this diagram?

18 A. 記得。

19 Q. So can you tell us something about the colour?

20 A. 好多人問過，即係如果我呢，我特別講過第層四欄，“work day”嗰度，
21 譬如我而家擺番自己嗰張，572頁。

22 Q. Can you maybe focus on just your record.

23 A. Yes. 我record，我再講一次，佢喺weekday嗰度，即係話我究竟打咗

1 幾多次卡--幾多日卡就係9.5日，9.5天，但係我數番我有entry嘅就係
2 一、二、三、四、五、六、七、八、九、十、十一、十二、十三、十四、
3 十五，15.5嘅，所以同9.5睇好遠。但係我上一行，不如睇5711嗰位Po
4 Cheuk Yin，佢有9 days嘅，嗰個work day，我哋數番個entry，
5 一、二、三、四、五、六、七、八、九，係好準確嘅。

6 又或者我哋睇番我下面嗰個人，即係最後面嗰個Pun Pradip，佢係
7 三個work day嘅，佢亦都係三個entry。

8 Q. Can you focus on -- remember I asked you the question --
9 the colour?

10 A. 哦，顏色，sorry，colour，顏色就係我本來一直以為紅色就係遲到或者
11 早退，嗰度需要喺隔離嗰個位三同埋二嗰度就即係話遲到同埋早退嗰度就
12 show番適應嘅hours，即係適應嘅鐘數，我哋我嘅entry有三個遲到嘅，就
13 分別遲咗十分鐘，9號遲咗一分鐘，同埋15號遲到咗一個鐘頭零五分鐘。但係
14 我見到我late嗰個位，遲到個位係七十六分鐘，我覺得特別嘅就係一，就係
15 除非呢個紀錄畀人搞過，如果唔係，就唔會唔consistent嘅；而第二，就我
16 哋又睇番我9月12號，其實我係9點13分先返，喺9月18號係15點06分先返--
17 先打卡，但係都有紅到嘅。呢個就係好似睇落去，呢個自動系統又好似又出咗
18 一啲問題。

19 Q. Mr Poon, the reason I'm asking you this question is
20 because three persons of -- my learned friends asked you
21 this question.

22 Let's move on. If you go to C8/6172, this was
23 basically mentioned in Day 9 of the transcript,
24 page 121, paragraph 11.

- 1 A. 係，係。
- 2 Q. You can see that diagram there. C8/6172.
- 3 A. 係。
- 4 Q. Let's take you to the transcript, Day 9, page 121,
5 line 11. Can you see that?
- 6 A. 睇到。
- 7 Q. I will just read it out to you. It's line 11:
8 "Can you look at C8/6172. This is in/out record for
9 Hung Hom site."
10 A. Yes.
- 11 Q. Your answer is "Yes". The next question:
12 "In fact, there's no record of you all signing in
13 for September 2017.
14 Answer: I won't repeat that point."
15 I'm not going to go on. Do you see that?
- 16 A. Mmm.
- 17 Q. But can you tell us, by looking back at that diagram,
18 C8/6172, is there any sign-in/sign-out of your name?
- 19 A. 冇，冇。
- 20 Q. Can you tell us something about that?
- 21 A. 因為我有打卡，即係我有去經過嗰個掌紋機入閘，我係經D5閘個車路入閘嘅。
- 22 Q. So, in a way, you went in there through another sort of
23 entry point?
- 24 A. 就喺打卡位隔離嗰條車路入，我而且架車會泊埋入個地盤嘅，所以我完全唔
25 需要經打卡就入到地盤。

1 Q. Let's move on. In terms of the transcript, Day 8,
2 page 134.

3 A. Yes.

4 Q. Just reading this out to you, on line -- I will just
5 read, for example, line 2:

6 "My question was, if it was unreliable, what use
7 does it have for the purpose of preparing your payroll?

8 Answer: One of the documents."

9 A. Hmm.

10 Q. What does that mean?

11 A. 因為我哋會--其實本身我哋公司出糧，就需要將啲工人嘅出入閘時間打番落
12 去個Excel表度計數嘅，我哋有個自動系統喺個Excel個format度--
13 Microsoft Excel個format度計番糧嘅，我哋有自己個合約嘅遲到、早退
14 免扣錢時間，大概好似十五分鐘到半個鐘嘅，即係話工人遲到十五分鐘或者早
15 退十五分鐘，我哋都唔會加錢或者扣佢錢嘅，我哋就喺我哋自己Excel個
16 format個系統度反映出嚟，所以我哋需要啲工人嘅準確出入閘時間嘅。

17 呢一表我哋每一次攞到，我哋寫字樓都會有一個account clerk入晒
18 落去個Excel度。跟住另一方面，佢就會搵番相應啲啲科文同埋相應啲啲
19 ganger，去搵番相應嘅工人究竟仲有冇漏出入閘，但係逢係漏出入閘啲啲，
20 我哋只能夠寫8點、12點、6點，就唔能夠再準確知道佢有冇遲到或者早退。

21 所以我哋都希望呢份文件係充足嘅，亦都最後去到最高峰期其實就比較
22 充足嘅，就係可以令到我哋計糧個度係計得準確啲。所以我哋話呢份文件係
23 一--其中一份我哋倚賴出糧嘅，但係我哋唔係完全依賴呢份文件，我哋自己
24 有個Excel表。

1 Q. How many other documents do you have to rely on?

2 A. 主要就係科文填番嚟，即係根據我哋打完Excel表之後，佢會跟住同個工人
3 對數，填番返嚟個紀錄，又或者有時我哋會睇番我哋自己個WhatsApp
4 chart裏面，個WhatsApp discussion chart裏面，究竟嗰一晚有幾多
5 人開夜或者有幾多人留低，而對番紀錄齊唔齊全。

6 Q. Okay. I will move on.

7 If you go to the transcript, Day 7, page 64 -- can
8 we start at 63.

9 A. Okay.

10 Q. This is where the chairman asked some questions. I will
11 just read it out to you, at page 63, line 24:

12 "... 'I've seen people not putting into couplers but
13 just cutting these things.' Why would you have then
14 said, 'Wow, this is something I've got to remember, this
15 is serious, this could be damaging and I must pursue the
16 matter further'?"

17 Answer: My company does bar bending as well. We
18 have about \$60 million worth of bar bending business.
19 It's far more than what this other sub-contractor is
20 doing. If we handle couplers in Hong Kong, we will
21 watch it all the time. The bars must be screwed in
22 100 per cent under inspection and we have to use
23 a torque."

24 So my question is: what do you mean by the last
25 sentence?

1 A. 因為呢個係BD一般畀一般地盤用coupler嘅其中一個condition嚟，當然
2 個condition唔一定100%要睇住扭入去嘅，有時係50，有時甚至可能係少
3 過呢個數，但係香港一般嘅coupler方面就比較嚴謹，全部無論係邊個僱主、
4 邊個業主都好，佢哋代表工程師都一定要求逢coupler呢，都100%喺佢哋眼
5 前睇住扭晒入去，扭實咗先收貨。而我哋公司個做法，我哋公司有torque嘅，
6 我哋公司有磅尺嘅，我哋公司嘅做法就會另外用磅尺「撻」到嗰下，就知道
7 夠力，如果唔係，就多咗一個拗撻，就究竟乜嘢係已經扭到最實。

8 Q. So let's move down a bit, in terms of the chairman said
9 something else. At line 10:

10 "I appreciate that, but we're not talking couplers
11 here. We're talking about the bars."

12 Your next answer was:

13 "At Hung Hom Station we saw all of a sudden there
14 was no supervision at all, it seems, and we thought it
15 was strange."

16 What are you implying here or what do you mean?

17 A. 因為喺香港，扭鋼筋入coupler呢個動作係一定要through inspection，
18 即係話逢見到有人扭鋼筋，就唔會一個工人喺度自己扭緊嘅，一定有僱主--
19 業主嘅工程師或者代表企喺度睇住扭，就絕對唔會一個人可以自自由由咁樣喺
20 度工人自己扭，呢個所以就令我覺得奇怪嘅地方。

21 Q. Okay. Let's move on. Let's go to the transcript on
22 Day 7, page 55, line 9.

23 A. Yes.

24 Q. I will just read it out to you:

1 "So what he's reporting is, 'I've just seen some
2 people cutting some bars, I don't know why but I've seen
3 them cutting bars.' There could be an entirely sensible
4 reason for doing that. I mean, why would you have even
5 taken any notice of that? Is it because cutting of bars
6 was strictly prohibited? Is it because there was some
7 else that led you to be suspicious?"

8 I'm not going to read the whole lot. Your answer is
9 at the very bottom, I'm trying to look at, the very last
10 line -- you said:

11 "This is a very important issue to me. In
12 Hong Kong, that is not our standard."

13 What you are implying here? What do you mean?

14 A. 因為--我先講咗，第9行開始去到第15行，即係話第55頁transcript，嗰個
15 cutting bars其實我係指緊cutting個thread sections -- threaded
16 sections，即係嗰啲絞咗牙嘅地方，喺香港，cut絞牙係我諗任何一個人咗行
17 冇幾耐嘅人都知道係唔可能--唔可以嘅事嚟，因為個牙本身就係成個coupler
18 嘅系統嘅設計所需要嘅一啲元素嚟嘅，任何人走去改動佢其實就係已經破壞緊
19 個coupler個接駁方法，所以我覺得係完全係唔可以接受。

20 Q. Okay. I will move on to the next point.

21 You have been actually -- I will go to page 79 of
22 Day 7 of the transcript, line 5.

23 A. Yes.

24 Q. Your answer is:

25 "Yes. In my statement, and at the investigation

1 carried out by the MTRC held on 13 July, I think there
2 was a sentence taken away. The MTRC should have told
3 what I had told them back then. The MTRC know this.
4 I was talking about corruption. Leighton -- we have
5 Karl Speed here --"

6 So what are you saying there, and also, before you
7 continue to say anything, just look at the date. Is
8 this date --

9 A. Should be 13 June.

10 Q. June 13?

11 A. On line 6.

12 Q. Can you tell us what you mean by this?

13 A. 因為喺6月13號港鐵嗰個調查會議度，我係有解釋到喺地盤嘅一啲
14 corruption，呢度亦都係正正港鐵最耐問我點解佢哋要cut嗰時
15 我解釋嘅。

16 Q. Thank you for that.

17 Can I show the Chairman and the Commissioner
18 a document B3082.

19 MR PENNICOTT: It's in B5.

20 MR TO: Chairman and Commissioner, this is 13 June 2018.

21 This is the interview schedule by which the witness
22 attended the MTRC meeting.

23 Can I take you to a document called G1803. This is
24 a written note of the meeting, and if you go to G1806,
25 you see at the very -- in terms of item Q at the bottom,
26 question, the very last one:

1 "Any information that you think MTRC should know?"

2 And there are two points:

3 "It is the Leighton's staff doing the sub-con work."

4 And the second point is:

5 "Corruption is serious on site."

6 And the meeting concluded at 10.30 pm on 13 June.

7 Okay, we will move on.

8 A. Okay.

9 Q. Can I take you to Day 9 of the transcript.

10 A. Yes.

11 Q. Page 18.

12 A. Yes.

13 Q. You were asked some questions. I will just read from --

14 an easy one -- I will just read from maybe line 16:

15 "The subject matter is whether there is any planned,
16 systematic cutting, Mr Poon; correct?"

17 Answer: Of Leighton?

18 Question: Whether there is any planned or
19 systematic cutting of rebars.

20 Answer: Okay."

21 So what are you trying to convey here?

22 A. Yes. I mean "yes".

23 Q. So you are saying "yes"?

24 A. Mmm.

25 Q. Okay. Now, you mentioned certain things about NCR, also
26 the transcript on Day 9, page 154 -- maybe go to 153

1 first.

2 A. Yes.

3 Q. Your answer at line 19 on page 153, you said:

4 "The cutting of rebar evidence is concrete, it's not
5 flimsy. We see from photos, from the bars screwed in,
6 there is concrete evidence, solid evidence. Also, for
7 the NCR issued by MTRC to Leighton, this is solid
8 evidence.

9 Chairman: Sorry, a mental block for a moment.

10 What's an NCR again?

11 Mr Shieh: Non-conformance report.

12 Chairman: Thank you."

13 So why mention NCR in here?

14 A. 因為當時講緊就係究竟cut鋼筋件事係咪好似禮頓所講我將佢誇大其詞或者
15 無中生有，我就話我哋公司睇到嘅所有事件都係好solid嘅，即係好有確鑿
16 證據嘅。而同埋我留意到喺C20嗰份文件度，即係禮頓嘅C1 bundle嘅C20
17 都出--港鐵都出咗一個NCR畀禮頓，都同我哋個observation係一樣嘅，
18 其實都係有剪鋼筋，有裝作扭咗啲鋼筋入去，yes。

19 Q. Okay. Can I take the Chairman and the Commissioner to
20 a document called 4121. Chairman and Commissioner, this
21 is a document called "Non-conformance report", it's
22 number 157.

23 If you go to the next page, at 4122, you will see
24 here, "Details of defective work:

25 Threaded bars at 3 metre thickness EWL slab ...

1 hadn't screwed", and I'm not going to read the whole
2 thing but it says it hadn't been screwed in. This was
3 rectified and it was rectified on 18 December 2015.

4 Okay, we will move on. Remember you were shown
5 a document called C8000?

6 MR WILKEN: Sorry, sir, I think there's some confusion in
7 the rows as to whether there are any questions here or
8 whether we are just having documents read into the
9 transcript.

10 MR TO: Okay. So the question is, Mr Poon, what do you make
11 of this document?

12 MR PENNICOTT: I'm not sure that's right. I was just about
13 to leap to my feet before Mr Wilken did. If you've got
14 a specific question to ask about a particular document,
15 please ask it, but we can't just have it, as we are
16 having, "What do you say about this" or "Would you like
17 to comment?" Let's have a specific question.

18 MR TO: No problem. I'll move on.

19 In terms of the confidentiality agreement, in the
20 transcript, Day 7, page 3, in line 14.

21 A. Yes.

22 Q. "When I spoke to the media or the public about this
23 case, my principle has always been to tell the truth."

24 A. Mmm.

25 Q. My question is: you have signed a confidentiality
26 agreement?

1 A. Yes.

2 Q. By signing a confidentiality agreement, how can you tell
3 the media the truth?

4 A. 我意思係講得出我個口嘅都全部係真相，如果係我因為個保密協議限制住嘅，
5 我直頭唔講。

6 CHAIRMAN: Sorry, I don't understand that. I've got a bit
7 of a problem with that.

8 A. 其實當時我受保密協議限制，所以我唔係每一個topic或者我知嘅每一件事
9 我都會向公眾講嘅，我只係講一啲公眾已經知道、聽過，尤其是由港鐵演繹
10 過嘅一啲事件，而我講--就嗰件事件講嘅所有嘢都一定係事實，我先講。

11 CHAIRMAN: All right. Thank you.

12 MR TO: Let's turn to the document C8000. This is
13 a document that's been mentioned quite a lot of times.

14 A. Oh, confidential, okay.

15 Yes.

16 Q. Mr Poon, when was this document executed?

17 A. 2017年9月18。

18 Q. If you go to C8003.

19 A. 係。

20 Q. If you see the line "Executed as an agreement on", it's
21 blank?

22 A. 見到，空白咗嘅。

23 Q. Why is that?

24 A. 因為當時就我老婆--因為呢一陣--呢一度為止，份文件未完全完成，因為本
25 身禮頓係應承就係會畀個電郵畀我，保護番中科嘅立場同利益嘅，就係話中科

1 喺呢件事上面其實係冇任何責任，第二，就係因為佢要我太太上去簽埋，所
2 以個date當時係未確定嘅，呢份文件其實係簽嗰時拗咗一輪。

3 Q. Who signed it the last, this agreement?

4 A. 喺我哋嗰方就係我嗰當日簽嘅，七點幾簽嘅，我太太就過咗幾日上去，我都
5 唔記得幾多日，而Karl Speed佢哋就當時未簽，佢哋係遲過我哋簽，至於
6 佢哋幾時簽，我就唔知，但係呢份文件簽晒名畀番我哋已經係10月嘅時候嚟。

7 Q. I want to ask you a question relating to this document.
8 Last week, you mentioned that this document was signed
9 because certain agreements were made?

10 A. Yes.

11 Q. Could you tell us what agreements were made? I can
12 refer you to the transcript if you want to.

13 A. 唔需要嘅，好似我都有講咁仔細，其實嗰個會議有好多嘅協議或者口頭協議
14 或者書面協議嘅，第一個就大家見到有關呢個1112嗰個final account，
15 當時其實個final account銀碼係遠遠大過我簽個銀碼嘅，當時有另一個
16 口頭協調嚟嘅，就係Anthony同埋Karl Speed應承就會喺蓮塘嗰度補番錢
17 畀我哋，即係蓮塘工程，因為佢話紅磡嘅工程係已經見晒紅嚟喇，係唔可能
18 再擺錢落去，但係蓮塘佢哋因為改緊啲嘢，係有機會係可以再擺到錢落去，
19 去補番我哋公司喺紅磡嘅一啲損失。

20 嗰日都講過一個比較爭議性大啲嘅，就係蓮塘喺2016年11月11號有單
21 死亡事故，有單fatal incident，呢個一直都係我同Karl Speed之間比
22 較大家意見好唔同嘅地方嚟嘅，呢個係最終喺嗰日9月18號都係達唔到一個
23 任何嘅共識。跟住我哋亦都傾過我哋退場，即係中科退場，當時大約做到中科
24 已經冇乜好做，因為裝修已經做緊，機電設備已經做緊，喺紅磡站，但係其實

1 仲有少少嘅defect係未交晒，即係地鐵未收晒貨，咁個一個會議就confirm
2 我哋直頭可以跟住安排離開，剩番嘅嘢都係由禮頓去負責，因為亦都見唔到有
3 新嘢出嚟喇。事實上，好多地方都畀機電設備同埋裝修遮晒。

4 嗰日亦都有個agreement，就係簽呢份保密協議嘅同時，個保密協議內
5 容本來就要寫明成件事，尤其是寫明中科喺將來如果有問題嘅一啲免責條款，
6 包括咗禮頓承擔同港鐵去補救，但係結果呢份嘢出嚟嘅時候冇，跟住Anthony
7 應承用一個電郵形式覆番我個個--即係我之前出個電郵嚟解決呢件事，但係又
8 結果冇做。

9 Q. But in the end you signed that agreement anyway?

10 A. 簽咗。

11 Q. Why?

12 A. 因為嗰陣時嘅氣氛已經變好，尤其是重點就係我覺得禮頓係信得過，大家睇過，
13 尤其是上個星期六，即係星期一我哋再見面嘅上一個星期六，我同Anthony喺
14 site度睇過，帶咗佢落去睇其實嗰個擋土牆已經露晒出嚟，並未回泥嘅當時，
15 未有其他嘢遮住個擋土--個連續牆，sorry，我講--唔係個--連續牆同埋嗰個
16 EWL track slab尤其是係外面係完全露光，所以要鑽窿種啲鋼針落去係好簡
17 單，就並唔係一啲嘅大工程嚟，我覺得既然Karl Speed同埋Anthony都應承，
18 冇理由佢哋會今次仲反口，而且今次已經去到咁高層次，所以我覺得信得過。如
19 果真係補救咗，如果真係補救咗，件事就會完全解決。

20 而當時有一個錯嘅訊息我係收到嘅，就係話BD已經批番晒所有改動圖，呢
21 個係我跟住收到bundle，我讀啲bundle嘅時候先知件事唔係咁嘅。其實當時喺
22 施工期間，我係知不斷改圖，佢哋都有講係因為BD嘅要求而改，所以我當時覺得
23 如果係因為BD有出聲，佢哋改圖而施工，理論上就應該已經係satisfy晒呢啲嘅

1 approval。去到2017年9月都講過呢個已經唔係問題，BD已經批晒㗎喇，有
2 書面㗎喇，但係後尾我先知，喺個bundle睇到，原來批嗰啲就淨係嗰個ELS，
3 即係嗰個excavation and lateral support個system，同埋個
4 diaphragm wall嘅completion，就並唔係個EWL track slab。
5 係咁多。

6 Q. I just want to take you to Day 7 of the transcript,
7 page 86, line 24.

8 A. Yes.

9 Q. Certain individuals in this room, some of them got it
10 and some of them didn't get it. You said -- someone
11 asked the question:

12 "Who is gaining any advantage, and what is it, from
13 this process?"

14 Answer: Definitely there is advantage for
15 Fang Sheung."

16 A. Mmm.

17 Q. Okay? I'm not going to read the rest. What do you mean
18 by advantage of the process?

19 A. 有人代泛迅做咗，無論呢個原意係乜嘢，譬如個原意就係本身個螺絲頭喺接駁
20 度係困難嘅，根本唔係泛迅嘅合約範圍裏面應該要處理嘅工作，禮頓搵人同佢
21 做咗，應該自然地禮頓應該就有畀錢畀泛迅嘅，因為量度數㗎嘛，
22 re-measurement㗎嘛，據我所知，泛迅仲擺多咗添嘅，呢個QS話畀我知嘅，
23 所以我見到泛迅係唔需要出工人去工作，唔需要去為佢喺合約上面嘅責任而去
24 工作，有人幫佢做咗，但係佢就唔需要出呢個開支，所以佢係有直接嘅得益嘅。

1 Q. Okay. Then if you go to page 88 of Day 7 again, of the
2 transcript.

3 A. Yes.

4 Q. The chairman asked you a question. He says at line 17:

5 "... have you ever sat down with anybody who's
6 an executive in Leightons and had a heart-to-heart
7 conversation in which you have received a confession
8 that this type of corruption goes on?

9 Answer: Yes. Malcolm, Malcolm Plummer."

10 So my question is: what kind of conversation did you
11 have with Mr Malcolm Plummer?

12 A. 因為當時啱啱入到呢個地盤冇耐，即係都係幾個月時間，跟住就我有一啲失望，
13 就尤其是紅磡站呢個地盤嗰個貪污呢個問題係好廣泛同埋好似好自然咁，當時
14 Malcolm係有同感嘅，但係佢叫我呢啲都係嚟自903、904延續落嚟嘅問題嚟
15 㗎喇，佢都好難一時間可以處理到。903、904其實就係紅磡站嗰一team人，
16 即係話紅磡站禮頓嗰一team人，嗰一team管理人員同埋前線人員上一個工程
17 嚟嘅，就係港鐵嘅南港島線嘅兩個地盤。

18 Q. So in terms of Malcolm Plummer, how many types of
19 conversations did you have with him relating to this
20 matter?

21 A. 幾次㗎喇，因為其實佢當時都留意到有啲人似乎故意去逼我哋中科就範，就
22 佢曾經帶過我上去問我嘅意見，即係我點樣處理呢件事，我已經講咗我呢樣
23 就企硬㗎喇，即係我亦都唔會做㗎喇。

24 Q. And what did Mr Plummer do afterwards?

25 CHAIRMAN: Sorry, you won't do what?

1 A. Corruption.

2 MR TO: So what did Mr Plummer do afterwards?

3 A. "Take care of yourself."

4 Q. Who said that?

5 A. Malcolm Plummer.

6 Q. "Take care of yourself", what does that mean?

7 A. 即係話我自己好好去應對。但係其實冇幾耐其中一個管理人員畀地鐵趕走咗，
8 我鬆咗好多嘅。

9 Q. Okay. Let's move on. Mr Pennicott mentioned a few
10 things about the gap in reporting. It's in Day 8 --
11 I will just go straight to that -- page 20 of the
12 transcript, line 6.

13 A. Yes.

14 Q. I will just read it out:

15 "Why did you wait nine months to send a chaser?

16 Answer: Because, on 15 September -- actually, since
17 the beginning of September, the work for which we were
18 responsible was also completed, and that included the
19 rectification. Now, actually, at the time, I already
20 left the site myself. At the time, I think there was
21 one foreman with a few or up to ten people on site,
22 that's what's left. So it's almost time that we had to
23 leave altogether."

24 You haven't answered Mr Pennicott's question, have
25 you?

26 A. 其實2017年嘅1月6號，當我哋出咗第一次嘅書面嘅投訴，我哋冇CC畀港鐵嘅，

1 我哋淨係畀禮頓嘅啫，但係我記得港鐵Raymond好快已經打畀我，佢係知道嘞，
2 佢當時叫我唔好再逼禮頓，佢哋會諗方法解決，所以喺我嘅層面去睇，港鐵--
3 因為Raymond其實就係本身--我所認知呀當時，就係Philco嘅喺呢件事上面
4 幫我聯絡嘅其中一個重要人員，所以我覺得佢哋係將會解決同埋將會諗方法去
5 處理呢件事，當時我係完全絕對信港鐵嘅，我亦都講過，我需要畀時間佢哋。

6 但係八個月之後，件事--當我哋要離開，即係當我哋公司一定覺得啲嘢
7 要完結，要離開個地盤，我仲留意到呢件事係未解決嘅，所以我就開始搵番
8 Anthony，除咗講commercial之外，除咗講一啲喺執爛上面應該你做定我
9 做嘅爭拗之外，就仲有講呢件事究竟解決咗未，當時Anthony個態度就本來
10 願意傾嘅，就去到9月15號嗰日就唔傾，我好記得佢仲同我講電話嗰時「我
11 而家喺澳門，我唔傾，有啲乜嘢，你自己上去寫字樓。」寫字樓個order畀
12 我就係咁。所以我覺得係時候都要解決埋呢件事，就係咁，所以就要喺9月
13 --1月6號去到9月15號呢八個月後我哋先至出聲--再出聲，都唔係九個月，
14 八個月。

15 Q. If you go to C7987, that's one of your famous emails.

16 A. Yes.

17 Q. If you look at the very top of that email, and you've
18 been shown previously this email, you say:

19 "Dear Anthony,

20 It's already 8 months after our report on the
21 captioned concerns on structural safety."

22 A. Mmm.

23 Q. A few days last week, you were asked questions relating
24 to why wait eight months, and why issue this email and

1 also why not any other correspondence whatsoever before
2 this email? What would you like to say about that?

3 MR PENNICOTT: He's just answered that one. We've had that
4 one already.

5 A. 我有補充，頭先我解釋咗喇。

6 MR TO: Okay, so you don't want to say anything further.

7 Now, yesterday you were pretty strong about showing
8 us a document relating to B2 or B5. Remember that
9 document?

10 A. 係，記得，記得，記得，港鐵嘅6月15號嘅報告。

11 Q. Mr Boulding did read out certain paragraphs of that
12 report; am I correct in saying that?

13 A. 係。

14 Q. Do you have anything you want to say further about this?

15 MR BOULDING: Sir, that's not re-examination.

16 MR TO: Okay, I will rephrase it.

17 Mr Poon, the question last week was: you didn't tell
18 MTRC. You did not tell MTRC. Someone else told MTRC,
19 according to this report.

20 CHAIRMAN: Sorry, I'm just not sure which ...

21 MR TO: Maybe I'll take you to the paragraph.

22 CHAIRMAN: Yes, thank you. B5.

23 MR TO: Give me one second. If you look at the top of B5,
24 sir, I'll just read it out:

25 "Based on the recollections of all the current and
26 ex-MTRCL staff members interviewed, none of them

1 actually witnessed the threaded sections of the
2 reinforcement steel bars being cut. However, two
3 members of site staff recall either seeing themselves or
4 having reported to them evidence that such cutting had
5 taken place, such as a gap between a threaded steel bar
6 and a coupler connection to the cut ends of threaded
7 steel bars."

8 So my question is, if these colleagues from MTRC
9 said you mentioned this, why not practically state your
10 name or even the company there? Why would they say
11 "reported to them"?

12 MR PENNICOTT: Sir, this witness can't answer that question.

13 Only the MTRC can answer that.

14 MR TO: Okay. I will move on then.

15 Now, in terms of Day 8 of the transcript --

16 CHAIRMAN: But, sorry, that document -- I may have a poor
17 memory of it, but that document, when you read it as
18 a whole, seems to be talking about MTRC personnel,
19 doesn't it?

20 MR PENNICOTT: That part of it, certainly, yes.

21 MR TO: Sorry about that.

22 Day 8, page 32.

23 A. Yes.

24 Q. At line 8, the chairman said:

25 "But in broad terms, you're referring to 30,000
26 defective connections into diaphragm walls or other

1 walls or other connections?

2 Answer: In the whole project. I'm saying in the
3 whole project.

4 Chairman: All right. Between couplers and rebars?

5 Answer: Yes.

6 Chairman: Right. So you worked out with your own
7 arithmetic that there must be at least 30,000 --

8 Answer: Yes, I think so.

9 Chairman: -- such suspect --

10 Answer: Questionable."

11 What does "questionable" --

12 A. "Questionable" means I'm not 100 per cent certain these
13 30,000 pieces of connections are problem. But they are
14 questionable to me, with reasonable doubts that they are
15 defective connections.

16 Q. Okay. I'll just move on.

17 In terms of -- there's a letter you were shown,
18 C7984.

19 A. Yes.

20 Q. At Day 8 of the transcript, which we don't need to refer
21 to, there were questions about why insert paragraphs 7
22 and 8, because remember you said you split them, in
23 terms of commercial and other things. Why include them?

24 A. 本來我儘量就係將商業同埋技術分開嘅，但係去到2017年9月我趕住要離開
25 喇喇，而且我哋公司都做緊港珠澳大概嘅一系列工程嘅，所以我好心急將啲
26 嘢儘快解決，所以有部分都mix up咗嘅。

1 Q. Okay. I have another one. In terms of C8006.

2 Maybe finish this one and we'll have a tea break,
3 Chairman?

4 CHAIRMAN: Yes, certainly.

5 MR TO: This email --

6 WITNESS: If not too long, maybe we can defer the tea break
7 so I can go?

8 CHAIRMAN: Is it a long question?

9 MR TO: Not a long question.

10 CHAIRMAN: All right. We'll have this question.

11 MR TO: C8006. This is the famous email you wrote to the
12 Transport Bureau?

13 A. Yes.

14 Q. So this is dated 18 September?

15 A. Yes.

16 Q. If you look at it, the second line of this email, you
17 say:

18 "... reached satisfactory understanding and full
19 clarification ..."

20 MR PENNICOTT: The second line.

21 MR TO: The second line.

22 A. Yes. Yes.

23 Q. Why did you issue this email?

24 A. 我講過，因為禮頓應承佢哋會同港鐵去undertake，去諗一個方法去補救番
25 呢個鋼針--用鋼針方法去補救番呢個cut鋼筋嘅問題，所以我覺得cut鋼筋
26 呢個技術問題，即係我同政府傾都係技術問題，就會解決嘅。

1 Q. Just this last question. You wrote a letter to Frank
2 Chan, an email, saying there are problems, and
3 subsequently you wrote another letter to Mr Leung,
4 saying there's no problems. Wouldn't that create
5 a controversy in terms of, one, you say there's problems
6 and subsequently you say there was no problems?

7 CHAIRMAN: Sorry, you have to help me again. Put it into
8 context.

9 MR TO: Put in context, if he wrote a letter to Frank Chan
10 saying there were problems, and subsequently very
11 briefly he wrote another letter to Mr Leung saying there
12 are no problems now.

13 CHAIRMAN: I have fallen behind on this. We probably need
14 the tea break.

15 MR TO: All right. I will come back to it.

16 CHAIRMAN: I think Mr Poon probably also needs the tea
17 break. 15 minutes.

18 (3.43 pm)

19 (A short adjournment)

20

21 (3.58 pm)

22 MR TO: Chairman and Commissioner, I'll be quick.

23 CHAIRMAN: Yes.

24 MR TO: Let's move to the transcript of Day 8, page 90.

25 A. Yes.

26 Q. Have you got that, Mr Poon? If you look at line 2 --

1 this question was asked this morning as well:

2 "In March 2018, you sent an invoice to Leighton for
3 approximately \$14 million."

4 I will move to page 91, line 20.

5 A. Yes.

6 Q. "It was never paid. It was a typical Leighton
7 practice."

8 What do you mean by that?

9 A. 90頁第2、第3行講個1千400萬就係喺9月18號嘅協議，禮頓要將我哋嘅一啲
10 通架同埋一啲科--嘅材料歸還畀我哋，就係過咗半年，禮頓冇執行過。而91頁
11 嘅第20行，就禮頓其實冇畀過錢畀我哋嘅，我點解話係一個typical嘅禮頓
12 practice呢？其實禮頓係冇將我哋嘅架偷走，我覺得唔好講禮頓，禮頓冇安
13 排，冇容許其他人就將我哋嘅架料就由紅磡站擴建嘅地牢搬上去紅磡站嘅現存
14 車站再車走，我哋曾經報過警，曾經係同禮頓周旋過，但係都唔成功。

15 Q. To move on, if you go to C40. Rather than show you the
16 exhibit, I'll just show you the diagram. C1/40.

17 A. Okay.

18 Q. You were shown last week, and this was mentioned a few
19 times, this cutter.

20 A. Yes.

21 Q. You said it was a hydraulic cutter and someone said it
22 is a different type of cutter. Is this the type of
23 cutter that you saw?

24 A. 第一次我見有火花，就唔係呢個，第二次就係呢個。

25 Q. So, from this diagram, what can you see from the

1 diagram?

2 A. 我見到呢個--即係後尾Mr Hansford就講咗呢個叫“band saw”，我用
3 番“band saw”嚟形容，就擺咗喺個鐵面度，擺咗喺個完成咗嘅紮鐵嘅面
4 上面。

5 Q. Anything else you want to say about this diagram?

6 MR PENNICOTT: Well, no.

7 A. No.

8 MR TO: We move on quickly to Day 9, page 90.

9 A. Yes.

10 Q. There were a few questions asked of you on this and you
11 mentioned something about this this morning.

12 I will just read from line 9:

13 "The next box, you say:

14 'In fact, Leighton had imposed 2 conditions
15 precedent -- first, Poon must stay silent on the
16 defective steel [bars]; and second, Poon must cooperate
17 with Leighton concerning the Liantang fatal accident.'

18 What I suggest to you is there was no such
19 additional conditions precedent accompanying the offer
20 of 6 million. Do you accept that?

21 Answer: I don't agree."

22 Then you don't really explain anything further.

23 What do you mean by that?

24 A. 佢咁樣嘅，嗰6百萬其實係10月開始，2016年10月開始禮頓已經under
25 payment，即係已經係畀少錢我哋嘍喇，累積，禮頓就好自然，就會要求

1 我哋坐低，我哋嘅商務部同佢嘅商務部對清楚啲數據，我記得去到2016年
2 嘅12月初，雙方已經核對咗雙方同意嘅數據，禮頓嗰一刻已經睇我哋一千
3 七百幾萬嘍喇，我所以就去逼禮頓要開始將嗰一千七百幾萬變成一個款項，
4 付款畀我哋，所以喺12月，唔記得喺10到12號之間，我哋簽咗一個叫
5 milestone payment，就係雙方都有利嘅，一來，我就可以攞番啲錢，
6 二來，禮頓亦都可以保證我跟住肯起貨，同埋肯跟個milestone payment
7 嗰個要求去生產，其中嗰6百萬其實就應該喺12月內禮頓畀番嘅錢畀我哋，
8 我記得禮頓結果係冇做到。

9 去到1月初，1月4號其實，我哋直頭停工，我哋係冇開工，我哋人返咗
10 嚟，但係我哋唔願意做呢個生產工作，禮頓出咗封信畀我哋，就話張6百萬票
11 已經喺寫字樓，就叫我過去攞，跟住我過到去嘅時候，Anthony就同我講咗
12 一、兩個條件，其中一個條件就係--兩個條件之外，其中一個好--個basis，
13 個basis就係話我哋要開番工，繼續生產，而另外兩個條件就分別係唔好再
14 提呢個有關剪鋼筋呢件事，因為當時其實喺12月嘅時候，即係就喺嗰件事嘅
15 一個月之前，Anthony先至話公司嘅立場就係唔再認呢件事嘍喇。

16 而另一方面，佢就要我哋喺蓮塘嗰單傷亡意外嗰度，即係嗰個fatal case，
17 合作，我哋喺蓮塘有兩個partner嘅，即係包括我哋中科同埋另一間公司叫
18 FEWA嘅，FEWA公司相對係比較聽話嘅，喺Karl Speed所講嘅所有嘢上面，
19 但係我就見到另一個情況，中科因為當時仲係搞緊上市嘅，其實中科當時係
20 搞緊上市，如果我哋喺嗰個fatal incident度太過同佢哋合作，就會導致
21 我哋可能永遠唔使上市，所以喺嗰單fatal嘅事件上面，我係堅持要審，堅
22 持要即係又係搵出真相，就唔可以喺中間度做一啲掩飾，而當時其實禮頓就
23 係希望我--佢應該好清楚嘅，任何要求我指示我嘅下屬，尤其是由中科派駐

1 過去蓮塘嘅下屬，所有落嘅口供，畀勞工處又好，畀任何一個人都好，都唔
2 可以涉及workmanship，唔可以涉及behavioural嘅問題。

3 同埋好似仲有一個point，我因為呢個point，我記得喺--當時我聽
4 完之後，我即刻回咗個電郵去畀地盤，就我要求改善啲乜、改善啲物，就特
5 登將呢啲point寫落去，而呢啲point係我唔肯接受嘅，即係話我唔肯去指
6 示我嘅員工喺落口供嘅時候去控制佢哋講嘢。

7 Q. Okay, Mr Poon. I just have a few more questions and I'm
8 going to finish.

9 In terms of transcript Day 10, page 143.

10 A. 係，yes。

11 Q. Mr Boulding, my learned friend said -- he just basically
12 said, at the top, line 1:

13 "And you had witnessed that. Why were you concerned
14 about alerting them?"

15 Basically, you said:

16 "Actually, if you take pictures of people in the
17 construction site, you'll get your phone thrashed.

18 Question: Oh, well.

19 Chairman: Sorry, 'you get thrown' or 'phone'?"

20 So what are you trying to say here?

21 CHAIRMAN: I think it's obvious, isn't it, from just reading
22 it? In other words, if you take a blatant photograph of
23 one of the workers, he may not view that with kindness
24 and may take your telephone and break it?

25 MR PENNICOTT: Indeed.

1 CHAIRMAN: Or bash it.

2 A. Yes, exactly.

3 MR TO: Okay. Thank you. Move on.

4 This morning you were taken to a document called
5 B13674. That's from the MTR, Raymond Au. Do you
6 remember seeing this?

7 A. Yes.

8 Q. I will take you to paragraph 3. Mr Au said, at the very
9 last line:

10 "... and I only had one very short telephone
11 conversation with him as set out below."

12 And you answered this morning that is not correct.

13 A. Mmm.

14 Q. Can I show you another document which you mentioned this
15 morning. D722.

16 A. Yes.

17 Q. If you go to the next page, D723 --

18 A. Yes.

19 Q. -- first of all, can you tell us what these documents
20 are?

21 A. D723 to 726, 就係我哋喺我電話系統上面要求嗰個通話供應商畀番我電話
22 紀錄畀我, 而喺D722, 其實就係我叫我寫字樓嘅一個秘書就查番晒有關黃唯銘
23 先生, Philco Wong同埋Raymond先生我哋有紀錄, 即係有書證嘅電話通話
24 紀錄, 其中722尾其實就係Dr Philco Wong嘅, 都係手提電話嚟嘅, 733尾
25 就係Raymond Au嘅, 所以我哋後面擺咗initial, 就分別係“PW”, stand

1 for Philco Wong, "R" stand for Raymond, 因為我唔記得咗Raymond
2 姓乜, 所以我就有寫個 "A" 字嘅。

3 我哋見到零零舍舍Raymond先生, 我哋喺2017年嘅1月6號去到2017年嘅
4 9月15號總共我同佢成功通話咗total有八次, 呢啲係通話嘅, 如果淨係响電話
5 嗰啲係有計落去, 亦都有計我哋喺寫字樓嘅電話紀錄, 因為寫字樓擺唔到紀錄,
6 只有手提電話對手提電話先可以擺到。

7 Q. Okay. So 722 is a summary?

8 COMMISSIONER HANSFORD: Sorry, before we move from there,
9 some of them are about three seconds or four seconds; is
10 that right?

11 A. 係, 因為有斷線, 喺蓮塘。

12 COMMISSIONER HANSFORD: You can't say much in three or four
13 seconds, or I can't.

14 MR TO: So this is a summary -- D722?

15 A. Yes.

16 Q. So we move on. If you go to D723.

17 A. Yes.

18 Q. So you've written at the bottom there, "PW", so that's
19 Philco Wong?

20 A. Yes, 喺10月9號, 即係話喺D723嘅最左手邊, 我哋用手寫咗個 "PW",
21 藍色嘅, 嗰度係9月12號嘅晏晝17點25分。

22 Q. Can you turn to D724.

23 A. 係, 724就係喺最右手面--唔係, 最左手面就係見到我哋用藍色寫咗 "R",
24 R就係同Raymond之間嘅電話聯繫嘅。

1 Q. Okay. And if you go to D725.

2 A. 725一樣，就喺左手邊，我哋見到同R，即係Raymond有電話聯繫。

3 Q. Lastly, D726.

4 A. 726亦都係見到最左手面，我哋見到一個entry就同Raymond有電話聯繫，
5 我再重申，呢個淨係--因為我淨係記得佢哋嘅手提電話，office電話，因
6 為地鐵個電話會變嘅，個杯巴，所以我有--我完全冇去highlight地鐵其
7 他office電話杯巴嘅。

8 Q. Okay. My last two questions. One is Mr Richard Khaw
9 asked you a question this morning about honeycombing,
10 and one of the words you mentioned was "has
11 reservation".

12 A. 係，係。

13 Q. Why reservation?

14 A. 最重大嘅保留，其實我一直好堅持個理念嘅，就係我哋而家的確好難去完全
15 好巨細無遺咁樣去知道究竟剪咗幾多鋼筋，喺邊個位置剪咗，又或者剪咗嘅
16 鋼筋究竟有幾大嘅幅度--幅元，但係我一直覺得成個證據就喺個車站裏面，
17 喺個石屎結構裏面。

18 我見到嘅現象就係我哋喺2017年9月離開嘅時候，同埋喺2018年5月，
19 因為我哋入去要搵我哋嘅通架，當時禮頓有位superintendent叫做Jayden
20 係開放畀我哋入去搵通架嘅，我哋又影咗輯相，我哋見到嘅現象就係喺2017年--
21 2016年中去到2017年9月，我哋所見到嘅相就係喺能夠喺相片上面identify
22 到嘅一啲石屎嘅defects都已經係執咗，而跟住甚至去到2017年9月，直至
23 2018年5月我哋好清楚見到連機電，即係話風槽、消防系統，甚至假天花系統
24 都已經安裝，我即刻就有個印象，點解我哋2016年嘅1月大致完成咗B、C區嘅

1 EWL track slab嘅石屎之後三年時間或者係兩年半時間，去到2016年嘅8月
2 禮頓先至會話或者港鐵先會發覺嗰度有defects呢？因為原因就喺嗰個時候，
3 即係2016年嘅--2018年嘅8月其實連機電裝修都已經做咗，佢哋就算擒番上
4 去睇啲石屎都好難。

5 我憑番喺頭先港鐵CEEK個報告上面睇到，或者Atkins個報告睇到，就係
6 我哋其實喺bundle度我先睇到聲稱黃蜂竇嘅位置或者聲稱石屎defect嘅位置，
7 我哋又初步核對過我哋啲相片紀錄，嗰個地方係冇黃蜂竇，嗰個地方係冇
8 visible嘅concrete defect，有局部地方嘅確有啲泥漬睇到嘅，但係點解
9 會有人跟住會出instruction去鑿，而鑿到咁誇張呢？我哋喺相片見到，其實
10 係嚇一跳嘅，因為佢鑿到全部鐵露晒出嚟，呢個係我無辦法--到而家都無辦法
11 解釋嘅，你話如果咁嚴重嘅石屎嘅defects，冇理由我哋喺2017年2月至
12 2017年9月個大檢，即係驗收嘅時候睇唔到，你話少少我可以承認係會睇唔到，
13 但係咁廣泛、咁多，有可能睇唔到。

14 而跟住睇番之前啲相又冇，即係又冇呢啲咁嘅defect，但係而家事實上
15 港鐵同禮頓一掙出嚟嘅相已經係鑿晒石屎，鑿到見晒鐵，鑿到啲鐵露晒出嚟，
16 畀人睇到嘅印象就係非常之誇張。我其實係冇疑惑嘅。

17 Q. Okay. Mr Khaw also asked you a question as to who else
18 was responsible and you did not respond. Why?

19 CHAIRMAN: Responsible for ...?

20 MR TO: For this kind of repair/maintenance related to the
21 honeycomb.

22 A. Okay, 我哋其實可以...

23 CHAIRMAN: Just, if it's possible, a simple/quick answer

1 would be good, mainly because I don't lose my track on
2 these matters.

3 A. Okay, 最簡單嘅講法就係其實我睇到如果而家相片上面見到嘅現象, 有係
4 因為個鐵紮得過密, 即係話太貼, 而石屎落唔到去, 有啲咁嘅可能性, 亦都
5 有啲似乎係泥漬, 禮頓清番佢啲泥漬, 因為當時禮頓冇清走啲泥, 而導致
6 啲泥濘咗喺嗰個天花頂, 禮頓清番泥漬之後, 可能打低咗啲石屎, 就做到好
7 廣泛面積打過, 我亦都唔排除有啲係hidden咗嘅一啲黃蜂竇係應該我哋負責
8 嘅, 但係無論任何情況, 我都去現場睇一睇, 同埋睇一睇當時第一身搵到嘅
9 相, 鑿嘅過程睇到嘅相, 我先知道, 判斷到。但係我去睇, 就唔一定係完全
10 中科責任嘅, 我唔排除, 如果係我哋要負責, 但係我見到可能就番啲相片嘅
11 上面睇到, 都有啲唔同嘅可能性。

12 MR TO: Mr Chairman, just one last question. Maybe I will
13 get permission for this. It goes towards his
14 credibility. Before I put it to him, I was going to ask
15 him the key thing is whether he has any criminal
16 convictions or bind-overs.

17 CHAIRMAN: He's already given a statement and in that
18 statement he says, as I understand it, that he's a man
19 of good character and the rest of it. Nobody has
20 suggested that he is not a man of good character, and
21 unless you want to prove otherwise, which I doubt, then
22 I don't see we need to visit it.

23 MR TO: Thank you. Unless I can be of further assistance,
24 that's my re-examination.

25 CHAIRMAN: No. Thank you very much.

1 MR BOULDING: Sir, just before my learned friend sits down,
2 could I just ask for D723 to be put up on the screen
3 again. It may well be I've missed something. This is
4 152 of the transcript today, it's [draft] line 4:

5 "Answer: Yes. On 9 October, on D723 to the
6 left-most, there's a handwritten blue 'PW' initial, that
7 was 12 September, 5.25 in the afternoon.

8 WITNESS: 係，係，係，12月9。

9 MR BOULDING: Thank you.

10 MR TO: Thank you for clarification.

11 Questioning by THE COMMISSIONERS

12 COMMISSIONER HANSFORD: Thank you, Chairman.

13 I have one question, Mr Poon, regarding your own
14 supervisors, supervisors employed by Chinat.

15 A. Yes.

16 COMMISSIONER HANSFORD: Do you have any minimum levels of
17 training or qualifications or experience that you
18 require before you appoint assistant foremen, foremen or
19 superintendents?

20 A. Assistant foreman，就有嘅，assistance foreman，我主要係希望
21 嗰個人係誠實同埋勤力，如果foreman、superintendent、engineer
22 嗰啲，就全部跟資歷嘅，而且有部分都係喺大判掘角過嚟，有啲都喺禮頓
23 掘過嚟添。

24 COMMISSIONER HANSFORD: Just following on from that, to
25 promote from assistant foreman to foreman, do you have

1 any required --

2 A. Yes.

3 COMMISSIONER HANSFORD: Qualifications or experience or
4 training?

5 A. 喺A4 level嘅人，我要求佢讀書，要求佢繼續去讀cert.、high cert.，
6 我先會升佢咁，即係話佢咁起碼要達到T1，即係話嗰個supervision plan
7 上面，香港個系統上面T1嗰個standard，我先升嘅。

8 COMMISSIONER HANSFORD: Thank you.

9 MR PENNICOTT: Right, sir. Unless anyone else wants to ask
10 Mr Poon anything, that's it.

11 CHAIRMAN: No. Mr Poon, I think the marathon is complete.

12 All right? You may of course be required to come back
13 to answer a question or two, if some new issue comes up,
14 but for the time being you are excused, and thank you
15 very much for your attendance.

16 WITNESS: Thank you really very much.

17 (The witness was released)

18 MR PENNICOTT: Sir, perhaps we could have a clear-up of the
19 desk.

20 CHAIRMAN: Yes.

21 MR PENNICOTT: I see we've got 35 minutes. We have Mr Chui,
22 who is, you may recall, from Hung Choi. He's been here
23 all day, or certainly all afternoon. I'm not planning
24 to be very long with him. I've got a few questions but
25 not very many. Unless somebody behind me is going to
26 tell me they've got lots of questions and we can't

1 finish him tonight, I would certainly propose that we
2 call him now and try to deal with him in the next half
3 an hour or so.

4 CHAIRMAN: I think so. He has been waiting for a while.

5 MR PENNICOTT: I don't really want to trouble him to come
6 back tomorrow morning if we can avoid it. In that case,
7 perhaps somebody can locate Mr Chui.

8 Sir, as you recall, this is going to be retracing
9 our steps a bit back to the diaphragm wall.

10 Mr Chui, could you state your full name, please?

11 WITNESS: 徐添財。

12 MR CHUI TIM CHOI (affirmed in Puntì)

13 Examination by MR PENNICOTT

14 MR PENNICOTT: Mr Chui, thank you very much for coming to
15 give evidence to the Commission. We do apologise for
16 having kept you waiting.

17 Mr Chui, you have prepared one mercifully short
18 witness statement for us and you are about to be given
19 a copy of it. It's at bundle I, page 21, in the English
20 version, translation, and at I19 in the Chinese.

21 You are looking at the Chinese version, I think; is
22 that right?

23 A. 係,冇錯,冇錯。

24 Q. This is a witness statement you made on 21 September
25 2018; is that right?

26 A. 喺。

1 Q. Is that your signature we see on page I20?

2 A. 冇錯。

3 Q. Mr Chui, can you confirm that you wish to adopt the
4 contents of this statement as your evidence to the
5 Commission?

6 A. 係。

7 Q. Mr Chui, I understand that you are
8 a director/shareholder/owner of Hung Choi; is that
9 right?

10 A. 喺。

11 Q. You've been in operation, in business, for about
12 11 years as Hung Choi?

13 A. 係。

14 Q. What you do, your business, is bar bending and fixing;
15 that's your primary business, is that right?

16 A. 都係紮鐵之類。

17 Q. Yes. Are you a qualified bar bender/fixer yourself,
18 Mr Chui?

19 A. 係，因為我喺呢界都做咗成足足有超過三十年。

20 Q. Right. About the same time as I've been a lawyer,
21 Mr Chui. Plenty of experience, Mr Chui.

22 Now, Mr Chui, help me with this. With regard to
23 this project, we know that you were sub-contracted to
24 Intrafor?

25 A. 係。

1 Q. Can you tell us: you yourself, personally, did you spend
2 most of your time, when your company was carrying out
3 the bar bending works, the fabrication of the cages, at
4 the site?

5 A. 都唔係㗎，因為我仲有其他嗰啲地盤，呢個地盤我主要交咗畀個伙記，佢姓黃
6 嘅，佢係負責晒呢個紅磡站嗰啲嘢。

7 Q. Yes, we've heard from Mr Wong already; it seems like
8 a long time ago. Mr Chui, how much of your time did you
9 spend at the site, approximately?

10 A. 一般有時要開會，叫我哋到場傾下啲進度，我會到場，我會去到呢個地盤。

11 Q. Mr Chui, are you generally familiar with the process of
12 fabricating the rebar cages that you did for Intrafor
13 under your sub-contract?

14 A. 係，知道，知道。

15 Q. Right. Mr Chui, can you ask you this: we know that as
16 part of the fabrication of the cages, you had to fix
17 couplers, as we call them, onto the rebar cages, so that
18 when the diaphragm walls were concreted, subsequently
19 the couplers would be exposed so that somebody else
20 could come along and screw in the rebar into the
21 couplers; do you understand me?

22 A. 聽到。

23 Q. Now, when you are fixing the couplers in that sense --
24 and I'm not talking about the couplers that fix one
25 rebar cage to the next, I'm talking about the couplers

1 that come out the side -- we know that you put a red cap
2 on the end of the coupler; would that be right?

3 A. 都係講嗰個係咪預留出嚟嗰個螺絲頭？即係個--即係我預留呀要。

4 Q. Yes, I am.

5 A. 據我所知，就嗰陣時候有啲膠蓋，即係套住嗰個螺絲頭，保護佢，唔好畀佢
6 裏面有咩嘢損壞，就係咁，個作用就係咁。

7 Q. Yes, understood. Apart from that red cap or red tape,
8 protective covering, is there any other form of
9 protection of those couplers to prevent them getting
10 damaged, or is the red tape or the red cap the extent of
11 the protection?

12 A. 落石屎之前就--即係我哋做完，留咗嗰個螺絲頭出嚟，就出面做咗包個
13 發泡膠，再有塊5個mm嘅一塊板扭番佢嘅，即係有啲邊皮就有啲方，啲方
14 我哋封番個口，即係扭住佢，唔畀佢--即係譬如唔畀佢走位，唔畀佢有
15 石屎會走落去，都有呢個保護嘅。

16 Q. Right. Perhaps I could just make sure I've got this.
17 You've got the red tape or red cap, then you have some
18 polystyrene covering. Precisely where is that? What is
19 it actually covering; the whole of the coupler, part of
20 the coupler?

21 A. 成個螺絲帽，即係佢有幾多支嘅螺絲帽都包咗晒，即係個鐵籠有幾大，佢
22 就要做番幾大保護佢。

23 Q. All right. And have you yourself -- we know that the
24 sub-contractor that did the rebar fixing for the slab,
25 ie the sub-contractor was screwing in the rebar into the

1 couplers that you had put into the cages or onto the
2 cages, was Fang Sheung. Do you know Fang Sheung? Have
3 you heard of them?

4 A. 我唔識。

5 Q. Okay. They were the rebar fixers for the slab, so they
6 were responsible for getting the rebar and screwing the
7 rebar into the couplers that you had provided. Take it
8 from me.

9 Have you personally done that sort of work?

10 A. 冇，我記憶好似冇。

11 Q. So you specialise in the rebar cages and the like for
12 diaphragm walls; is that right?

13 A. 係其中一部分，紮鐵，即係佢都包埋呢個連續牆嗰啲嘢。

14 Q. Right. But you've got no experience of actually
15 screwing rebar of maybe 4 or 6 metres in length into
16 couplers?

17 A. 即係你講扭落去呀，係咪擰番落去？

18 Q. Yes.

19 A. 咁有--咁梗係有擰落去，即係好易之嘛，要擰落去就。

20 Q. Maybe I'm not making myself clear. I know that you
21 didn't in this contract, because Fang Sheung did the
22 work, screw 6 metre lengths of rebar with a threaded end
23 into the coupler, not on this contract. I just wondered
24 if you'd had any experience of that type of work
25 yourself. I think you told me no but perhaps I didn't

1 make myself clear.

2 A. 哦，唔係，有--咁做過，呢啲擰番落去--駁番佢吓嘛，有做過嘅，即係就唔係
3 好似你正話講嗰啲咁，就其他啲地盤試過做過。

4 Q. Okay. What I wanted to ask you, Mr Chui, was whether
5 you had any experience of screwing, let's say, a 6 metre
6 length of rebar into a type A coupler, and if so you
7 could help us with how long that would normally take, to
8 do one piece of rebar?

9 A. 我就親身有做過，可能我啲伙記有做過。

10 Q. All right. Mr Chui, help us with this. Going back to
11 the couplers and the protection that you mentioned, can
12 you think of ways in which those couplers might --
13 "might" -- become damaged?

14 A. 點樣整爛？

15 Q. Yes.

16 A. 好難講嘅，因為你嗰啲螺絲帽有啲蓋扭住，除非你嗰啲蓋冇咗，直接搵啲鐵--
17 即係搵啲機鑽爛佢咁樣，可能會受損，我諗個機會好微。

18 Q. Okay. Were you aware of how the couplers that you had
19 provided were actually exposed on the wall? Did you
20 know how that exposure took place; any knowledge of
21 that?

22 A. 你點樣講嗰度暴露呀，所謂？

23 Q. Sure. You provided the cage. It's got a coupler on.
24 What then happens is the diaphragm wall is concreted,
25 and my understanding is that the coupler is essentially

1 covered in concrete. Albeit not very thick, but it's
2 covered in concrete. So in order to get access to the
3 couplers, they have to be exposed in some way, and I'm
4 just asking you if you know the way in which they were
5 exposed, what methods were used.

6 A. 呢樣我唔知，啲啲我未--我有接觸到。

7 MR PENNICOTT: All right. Thank you very much, Mr Chui.

8 I have no further questions.

9 MR JAT: Sir, one clarification. I think the witness, when
10 he talked about using the polystyrene to cover the
11 coupler, he did say covering, I think the witness did
12 say 5 millimetre boards for the covering. That was not
13 in the transcript?

14 A. 嗰個係--啲塊板--有塊--另外一塊木板係5毫米，發泡膠就唔止5毫米，
15 應該成--差唔多成--都好厚下，成二十--我印象好似係30個mm咁，啲啲
16 發泡膠，就另外一塊板喺出面包住個發--即係再搵落個發泡膠度就係5個
17 mm毫米。

18 COMMISSIONER HANSFORD: Sorry, could I just understand: is
19 the polystyrene between the coupler and the face of the
20 diaphragm wall, or is the polystyrene inside the
21 coupler, protecting the threads on the inside? Where is
22 the polystyrene?

23 A. 佢搵住啲個預留啲個螺絲頭出嚟嘅，搵住，即係啲個預留啲個螺絲頭，有個範圍
24 係譬如係1米，佢啲塊發泡膠就要做1米，佢唔係一個螺絲頭咁樣搵，係佢可能
25 有好多個螺絲頭嘍嘛，佢一塊過就搵住，再喺入面再搵塊板，邊皮再有啲啲啲

1 方夾住，即係唔好畀佢走漿嗰啲，落石屎咁走入去咁嘅啫，有啲咁嘅保護。

2 COMMISSIONER HANSFORD: I see. So if there are a number of
3 couplers, multiple couplers, there's then one board over
4 the top of the couplers; is that what you are saying?

5 A. 係，冇錯。

6 CHAIRMAN: So would it follow -- I know it's not part of
7 your work, but once you have installed the diaphragm
8 walls in this way, if anyone now wanted to gain access
9 to the couplers, they would have to chip away some
10 concrete, and then move away the cardboard and
11 polystyrene protections?

12 A. 係，呢啲係我哋做完紮鐵嘅，下一部分其他人做嘅嘢，唔係我哋嘅範圍。

13 CHAIRMAN: All right. Once they have done that, then they
14 are going to see the actual couplers themselves covered
15 in red plastic or red tape?

16 A. 即係好似你咁講，就應該係即係搵開咗嗰啲板之後，再會見到，見到螺絲帽
17 裏面有膠蓋，係喇。

18 CHAIRMAN: Good. So the protection that you put in place to
19 try to prevent couplers being damaged is not only by
20 wrapping some tape or putting a plastic cap on them, but
21 you also put polystyrene and cardboard in order to block
22 out concrete and things like that causing damage?

23 A. 係，因為我哋嗰個同佢簽個contract係咁，要做嗰啲嘢。

24 CHAIRMAN: Thank you.

25 MR SO: Sir, just a couple of very, very short questions, if

1 I may.

2 CHAIRMAN: Yes.

3 Cross-examination by MR SO

4 MR SO: Mr Chui, you told this Commission just now, when you
5 were asked by my learned friend Mr Pennicott, that your
6 company also does other rebar fixing works?

7 A. 係。

8 Q. In the 30 years you were in the profession, did you
9 experience any situation where the threaded ends of the
10 rebars have to be cut?

11 A. 冇, 冇做過。

12 MR SO: Thank you. No further questions.

13 MS CHONG: I have no questions.

14 MR WILKEN: No questions for this witness either.

15 MR BOULDING: None from me, sir.

16 CHAIRMAN: Mr Khaw?

17 MR KHAW: No questions from me.

18 CHAIRMAN: Thank you.

19 COMMISSIONER HANSFORD: I have one question, if I may.

20 CHAIRMAN: Yes.

21 Questioning by THE COMMISSIONERS

22 COMMISSIONER HANSFORD: When you are fixing the couplers to
23 the reinforcement, how do you ensure the correct
24 alignment for those couplers? How do you ensure they
25 are perpendicular to the diaphragm wall and that they're
26 not at a different alignment either vertically or

1 horizontally? How do you keep them in the correct
2 alignment?

3 A. 我根據啲圖紙佢要求喺邊個位置擺個個螺絲頭，我哋啲人會紮緊佢，用鐵線。

4 COMMISSIONER HANSFORD: Right. It wasn't my question how do
5 you make sure they are in the right location.

6 I understand you follow the drawing. My question is
7 more about the alignment. How do you stop them from
8 moving sideways or up or down? How do you keep them in
9 the correct alignment? Once they are in the right
10 position, how do you fix them so they don't move?

11 A. 係，咪就係話我啲員工會綁緊佢，佢因為有個--佢都--通常都會mark好個位，
12 我哋每一個螺絲頭都要綁實晒，即係未落石屎之前就經過即係可能盈發或者佢
13 哋check過晒，咁先至好去落石屎，即係確保佢唔郁，如果佢郁，佢梗係要通
14 知我哋「喂，你要紮番緊佢喎。」我哋會做呢樣嘢。就落石屎之後佢變左形或
15 者點樣，我就唔清楚。即係我開頭做之前，一定要綁緊，佢梗係有人監察住喇。

16 COMMISSIONER HANSFORD: Thank you. So is it part of the
17 supervision to check that they are tight?

18 A. 一定嘅，一定，佢搖過或者各方面咁睇下，如果唔係，佢一定要我翻手做過，
19 如果唔得嘅話。

20 COMMISSIONER HANSFORD: Thank you.

21 CHAIRMAN: Yes. Thank you very much indeed. That's all we
22 need to receive from you. You've been of great
23 assistance. Thank you for your patience today. We
24 don't need to keep you any longer. Thank you.

25 (The witness was released)

1 Yes.

2 MR PENNICOTT: Sir, I see it's 4.46. The next two witnesses
3 will be from Fang Sheung, so I suggest we perhaps start
4 with them and have a clean run in the morning.

5 CHAIRMAN: Certainly. That sounds sensible.

6 MR PENNICOTT: Because we are going to have to have musical
7 chairs anyway.

8 CHAIRMAN: Yes, of course. Thank you very much. Then we
9 are adjourned until tomorrow morning at 10 am.

10 MR PENNICOTT: Thank you, sir.

11 (4.46 pm)

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

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