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<p>1 Tuesday, 6 November 2018 2 (10.00 am) 3 (Proceedings delayed) 4 (10.17 am) 5 MR PENNICOTT: Good morning, sir. Good morning, 6 Prof Hansford. 7 We now move on to the two Fang Sheung witnesses, the 8 first of whom is Mr Pun, so I will hand over to 9 Ms Chong. 10 MS CHONG: Good morning, Chairman and Commissioner. 11 Good morning, Mr Pun. Can you state your full name 12 to the Commission? 13 WITNESS: Pun Wai Shan. 14 MR PUN WAI SHAN (affirmed in Punt) 15 (All answers given via simultaneous interpreter 16 except where otherwise specified) 17 WITNESS: I would like to say a few words to the Chairman. 18 I am sorry, first of all, because there was a traffic 19 accident this morning. Everybody had to wait for me and 20 I am sorry. 21 CHAIRMAN: That's understandable. These things happen. 22 Thank you for the apology. 23 Examination-in-chief by MS CHONG 24 MS CHONG: You have given one witness statement to this 25 Commission. May I refer you to bundle E, E26 to E29.</p>	<p>1 police; is that correct? 2 A. Correct. 3 Q. Indeed, I've got a copy of that statement, and I've 4 actually found it rather more interesting and full of 5 more detail than your witness statement to the 6 Commission. That's not a criticism, but quite a lot of 7 the questions I'm going to be asking you are by 8 reference to your police statement, in addition to your 9 witness statement. Do you understand? 10 A. Yes, understood. 11 Q. As I understand it, Mr Pun, you started your first bar 12 fixing construction company back in 1980; is that 13 correct? 14 A. You mean Fang Sheung? Yes. Yes. 15 Q. It was then known as Ying Fai? 16 A. Yes, previously it was Ying Fai. 17 Q. I understand that you yourself have got a construction 18 industry trade test certificate in bar fixing; is that 19 right? 20 A. Correct. 21 Q. You got that in 1997? 22 A. Correct. 23 Q. You have recently, I think, set up a new company, 24 a couple of years ago, with Cheung Chiu Fung, who 25 I think we know is Joe Cheung, and your son; is that</p>
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<p>1 The English translation is at page E29.1 to E29.4. 2 Please flip through all these pages, and please turn 3 to page E29. Was that signature yours, above the name 4 Pun Wai Shan? 5 A. Correct. 6 Q. You also signed underneath the statement of truth, 7 confirming the contents of the statement to be true; is 8 it correct? 9 A. Correct. 10 Q. Do you wish to adopt this witness statement as your 11 evidence here to this Commission? 12 A. Yes. 13 MS CHONG: Please stay here for cross-examination. 14 Examination by MR PENNICOTT 15 MR PENNICOTT: Mr Pun, good morning. My name is Pennicott 16 I represent the Commission, and I've got some questions 17 for you. After I have finished questioning you, there 18 may be some other people who want to ask you some 19 questions as well, and then, when that's finished, 20 Ms Chong can ask you some more questions, and it may be 21 that during the questioning the chairman and the 22 Commissioner will also have some questions for you as 23 well. 24 A. (In English) Okay. 25 Q. Mr Pun, you have also provided a statement to the</p>	<p>1 correct? 2 A. Correct. It was in 1996, I suppose. It's 2016, in the 3 middle of the year. 4 Q. That's right. I also understand, Mr Pun, that you have 5 a longstanding business relationship with Leighton; is 6 that correct? 7 A. Correct. 8 Q. Stretching back, I think, to 1995? 9 A. It should be 1992. 10 Q. Okay. I understand that the majority of work that 11 Fang Sheung does is as a sub-contractor to Leighton; 12 would that be fair? 13 A. Correct. 14 Q. And, Mr Pun, if you're able to, in terms of let's say 15 the last five years or so, what percentage of your 16 turnover, of Fang Sheung's turnover, has been derived 17 from work for Leighton? 18 A. Strictly speaking, it should be about 85 per cent in the 19 past five years. 20 Q. All right. When you have entered into sub-contract 21 arrangements with Leighton over the last five years, has 22 that been as a result of a normal tendering process or 23 by some other means? 24 A. Which went through very stringent tendering process. 25 Q. On each occasion?</p>

Page 5	1 A. Yes, each occasion. 2 Q. Okay. Now, can I just get one point out of the way. If 3 you could be shown, please, E1, page 180. 4 Mr Pun, this is a sub-contract, as you can see 5 there, headed "Rebar fixing with associated works for 6 pile caps"; do you see that? 7 A. Yes. 8 Q. If we can go to the next page, please. Then if you 9 could go on to page -- I can't find the signature page. 10 There we are, at page 208, sorry. This is 11 a sub-contract for the pile caps, and it's obviously to 12 do with the Hung Hom project, but as I understand it, 13 this was an entirely separate contract from the one that 14 you entered into in relation to fixing the rebar for the 15 slabs and associated matters; is that right? 16 An entirely separate contract. 17 A. That's right. 18 Q. If we go to 184, we can see that sub-contract was dated 19 23 April 2014; do you see that? 20 A. Yes. 21 Q. I think, as I understand it, Mr Pun, from various 22 records that we've got, some of your staff, your 23 employees, were on the site working for Leighton in 2014 24 and early 2015, and that would have been -- the reason 25 for that would have been because of this contract and	Page 7	1 into it for reinforcement purposes? 2 A. Well, it's called "pile cap", in English, "steel fixer". 3 You can explain it as concrete caps for piles, something 4 like that, the caps on top of the piles. But we just 5 call it pile caps. 6 CHAIRMAN: Thank you very much. I thought that was the 7 case. I just wanted to be sure. 8 MR PENNICOTT: We can put that sub-contract to one side for 9 the moment, or forever, hopefully. 10 Mr Pun, can I ask you this. You tell us that each 11 day you, during the course of -- I am now on to the 12 contract that we're primarily concerned with and we are 13 going to look at some clauses in a moment, but when you 14 started the rebar work for the slabs on the project, you 15 tell us that you went to the temporary site office every 16 day. Is that correct? Subject to periods of leave, no 17 doubt. 18 A. Correct. I was on site. 19 Q. You also tell us that you inspected the works for 20 progress and quality purposes, again, almost every day; 21 is that correct? 22 A. I was responsible for administrative work. The works 23 quality and progress were controlled by my foremen. 24 Q. Did you carry out yourself inspections of the work that 25 your team was doing?
Page 6	1 not the sub-contract that we're primarily concerned 2 with, that is the rebar to the slabs. Is that correct? 3 A. Correct. 4 CHAIRMAN: Sorry, could you just -- it may not be relevant; 5 I appreciate you're just dissociating pile capping. 6 MR PENNICOTT: I am. 7 CHAIRMAN: I think I know what pile capping is, but what is 8 it? What is pile capping? 9 MR PENNICOTT: I can explain. Perhaps mr Pun may wish to. 10 CHAIRMAN: It's just for my education. It's not evidence as 11 such. 12 MR PENNICOTT: Sure. 13 Mr Pun, can you explain the pile capping work you 14 were doing under that sub-contract? 15 A. In this contract, pile caps just exist in name. It's 16 actually a kind of bar fixing contract. We were 17 carrying out bar fixing works in relation to the 18 surrounding areas of Hung Hom Station. I don't know 19 whether I've put it in a right way. 20 CHAIRMAN: All right -- 21 MR PENNICOTT: Is the position this, Mr Pun, that somebody 22 has done the piling, so you've got piles into the 23 ground, and a cap, a concrete cap, goes on the top of -- 24 A. Pile caps, pile caps, correct. 25 Q. Right. And the concrete cap requires rebar to be fixed	Page 8	1 A. I did, but usually I did so after my workers have gone 2 off work or after lunch. Yes, I inspected the site 3 myself. 4 Q. Yes, and I was going to ask you that. Did you do that 5 at a particular time each day, or did it vary from day 6 to day? 7 A. Different times. 8 Q. Okay. Let's just get this clear. You say in your 9 police statement: 10 "I would spend some time every day to inspect the 11 work progress at the construction areas, whilst the duty 12 of supervision was mainly delegated to the site 13 foreman ..." 14 Does that encapsulate -- 15 A. Correct. Correct. 16 Q. And that site foreman was Joe Cheung? 17 A. Yes. 18 Q. Mr Pun, one of the reasons for those questions was this. 19 Let me ask you this: did you ever do the Leighton 20 induction course? 21 A. I should have done so for -- I did the big class but it 22 has expired. 23 Q. Right. Because we can't find any record of you having 24 done the induction course, but don't worry about that, 25 Mr Pun.

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<p>1 The other rather strange thing is this, that 2 Leighton have given us their sign-in/sign-out record for 3 Fang Sheung for the entire period of your sub-contract 4 works, and we can't find you anywhere in those records, 5 Mr Pun. Can you explain why that is? 6 A. I am sorry, I didn't sign in or out. How should I put 7 it? I went in as a visitor. I signed as a visitor. 8 I signed the slip every day as a visitor to get in. 9 This is regrettable. 10 Q. It's fine. As long as there's an explanation, Mr Pun, 11 I'm not too concerned. 12 CHAIRMAN: Sorry, visitors sign something separate, do they? 13 MR PENNICOTT: Mr Pun, is that right; do visitors sign 14 something separate so you're not using the palm process, 15 you are using a different process, a visitor process? 16 Is that right? 17 A. Correct. Correct. They were separate. I entered as 18 a visitor process. So I didn't have my sign-in/out 19 record on a computer. 20 Q. All right. 21 Now, Mr Pun, could I ask you, please, just to look 22 at a couple of things in the sub-contract. If you could 23 start, please, at E1/31. This is the front sheet to the 24 sub-contract with which we're concerned. Mr Pun, as you 25 can see, it's for the reinforcement bar cutting, bending</p>	<p>1 A. Correct. 2 Q. Mr Pun, we see at F, item F on this page, it says, 3 "Final account and payments: 3 months"; do you see that? 4 A. Yes. 5 Q. Under this sub-contract, Mr Pun, have you settled your 6 final account with Leighton? 7 A. Already did. Yes, done already. The final account, 8 yes, done already. 9 Q. When you entered into that final account, Mr Pun, were 10 you asked to enter into an agreement called 11 a confidentiality agreement? 12 A. So far, Leighton hasn't asked me to sign any such thing, 13 because there are still some retentions, and it's just 14 a normal final account. The proper final account hasn't 15 reached me yet. 16 Q. So what, have you got an interim final account; you're 17 still waiting for some retention moneys to be paid -- is 18 that the position? 19 A. Well, you may say so, broadly speaking, yes, there are 20 still some retention moneys outstanding. 21 Q. In your various sub-contracts with Leighton, have you 22 ever been asked to enter into a confidentiality 23 agreement? 24 A. For many years, well, in the final account, there won't 25 be such a thing. I am not conversant in English,</p>
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<p>1 and fixing. Do you see that? 2 A. I do. 3 Q. If you go to page 59, please, the contract was entered 4 into on 28 August 2015, and we can see it was signed by 5 yourself and witnessed by Mr Cheung. 6 A. Correct. 7 Q. As I understand it, Mr Pun, under this sub-contract, you 8 weren't responsible for any design on the works; that 9 was Leighton's or others' responsibility, is that right? 10 A. Yes. 11 Q. Can I ask you, please, to go to page 70. We can see, at 12 item A, the "Sub-Contract Price", and then underneath it 13 says this: 14 "The Sub-Contract Price is re-measurable and based 15 on provisional quantities which will be valued at the 16 rates contained in Appendix 2 and subject to 17 fluctuations as per Clause 6 of the Sub-Contract Scope 18 of Work." 19 So, Mr Pun, this was a re-measurable sub-contract? 20 A. Yes. 21 Q. That is, at the end of the day, all the work that 22 Fang Sheung had carried out would be re-measured by 23 yourselves and Leighton, and you would be paid for the 24 work that you'd actually done; is that right, in simple 25 terms?</p>	<p>1 I don't know English, but they would usually explain to 2 me -- I don't believe there is a so-called 3 confidentiality agreement, not in the final account. 4 Q. All right. Let me just make sure I've got this clear, 5 Mr Pun. What I'm asking you about is this, that when 6 you settle your final account with Leighton, have they 7 ever asked you to enter into a separate, entirely 8 separate agreement called a confidentiality agreement, 9 in writing? 10 A. I have not signed such. In our minutes I've signed, 11 I signed our minutes of meeting to confirm the amount of 12 money. 13 Q. Right. If I could take you to the next page, please, to 14 E72. You will see there, Mr Pun, this is part of the 15 sub-contract which deals with the scope of your work; do 16 you see that? 17 A. I do. 18 Q. At 3 we have the fixing sequence; do you see that? 19 A. I do. 20 Q. Could we just look at that briefly, Mr Pun. The first 21 item, first bullet point, is: 22 "Prepare bending schedules and submit to the 23 Contractor allowing sufficient time for recording." 24 The bending schedules are documents that you, 25 Fang Sheung, prepare; is that correct?</p>

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<p>1 A. I think here it may be referring to bar -- we have to 2 order the bars. We had to tell Leighton to be prepared. 3 So it's part of our responsibilities. 4 Q. Yes. What I'm troubled by at the moment, Mr Pun, is in 5 order to prepare the bending schedules, what are you 6 given by Leighton? 7 A. Bending schedules, we followed the programme of Leighton 8 in working out the schedules. 9 Q. I understand, Mr Pun, there may be a translation issue 10 between "schedules" and "timetable". I'm talking about 11 bar bending schedules, not a timetable, a schedule, bar 12 bending schedule. 13 A. The bending schedules? 14 Q. Yes, that's right. 15 A. The bending schedules were my responsibility. 16 Q. What were you given by Leighton in order to be able to 17 prepare those bending schedules? 18 A. They would give me the work plans on site, and we 19 followed the work plans and the standards to prepare 20 a bending schedule for Leighton. That's our 21 responsibility. 22 Q. You would prepare those schedules yourself, Mr Pun, as 23 I understand it; is that right? 24 A. Yes, because that's for measuring my contract 25 quantities, that would be the basis for the measurement.</p>	<p>1 threads and couplers, but the bars were provided by 2 Leighton. The rebars were provided by Leighton. 3 Q. In our discussions, Mr Pun, going forward, can we 4 distinguish between the threaded rebar on the one hand 5 and let's call it the general rebar on the other? 6 A. Yes, understood. 7 Q. So the couplers and the threaded rebar were provided by 8 BOSA? 9 A. Correct. 10 Q. Did you ever receive, were you ever given, any 11 information by BOSA or from BOSA? Did you ever see the 12 BOSA guidelines for rebar fixing, and coupler fixing in 13 particular? 14 A. About the day-to-day operations, it was under the 15 control of my foreman. He would place order with BOSA 16 and receive goods from BOSA. 17 Q. Mr Pun, bear with me. BOSA produce various documents 18 describing their rebar, describing their couplers, and 19 giving guidelines and instructions as to how they are 20 supposed to be installed, that is the threaded rebar and 21 the couplers. Have you ever seen any of that material, 22 you personally, any of that documentary material? 23 A. Yes, yes, I have. 24 Q. Did you see it in the context of this project? Were you 25 given it in the context of this project, or were you</p>
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<p>1 That's the basis for measuring the quantities of the 2 contract, because we charge on a per-tonne basis, so we 3 had to follow the bending schedules. After I prepared 4 the bending schedules, they would check whether we had 5 done more or less, and we would only be paid after they 6 had checked it. 7 Q. Right. Then going back to the second bullet point, 8 having prepared the bending schedules, given them to 9 Leighton, you would then receive the reinforcement from 10 the contractor's supplier, store on site in the 11 designated areas and arrange samples for testing. We 12 will come back to that testing point in a moment. But 13 you would receive the reinforcement from Leighton's 14 supplier? 15 A. You're referring to bars, right. It's correct what you 16 said about the procedure, yes. 17 Q. And Leighton's supplier in this case was BOSA; is that 18 right? 19 A. The couplers supplier is BOSA, yes. Yes, correct. 20 Q. And also the threaded rebar supply, by BOSA as well? 21 A. For bars, the threaded rebar, Leighton supplied the 22 materials. 23 Q. Right. Were you not aware that it was from BOSA, that 24 BOSA had done the threading? 25 A. That's right. BOSA was responsible for the provision of</p>	<p>1 aware of it before? 2 A. Correct, because my company had designated this as the 3 supplier. So, as to the materials provided by them and 4 the correct installation of threads into couplers, we 5 must have the knowledge through BOSA, through 6 information provided by BOSA at the site, because the 7 supplier at the site, we must have this knowledge. 8 Q. Right. So is the answer to my question that you were 9 given some information by BOSA, written information by 10 BOSA? 11 A. Correct. 12 Q. Presumably, you would have given that to Mr Cheung, 13 would you, that information from BOSA? 14 A. Correct. 15 Q. I'll ask Mr Cheung whether he gave it to the workers, 16 but anyway, we've got past one step. 17 Can I just ask you about the last bullet point in 18 this fixing sequence, Mr Pun, the last bullet point, 19 where it says, "Install and tighten reinforcement 20 couplers"; do you see that? 21 A. Yes. Yes. 22 Q. As I understand it, Mr Pun, so far as Fang Sheung were 23 concerned, they had to install and tighten couplers for 24 the purposes of the transverse connections. Do you 25 agree?</p>

Page 17	1 A. That's part of our contract, I agree. 2 Q. If we could look at a photo, please, at bundle E5, 3 page 1355. 4 First of all, Mr Pun, it would be right for me just 5 to point out this. Our understanding is -- these 6 photographs, this is one of the photographs that's 7 attached to Mr Cheung's witness statement, and I'll be 8 asking him about some of these photographs a bit later. 9 So I understand, but correct me if I am wrong, that the 10 Chinese characters written on the page are Mr Cheung's 11 writing. Are you able to confirm that or not? 12 A. That's right. 13 Q. Can I just point out that the English translation has 14 been done by the Commission's solicitors, just in case 15 anybody was wondering. 16 If we could then blow the photograph up, please, on 17 the left-hand side. Thank you very much. 18 Mr Pun, do we see in that photograph examples of the 19 couplers that you installed at the transverse 20 connections? 21 A. Yes. 22 Q. And those are the ones with the red cap or red tape on 23 that we can see in the lower half of the photograph? 24 A. These are the CJ for concrete and the space reserved for 25 the CJ of the other bay.	Page 19
Page 18	1 Q. Yes. What we're doing here, Mr Pun, as I understand it, 2 is we are looking at bay C1-1, and in the foreground is 3 C1-2; do you follow? 4 A. Correct. 5 COMMISSIONER HANSFORD: Sorry, Mr Pennicott, when we say 6 "CJ", do we mean construction joint? 7 MR PENNICOTT: That was my understanding, sir, but -- 8 A. Correct. 9 Q. So what would happen is the C1-1 bay would be concreted 10 and, once it had been concreted, you would do the rebar 11 in C1-2 and you would connect that rebar to the couplers 12 that we can see, is that right, once they had been 13 exposed? 14 A. Correct. 15 Q. Could I then ask you to be shown a document at C6/4659. 16 Somebody is getting the document for Mr Pun, 17 although it is up on the screen now. 18 Mr Pun, this is a document that Leighton have given 19 to the Commission. You can see that it's headed, 20 "Amendment to the Sub-contract"; do you see that? 21 A. Yes. 22 Q. And it says: 23 "Further to Sub-Contract No. ... reinforcement bar 24 cutting, bending and fixing for Hung Hom Station and 25 associated structures."	Page 20
	1 Then do you see the works underlined at paragraph 2? 2 It says, "Delay recovery measures '(DRM)-overtime'." 3 Do you see that? 4 A. Yes. 5 Q. If we go to the next page, please. This was 6 an agreement apparently that you signed, despite perhaps 7 the typographical error of your name, on 30 April 2016. 8 Mr Plummer also signed it. Do you see that? 9 A. Yes. 10 Q. So do you confirm that you did enter into this amendment 11 to the sub-contract on that date? That is your 12 signature, I think, isn't it, Mr Pun? 13 A. Correct. 14 Q. It was in relation to delay recovery measures. Can you 15 tell us a little bit about this agreement; why was this 16 amendment to the agreement entered into? 17 A. In fact, for this agreement, we were asked to work 18 overtime, and as such there would be an additional 19 agreement on the wages for working overtime, together 20 with this page at the back. 21 Q. The next page, please. Right. 22 So the agreement was really for working overtime but 23 at increased rates from the original sub-contract; is 24 that right? 25 A. For this agreement, the pay would be calculated based on 1 the overtime work carried out per worker. That is, per 2 worker, per hour, we made out the rate. 3 Q. Right. In your original sub-contract, you had certain 4 rates, and these rates in this amended -- amendment to 5 the sub-contract were slightly different, and at higher 6 rates, I think? 7 A. Correct. Because of the slow progress, overtime work 8 was needed to catch up with the progress, and the 9 company therefore agreed that there would be additional 10 pay as compensation for working overtime. 11 Q. Okay. Understood. This was in April 2016. Is that 12 when the amendment took effect from, just going forward 13 from that date? 14 A. Correct. 15 Q. Okay. We can put that document away. 16 Mr Pun, I would like to speak to you a few minutes 17 about the connection of the rebar, threaded rebar, to 18 the couplers in the D-wall, diaphragm wall. Okay? 19 A. (In English) Okay. 20 Q. We know that the couplers in the diaphragm wall were 21 covered in concrete, and they had to be exposed. 22 A. Correct. 23 Q. In paragraph 3 of your -- in your police statement, in 24 the English translation it's E1595.2 and the Chinese 25 1586. What you describe here is this, Mr Pun, just	

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<p>1 under halfway down the paragraph so far as the English 2 is concerned you say, "When the concrete solidified". 3 Can you find that, in paragraph 3? 4 "When the concrete solidified, the couplers would be 5 concealed in the diaphragm walls. Then Leighton's 6 workers would use a large water jet blaster to dig 7 a mortise of 250 millimetres deep on the east diaphragm 8 wall to expose the couplers from the wall, and those 9 couplers were around 150 millimetres apart from each 10 other both horizontally and vertically." 11 Pausing there, did you see this operation yourself 12 going on, Mr Pun? 13 A. Correct, yes. It was correct. 14 Q. Right. 15 A. Leighton used the large water jet blaster to dig 16 a mortise. It's required by the plans. 17 Q. Can you just explain to us, when you say "dig 18 a mortise", precisely what do you mean? Do you mean 19 around each individual coupler, or along a line of 20 couplers, or what is it that you're describing there? 21 A. For every panel of diaphragm wall, at the 3 metre 22 concrete of the slab, we might have a shear key 23 250 millimetres into that, and we have to go as deep as 24 3 metres of the rebar in the panel. It must be visible. 25 So, if we use ordinary blaster, it would take a long</p>	<p>1 concrete down below, we used -- it was done manually." 2 What was done manually? The exposure? 3 A. It was positive 2.84 EWL D-wall, at the top part of the 4 D-wall. The top part of the D-wall was exposed 5 manually, because plans showed that you had to expose 6 some -- you had to remove some of the concrete to expose 7 the couplers, before you could go to the next step. 8 Concrete within the D-wall, the top part of the 9 diaphragm wall. 10 Q. Sorry, let's rewind, Mr Pun. We've got a diaphragm wall 11 panel. 12 A. Mmm. 13 Q. And we're talking about the EWL slab and we're talking 14 about the east diaphragm wall. 15 A. Mmm. 16 Q. We know there is a row of couplers towards the top in 17 the diaphragm wall and a row of couplers towards the 18 bottom. Are you with me so far? 19 A. I do. I am with you. 20 Q. Let's just focus on the couplers at the bottom to start 21 with, this is in the EWL slab. Is it those couplers 22 that are water jet blasted, to expose them -- sorry, 23 that part of the wall is jet blasted to expose the 24 couplers? 25 A. Yes, yes, the bottom part, the bottom bars, B1 and B3,</p>
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<p>1 time. They would use a very, very large machine, and 2 when it was being done it was completely hoarded up 3 because it was a very high-power machine; it was 4 dangerous. It was a water jet blaster; we used a water 5 jet blaster to wash it. 6 CHAIRMAN: Sorry, and who would use that, Leightons or you? 7 A. Leighton. 8 MR PENNICOTT: Insofar as the exposure of the couplers on 9 the diaphragm wall are concerned, apart from the water 10 jet blaster that you've described, did you ever see 11 Leighton using any other method to expose the couplers? 12 A. Are you talking about the east or the west -- 13 Q. Sorry, I'm confining my question to the east at the 14 moment, Mr Pun. 15 A. (In English) Okay. 16 Q. That's a very fair point. Yes, the east. 17 A. For the east diaphragm wall, the vertical aspect, EW 18 track facing the concrete, a large water jet blaster was 19 used. At positive 2.84, the concrete down below, we 20 used -- it was done manually. The cantilever slab -- 21 well, the 1 metre concrete there, it was done manually. 22 CHAIRMAN: Sorry, it says here, "At positive 2.84". 23 A. Yes. EW track, EWL track. 24 MR PENNICOTT: Yes. I think we're just having difficulty 25 understanding what you mean. "At positive 2.84, the</p>	<p>1 the bottom parts of B1 and B3, they were exposed with 2 a large water jet blaster. 3 Q. Right. Now we go to the top couplers, the couplers at 4 the top. Were they water jet blasted or not? 5 A. Large water jet blaster can only deal with the surface. 6 But for the concrete at the top, we had to go into 7 1.2 metres, and I believe water jet blaster could not do 8 it; it had to be done manually with a blaster. 9 CHAIRMAN: Sorry, it had to be done manually with a ...? 10 A. A pneumatic breaker. 11 MR PENNICOTT: Mr Pun, are you talking about what we now 12 know, so far as the east diaphragm wall is concerned, as 13 the revised detail -- 14 A. (Chinese spoken). 15 Q. -- ie the reduction in height of the east diaphragm wall 16 by maybe half a metre or so? Is that what you're 17 talking about? 18 A. Yes. 19 Q. Okay, because we know that eventually that's what was 20 done, but there were areas, we understand, where the 21 coupler detail was retained on the east diaphragm wall. 22 Are you aware of that? 23 A. Before that was done, I think two bays were done by 24 Mr Cheung personally and that was before I entered the 25 site. For the two bays that was not done in that way,</p>

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<p>1 I was not present.</p> <p>2 Q. All right. We can go and ask Mr Cheung about that.</p> <p>3 So, jet blasting for the lower couplers. We'll come</p> <p>4 back to that with Mr Cheung.</p> <p>5 Because, going back to your police statement which</p> <p>6 I was reading from earlier, Mr Pun, if you pick up where</p> <p>7 we left off, you say:</p> <p>8 "On the other hand, at the west diaphragm wall" --</p> <p>9 so we've now switched to the west diaphragm wall --</p> <p>10 "workers would in accordance with the drawings remove</p> <p>11 about 1.2 metres thick of the concrete wall from the top</p> <p>12 with jackhammers to expose the vertical couplers, which</p> <p>13 were 150 millimetres apart from each other horizontally</p> <p>14 and vertically."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. I think what you were -- that's what you say happened at</p> <p>18 the West Wall, and I think what you were telling the</p> <p>19 Commission was that, in effect, over large areas of the</p> <p>20 East Wall, that's also what happened, in broad terms?</p> <p>21 A. Now, this is about the West Wall. At the West Wall, we</p> <p>22 had to insert a capping beam to tie -- to link up, to</p> <p>23 tie the whole diaphragm wall, because we must have</p> <p>24 1.2 metres in the West Wall. The original design didn't</p> <p>25 have that. When we submitted our tender, that was</p>	<p>1 are two circumstances in which you would cut the general</p> <p>2 rebar. So I'm not talking about threaded rebar, I'm</p> <p>3 just talking about the general rebar. And the two</p> <p>4 circumstances are these. The first one is when you were</p> <p>5 required by MTRC or Leighton to cut the piece of rebar</p> <p>6 for the purpose of testing; is that right?</p> <p>7 A. Non-threaded ones, right?</p> <p>8 Q. Yes.</p> <p>9 A. Yes, we would cut.</p> <p>10 Q. You describe this process in paragraph 4 of your police</p> <p>11 statement. It's E6/1595.3. You say in paragraph 4,</p> <p>12 about four or five lines down:</p> <p>13 "The rebars would be delivered to the site in</p> <p>14 batches. First, the MTRC site supervisor would draw a</p> <p>15 designated number of rebars from the batch in proportion</p> <p>16 to the total number of rebars in that batch, so that</p> <p>17 they would be delivered to the laboratory for testing</p> <p>18 their weight, tensile strength and shear force. Fang</p> <p>19 Sheung's workers would follow the instruction of the</p> <p>20 MTRC site supervisor and cut out 1 metre of each</p> <p>21 selected rebar with a portable electric shear and then</p> <p>22 Leighton's workers would deliver them to the laboratory</p> <p>23 for testing. For every rebar which was delivered for</p> <p>24 testing, MTRC's engineers would sign on each of them as</p> <p>25 marking. For those rebars which were not selected for</p>
<p>Page 26</p> <p>1 absent.</p> <p>2 Q. It didn't have that on the East Wall?</p> <p>3 A. No, not in the West Wall. At first, the West Wall was</p> <p>4 not designed that way. But the plans were revised, and</p> <p>5 in the plans we could follow the programme for the</p> <p>6 West Wall entirely. So, for the West Wall, there must</p> <p>7 be complete capping beam for the whole diaphragm wall,</p> <p>8 to tie the whole diaphragm wall perfectly.</p> <p>9 Q. So, from your perspective, the design, the detail was</p> <p>10 changed both on the West Wall and the East Wall?</p> <p>11 A. The design of the East Wall was more or less like the</p> <p>12 original design. I was a bit shocked, but the design of</p> <p>13 the West Wall was entirely different from the original</p> <p>14 design, it was entirely different from the design when</p> <p>15 we had the tender awarded. It was stronger as a result.</p> <p>16 The design was much stronger.</p> <p>17 Q. All right. Mr Pun, you tell us in your statement, or</p> <p>18 your police statement, about type A and type B threaded</p> <p>19 rebar.</p> <p>20 A. Yes.</p> <p>21 Q. You say type A has about 11 threads and type B has about</p> <p>22 21 threads.</p> <p>23 A. Roughly so.</p> <p>24 Q. Yes. So far as the general rebar is concerned, that is</p> <p>25 the non-threaded rebar, I think you tell us that there</p>	<p>Page 28</p> <p>1 testing, they would be sprayed in white paint so that</p> <p>2 all our workers would be reminded not to use them. For</p> <p>3 those rebars which were selected and delivered to the</p> <p>4 laboratory for testing, they would be sprayed in yellow</p> <p>5 paint for identification. When the rebars passed the</p> <p>6 testing and could be used, they would be sprayed in</p> <p>7 green paint for identification."</p> <p>8 Can I just ask you this, Mr Pun, about that passage.</p> <p>9 You refer to a portable electric shear. Can you</p> <p>10 describe the piece of equipment that was used to do that</p> <p>11 cutting for the testing?</p> <p>12 A. About the testing of the rebars, we cannot use the bar</p> <p>13 fixing machine to cut the bar for testing because if we</p> <p>14 use that machine, it would have a force, and it would be</p> <p>15 slightly deformed, and that is why we must use the</p> <p>16 portable electric shear for cutting, for the laboratory</p> <p>17 to accept the sample. That is why we have a portable</p> <p>18 electric shear, red in shape, with a chain, and it's</p> <p>19 rechargeable.</p> <p>20 Q. It says "red in shape"; is it red in colour?</p> <p>21 A. Yes, yes, I suppose. For the two shears we had, they</p> <p>22 were red in colour.</p> <p>23 Q. Is it this machine here or something similar?</p> <p>24 (Indicating).</p> <p>25 A. Yes, yes. Correct, correct.</p>

Page 29	1 Q. So that is the machine you would use for cutting the 2 general rebar for the purposes of obtaining a short 3 section of rebar to be sent off for testing? 4 A. For this machine, it's for cutting the rebars for 5 testing. 6 Q. Yes. 7 A. Because it would take a long time to cut the bars. 8 Q. Yes, understood. 9 CHAIRMAN: How much would you cut off the bars? 10 A. We must follow the requirement, exactly 1 metre, not 11 more or less. 12 MR PENNICOTT: So that's the testing, and then the other 13 circumstance in which you may cut the general rebar -- 14 I'm not talking about threaded rebar, Mr Pun, don't 15 worry; the general rebar -- you refer to in your police 16 statement at 1595.9, in answer to Q15. 17 The question that you were asked was, "What machines 18 and tools were used in bar fixing?" 19 If you go to the third bullet point, you say: 20 "Electric shear: it is a type of portable electric 21 shear. For cutting unexpectedly long or longer threads, 22 but this did not happen much. Maybe one rebar in 23 a while but it was absolutely in line with construction 24 rules." 25 Now, I'm a bit concerned about that, Mr Pun, because	Page 31	1 couplers; is that right? 2 A. I suppose it was Joe who conducted the visual inspection 3 on the site, my foreman, I mean. 4 Q. Okay. And, Mr Pun, are you aware of incidents where 5 damaged couplers were discovered, or couplers were 6 discovered with concrete residue inside them? 7 A. Yes, I'm aware. These are just normal, as far as works 8 are concerned. They happen time and time again, because 9 we cannot guarantee 100 per cent that no concrete would 10 ever be poured into the couplers. When shear keys were 11 made, there was no guarantee that there would be no 12 damage made to the couplers, for us to do the works. 13 And that's exactly the difficulties of the works. 14 Q. Just focus on concrete residue for a moment. How would 15 that be cleaned out, got rid of? 16 A. If there was time, I reckon I don't know how Leighton 17 would do it but workers would be engaged to open the 18 cap, so to speak, to clean it manually. 19 However, if there wasn't time, then very simply they 20 would be replaced. 21 Q. All right. You said "Leighton workers". This was 22 something that you were not responsible for, but you 23 understood Leighton to be responsible for; is that 24 correct? 25 A. Right. We are not responsible for this. We are
Page 30	1 I thought that your evidence was about cutting the 2 general rebar but this answer tends to suggest that you 3 used the electric shear for cutting unexpectedly long or 4 longer threads. Have the police recorded this 5 correctly? 6 A. Well, perhaps when the police recorded this answer, 7 there was a mistake. What I was saying at the time was 8 that it was used for cutting rebars that were 9 unexpectedly longer, meaning one or two of them that 10 couldn't fit. I wasn't referring in particular to the 11 threads. 12 Q. No. And so you're saying, as I understand it, that 13 there could be circumstances in which rebar, general 14 rebar, would be provided by Leightons, and in order to 15 make it fit, in order to make it accord with your 16 schedules, your drawings, that we'll be looking at in 17 a moment, it might have been necessary to cut that 18 rebar; is that correct? 19 A. Yes, that should be the case. 20 Q. Going back to the rebar and the screwing in of the 21 threaded rebar into the diaphragm walls, I understand 22 that what would happen, first of all, is that once the 23 couplers have been exposed, and before you attempted to 24 screw any rebar into the couplers, the Fang Sheung 25 workers would carry out a visual inspection of the	Page 32	1 responsible for screwing them in. 2 Q. All right. 3 Now, with regard to damaged couplers, Mr Pun -- 4 again, were you aware of damaged couplers? 5 A. No, we were not responsible for that either. As long as 6 there was any damage to couplers or any problems with 7 the couplers, the inside of couplers, such that we could 8 not screw the bars in, then that wasn't our 9 responsibility -- wasn't our fault. 10 Q. Are you able to describe for us the type, the nature of 11 the damage that was caused to the couplers? 12 A. By "damage", it could be deformation of couplers, or the 13 threads inside would become jagged, tattered, damaged. 14 And if there was concrete debris inside, I don't know 15 whether it would be regarded as damage. But as long as 16 there was concrete residue inside, we could not screw 17 the threads in. 18 Q. I understand the point about the concrete residue, 19 concrete debris, Mr Pun. You have said the words 20 "formation of couplers". What do you mean by that? Do 21 you mean -- it might have said "deformation", but I'm 22 not sure. "Formation of couplers"? 23 CHAIRMAN: I've got "deformation" here, which I understand 24 to mean deformed or bashed. 25 MR PENNICOTT: Yes.

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<p>1 So when you say deformed couplers, Mr Pun, what do 2 you mean by "deformed"? In what way were they deformed? 3 A. That's slightly different from the original shape 4 because of manual factor or because of other works' 5 procedures, because the blaster or the jackhammer was 6 used, that it got slightly skewed, such that the rebars 7 could not be screwed in. 8 MR PENNICOTT: When you say "slightly skewed", do you mean 9 misaligned, either vertically or horizontally? 10 A. No. No. I'm talking about the coupler itself, the 11 shape of the coupler. It could be just slightly changed 12 from the original, and then we couldn't screw it in. It 13 had nothing to do with alignment. 14 Q. Right. To your understanding, Mr Pun, if these types of 15 problems arose -- and I know we can discuss this with 16 Mr Cheung later -- what would -- 17 A. Right. 18 Q. What were your instructions to Mr Cheung; if you found 19 damaged/deformed couplers with concrete debris in, what 20 was the procedure by which that was put right? 21 A. I would say to Mr Cheung that that was not our 22 responsibility. We had to ask Leighton to fix the 23 problems. It was not something within our contract. We 24 were only responsible for screwing in. 25 Q. And so, in short then, Mr Pun, does it go like this,</p>	<p>1 had to do one layer; after inspection, another layer, 2 and so on and so forth. 3 Q. Did you personally, Mr Pun, witness that inspection 4 process taking place? 5 A. I rarely went to the site when they were at work. 6 I could not witness that very frequently, because 7 I chose to visit the site after lunch or after work, so 8 I could observe their progress. Everything was 9 controlled by Mr Cheung. 10 Q. Right. I'll ask him about that. That's fine, if you 11 didn't see it yourself. 12 CHAIRMAN: I'm just wondering, is this -- 13 MR PENNICOTT: Sorry. 14 CHAIRMAN: Not at all. It's your choice as to when you 15 would like to have a break. 16 MR PENNICOTT: Can I just deal with this one more topic. 17 Mr Pun, I don't know whether you've had 18 an opportunity of looking at any of the witness 19 statements that have been given to the Commission by the 20 various parties that are here. Have you had that 21 opportunity or not? 22 A. No. 23 Q. Okay. 24 A. Nor do I want to know about that. I don't want to know 25 about them.</p>
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<p>1 that if a troublesome coupler is encountered, you would 2 expect Fang Sheung, Mr Cheung or somebody else, to 3 inform Leighton, you would invite them to put right the 4 damage or clear the debris out of the coupler, and then 5 once that had been done you would return to do your bar 6 fixing and the threading into the couplers; is that 7 right, the screwing into the couplers? 8 A. You may say so. 9 Q. Mr Pun, when each layer of rebar had been completed, 10 what would happen? 11 A. After each layer of rebar had been completed, we would 12 go on to the next layer. It's one layer after another. 13 That's my understanding of your question. 14 Q. Would each layer be inspected by anybody before you went 15 on to the next layer? 16 A. I've got your question. When we went about fixing the 17 bar or when we carried out any process, there were site 18 foremen and supervisor from Leighton and MTRCL, they 19 supervised our work on a regular basis. They inspected 20 every layer of rebar we fixed. 21 Q. Was it your understanding, Mr Pun, that you were not 22 permitted to start the next layer until the previous 23 layer had been inspected by Leighton and/or MTRC? 24 A. Correct, because the 3 metre slab was too heavy, so 25 there was no opportunity for us to redo the work, so we</p>	<p>1 CHAIRMAN: Many would say "a sensible man". 2 MR PENNICOTT: Indeed they would. Unfortunately, that's not 3 the case for me, Mr Pun. 4 Anyway, there are two particular witness statements. 5 There's one from a gentleman called Mr Kobe Wong from 6 MTRC. Have you heard of Mr Wong? Do you know him? 7 A. Yes. 8 Q. There's also another one from Mr Edward Mok, a engineer 9 from Leighton. Have you heard of him and do you know 10 him? 11 A. Yes. 12 Q. In their two witness statements, Mr Pun, they describe 13 a number of incidents, three to five incidents, where, 14 during the course of their inspections of Fang Sheung's 15 rebar work, they noticed connections that had not been 16 properly formed, either because the rebar was not fixed 17 into the coupler or the thread of the rebar had been 18 cut. Were any of those -- and that's what they're going 19 to tell the Commission when they come to give evidence 20 next week or sometime. 21 Were any of those incidents that we talk about -- 22 were they ever drawn to your attention, Mr Pun? 23 A. I have not received -- with the exception of one warning 24 letter I have not received any complaints from the 25 company of our having done anything of this kind or any</p>

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<p>1 irregularity. I've never received any warning, with the 2 exception of one warning letter. As regards there was 3 no perfect installation of couplers, whether some 4 workman was seen, I was not in the know. Perhaps 5 Mr Cheung might know much better than I do. 6 Q. He may do, but I just want to take you up on your 7 warning letter, if I may, just to see if we can ask you 8 this. 9 Could you be shown, please, bundle C12, page 8134. 10 Mr Pun, this is what's known as a non-conformance 11 report. We can see that -- sorry, go to the top, I'm 12 sorry -- it's a Leighton document, and it is sent to 13 you, that is it is sent to Fang Sheung. Do you see 14 that? 15 A. Yes. 16 Q. It is for the attention of "Joe Cheng" -- I think it 17 must be "Cheung" rather than "Cheng" -- do you see that? 18 A. Yes, Mr Cheung. 19 Q. And it's non-conformance report no. 157. I think we can 20 at the bottom it's dated -- it has a date of 18 December 21 2015; do you see that? 22 A. I do. 23 Q. Was this document ever brought to your attention, 24 Mr Pun? 25 A. I was only aware of it afterwards, when it was shown to</p>	<p>1 correct? 2 A. Correct. That was the first time I saw this document. 3 Q. The first time you saw that document; okay. 4 Going back to 2015, when this incident happened, did 5 Mr Cheung speak to you about this particular incident? 6 Did he draw it to your attention, even if you didn't 7 actually see the document? 8 A. I was aware of it, because the matter was fixed 9 immediately. 10 Q. So Mr Cheung did draw it to your attention at the time, 11 is that right, back in 2015? 12 A. He did. 13 Q. Good. We're getting there. I think you have already 14 anticipated and given an answer to my next question: 15 what, if anything, did you do about it? What 16 instructions did you give to Mr Cheung when he told but 17 this? 18 A. I told him this should not be done, under all 19 circumstances. I asked him to instruct the workers to 20 ensure that this would not happen again. And after this 21 document, we had not received anything further. 22 CHAIRMAN: Sorry. All right. I just can't see on the 23 document what needs to be done. I've got, "Please 24 review the evidence and investigate the root cause of 25 the problem ..."</p>
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<p>1 us. Because the incident was under the supervision -- 2 was rectified at once, under the supervision of MTRCL 3 and Leighton. It was rectified at once. 4 Q. Yes. That I understand to be the position, Mr Pun. But 5 when did you first see this document then? You said you 6 saw it afterwards. When did you first see this? 7 A. When I saw the document, it was on 13 June this year -- 8 Q. 13 June? 9 A. (Chinese spoken). 10 Q. When you were being interviewed by MTRC? 11 A. It was shown to us earlier, but I thought it was 12 rectified and it was just a minor issue, so I didn't pay 13 particular attention to the document. It's only after 14 this incident when there was complaint about our company 15 that I asked Joe to ensure that our workers would not 16 cut the threaded rebars for installation of the 17 couplers. I said this to Joe at once. But then I only 18 first saw this document on 13 June this year. 19 Q. Let me just try to unpick that slightly, Mr Pun. You 20 didn't actually see this document back in 2015; is that 21 right or not? 22 A. No, not in 2015. But it was sent from Leighton in 23 an email to us. 24 Q. You said you were shown this document on 13 June this 25 year, 2018, at your interview with MTRC; is that</p>	<p>1 MR PENNICOTT: Yes, sir. One needs to look at the other 2 documents, the photographs attached, and so forth, to 3 pick it all up. 4 CHAIRMAN: I see. Yes. 5 COMMISSIONER HANSFORD: Sorry, just following on from 6 that -- Mr Pun just said, "I told him this should not be 7 done." I don't know what should not be done. 8 MR PENNICOTT: Let's look at the photographs. Go we go 9 down, please. Go back to that other page and blow that 10 up, please. "Details of defective work". Before we 11 look at the photographs, Mr Pun: 12 "Threaded rebars at 3 metre thickness EWL slab at 13 area C3 bay C3-2/C3-3 was found 5 number of threaded 14 steel bar heads ... bottom layer which are wire cut and 15 hadn't screwed into couplers face to bay 16 C3-1/C3-4/eastern D-wall. (Please refer E1 to E4)", 17 which I think were the photographs attached. 18 So, Mr Pun, as I understand it, your evidence is 19 that you never saw this document back in 2015. Does it 20 follow, therefore, that until earlier this year you had 21 never seen the photographs that were attached to it, in 22 the following pages? 23 Let's look at the next page. That's it. 24 A. Correct. I never saw these. 25 MR PENNICOTT: Sir, perhaps that would be a convenient</p>

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<p>1 point.</p> <p>2 CHAIRMAN: Yes. Thank you. 15 minutes. Thank you.</p> <p>3 (11.46 am)</p> <p>4 (A short adjournment)</p> <p>5 (12.06 pm)</p> <p>6 MR PENNICOTT: Sir, apologies for the slight delay; entirely</p> <p>7 my fault.</p> <p>8 Can we move on, Mr Pun. Can I ask you, please, to</p> <p>9 look at your police statement, in the English at 1595.8</p> <p>10 in C6. I'm interested at the moment, Mr Pun, in</p> <p>11 question and answer 11, Q11 and A11. Do you have that?</p> <p>12 A. (Nodded head).</p> <p>13 Q. The question was:</p> <p>14 "When you were inspecting Hung Hom Station, have you</p> <p>15 ever seen or heard anyone using machinery to cut short</p> <p>16 the threaded rebars in order to pretend that the rebars</p> <p>17 have been screwed into the couplers?"</p> <p>18 And your answer is recorded as this:</p> <p>19 "Regarding cutting short the threaded rebars in</p> <p>20 order to pretend that the rebars have been screwed into</p> <p>21 the couplers, I only came to know from watching the news</p> <p>22 that it was suggested that someone had cut the rebars.</p> <p>23 The situation is actually very illogical, as it would</p> <p>24 take at least 2.5 minutes to use a portable electric</p> <p>25 shear to cut the threaded section of a rebar, while each</p>	<p>1 A. That was my imagination. It doesn't mean it had</p> <p>2 happened.</p> <p>3 Q. That was my question, Mr Pun. Did it happen -- to your</p> <p>4 knowledge, did it happen or did it not happen?</p> <p>5 A. I haven't seen it personally.</p> <p>6 Q. Had anybody spoken to you, if you hadn't seen it</p> <p>7 personally, had anybody spoken to you about this type of</p> <p>8 thing happening, that is shortening the type B to</p> <p>9 convert it to a type A?</p> <p>10 A. No one has spoken to me about this happening in this</p> <p>11 site.</p> <p>12 Q. Are you sure Mr Cheung didn't mention it to you, Mr Pun?</p> <p>13 A. He shouldn't have mentioned it to me.</p> <p>14 Q. Did he or did he not mention it to you?</p> <p>15 A. No.</p> <p>16 CHAIRMAN: Could I -- sorry to cut in.</p> <p>17 MR PENNICOTT: Of course, sir.</p> <p>18 CHAIRMAN: You had spoken earlier about the practice of</p> <p>19 referring to Leightons when you came across couplers</p> <p>20 that were in some way damaged, and the work of repair</p> <p>21 needed to be done by Leightons; is that correct?</p> <p>22 A. Yes.</p> <p>23 CHAIRMAN: From your experience, are you able to say how</p> <p>24 long it would take Leightons to repair or make good the</p> <p>25 damage? Was this done once a day in the evenings, for</p>
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<p>1 coupler costs only a hundred odd dollars which would be</p> <p>2 covered by Leighton, and replacing each coupler takes</p> <p>3 less than a minute. So nobody would choose a more</p> <p>4 troublesome method to solve the problem."</p> <p>5 Then the piece I am more interested in, Mr Pun,</p> <p>6 comes up:</p> <p>7 "In reality, sometimes there were not enough rebars</p> <p>8 with type A threads, and there was a chance that workers</p> <p>9 would replace them with rebars of type B threads, so</p> <p>10 that even when the rebars were completely screwed into</p> <p>11 the couplers, part of the threads would still remain</p> <p>12 exposed. This situation was very rare and might happen</p> <p>13 to one odd rebar occasionally, but it would not affect</p> <p>14 the structure and load-bearing strength at all. It is</p> <p>15 also possible that the workers were afraid that</p> <p>16 Leighton's and MTRC's engineers would misunderstand that</p> <p>17 the rebars were not completely screwed into the</p> <p>18 couplers, and hence they would cut short the type B</p> <p>19 threads, change it into type A threads, then screw them</p> <p>20 into the couplers."</p> <p>21 Now, a number of questions on that arise, Mr Pun.</p> <p>22 First of all, is it your evidence that you personally</p> <p>23 are aware that cutting a type B threaded rebar, to</p> <p>24 convert it into a type A, ie a shorter threaded rebar,</p> <p>25 did in fact take place on this site?</p>	<p>1 example? Was it done immediately, each time a single</p> <p>2 report was made? Was it left for a couple of days?</p> <p>3 What sort of process was used?</p> <p>4 A. Timing would not allow us to wait for a few days.</p> <p>5 Usually, when a report was made by our foreman that</p> <p>6 a coupler was damaged, Leighton would send people to</p> <p>7 follow up at once.</p> <p>8 CHAIRMAN: All right. So would you expect, then, in the</p> <p>9 ordinary course of events, that reports of damage would</p> <p>10 be attended to that same working day?</p> <p>11 A. For most of the cases, yes.</p> <p>12 CHAIRMAN: The next question I have is -- you reported to</p> <p>13 Leightons. Presumably, if you were working with</p> <p>14 Leightons as their sub-contractors, they had designated</p> <p>15 people who would attend to this "making good" work; is</p> <p>16 that right?</p> <p>17 A. In fact, this should be something to be done by</p> <p>18 Leighton, because a problematic coupler is not the</p> <p>19 responsibility of Fang Sheung. We had no means to</p> <p>20 rectify or make good the coupler.</p> <p>21 CHAIRMAN: But did, to your knowledge, Leightons have their</p> <p>22 own special people who dealt with this type of problem?</p> <p>23 A. I was not too sure about the actual site conditions.</p> <p>24 I didn't know the site situation very well, so I would</p> <p>25 not venture to say anything.</p>

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<p>1 CHAIRMAN: All right. Good. Thank you.</p> <p>2 COMMISSIONER HANSFORD: Sorry, I have a question here.</p> <p>3 Mr Pun, you talk about there was a chance that</p> <p>4 workers -- "sometimes there were not enough rebars with</p> <p>5 type A threads".</p> <p>6 If you ran out of a particular type of rebar, how</p> <p>7 long would it take to get replacements?</p> <p>8 A. It depends. Usually, the order wouldn't arrive until</p> <p>9 the following day, because transportation took time, the</p> <p>10 road was used by many, and the area for storing</p> <p>11 materials was close to the waterfront. It took time to</p> <p>12 transport materials in.</p> <p>13 COMMISSIONER HANSFORD: So days? Are we talking about days</p> <p>14 or --</p> <p>15 A. Not days. Not days. Several hours or perhaps half</p> <p>16 a day later.</p> <p>17 COMMISSIONER HANSFORD: Thank you.</p> <p>18 MR PENNICOTT: Mr Pun, can we go back to the passage I read</p> <p>19 out, answer A11.</p> <p>20 What I don't understand at the moment, Mr Pun, is</p> <p>21 how this concept, this idea, of cutting type B threads</p> <p>22 to essentially convert them into type A threads ever</p> <p>23 came to be in this police statement. I mean, you didn't</p> <p>24 witness, you say, that type of operation. You say you</p> <p>25 weren't told about it by Mr Pun. So why did you mention</p>	<p>1 the engineering sector; he doesn't have any knowledge.</p> <p>2 Anyone knows that if a coupler is damaged, the quickest</p> <p>3 way is to replace the coupler before the rebar is</p> <p>4 screwed in. That's very simple.</p> <p>5 CHAIRMAN: I appreciate that. I suppose my question was</p> <p>6 when you were asked to contemplate the possible</p> <p>7 circumstances in which rebars might be cut, you didn't</p> <p>8 consider avoiding having to replace damaged couplers,</p> <p>9 for example, because this was not something that</p> <p>10 bothered your firm; you simply reported damaged couplers</p> <p>11 to Leightons and let them deal with it?</p> <p>12 A. That's right. The principle of my company is that under</p> <p>13 no circumstances would we cut the threaded section of</p> <p>14 the rebar.</p> <p>15 CHAIRMAN: But I think there will be some evidence --</p> <p>16 indeed, it's already been admitted -- that there were</p> <p>17 reports occasionally of incorrect installation of</p> <p>18 threaded rebars or cutting of threaded rebars that were</p> <p>19 found, I think on three occasions --</p> <p>20 MR PENNICOTT: Three or five.</p> <p>21 CHAIRMAN: Three or five occasions. What would be the</p> <p>22 reasons for that, do you think?</p> <p>23 A. For these few occasions, it could be to do with the</p> <p>24 workmanship of the workers. The workmanship, because</p> <p>25 after all it's manual work.</p>
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<p>1 it at all to the police? What was the purpose of</p> <p>2 mentioning this?</p> <p>3 A. Because at that time the police asked about somebody</p> <p>4 alleging that there were cutting of the threaded rebars</p> <p>5 at our site, and then I was asked under what</p> <p>6 circumstances would this be done.</p> <p>7 Q. So you were just asked to think about the possible</p> <p>8 circumstances in which this may happen; is that what</p> <p>9 you're saying?</p> <p>10 A. That's right.</p> <p>11 Q. So you hadn't witnessed it yourself, you hadn't been</p> <p>12 told about it, you were asked to think about the</p> <p>13 circumstances in which it might occur, and this is what</p> <p>14 you came up with? Is that it, broadly?</p> <p>15 A. That's right.</p> <p>16 CHAIRMAN: And, sorry, on top of that -- my apologies --</p> <p>17 would it be correct to say that what perhaps some may</p> <p>18 say would be the more obvious instances, such as finding</p> <p>19 a damaged coupler and thinking that it would be quicker</p> <p>20 just to cut the rebar short rather than fixing the whole</p> <p>21 coupler -- from your perspective, you simply reported</p> <p>22 damaged couplers to Leightons, and it was their job to</p> <p>23 deal with it, so that was never a problem for you?</p> <p>24 A. Well, if one were to say that cutting rebars was faster</p> <p>25 than fixing the coupler, I don't think he is anyone from</p>	<p>1 CHAIRMAN: All right. Yes. Shoddy, quick or negligent</p> <p>2 workmanship?</p> <p>3 A. That's right.</p> <p>4 CHAIRMAN: Thank you.</p> <p>5 MR PENNICOTT: Mr Pun, I'm going to press you a little bit</p> <p>6 further on this. If you go back to your police</p> <p>7 statement, the bits that we've been looking at, you say</p> <p>8 you were essentially trying to assist the police with</p> <p>9 their enquiries and indicating the circumstances in</p> <p>10 which the type B thread might be cut so that it</p> <p>11 converted to a type A. You've given your answer to one</p> <p>12 of my questions earlier.</p> <p>13 But you then go on to say this in your statement:</p> <p>14 "This situation was very rare and might happen to</p> <p>15 one odd rebar occasionally, but it would not affect the</p> <p>16 structure and load-bearing strength at all."</p> <p>17 Doesn't that suggest, Mr Pun, that you did in fact</p> <p>18 have some knowledge of this happening on this site?</p> <p>19 "This situation was very rare", you say.</p> <p>20 A. Not true. I said, "This situation was very rare", but</p> <p>21 I was referring to workmanship. It wasn't about actual</p> <p>22 knowledge of the couplers being cut.</p> <p>23 Q. My understanding, Mr Pun, is that the NCR,</p> <p>24 non-conformance report, 157 that we looked at earlier,</p> <p>25 which I appreciate you say you never saw at the time,</p>

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<p>1 was in fact an example of a type A thread being cut, not 2 a type B. Do you understand that? So it was a type A 3 thread that was picked up on that inspection, not 4 a situation where a B was cut to convert it into an A, 5 but an actual cutting of a type A thread. Were you 6 aware of that?</p> <p>7 A. I don't quite understand.</p> <p>8 Q. Let me try again. You've given, in your police 9 statement, a possible scenario of a type B thread, 10 that's the longer thread, being cut to convert it into 11 a type A thread, the shorter one, because there may be 12 a shortage of type A threaded rebar.</p> <p>13 But the NCR157 isn't an example of that. It's 14 an example of the type A thread, the shorter thread, 15 being cut. So that explanation doesn't really work with 16 regard to that particular incident, Mr Pun. Do you 17 follow?</p> <p>18 A. Let me try to put it this way. When I received this 19 report, when I became aware of this report, by the time 20 I looked at the photographs, it was 13 June. And the 21 report referred to the incident which occurred in 2015, 22 and at that time there was immediate rectification.</p> <p>23 As to what happened subsequently, about this report, 24 referring to this area, and so on, and so forth, I had 25 no knowledge.</p>	<p>1 and deal with that coupler problem, and so your own 2 workers just take a short-cut and maybe cut a thread to 3 make it look as if it's been threaded correctly? In 4 other words, from pressure of work.</p> <p>5 A. No, absolutely not. I can answer you that absolutely 6 nothing like this would happen.</p> <p>7 CHAIRMAN: Why would you be so confident?</p> <p>8 A. Because after this incident happened, together with 9 Mr Cheung we already instructed all workers not to put 10 up any excuse to cut the threaded rebar. If they became 11 the subject of complaint again, we would punish them; we 12 would even sack them.</p> <p>13 CHAIRMAN: Good. Thank you.</p> <p>14 MR PENNICOTT: Mr Pun, just to wrap this point up, can I ask 15 you two questions. Firstly, to your knowledge, did you 16 ever receive instructions from Leighton to cut off or 17 shorten any threaded rebar?</p> <p>18 A. No.</p> <p>19 Q. Secondly, to your knowledge, were any of Leighton's 20 workmen involved in the installation of the 21 reinforcement in the platform slabs or the track slabs?</p> <p>22 A. Installation is our responsibility. But what 23 installation are you referring to, may I ask?</p> <p>24 Q. I'm talking about the installation of the rebar. Let's 25 focus on the EWL slab first.</p>
<p>Page 50</p> <p>1 Q. All right. Perhaps we can come back to that with 2 Mr Cheung in due course.</p> <p>3 CHAIRMAN: Yes. But wouldn't you have been told, as the 4 boss, if there's an NCR, what the problem was and shown 5 the photographs so that you could deal with it?</p> <p>6 A. By dealing with it, the problem was fixed there and 7 then, under the supervision of MTRC and Leighton, and 8 I was only told about this incident by Mr Cheung 9 subsequently.</p> <p>10 CHAIRMAN: All right. But what's your understanding as to 11 what that incident was about? Why had you received the 12 NCR?</p> <p>13 A. My understanding is that there was workmanship problem 14 with our workers, and also the manual installation of 15 couplers. Perhaps the work was shoddy and MTRC refused 16 to accept our work and requested us to do it again.</p> <p>17 CHAIRMAN: All right. We can come to what the subject 18 matter of that NCR was.</p> <p>19 MR PENNICOTT: Yes. I'm going to deal with it with 20 Mr Cheung. He was the recipient of it and I have 21 a feeling he might know more about it than Mr Pun.</p> <p>22 CHAIRMAN: Can I just put one thing to you. Could there be 23 occasions when you had a problem with one or more 24 couplers and you're under pressure to get the work done, 25 and Leightons -- nobody is available immediately to come</p>	<p>Page 52</p> <p>1 A. It's not Leighton's work. We're responsible for 2 installing all the rebars.</p> <p>3 Q. Okay. So is the answer to my question that Leighton's 4 workmen were not involved in the installation of the 5 rebars in the EWL slab?</p> <p>6 A. True.</p> <p>7 CHAIRMAN: I just want to clarify this. I think 8 I understand you. Take a typical day. You've got three 9 couplers in a row of couplers that are, in one way or 10 another, damaged or contaminated with cement residue. 11 You go to Leightons. Leightons say, "We will now deal 12 with that." When they have dealt with it, do they then 13 attach the threaded rebars themselves, or do they say to 14 you, "We've now fixed these things. It's up to you now 15 to take them back again and insert the threaded rebars"?</p> <p>16 In other words, who did the threading after Leightons 17 had fixed problems?</p> <p>18 A. We. We did. It's our responsibility.</p> <p>19 CHAIRMAN: All right.</p> <p>20 MR PENNICOTT: Thank you. Now, a hopefully short point, 21 that I go to with a degree of trepidation, Mr Pun. The 22 topic is uniforms.</p> <p>23 Can I ask you, please, to go to your police 24 statement again, at E6/1595.9 in the English version, 25 but it's the Q12 and A12 that I'm interested in. The</p>

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1 question was:
2 "Were Fang Sheung's workers (long-term and
3 temporary) required to wear uniform at the ... site?"
4 You see the question? Your answer was:
5 "We wore uniforms supplied by Leighton. I could not
6 recall the colour of the uniform but we supplied our own
7 safety helmets to workers."
8 Mr Pun, that answer you gave, "We wore uniforms
9 supplied by Leighton", is that accurate and true?
10 A. Leighton supplied us with uniform on a one-off basis.
11 And a long time ago uniform was supplied to us after we
12 have taken the induction course. So I was referring to
13 our workers wearing uniform initially, and further on
14 there would be no more because there was wear and tear
15 of the uniform and we were not provided with uniform
16 a second time or continuously.
17 Q. When you say "initially", can you put any sort of time
18 on that period?
19 A. When the first sub-contract was signed, uniforms were
20 given to us, as far as I know, and then there were too
21 many workers on the site, and they might not be able to
22 purchase uniform fast enough.
23 Q. All right. You started these works, broadly speaking,
24 in about May 2015. So, at that time, are you saying you
25 would have been supplied by Leighton with uniforms?

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1 A. For details, Mr Cheung would know best. But I believe
2 by that time our workers were wearing whatever they had,
3 no uniform, because we entered the site in 2014.
4 Q. Okay, on the other sub-contract. I understand.
5 Could you please be shown a photograph at D1/228.
6 Mr Pun, is this a photograph you have seen before?
7 A. The first time I saw it was in the media. I saw it in
8 the media.
9 Q. Sorry, in the newspaper? "Media" -- I wasn't quite
10 sure.
11 A. On the newspaper.
12 Q. Okay. First of all, can you tell whether that's one of
13 your workers or a Leighton worker? Fang Sheung or
14 Leighton, or can't tell?
15 A. I shouldn't be able to tell. I can't see whose worker
16 it is. Can't.
17 Q. Well, they appear to be using a machine that doesn't
18 look very different from that one we were looking at
19 earlier. Do you agree?
20 A. You are correct.
21 Q. So wouldn't the likely inference be, Mr Pun, that this
22 was a Fang Sheung worker using a Fang Sheung piece of
23 equipment?
24 A. Well, such equipment can be owned by many people. It's
25 just a very ordinary piece of equipment. Many

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1 contractors have got it. Anyway, all contractors on the
2 site, including Leighton and myself, all sub-contractors
3 there would be using this very common portable
4 equipment.
5 Q. For what purpose would Leighton be using it? They're
6 not doing rebar fixing. You told us that that was your
7 responsibility; Leighton weren't involved in it. So why
8 would Leighton be using your -- sorry, a cutting machine
9 similar to yours? Why would they have one?
10 A. Well, I only said that Leighton could have owned one.
11 I didn't say that a Leighton worker was using it. Now,
12 I can't tell whose worker we see here and the employer.
13 CHAIRMAN: Could it be one of yours?
14 A. Well, you may say so. There's the possibility, if you
15 want to put it that way. But I don't believe this
16 worker is ours.
17 CHAIRMAN: All right. But a rebar appears to be in the
18 process of being cut; would you accept that?
19 A. Agree. Let me supplement. The clothes there were too
20 clean. Our workers would be very filthy because we
21 would be soiled with rust. Even after a day, the
22 clothes would be dirty. And we rarely wore long sleeves
23 because it was very hot inside.
24 MR PENNICOTT: All right. Can I ask you to be shown the
25 photograph at D1/230, so two pages on.

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1 Do you see on the left-hand side of this photograph,
2 Mr Pun -- we can only see about half --
3 A. (Chinese spoken).
4 Q. -- of the gentleman -- do you know whether that's
5 Joe Cheung? Can you tell?
6 A. It should be.
7 Q. "Should be"? Is it?
8 A. Yes, he is.
9 Q. Good. Could you go to 232, please. We can see there,
10 in this photograph, Mr Pun, a couple of workers who
11 appear to be installing rebar. Can you tell whether
12 those are Fang Sheung workers or somebody else's
13 workers?
14 A. I'm not sure. I'm not sure. It shouldn't be our
15 workers.
16 CHAIRMAN: You say "it shouldn't be"?
17 MR PENNICOTT: I think "should be".
18 COMMISSIONER HANSFORD: It says "shouldn't" on the
19 transcript.
20 CHAIRMAN: I think "should not".
21 A. (Chinese spoken).
22 CHAIRMAN: Perhaps I could clear: It should be your workers
23 or should not?
24 A. Should not be. It should not be our workers.
25 CHAIRMAN: Why would you say that?

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<p>1 A. Our workers rarely wore long sleeves, and the 2 fluorescent vest would not be so clean as shown here. 3 CHAIRMAN: But these people appear to be at least holding 4 a rebar; would you agree? 5 A. I agree. 6 CHAIRMAN: Would you be able to say why workers other than 7 Fang Sheung workers would be doing what they appear to 8 be doing, namely bending over and holding a long rebar 9 in that particular area, why they would be there doing 10 that sort of work? 11 A. I don't understand either. 12 CHAIRMAN: Because your evidence, I think, is that only 13 Fang Sheung workers do the fixing. That's your area of 14 responsibility; right? 15 A. Correct. 16 CHAIRMAN: And if other workers were going to come on site, 17 the ones you would expect to see would be Leighton 18 workers coming to fix damaged couplers, a different type 19 of work? 20 A. The damaged couplers -- yes, Leighton would be 21 responsible for fixing the damaged couplers. We would 22 certainly not do that. Couplers. 23 CHAIRMAN: All right. So this doesn't look like they are 24 fixing a damaged coupler, or maybe they are removing 25 a threaded bar from -- a partially damaged coupler or</p>	<p>1 they should be the specialist with some sort of 2 expertise. For example, those with blue helmets could 3 be holders of a crane operator permit, and for the red 4 helmet, again some kind of expertise. For ordinary 5 workers, usually yellow helmet. 6 MR PENNICOTT: Sir, I'm going to move on to another entirely 7 new topic, unless you've got any more questions about 8 those photographs. 9 CHAIRMAN: No. Thank you very much. 10 MR PENNICOTT: Mr Pun, in your witness statement to the 11 Commission, you tell us in paragraph 2 -- that's at 12 E1/29.1 in the English -- that you were provided by 13 Leighton with information and drawings which you studied 14 and then turned into simplified drawings which you gave 15 to Mr Cheung, from which he would then organise the 16 carrying out of the rebar fixing. I'm trying to 17 summarise, Mr Pun. Do you agree with that summary? 18 A. Correct. 19 Q. You have provided to us a large quantity of drawings in 20 appendix 2 to your witness statement. I would like, 21 please, to ask you some questions about those drawings. 22 Could I ask you to be shown E1/282. You have here, 23 Mr Pun -- this is the front sheet to appendix 2, and you 24 say -- it's captioned, "Drawings and information 25 provided by Leighton to Fang Sheung"; do you see that?</p>
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<p>1 something similar, I don't know. But you account for 2 this? 3 A. Judging from the photo, the workers were screwing in or 4 out the rebar from the coupler, so it could be 5 installation or removing it. 6 CHAIRMAN: Okay. 7 MR PENNICOTT: All right. 8 Let me try another photograph. 227, please. Do you 9 have that, Mr Pun? 10 A. Yes, I see that. 11 Q. It's a little bit more difficult, Mr Pun, to work out 12 precisely what's going on in this photograph, but again, 13 so far as the two workers are concerned, are they 14 Fang Sheung workers or somebody else's workers, do you 15 think? 16 A. I suppose they were not Fang Sheung's workers in this 17 picture, because they were wearing different hats. 18 Q. Okay. All right. 19 CHAIRMAN: What hats did your workers wear? What colour? 20 A. Yellow. Yellow. (Chinese spoken). 21 CHAIRMAN: Even if they had different positions of 22 seniority? 23 A. No. All workers -- all workers at the site, most of the 24 workers, even not belonging to our company, would wear 25 yellow helmets. For these workers wearing red helmets,</p>	<p>1 A. Yes. 2 Q. If we just literally turn over to the next page, 283, 3 can I just ask you to confirm that this, by way of 4 example, is a drawing that would have been and was 5 provided to you by Leighton, and this is not one of your 6 simplified drawings? This is the information provided 7 to you by Leighton; is that right? 8 A. Correct. 9 Q. With regard to the simplified drawings that you prepared 10 and gave to Mr Cheung for the purposes of him organising 11 the work, do any of those simplified drawings still 12 exist? 13 A. It's at the back, those at the back, which I provided. 14 Q. Okay. So some of them, in this run of documents that 15 we've got -- 16 A. (Chinese spoken). 17 Q. -- that one through to E5, some of them are the 18 documents that Leighton provided and some of them are 19 the simplified drawings; is that right? 20 A. For those with some handwriting on them, these drawings 21 were not provided by Leighton. Let me explain more 22 clearly. 23 Q. Yes. 24 A. Leighton provided the latest original work plan to us, 25 but in the course of the works, workers couldn't read</p>

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<p>1 these drawings because they were too complicated. So, 2 in relation to each layer of rebars, I took it apart and 3 that is to say when we were in D1 we had a drawing in 4 relation to the locations, the number of bars, and then 5 D2 we had another drawing so that workers could follow 6 the other drawing in carrying out the works. 7 So this could be found in the drawings originally 8 provided by Leighton, and more importantly we simplified 9 the drawing for the benefit of workers in carrying out 10 bar fixing. 11 Q. All right. Let me see if I can pursue that answer with 12 you a bit further. 13 If you go to the next page, 284 -- this is just by 14 way of example, Mr Pun; I don't think it's a drawing 15 that we're primarily concerned with, but it's just 16 an example. I just want to try to understand what 17 you're saying. We have a drawing here. We understand 18 this to relate in fact to the NSL, not the EWL. Do you 19 agree with that? 20 A. EWL track. 21 Q. I think it's NSL, Mr Pun, but I don't want to fall out 22 over that with you. 23 A. EWL track, because for this drawing, when it was 24 plotted, the drawing that didn't contain my handwriting 25 was for NSL track, so the lower level. But the layout</p>	<p>1 Q. Right. So this is the work that you were doing on 2 a daily basis -- you were getting drawings from Leighton 3 and you were preparing this sort of document to give to 4 Mr Cheung; is that right? 5 A. Right. 6 Q. Okay. Before we move on and as we approach lunchtime, 7 can I just give you and everybody else a document, 8 another handout. (Handed). 9 Mr Pun, let me just explain what this is. If you 10 listen carefully, hopefully you will agree with my 11 explanation at the end. I live in hope. 12 Mr Pun, this is not a criticism of you, but you've 13 provided us with a very large quantity of drawings, for 14 which we are grateful, but unfortunately, as we've been 15 going through them, there's no index to them and -- 16 again it's not a criticism -- we're just trying to -- 17 we've tried to make sense of what you've given to us. 18 So what we've done is we've been through particularly 19 files, as we know them, E1, E2 and E3, and we have 20 sought to identify the slab to which the drawing 21 relates. And I understand your last answer about 22 qualifying that first drawing that we went to, that it 23 might apply to the NSL and the EWL. I understand that 24 point, so don't worry. 25 We have then tried to identify the bay to which the</p>
<p>Page 62</p> <p>1 is more or less the same as the upper floor. The only 2 difference lies in the thickness, and because of 3 workmanship I used the drawing, and for this one with my 4 own handwriting. That's framing NSL track. But for the 5 parts relating to rebars, they were EWL track. 6 Q. The reason I suggest to you that this is an NSL drawing, 7 Mr Pun, is that if you look at the level, it's minus 8 7.580 on the drawing. It's not plus 2.82 or 2.84. It's 9 minus 7.580. That's why I'm suggesting to you that it's 10 the NSL. Do you understand? 11 A. I understand what you mean, but in reality, this -- we 12 didn't use the wrong drawing. The point is the framing 13 diagram, and that's minus 7.58, but when we prepared the 14 materials for the works, we were doing it for C3-3 of 15 EWL track. 16 Q. All right. As I say, this is just an example -- I don't 17 want to spend too much time on it -- but, first of all, 18 the red markings that we can see on this drawing, are 19 they yours or Leighton's? 20 A. My writing. 21 Q. Right. And the blue figures that we can see at the top 22 and the various calculations and so forth that are being 23 done -- are the blue writings at the top yours or 24 Leighton's? 25 A. My writing.</p>	<p>Page 64</p> <p>1 drawing relates, and then -- the most important thing 2 from my point of view -- we've tried to identify the 3 type of rebar that the drawing deals with. 4 Are you with it so far, Mr Pun? 5 A. Yes. 6 Q. The easy point is that "B" stands for bottom and "T" 7 stands for top. Do you understand? 8 A. All right. 9 Q. I'm focusing on the top, so the T rebar; okay? And, as 10 I understand it, the way it works is this, that the T 11 odd numbers -- that's T1, T3 and T5 -- are the rebar 12 that goes across east to west, or west to east, from one 13 diaphragm wall to the other, in that direction. Do you 14 agree with that? 15 A. You are perfectly correct. 16 Q. Right. And the even number Ts -- T2, T4 and T6, and 17 I think there might be a T8 somewhere -- they're the 18 ones that go longitudinally north to south? 19 A. Correct. 20 Q. So, as I say, primarily I'm concerned with the T1 and T3 21 rebar drawings. 22 We've also, not for you, Mr Pun, particularly, but 23 we've also given a bundle reference to where we find the 24 various drawings, and insofar as the drawings bear 25 a date and we've spotted it, we've put the dates down as</p>

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<p>1 well.</p> <p>2 Mr Pun, after lunch I'm going to take you through</p> <p>3 a small -- I emphasise small, maybe six or seven</p> <p>4 drawings, just so we can get the hang of how this works.</p> <p>5 So perhaps that might be a convenient moment, sir.</p> <p>6 CHAIRMAN: Yes.</p> <p>7 MR PENNICOTT: Lunch, Mr Pun.</p> <p>8 CHAIRMAN: Mr Pun, you are still giving your evidence, so</p> <p>9 you are not allowed to discuss your evidence with</p> <p>10 anybody else at this time, even your own lawyers. Once</p> <p>11 you've finished your evidence and it's all done, you can</p> <p>12 go and chat to whoever you wish about it, but at the</p> <p>13 moment, in the middle of your evidence, you shouldn't</p> <p>14 place yourself in a position whereby you may be</p> <p>15 influenced in any way by what other parties say to you</p> <p>16 about that evidence. Do you understand me?</p> <p>17 WITNESS: I do.</p> <p>18 CHAIRMAN: Thank you very much.</p> <p>19 An hour and 15 minutes. Thank you.</p> <p>20 (1.02 pm)</p> <p>21 (The luncheon adjournment)</p> <p>22 (2.18 pm)</p> <p>23 MR PENNICOTT: Good afternoon, sir. Good afternoon,</p> <p>24 Professor.</p> <p>25 Good afternoon, Mr Pun.</p>	<p>1 A. Correct.</p> <p>2 Q. If we look at -- put it lengthways, my understanding is</p> <p>3 that if you go to the bottom of the page, that is the</p> <p>4 east diaphragm wall, the second bar in, as it were, and</p> <p>5 the bar furthest down the page is the OTE wall; do you</p> <p>6 agree?</p> <p>7 A. The exhaust AR duct hangar wall, is that what you mean?</p> <p>8 The exhaust wall?</p> <p>9 Q. Yes, it is what I mean.</p> <p>10 A. The exhaust duct, that's where there is a square box.</p> <p>11 For the wall, this is the one (indicating).</p> <p>12 Q. Mr Pun -- the witness was pointing to this box here;</p> <p>13 right?</p> <p>14 A. Mmm.</p> <p>15 Q. Mr Pun, what I would like you to focus on -- please can</p> <p>16 I just point to it -- is these two lines here, just here</p> <p>17 (indicating). Okay?</p> <p>18 A. (In English) Okay.</p> <p>19 Q. As I understand it, the thicker of the two bars is the</p> <p>20 diaphragm wall, and the outer of the bars is the OTE or</p> <p>21 the exhaust, overhead track exhaust slab -- wall, sorry.</p> <p>22 Yes?</p> <p>23 A. This is the cantilever slab. It's at the back of the</p> <p>24 diaphragm wall (indicating).</p> <p>25 Q. Yes.</p>
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<p>1 Mr Pun, as I mentioned before we had a break for</p> <p>2 lunch, I just want to look at a few drawings with you.</p> <p>3 I hope I can take it relatively quickly because once</p> <p>4 we've worked out how these drawings are compiled, it</p> <p>5 becomes, relatively speaking, not too difficult.</p> <p>6 Could we first of all look at some drawings which</p> <p>7 concern area C3-1.</p> <p>8 Sir, it may or may not be helpful to have this crib</p> <p>9 sheet alongside.</p> <p>10 Can we go to page 358, please. This, Mr Pun, is the</p> <p>11 first document, first drawing, concerning C3-1. Do you</p> <p>12 see that?</p> <p>13 A. Yes, I see it.</p> <p>14 Q. Right. As I say, that deals with B5 and B7, so I'm not</p> <p>15 interested in that for present purposes.</p> <p>16 359 deals with B2 and B4, so we can pass on.</p> <p>17 360 deals with B1 and B3, so we can pass on.</p> <p>18 Then 361 deals with B6 and B8; we move on.</p> <p>19 Could I ask you, please, to go to 365. As</p> <p>20 I understand it, Mr Pun, this is the drawing that deals,</p> <p>21 in area C3-1, with T1 and T3 which I am primarily</p> <p>22 interested in.</p> <p>23 A. Correct.</p> <p>24 Q. As you explained earlier, as I understand it, the red</p> <p>25 markings are yours and the blue markings are also yours?</p>	<p>1 A. Here, this location (indicating).</p> <p>2 Q. Right, okay. But the diaphragm wall is the thicker of</p> <p>3 the two bars -- the east diaphragm wall is the thicker</p> <p>4 of the two bars that you can see there?</p> <p>5 A. Correct, yes, here (indicating). That is the diaphragm</p> <p>6 wall behind it.</p> <p>7 Q. Right. What we can see in your red markings, Mr Pun, is</p> <p>8 some red lines that go, as it were, across the diaphragm</p> <p>9 wall, and an L shape with a "400" next to it going into</p> <p>10 the OTE, do you see that, into the outside wall?</p> <p>11 A. Correct.</p> <p>12 Q. And we can see that the figures that you write there are</p> <p>13 "45" and then "6250" and "45" and "4200"; do you see</p> <p>14 that?</p> <p>15 A. I see it.</p> <p>16 Q. As I understand it, Mr Pun -- correct me if I'm wrong --</p> <p>17 that is showing through-bars, effectively, ie not</p> <p>18 connections to couplers, but the bars going through the</p> <p>19 diaphragm wall to the wall on the outside. Do you</p> <p>20 agree?</p> <p>21 A. Correct.</p> <p>22 Q. And in terms of calculating the number of bars that have</p> <p>23 got to be through-bars, my understanding is although</p> <p>24 it's shown diagrammatically as just this very small</p> <p>25 area, about half an inch or a centimetre or so, in fact</p>

Page 69	1 those bars are going to be installed through the 2 diaphragm wall, across the length of what we can see 3 here. Is that right? 4 A. Correct. 5 Q. And one can calculate that by doing this calculation. 6 If you see your blue writing, and we pick up the 7 calculation, bottom right, where you have the "400" 8 L-shaped, and then you have the 4250 and the 6250, the 9 45, you multiply that by 2, because you've got T1 and 10 T3; is that right? 11 A. Correct. Altogether 180 bars, T1 and T3. 12 Q. Right. But you've got 90 bars T1, 90 bars T3? 13 A. Correct, one long and one short. 14 Q. That's right. Then the calculation is you multiply 90 15 by 150 millimetres, which is the spacing, centre to 16 centre, and that gives you 13.6 metres? Trust me, I've 17 done the calculation. 18 A. Correct. 19 Q. And if one adds up the distance between gridline 40 and 20 the dotted line coming down, and gridline 42 and the 21 dotted line coming down, that approximates to 22 13.6 metres, and that is how one knows that the 23 through-bars are across the width or the length of the 24 diaphragm wall; is that correct? 25 A. Correct.	Page 71	1 of whether it's the right area or not; is it showing the 2 through-bars going to the far wall? 3 A. Yes. 4 Q. Thank you very much. You can put the photograph away. 5 Thank you. 6 Could you please be given bundle E2, page 383, 7 towards the front. 8 Mr Pun, we are in a different area now. We're in 9 C2-4; do you see that? 10 A. Yes. 11 Q. Again, looking at the T1 and T3 bars, we've got 12 a similar annotation on the drawing that we've seen on 13 the previous two drawings. This time, it's 61 T40s at 14 4400 and 6400; do you see that? 15 A. Yes. 16 Q. This time, I just want to ask you a slightly different 17 question. If you look on this drawing, one sees, to the 18 left of the annotation that we've just looked at, and 19 above where it says "T1" and "T3", a series of bars 20 going across the page. If you look at me where I'm 21 pointing, Mr Pun, it would be helpful. These bars here 22 (indicating). 23 Sorry, for anybody else, it's these three here 24 (indicating). 25 Now, that's showing, as I understand it, Mr Pun,
Page 70	1 Q. Good. That's a relief. 2 Could I ask you, please, to go to another drawing, 3 376. This time, we're looking at area C2-6; do you see 4 that, Mr Pun? 5 A. I see it. 6 Q. Again, one can see, hopefully highlighted in yellow -- 7 certainly mine is -- a similar annotation that we saw on 8 the previous drawing. This time it's 50 T40s at 4300 9 and 50 T40s at 6300; do you see that? It's the same 10 point here. 11 A. I see it. 12 Q. One does the same calculation as one did on the previous 13 one, this time it's 100 and that's 15 metres, and one 14 can pick up this time the figure of 15.106 at the top, 15 so one knows that the length or distance is accurate. 16 Now, in relation to that one, Mr Pun, can I show 17 you, please, a photograph at D1/607. And perhaps -- in 18 fact, 609, sorry. 19 Mr Pun, I understand this to be a photograph of 20 area C2-6 that we were just looking at on the drawing. 21 Are you able to confirm or not that that is the case? 22 A. I cannot accurately confirm that. I really cannot be 23 sure. 24 Q. All right. Just looking at 609, the photograph, is that 25 showing effectively what's on the drawing, irrespective	Page 72	1 more rebar in that area, or marked on the plan, and as 2 I understand it those would be the bars that would be 3 lapping with the other bars, with the through-bars; is 4 that right? 5 A. Correct. 6 MR PENNICOTT: Sorry, sir, you had a question? 7 COMMISSIONER HANSFORD: I was just trying to see which bars 8 you were referring to. 9 MR PENNICOTT: Sorry, sir. There's three lots here, one 10 over here. 11 COMMISSIONER HANSFORD: The ones marked "13" and "14"? 12 MR PENNICOTT: Yes, and there's one over here, "21". 13 COMMISSIONER HANSFORD: Yes, I've got it. 14 MR PENNICOTT: I think the point is you have the 15 through-bars but you also have another series of lapping 16 bars which are marked on here as well. 17 COMMISSIONER HANSFORD: Yes. 18 MR PENNICOTT: All right. 19 Sir, I could go through a whole series of these, but 20 I think we've now got the hang of it, how it works, and 21 how the through-bars are shown on these drawings. 22 But what I would like to do with you, Mr Pun, is 23 look with you at a couple more which, on my analysis, 24 are not quite as straightforward. Could you now be 25 given E3, please. Let's look at one which has the same

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<p>1 result as the previous ones but presented in a slightly 2 different way. Could we look at page 521 in bundle E3. 3 We are now in area C1-5, Mr Pun; do you see that? 4 A. Yes. 5 Q. This time, similar to the previous drawings that we 6 looked at, we see the lines or the bars going through 7 the diaphragm wall, and we see the reference to 52 T40s 8 at 4800 and 53 T40s at 4800. Do you see those? 9 A. Yes. 10 Q. Above that, you see a reference to 4800 and 6800; do you 11 see that? 12 A. Yes. 13 Q. And then down the bottom of the page you see reference 14 to 8 T40s at 4200 and 8 T40s at 6200; do you see that? 15 A. Yes. 16 Q. Then your calculation at the top of the page, under T40, 17 "400", what one has to do this time to work out the 18 number of bars is to actually add all of them together. 19 So it's the 52, the 53, the 8 and the 8, do you see 20 that, to give you the total number of bars? 21 A. Yes. 22 Q. All right. So this time it's showing -- 23 A. Yes. 24 Q. -- in rather more detail, but it's the same principle? 25 A. Correct.</p>	<p>1 Q. If one therefore assumes that there are 64, as you've 2 done in your calculation, T1 and T3 bars -- do you see 3 the calculation you've done up there, "64", two times 4 32? 5 A. Yes. 6 Q. If you multiply that by 150, you get 9.6 metres. Now, 7 there are no other through-bars shown on this drawing, 8 so far as I can see. So is that telling you, Mr Pun, 9 that something like the order of 5 metres was not 10 through-bars in this area? 11 A. Correct. At the bottom, over here, we have couplers, 12 and if you include that then the figure adds up, because 13 this panel is very unique. 14 Q. Right. Are you pointing, Mr Pun, to EH44, or just above 15 EH44? 16 A. On top of EH40. 17 Q. I'm sorry? 18 A. On top of EH40 (indicating). 19 Q. I'm so sorry. So EH40, to your way of thinking, is the 20 one that's got the couplers, and the remainder have the 21 through-bars? 22 A. Yes, correct. 23 Q. Okay. Right. I'm just going to pursue that a little 24 bit more with you, Mr Pun, just to make sure I've 25 understood it, because there is a bit of an issue about</p>
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<p>1 Q. All right. Could we please go to 534. 2 Mr Pun, on this one -- is yours highlighted in 3 yellow in various places? 4 A. Correct, because there's lapping in the bars, there's 5 overlapping, and we need to remind our workers that they 6 have to use 2.68 metre bars in this area, in our 7 reference sketch. 8 Q. Okay. What we can see, on this drawing, which we didn't 9 see on the previous ones, is we've actually got the 10 numbers of the panels, the diaphragm wall panels; do you 11 see that? EH40, 42, 43, 44, 45, going across the bottom 12 of the page. Do you see that? 13 A. I see it. 14 Q. The width of the bay -- sorry, we should have said we 15 are in area B1 -- the width of the bay you can take from 16 the top of the drawing, at 14.590, I think that is; do 17 you see that at the top, Mr Pun, up here? 18 A. Yes. 19 Q. We can see, therefore, that that's about 14.6 metres -- 20 14.59 metres -- across? 21 A. Yes. 22 Q. If you go down to the usual calculation that we've 23 looked at before, this time you've got 32 T40s at 7300, 24 and 32 T40s at 4650; do you see that? 25 A. Yes.</p>	<p>1 this area between the parties. 2 Do you see just above "EH43" and "EH44" the rebar 3 appears to be running up to but not beyond the edge of 4 the D-wall; do you see that? 5 A. It doesn't have to go through the top. It stops at the 6 EWL track, the surface of the western line, and that's 7 where it stops. It doesn't have to go through the wall. 8 There's nothing there. 9 Q. Is that because this is more lapping bars? Because 10 you've just told us that you've got through-bars in 42, 11 43 and 44, so the rebar running up to 43 and 44 but not 12 beyond the wall, is that more lapping bars? 13 A. (In English) Yes. 14 (Via interpreter) Are you referring to this area? 15 (Indicating). 16 Q. I'm focusing on the eastern diaphragm wall. The lines 17 I'm talking about, Mr Pun, are these here (indicating), 18 that run up to "43" and "44". 19 A. I'm sorry, that is WH42, 43, 44, and this is EW43, 44 20 and 45, and now you are referring to EH43, 44, 45. 21 Q. Yes. 22 A. There are continuous bars running through the cantilever 23 slab. 24 Q. Yes. And these, the rebar shown here and highlighted 25 yellow is more lapping bars, as I understand it, as you</p>

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<p>1 explained on the previous drawing, or one of the 2 previous drawings? 3 A. There are longer overlaps. The lapping is longer. 4 Q. Okay. Then I think, possibly lastly on this, can I ask 5 you, please, to go to 542. 6 Mr Pun, I'm focusing on the eastern diaphragm wall, 7 the EH44, 45, 46, 47 and 48; do you see that? 8 A. Understood. Yes, I see it. 9 Q. Am I right in thinking that this drawing shows 10 through-bars at EH45, 47 and 48? 11 A. 45, 47, 48, correct. 12 Q. What's the situation at 46, please? 13 A. There's a box-out there. For some special reason, it's 14 been boxed out. In other words, there's CJ concrete 15 there, concrete CJ there. 16 INTERPRETER: "Connection joint", I believe. 17 MR PENNICOTT: All right. 18 COMMISSIONER HANSFORD: Can I just understand that? So in 19 EH46, there's bars of 3.8 metres and 1.9 metres. 20 There's ten of each shown going to couplers instead; is 21 that right? 22 A. Correct. Correct. 23 COMMISSIONER HANSFORD: I understand. Okay. Thank you. 24 MR PENNICOTT: Okay. Right. Thank you, Mr Pun. 25 Just one last question, if I may, before somebody</p>	<p>1 MR SO: Good morning, Mr Pun. I represent China Technology, 2 and I have some questions for you. 3 A. (In English) Yes. 4 Q. Just two things before I actually start my questions. 5 First, we are in the process of interpretation, so 6 I hope you can, when you are answering questions, be 7 short and let the interpreter to interpret your answers 8 for all of us. 9 A. I will try my best. 10 Q. Thank you very much. The other thing is, I realised 11 this morning, when you were giving an answer, when you 12 were questioned by my learned friend Mr Pennicott -- 13 maybe I will bring you to the transcript this morning. 14 It's [draft] page 16, line 14. You were being asked 15 about who actually supplied threads and couplers, and at 16 that time your answer was, "my company had designated 17 this" -- sorry, I understood it from the context it's 18 BOSA -- 19 COMMISSIONER HANSFORD: Sorry, it's not on my screen yet 20 MR SO: I do apologise, sir. 21 COMMISSIONER HANSFORD: This is the transcript from this 22 morning? 23 MR SO: This morning. 24 MR WILKEN: Sir, yes. I'm afraid you don't get a hard copy 25 on the system. You have to scroll all the way back.</p>
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<p>1 else takes over. On our index that we gave you earlier, 2 if you look at the top, at the heading, it says, "Index 3 of Fang Sheung's drawings (area C1-1, C1-2 and B3 top 4 steel are missing)". 5 Now, Mr Pun, I understand that we have asked you to 6 see if you can find the drawings that relate to those 7 three areas, but you've been unable to find them; is 8 that correct? 9 A. For these three areas, when we worked on those, I was 10 not on site yet. It was Mr Cheung who controlled the 11 work of these three areas, and he did not keep any 12 copies. Because those were handwritten materials, 13 probably they lost them already. 14 Q. Yes, and we did work out that these were the first three 15 areas to be done, so far as we could tell, so they are 16 the early ones; is that right? 17 A. Correct. 18 MR PENNICOTT: Sir, thank you very much. I have nothing 19 else for Mr Pun. 20 CHAIRMAN: Yes. Thank you very much. 21 MR PENNICOTT: Sir, I think the parties have agreed which 22 order they wish to go in, but I'm not sure. 23 CHAIRMAN: I'm happy to go with the agreed order. Thank 24 you. 25 Cross-examination by MR SO</p>	<p>1 COMMISSIONER HANSFORD: I can remember this. 2 MR SO: I apologise, sir. 3 COMMISSIONER HANSFORD: Thank you. 4 MR SO: Mr Pun, back to my question. Your answer this 5 morning was: 6 "... my company had designated this [meaning BOSA] 7 as the supplier." 8 And in Chinese you said "gongsi", "gongsi 9 (Chinese spoken)". I just want to clarify, when you 10 said "gongsi" -- "company" -- do you mean Fang Sheung or 11 do you mean Leighton? 12 A. The materials were supplied by Leighton. Definitely, 13 when it comes to materials, that means Leighton. 14 Q. Thank you very much. This is the point I want you to 15 pay attention. When you are referring to "company", 16 I hope you can specify whether you mean Fang Sheung or 17 do you mean Leighton. I hope you can clarify this and 18 be specific when you are answering my questions 19 regarding these points. 20 A. (In English) Correct. 21 Q. As far as I understand, you gave only one witness 22 statement. 23 CHAIRMAN: To the Commission. 24 MR SO: To the Commission. 25 Is that correct?</p>

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<p>1 A. Yes. 2 Q. That's on 27 August 2018? 3 A. Correct. 4 Q. Then you gave a police witness statement on 3 September 5 2018? 6 A. Correct. 7 Q. Just so we don't misunderstand, it is only one police 8 witness statement? 9 A. Yes, one. 10 Q. I also understood that you attended the MTRC for 11 an interview on 13 June 2018, at 1 pm in the afternoon, 12 at the Hung Hom Station site office? 13 A. Yes, correct. 14 Q. In all the three occasions, meaning giving witness 15 statement to this Commission, giving police witness 16 statement and having the interview with MTR, you were 17 all advised by solicitors; right? 18 A. For the police, no, not on site. 19 Q. I don't quite understand. What do you mean by "not 20 on site"? What do you mean, "not on site"? 21 A. When I gave statement to the police, there was no 22 solicitor present. 23 Q. Did you, through your solicitor, pass any materials to 24 the police? 25 A. Yes, I did.</p>	<p>1 A. Correct. 2 Q. So the witness statement to this Commission comes first, 3 then the police statement; correct? 4 A. Correct. 5 Q. So, in the three occasions -- in the MTR interview and 6 the witness statement to this Commission and the witness 7 statement to the police -- did you all tell the truth? 8 A. Yes. 9 Q. So all of them are truth and the whole truth? 10 A. Correct. 11 Q. Just so that we understand the operation of your 12 company -- Fang Sheung is responsible for rebar fixing 13 in this sub-contract, we know, in SCL 1112. 14 A. Yes. 15 Q. You also told the MTR Commission that you did not 16 further sub-contract to any other parties the rebar 17 fixing works? 18 A. Correct. 19 Q. So it is just Fang Sheung, one party, responsible for 20 rebar fixing under the contract SCL 1112? 21 A. Correct. 22 Q. We would like to know the working conditions of rebar 23 fixers. Can you tell us at what time they usually start 24 working? 25 A. We start at 8.00 and work until 12.00, lunch at 1.00,</p>
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<p>1 Q. Thank you. And no doubt you will also be advised by 2 your solicitors and counsel you have to tell the truth 3 in this Commission when you are giving evidence? 4 A. Of course. 5 Q. You will also recall that this morning, when you were 6 taking the affirmation, you also have to tell the whole 7 truth? 8 A. Correct. 9 Q. Just to get the chronological sequence right -- so you 10 first go to the MTR for the interview; right? And then 11 followed by giving witness statement to this Commission, 12 and then lastly going to the police, giving a witness 13 statement? 14 A. Yes, more or less like that. 15 Q. Can you recall or can you not recall? I can assist you 16 with documents. 17 A. If I don't recall, it's just the date. For the 18 Independent Commission's statement and the police 19 statement, perhaps it's just a matter of sequence. 20 Q. Fair enough, Mr Pun. May I take you to E29. E29 states 21 that your witness statement was given on 27 August 2018. 22 A. Yes. 23 Q. May I bring you to E1585. The English translation is 24 1595.1. The statement to police was made on 25 3 September.</p>	<p>1 and then we finish work at 5.30. From 3.30 to 4.00, 2 there's a tea break. 3 Q. In other words, if after 5 o'clock -- or 5.30, rather -- 4 it would be what we call overtime work? 5 A. Correct. 6 Q. Can I bring you to E28, which is your witness statement 7 to this Commission. Can I bring you to paragraph 7. 8 For the English translation, it would be E29.3. Perhaps 9 I will focus on the English version. The English 10 version reads this, in the middle of it: 11 "Meanwhile, under normal circumstances (that is the 12 coupler screw cups fixed to the cement unit are normal 13 and not damaged), it will only take the workman of 14 Fang Sheung around 20 to 30 seconds to completely twist 15 the steel bar screws onto the screw cups." 16 Do you read that, Mr Pun? 17 A. Yes. 18 Q. Just to clarify, the time estimate of 20 to 30 seconds 19 was based on the situation where the threaded ends of 20 the rebar align properly with the couplers? 21 A. That's an average figure. It's an average. Under 22 normal circumstances, a normal bar -- some bars might be 23 a bit difficult; they might be longer. Some bars might 24 be easier; they might be shorter. 25 Q. So, in other words, if it is not aligned that properly,</p>

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<p>1 it might take sometimes longer?</p> <p>2 A. An extra few seconds, maybe.</p> <p>3 Q. And it would definitely also take more time if the</p> <p>4 threaded ends of the rebars were damaged?</p> <p>5 A. Correct.</p> <p>6 Q. It would also definitely take more time if the threading</p> <p>7 inside the couplers were damaged?</p> <p>8 A. No. You wouldn't be able to screw it in.</p> <p>9 Q. So would it be possible to screw into the coupler if</p> <p>10 some residue of the concrete is inside the coupler? It</p> <p>11 would take longer time or it would be utterly impossible</p> <p>12 to screw it in?</p> <p>13 CHAIRMAN: I suppose it depends how much. If it's a few</p> <p>14 powdery bits, that wouldn't get in the way, but a larger</p> <p>15 blockage may well require remedial measures.</p> <p>16 MR SO: Yes. I will move to another question.</p> <p>17 So it will also be, according to your evidence,</p> <p>18 definitely impossible to screw in if the coupler was</p> <p>19 deformed?</p> <p>20 A. Couplers that are deformed, you wouldn't be able to</p> <p>21 screw it in.</p> <p>22 Q. Mr Pun, if in the situation where you encounter that the</p> <p>23 threaded ends simply could not be screwed in, can you</p> <p>24 briefly tell us and tell the Commission what are the</p> <p>25 procedures that you will take to inform Leighton? You</p>	<p>1 Q. Do you know that Mr Cheung said, in those situations,</p> <p>2 they would simply cut the threaded ends of the rebar?</p> <p>3 MR PENNICOTT: I don't understand the question, I'm afraid.</p> <p>4 A. I never heard Mr Cheung say things along those lines.</p> <p>5 MR SO: I see. I want to let you hear something. You have</p> <p>6 undertaken an interview with MTR at 1 o'clock</p> <p>7 on 13 June; do you recall?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know at 2 o'clock Mr Cheung also participated in</p> <p>10 this interview?</p> <p>11 A. Yes.</p> <p>12 Q. I want to play some excerpts of that interview that</p> <p>13 Mr Cheung told the MTR staff.</p> <p>14 CHAIRMAN: Sorry, is this audio or --</p> <p>15 MR SO: It is audio, sir. I understand that it is in</p> <p>16 Chinese, but I think I can first play it, a short</p> <p>17 excerpt, it's not long, and if I may, I would read it</p> <p>18 out in Chinese, so that it could be interpreted into</p> <p>19 English.</p> <p>20 CHAIRMAN: Certainly. How do we play it? I am the least</p> <p>21 technological person in this room --</p> <p>22 MR PENNICOTT: No, you are not; you are the second.</p> <p>23 CHAIRMAN: -- and I am seeking assistance.</p> <p>24 MR SO: May the witness be played Mr Cheung's audio</p> <p>25 recording from 26 minutes 55 seconds onwards.</p>
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<p>1 have mentioned briefly this morning. I want to go into</p> <p>2 greater details.</p> <p>3 A. Well, this procedure, we're not responsible for</p> <p>4 informing Leighton. It's my foreman --</p> <p>5 Q. So your foreman would inform which personnel in</p> <p>6 Leighton; do you know?</p> <p>7 MR WILKEN: Sir, I know this is not my witness, but taking</p> <p>8 up the cudgel, it would be useful if the witness were to</p> <p>9 be allowed to complete his answer, not least for the</p> <p>10 transcript and those of us who aren't following</p> <p>11 bilingually.</p> <p>12 COMMISSIONER HANSFORD: That's very helpful.</p> <p>13 MR SO: I do apologise, sir. I will wait for the</p> <p>14 interpretation. Thank you.</p> <p>15 CHAIRMAN: Who would your foreman contact in Leightons in</p> <p>16 order to have remedial work done?</p> <p>17 A. Typically, Leighton site staff, their engineer or</p> <p>18 foreman, they would have to be informed that there were</p> <p>19 these incidents.</p> <p>20 MR SO: I see. Would your foreman report -- your foreman</p> <p>21 being Mr Cheung Chiu Fung, Joe Cheung -- matters that he</p> <p>22 encountered on site to you?</p> <p>23 A. Typically, major issues that he couldn't resolve, he</p> <p>24 would inform us, and we would work on it together. But</p> <p>25 in these cases he would inform Leighton directly.</p>	<p>1 MR WILKEN: I see Prof Hansford is looking puzzled at me.</p> <p>2 I think where you get this from is MTR have provided</p> <p>3 a series of MP3 files, which are in B5.</p> <p>4 COMMISSIONER HANSFORD: I think I always look like this, so</p> <p>5 I'm not sure I was looking puzzled.</p> <p>6 MR WILKEN: Maybe I'm reflecting my own puzzlement when</p> <p>7 I tried to find this earlier, but there is a series of</p> <p>8 MP3 files and I assume someone is going to channel those</p> <p>9 through the system, or are we expected to play them on</p> <p>10 our own machines?</p> <p>11 MR PENNICOTT: I think the Secretariat is working on it.</p> <p>12 (Audio recording played)</p> <p>13 MR SO: 26 minutes 55 seconds.</p> <p>14 (Audio recording played)</p> <p>15 MR SO: Perhaps we can do it this way: I can first say what</p> <p>16 I heard and the Secretariat can play it -- or we can do</p> <p>17 it the other way around.</p> <p>18 CHAIRMAN: I think we need to play it so that everybody gets</p> <p>19 an opportunity to hear the original.</p> <p>20 MR SO: Of course, sure.</p> <p>21 MR PENNICOTT: And I would like the interpreters to</p> <p>22 interpret it, if they are able to.</p> <p>23 CHAIRMAN: Yes, please.</p> <p>24 MR SHIEH: Can I just assist. Because there are parts of</p> <p>25 the audio recording which have actually been transcribed</p>

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<p>1 and we can see in written form in Chinese and English. 2 So I'm just wondering whether or not my learned friend 3 wishes to show to the Commission those parts which have 4 actually been transcribed, because if he wants to show 5 those parts which have been transcribed, then rather 6 than play one bit out of context right in the middle for 7 dramatic effect, it may be, if my learned friend wants 8 to show a passage, then simply the transcribed passage 9 in its entirety be shown to this witness, rather than 10 just play somewhere halfway through an exchange. 11 If of course he wants to play a part which has not 12 been transcribed, then it is of course another matter. 13 CHAIRMAN: Are you aware -- 14 MR SO: I am aware part of it has been transcribed, but as 15 rightly pointed out by my learned friend Mr Shieh, there 16 are some other parts which are not transcribed and those 17 parts are also involved in my course of 18 cross-examination. 19 So it would be required and necessary for that part 20 to be played, and I think this would be a better way to 21 proceed because at the end of the day, if that part of 22 the transcript was not complete, it would be more 23 appropriate if we go through and first hear the audio 24 and then I can just read out what I heard and it could 25 be interpreted. Of course I would stand to be</p>	<p>1 CHAIRMAN: Sorry, I do apologise. You all heard it in 2 Cantonese. I didn't -- well, I did, but I didn't 3 understand any of it -- and I haven't had a chance to 4 see what's written. 5 MR SO: Of course. 6 CHAIRMAN: We suddenly seem to have gone to a portion of it 7 without identifying the portion. 8 MR SO: Of course. Perhaps I will just sit down for a while 9 so that the Commission can have the opportunity to read 10 this. 11 CHAIRMAN: Where do we start from? 12 COMMISSIONER HANSFORD: It would be helpful if it could be 13 read to us. 14 MR SO: On the screen it's 26:57-28:39. 15 MR PENNICOTT: I hesitate to intervene, but is Mr So 16 suggesting that there is anything wrong with the 17 transcription that we've got in English here? Is there 18 some problem? We've heard the audio. I'm just trying 19 to work out what the purpose was of listening to that. 20 Now we're being taken to the transcript, in English. 21 I thought the point was going to be there's something 22 wrong with the transcript in English and therefore 23 that's why we were listening to the audio tape, but I'm 24 not sure what the position is. 25 MR SO: My point was just to allow the witness to have an</p>
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<p>1 corrected. 2 CHAIRMAN: All right. I'm happy -- this is your 3 cross-examination. If you wish to proceed that way and 4 it doesn't appear to me at this moment in time to be 5 unfair, then I'm happy to go -- 6 MR SO: I'm most grateful, sir. 7 Mr Pun, may you please listen to the audio. It will 8 start playing from 26 minutes 55 seconds onwards. 9 (Audio recording played) 10 I just wanted you to hear this excerpt. Allow me 11 just to repeat that so that it could be translated to 12 the Commission and other expatriate speakers. That's 13 what I heard; I stand to be corrected. 14 MR SHIEH: It's actually in bundle B5/3082.23, the Chinese 15 transcribed version. The entire part has been 16 transcribed. The Chinese part is B5/3082.23 down to the 17 next page, 3082.24. 18 CHAIRMAN: Thank you. 19 MR SHIEH: The English is 3082.32. 20 MR SO: I'm grateful for my learned friend's assistance. 21 So, Mr Pun, do you actually know about these 22 situations? 23 A. Which situation are you referring to? 24 Q. Do you actually know situations where Leighton, 25 according to what Mr Cheung said --</p>	<p>1 opportunity to listen to that part. In particular that 2 witness is listening to the audio recording of 3 Mr Cheung, which I understand he was not involved in the 4 meeting with Mr Cheung with the MTR Commission. So it 5 would only be fair for the witness to hear what 6 Mr Cheung said, unless he could actually respond to what 7 Mr Cheung was saying to the MTR. 8 CHAIRMAN: Thank you. And the bit that you wish to refer to 9 now in English translation is ...? 10 MR SO: It's now in 26:57. I actually played from 26:55 11 onwards but that doesn't really matter, that two 12 seconds? 13 CHAIRMAN: 26:57. So that would be "Question"? 14 MR SO: Yes, starting from question. It's a question and 15 answering process, by which questions presumably being 16 asked by MTR officers and answers being Mr Cheung. 17 CHAIRMAN: All right. And how many boxes do we go down? 18 MR SO: I think it is that box, just that box. 19 CHAIRMAN: Just that one question? 20 MR SO: No, it's on the other page. 21 CHAIRMAN: It goes over. Thank you. 22 MR SHIEH: It goes over to 3082.33, at the top part of the 23 box, all the way down to "responsibility to cut them 24 without any basis". 25 CHAIRMAN: All right.</p>

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<p>1 MR SO: Yes, it's that part I am referring to.</p> <p>2 MR SHIEH: The box in Chinese.</p> <p>3 CHAIRMAN: Shall I read it? If it's now been dealt with in</p> <p>4 audio and there's an audience outside, some of whom</p> <p>5 won't speak Cantonese, it might help. So the question:</p> <p>6 "At the site, apart from the case what you have said</p> <p>7 earlier when Leighton asked you to cut the threaded</p> <p>8 rebars because couplers were damaged, when would there</p> <p>9 arise a need for your workers to cut the threaded ends?</p> <p>10 Answer: To cut the threaded ends ... if it was</p> <p>11 needed ... unless somebody told them they were allowed</p> <p>12 to cut it. They would not cut [it recklessly].</p> <p>13 Question: Under what circumstances would it be</p> <p>14 needed? Other than not being able to screw in the</p> <p>15 rebars ...</p> <p>16 Answer: If they had rectification measures, they</p> <p>17 might ask us to do it.</p> <p>18 Question: ... but other than being asked by</p> <p>19 Leighton, would there be any other circumstances during</p> <p>20 your work that required you to cut the threaded ends?</p> <p>21 Answer: During our own work process ... no need to</p> <p>22 do so.</p> <p>23 Question: No need to do so?</p> <p>24 Answer: No need, it is because if we discovered</p> <p>25 that it was not possible to be done, we would inform the</p>	<p>1 A. In the audio recording, they were all hypothetical</p> <p>2 questions. I think for that conversation, no one</p> <p>3 actually knew for sure that there were such cases</p> <p>4 on site. I think in the audio recording they were just</p> <p>5 asking hypothetical questions.</p> <p>6 Q. Mr Pun, help me. Where is the hypothetical question?</p> <p>7 A. When the MTRCL investigation started -- counsel, you</p> <p>8 heard the audio, did you not? -- they were leading the</p> <p>9 witness; they said "what if". So how would you answer</p> <p>10 if they said "what if"?</p> <p>11 Q. Mr Pun, just make it clear. In the passage you just</p> <p>12 heard, did you hear MTR people ask Mr Cheung to guess?</p> <p>13 CHAIRMAN: No --</p> <p>14 A. (Chinese spoken).</p> <p>15 CHAIRMAN: The witness, with respect, doesn't have the</p> <p>16 Chinese in front of him. Does he now? It's somewhat</p> <p>17 difficult. I think it would be easier if it came from</p> <p>18 yourself, in terms of which you went to a specific</p> <p>19 question or something which you could say was not</p> <p>20 hypothetical --</p> <p>21 MR SO: Sure. Of course.</p> <p>22 CHAIRMAN: -- and see what an answer may be, and then put it</p> <p>23 to him in context, to try to elucidate an answer.</p> <p>24 MR SO: Of course.</p> <p>25 Do you have the Chinese transcript in front of you?</p>
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<p>1 company, to tell them either to find a way to replace</p> <p>2 the couplers or whatever. We would not cut them on our</p> <p>3 own without any basis. After you told us that you would</p> <p>4 have rectification measures, or that these threaded ends</p> <p>5 did not matter much, and if you asked us to do so, we</p> <p>6 would do it.</p> <p>7 Question: Sometimes they would say that these would</p> <p>8 not have significant effect and just do it?</p> <p>9 Answer: "We would have rectification measures.</p> <p>10 Just do it!"</p> <p>11 Question: Okay.</p> <p>12 Answer: 'Can't just leave the couplers there,</p> <p>13 right? If you leave the couplers like that, people</p> <p>14 would think that you have not fully screwed the rebars</p> <p>15 in. So whatever you do, you have to put it right, fill</p> <p>16 the hole, we will have rectification measure'. This</p> <p>17 happened before, so we would rest assured to follow the</p> <p>18 orders. We wouldn't dare to bear the responsibility to</p> <p>19 cut them without any basis."</p> <p>20 MR SO: That's the part. I'm most grateful for</p> <p>21 Mr Commissioner's assistance by reading that out.</p> <p>22 Mr Pun, my question was: did you ever hear Mr Cheung</p> <p>23 telling you that Leighton would ask them to cut it?</p> <p>24 A. No.</p> <p>25 Q. So this was your first time knowing this?</p>	<p>1 A. Yes.</p> <p>2 Q. I just want to go through the first question in the box.</p> <p>3 I think it's not yet on the screen. May I have the</p> <p>4 page just now, the same part, from 26:58, the Chinese</p> <p>5 version.</p> <p>6 A. I'm reading it.</p> <p>7 Q. Perhaps I can just read you what the Chinese says, so</p> <p>8 you can read it on your page. The first question:</p> <p>9 "(Via interpreter) At the site, apart from the case</p> <p>10 what you have said earlier, when Leighton asked you to</p> <p>11 cut the threaded rebars, what other situations were</p> <p>12 there for you to cut the bars?"</p> <p>13 A. First of all, this is the statement of Mr Cheung. To</p> <p>14 answer questions on the statement, it should be for</p> <p>15 Mr Cheung to do so. If I answer questions on his behalf</p> <p>16 and you believe it is fine, then I would try to explain</p> <p>17 in conversational Chinese what this statement meant, but</p> <p>18 it may not necessarily be what Mr Cheung meant because</p> <p>19 this is his statement.</p> <p>20 Q. I understand. I am not asking you to explain --</p> <p>21 CHAIRMAN: Sorry, we are getting crosstalk.</p> <p>22 Perhaps it may assist -- it certainly may assist</p> <p>23 me -- just to take me to the fountain head of this,</p> <p>24 because what we have is, "At the site, apart from the</p> <p>25 case what you have said earlier" -- it would be better,</p>

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<p>1 I think, to start from what was said earlier, then one 2 can see right at the source is this hypothetical or is 3 it actual. 4 MR SO: Sure, but I think that part was not transcribed, in 5 that situation. It is in 10:58 but that part was not 6 transcribed. 7 CHAIRMAN: Well, that seems to me to be quite important, 8 because -- 9 MR SO: That's one of the reasons why, sir, I just started 10 at the very beginning and said I would have to play the 11 audio recording, because not every bit of the audio was 12 actually transcribed. So it would be necessary for me 13 to re-adapt as to what I have heard. 14 CHAIRMAN: You see, if what this question in box 26:57 said 15 was, "Would you sometimes be asked to remove the 16 couplers for Leighton so they could do work?", that's 17 understandable. But as I see it, it's your case at the 18 moment that what this question refers to is a situation 19 where Leighton asked this gentleman, Mr Cheung, to 20 actually cut threaded rebars, in order to somehow or 21 other get on with remedial work. 22 MR SO: Yes. 23 CHAIRMAN: If necessary, I'd really prefer to take a 10 or 24 15-minute adjournment, find that spot, have 25 a translation agreed, because if it amounts to nothing</p>	<p>1 it was not transcribed. 2 MR WILKEN: Very well. If that's his position, we shall no 3 doubt see. 4 CHAIRMAN: All right. We'll adjourn, and then, 5 Mr Pennicott, if you could let us know as soon as 6 a translation is available. 7 MR PENNICOTT: Yes, sir. 8 CHAIRMAN: Thank you very much. 9 (3.29 pm) 10 (A short adjournment) 11 (3.55 pm) 12 MR PENNICOTT: Sir, thank you for that. Can I try to 13 explain what's about to happen as best I can? 14 CHAIRMAN: Yes. Thank you. 15 MR PENNICOTT: Sir, before the break, I was slightly 16 handicapped because I didn't have my own copy of this 17 document in front of me, and I've now got it, so I feel 18 perhaps a bit more useful. 19 At B5, page 3082.29, in the English version of the 20 transcript of Mr Cheung's interview with the MTR, you 21 will see, at 11:00-15:44 a question in the English 22 version. 23 CHAIRMAN: Yes, "Under what circumstances ..." 24 MR PENNICOTT: Yes, that's right. Then there's a dot, dot, 25 dot.</p>
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<p>1 then so be it. If, however, it's a case where he is 2 saying clearly and unequivocally, "Yes, I have been 3 asked in the past by the Leighton remedy-makers to cut 4 threaded rebars in order to fix things", then that's 5 quite important because (a) it shows there's a cutting 6 of threaded rebars, a cutting of the threads, but (b) it 7 might explain why they were cut in an entirely 8 legitimate and proper, everyday working situation, or 9 the opposite. 10 MR SO: I understand, sir. If I may, I would humbly request 11 that we adjourn shortly so we can get -- I have that 12 part with minutes and seconds on my hand, but I will see 13 if we can agree a transcription. 14 CHAIRMAN: We can then get that translated, can we? It's 15 now 3.30. 16 MR WILKEN: Sir, if I may assist, it may already be there. 17 I'm looking at 3082.29. Mr So is quite correct, 10:58 18 isn't there, but 11:00 is, and one sees immediately 19 above that, the second box and then the third box 20 following. One sees there at 5:30-5:49: 21 "Have you ever found that ..." 22 And then you take it through, through to 11:00 and 23 then read down. 24 MR SO: It is that part in three dots that, in my respectful 25 submission, would be relevant, so that's why I have said</p>	<p>1 COMMISSIONER HANSFORD: Yes. 2 MR PENNICOTT: If you then go back, please, to the Chinese 3 version at 3082.18 -- and I think it's up on the screen 4 now. 5 CHAIRMAN: Yes. 6 MR PENNICOTT: -- you will see that -- I am told -- the 7 question is the first two lines of the Chinese 8 characters that you can see at that page, at that time. 9 However, the answer, where it says "A" -- 10 CHAIRMAN: Yes. 11 MR PENNICOTT: -- and the next bit, where it says "Q", those 12 are the dot, dot, dots, and they have not been 13 transcribed into English or translated into English. 14 So, as I understand it, for the purposes of this 15 afternoon, if Mr Cheuk, for example, reads out the 16 missing answer and question from point 18, we get the 17 interpreters to give us the English translation, we will 18 have that. I understand for the purposes of this 19 afternoon that will satisfy Mr So. There may be another 20 passage that he wants to listen to and have translated, 21 but we can do that overnight. I think that's going to 22 be a bit more complicated. But I understand, for the 23 purposes of this afternoon, if we can just get that bit 24 sorted out, we can move on. 25 CHAIRMAN: Thank you.</p>

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<p>1 MR SO: I'm most grateful for the time you have given to us.</p> <p>2 MR CHEUK: I will now perform the most difficult task in</p> <p>3 this Commission, and I read:</p> <p>4 "(Via interpreter) A. If it's really the case that</p> <p>5 it cannot be screwed in, the coupler is broken or</p> <p>6 damaged, then you would just hack out the coupler or</p> <p>7 remove the coupler. So ...</p> <p>8 Q. What do we do?"</p> <p>9 MR SO: Mr Pun, the question is this: have you ever heard</p> <p>10 from Mr Cheung reporting to you that there is such</p> <p>11 a need to hack off the threaded section of the rebar?</p> <p>12 MR SHIEH: That's not --</p> <p>13 MR WILKEN: That's wasn't the translation, sir. That is not</p> <p>14 a fair question.</p> <p>15 MR SO: I'll rephrase it then.</p> <p>16 Have you heard of hacking off the coupler then?</p> <p>17 A. "Hack off", you mean remove the coupler and replace it?</p> <p>18 I think that's what is meant here.</p> <p>19 Q. I will just bring you to the question exactly one line</p> <p>20 above. The question was asked:</p> <p>21 "(Via interpreter) What would be the circumstances</p> <p>22 where there is a need to saw off the threaded section?"</p> <p>23 COMMISSIONER HANSFORD: Sorry, I read in the transcript</p> <p>24 "hack out". Isn't "hack out" different to sawing off?</p> <p>25 I understand hacking out as sort of maybe using</p>	<p>1 answer, I agree with my learned friend it is hacking out</p> <p>2 of the coupler in Chinese.</p> <p>3 COMMISSIONER HANSFORD: Thank you.</p> <p>4 MR SO: I think I have put it quite fairly. That's the</p> <p>5 position in Chinese at least.</p> <p>6 CHAIRMAN: But then the answer is not anything to do with</p> <p>7 the threaded section of a reinforced bar. It's hacking</p> <p>8 out a coupler.</p> <p>9 MR SO: Yes.</p> <p>10 CHAIRMAN: And that's very different, isn't it? Because you</p> <p>11 can understand why you want to hack out a coupler -- if</p> <p>12 you've got a mangled, deformed, damaged coupler, you</p> <p>13 might just say, "Let's just hack it out", especially if</p> <p>14 you are doing certain work that you don't want to stop,</p> <p>15 and we don't want to interfere with it, "Just hack it</p> <p>16 out and we'll come along later and we'll put in a new</p> <p>17 one." I'm not suggesting that's what the evidence says.</p> <p>18 I'm saying you can see the consequence is very</p> <p>19 different.</p> <p>20 MR SO: I will just say the question and the answer simply</p> <p>21 are referring to different subjects. All I can say is</p> <p>22 this. On two different matters.</p> <p>23 CHAIRMAN: All right. So we have some equivocation there.</p> <p>24 MR SO: Yes.</p> <p>25 CHAIRMAN: Then is that equivocation clarified later?</p>
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<p>1 a pneumatic tool or something and making a hole and</p> <p>2 taking it out. Sawing off is a different process.</p> <p>3 MR SO: The position of us is that it is concerning the</p> <p>4 threaded section, but of course I appreciate that other</p> <p>5 parties have other --</p> <p>6 COMMISSIONER HANSFORD: Sorry, I'm just trying to understand</p> <p>7 the transcript.</p> <p>8 MR SHIEH: Being a Chinese speaker and reader, if I can just</p> <p>9 ask the Commission to look at 3082.18, the Chinese part.</p> <p>10 CHAIRMAN: Yes.</p> <p>11 MR SHIEH: That part which is said to have not been</p> <p>12 translated or transcribed in English, which is 11:00,</p> <p>13 that box. If the Commission simply reads the "A", after</p> <p>14 the first two lines of "Q", the word "coupler" stares</p> <p>15 out at any reader.</p> <p>16 CHAIRMAN: Yes.</p> <p>17 MR SHIEH: So that answer was about hacking out coupler.</p> <p>18 COMMISSIONER HANSFORD: Hacking out, not sawing off?</p> <p>19 MR SHIEH: Hacking out coupler.</p> <p>20 COMMISSIONER HANSFORD: I understand the coupler bit. I'm</p> <p>21 trying to just get my mind around whether we are talking</p> <p>22 about hacking something out or sawing it off, because in</p> <p>23 my mind they are quite different.</p> <p>24 MR SO: Maybe let me say this. In the question it was</p> <p>25 talking about sawing off the threaded end, and in the</p>	<p>1 MR SO: I would say it was not.</p> <p>2 CHAIRMAN: Okay.</p> <p>3 MR SO: Of course I will continue with my questioning and</p> <p>4 see if Mr Pun can help us in any way in these.</p> <p>5 Mr Pun, just outside of this transcript, I just want</p> <p>6 you to tell me whether Mr Cheung had told you anything</p> <p>7 in the course of the work. The first thing: have you</p> <p>8 heard of Mr Cheung told you that Leighton would instruct</p> <p>9 Fang Sheung to saw off the threaded end of the rebars?</p> <p>10 Have you heard of this, ever heard of this?</p> <p>11 A. I can tell you definitely no. Nobody would issue orders</p> <p>12 to cut the couplers.</p> <p>13 Q. Do you mean coupler or the threaded end?</p> <p>14 A. You are referring to the threaded ends of a bar or</p> <p>15 rebar?</p> <p>16 Q. Just forgive me, Mr Pun. Is it in your profession</p> <p>17 "coupler" and "threaded end of the rebar" are commonly</p> <p>18 used interchangeably?</p> <p>19 A. We call the couplers "couplers" and the threaded bar, we</p> <p>20 call it a bar. That's it. Very simple. So the</p> <p>21 couplers are referring to at the end of the section.</p> <p>22 The insertion point --</p> <p>23 Q. When you answered my last question, you said in Chinese</p> <p>24 "cut (Chinese spoken) coupler", so what are you</p> <p>25 referring to? What do you mean? Do you mean the</p>

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<p>1 coupler or the threaded end? 2 A. Let me repeat once again. At the construction site, 3 nobody will issue orders to cut the threaded end of 4 a bar. That is illegal. 5 Q. So strictly not possible in any circumstances whatsoever 6 cutting the threaded end of a rebar? 7 A. Not only us. Leighton, our company -- I think the whole 8 industry in Hong Kong, nobody will issue orders to cut 9 the rebar, the coupler. 10 Q. I'm confused again. 11 CHAIRMAN: Sorry, I think what is being said there is that 12 nobody in Hong Kong who is involved in this side of the 13 profession will ever give an instruction to cut the 14 threaded end of a rebar. 15 MR SO: Sir, maybe if I -- 16 CHAIRMAN: All right, let me put that -- 17 A. That is an insult. It is an insult to the industry. 18 Nobody will do that, unless we are referring to 19 an alleged case, an alleged incident. 20 MR SO: Sir, may I discuss a short matter with the 21 Commission in the absence of the witness? 22 CHAIRMAN: Yes, of course. 23 If you could just explain -- you just have to step 24 outside for a moment or two. Thank you. 25 (In the absence of the witness)</p>	<p>1 That's quite different things that we are talking about. 2 And in particular when my learned friend is very adamant 3 in saying that -- what Mr Cheung is trying to say in the 4 transcript, that the coupler is the thing that is being 5 hacked off instead of the threaded end section of the 6 rebar, then there would be an importance as to how the 7 people in the profession actually refer to -- 8 CHAIRMAN: Okay. I have one difficulty with this at the 9 moment, and that is that we are asking him to comment on 10 what somebody else has answered in another interview. 11 So that's the first difficulty. I'm prepared to sort of 12 test the water, so to speak, but I think the water has 13 been tested, and from what I understand, this gentleman 14 feels -- "strongly" would be a tepid word -- that no 15 cutting of the thread of a reinforced bar is permitted 16 in the industry, and in fact to suggest that it is is 17 an insult to honest rebar fixers. That seems to be my 18 understanding. 19 Now, if you want to ask him directly, and then at 20 a later stage let's go to Mr Joe Cheung and see what he 21 has to say, that I think is perhaps the best way. 22 MR SO: Sure. 23 CHAIRMAN: Otherwise we go around and around in circles, 24 leaving myself and Prof Hansford at a grave disadvantage 25 because we start to deal about issues of syntax and</p>
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<p>1 Yes? 2 MR SO: The matter I'm trying to channel through is in the 3 course of my cross-examination, there seems to be 4 an interchangeable term where the coupler -- 5 MR WILKEN: Sir, we do need to be careful. This is being 6 relayed outside. 7 MR PENNICOTT: There's a witness room he is in. 8 MR SO: The matter is when I have asked twice, quite 9 shortly, he quite clearly said in Chinese "to cut the 10 coupler of the steel" instead of threaded section of the 11 rebar. So that's the problem that I have to clarify 12 with him. 13 MR SHIEH: The subtlety of the Chinese language is that he 14 also used the article "(Chinese spoken)", "a piece of". 15 We can replay the tape. This time, I am pretty 16 convinced as to what I have heard. He used the article 17 of "(Chinese spoken)", "a stick of". 18 CHAIRMAN: Yes. 19 MR SHIEH: Therefore, in our submission, he could only be 20 referring to the threaded part and not the female part. 21 CHAIRMAN: Yes. 22 MR SO: The concern I have is not the article that my 23 learned friend Mr Shieh is referring to. I'm referring 24 to the noun that he is actually using. He is using 25 "coupler" instead of the threaded end of the rebar.</p>	<p>1 subtle meanings, oblique and otherwise, in the Cantonese 2 language, and we are bewildered viewers of that. Okay? 3 MR SO: I do apologise for leaving you in that situation. 4 CHAIRMAN: Not at all. I permitted you, to see where you 5 could go, and I think we are bogging ourselves down with 6 it now, to no advantage. 7 So if you want to ask him some direct questions now, 8 then obviously that's fine. 9 MR SO: I will. 10 CHAIRMAN: If you wish to ask him about the difference -- 11 I think's he's already answered -- between a coupler and 12 the threaded end of a rebar, you can do so again, but 13 I think he's already answered. 14 MR SO: I understand. I will move on. 15 CHAIRMAN: Thank you. 16 (In the presence of the witness) 17 MR SO: Sorry, Mr Pun, for keeping you waiting. 18 Just before you left this room, you told this 19 Commission that it was an insult for the profession to 20 cut the threaded ends of the rebars. Do you remember 21 that? 22 A. My meaning was to cut the bar under false pretences, 23 that is an insult to the industry. 24 Q. I don't quite understand. What do you mean by "false 25 pretences"?</p>

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1 CHAIRMAN: I think I understand that. What he's saying is 2 that there may be legitimate reasons for cutting 3 a rebar, but absent legitimate reasons -- 4 MR SO: I will say -- 5 CHAIRMAN: -- and I think he's listed two of them earlier, 6 or somebody has -- it would be an insult. 7 MR SO: So, Mr Pun, are you suggesting that in circumstances 8 it would be legitimate to cut the threaded ends of the 9 rebars -- I recall that you answered Mr Pennicott's 10 question this morning that you -- yes, Mr Pun? 11 A. I'm not saying under certain circumstances. 99.5 per 12 cent of the cases you are not allowed to cut the rebars. 13 But some workers' workmanship -- ultimately we are 14 humans and we are building the MTRCL and workmen's 15 workmanship, they might not be up to par, up to 16 standard, that can occur. 17 But I want to emphasise here, this is very minimal. 18 People, you cannot see them. It's not as frequent as 19 the media reported. Nobody has seen that on such 20 a scale. I don't know who has seen that. 21 Q. Can I bring you to your police witness statement. That 22 would be in E1585 in Chinese, and 1595.1 in English. 23 Can I bring you to question and answer 15. 24 This morning, my learned friend Mr Pennicott brought 25 you to this; do you remember that?	1 didn't come out right. The second time I corrected it, 2 it didn't come out right. So I wouldn't rule out that 3 these wordings were missed; it's not at all surprising. 4 Q. If you go to the last line of this page of the witness 5 statement, you would definitely realise that you can 6 make any changes, amendments or supplement to the police 7 witness statement you have given to the police; correct? 8 A. Correct. 9 Q. But this is your only police witness statement. 10 A. Yes, it's put down like that there, and I signed it. 11 I don't know if it is right or not. 12 Q. Do you agree with what is said there, correct? 13 A. (Chinese spoken). 14 CHAIRMAN: Sorry, could we point out again -- 15 MR SO: Answer 11, sir. Sorry, answer 15; I do apologise. 16 It is where there is a bullet point where it writes: 17 "Electric shear: it is a type of portable electric 18 shear. For cutting unexpectedly long or longer threads, 19 but this did not happen much. Maybe one rebar in 20 a while but it was absolutely in line with construction 21 rules." 22 This is the part. 23 CHAIRMAN: Thank you. 24 MR SO: You were adamant that this is not the practice in 25 the profession. How come you would miss this point when
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1 A. Yes. 2 Q. I recall that your answer was that the police has made 3 a mistake here? 4 A. I need to point out using an electric saw, the wording 5 there is wrong. It's a hand-held electric saw to cut 6 longer threaded bars, and when I told the police, I said 7 that this electric saw, when you take it to the site, it 8 is used to cut. We have suspended bars that are as 9 thick as your pinkie. It is not to cut the threaded 10 part of the bar. Because the threaded section is as 11 large as your fist, we won't be using that to cut the 12 threaded bar. 13 When you deal with the B bars, it's 100-200 tonnes 14 in weight and we have suspended bars and that bar has to 15 be cut with a hand-held electric saw, it's about as 16 thick as your pinkie and you have to cut different 17 lengths. We have to use spacer bars to suspend that 18 "sifu" bar. So we are not cutting the threaded bars. 19 Q. So your answer is basically that threaded end would not 20 be cut? 21 A. Of course. 22 Q. Did you have a chance of reading this police witness 23 statement before you signed it? 24 A. He let me correct the statement twice. I did make the 25 correction. But the first time I corrected it, it	1 you were signing the police witness statement? 2 A. Well, this is totally unsurprising, because for the 3 translation done by the police or the version they 4 showed us, we corrected it several times and if we've 5 missed anything it's not surprising at all. 6 Q. Sorry, what translation? 7 A. That is we gave a statement and he wrote it out. He 8 wrote it out, the statement. We didn't write it 9 ourselves. 10 Q. Then why didn't you give a supplemental police witness 11 statement to clarify this point? 12 A. To be honest, I did not really study this statement 13 afterwards. I could say that it's only now when we need 14 to use the statement that I read it. I did not do 15 anything illegal, and so I gave a statement and that's 16 why I did not revise the statement first. 17 Q. Mr Pun, I've got to suggest to you there was exactly 18 cutting of the threaded end of the rebars. 19 A. You could put it that way. The purpose of the electric 20 shear could be for cutting any bars or any threaded 21 sections. But in the statement, in the police 22 statement, I made it clear that the electric shear was 23 used frequently for cutting the spacer bars that 24 I mentioned. You could say that -- you could ask 25 whether this electric shear could also be used for

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<p>1 cutting the larger bars.</p> <p>2 Q. Mr Pun, can I just trouble you to go to question 11 and</p> <p>3 answer 11 this time. It is in page 1593 in the Chinese</p> <p>4 and 1595.9 in the English.</p> <p>5 Mr Pun, I want you to focus on the sentence -- in</p> <p>6 Chinese, it starts with:</p> <p>7 "(Via interpreter) But in the actual circumstances</p> <p>8 of bar fixing ..."</p> <p>9 I am going to read the English part. In the</p> <p>10 English, that statement, it states:</p> <p>11 "In reality, sometimes there were not enough rebars</p> <p>12 with type A threads, and there was a chance that workers</p> <p>13 would replace them with rebars of type B threads, so</p> <p>14 that even when the rebars were completely screwed into</p> <p>15 the couplers, part of the threads would still remain</p> <p>16 exposed."</p> <p>17 Mr Pun, can you tell this Commission, were there any</p> <p>18 type B threads ever cut in the course of this SCL1112?</p> <p>19 A. I can tell you, on this issue, yes, yes, there is this</p> <p>20 possibility. For type B threaded sections, whether it's</p> <p>21 been cut at all, at SCL site, I have never seen it</p> <p>22 myself, but I would think at least one or two could have</p> <p>23 been cut, not more than that. That is just my guess;</p> <p>24 I have not seen it myself personally. I have not seen</p> <p>25 any of the workers cutting the threaded section myself,</p>	<p>1 CHAIRMAN: I think, in fairness, that's what he was</p> <p>2 imagining before, wasn't it? It's the same --</p> <p>3 MR SO: It was question 15, I would say. This time, it's</p> <p>4 question 11.</p> <p>5 CHAIRMAN: All right.</p> <p>6 MR SO: Mr Pun, so question 11 is again yet another time you</p> <p>7 were imagining what happened in the construction site?</p> <p>8 A. It's not that I imagined on one occasion. I was in</p> <p>9 front of the police. They asked me the question whether</p> <p>10 there would be any chance that threads might be cut, and</p> <p>11 that's my answer.</p> <p>12 Q. Just read question 11. It reads:</p> <p>13 "When you were inspecting Hung Hom Station, have you</p> <p>14 ever seen or heard anyone using machinery to cut short</p> <p>15 the threaded rebars ...?", et cetera.</p> <p>16 You agree the police were asking you what you</p> <p>17 actually see and actually heard, isn't it?</p> <p>18 A. The police asked the question of whether I have seen,</p> <p>19 whether I have seen. It's not that the police asked me</p> <p>20 if I saw. They asked whether I have seen. It's not</p> <p>21 that they asked that I saw.</p> <p>22 Q. Mr Pun, I suggest to you that the answer would then be</p> <p>23 simple: "No, I have not seen. No, I have not heard."</p> <p>24 That's it, is it not, Mr Pun?</p> <p>25 A. My answer is still, in the news, I saw and heard people</p>
<p>Page 114</p> <p>1 no.</p> <p>2 Q. So have you heard of Mr Cheung telling you that</p> <p>3 B threads were being cut for type A couplers?</p> <p>4 A. No.</p> <p>5 Q. So where comes your guess of one to two?</p> <p>6 A. As I said earlier, it's possible, because of workmanship</p> <p>7 of the workers. There is the chance we think -- we all</p> <p>8 just are guessing -- that maybe there are not enough</p> <p>9 A bars, so there is a chance that workers might use the</p> <p>10 type B threads to replace that, and when the B threads</p> <p>11 were screwed in, then part of the threads would be</p> <p>12 exposed. If that's the case, then it's possible that</p> <p>13 they may cut away that half.</p> <p>14 Q. So what do you say, Mr Pun? Is it acceptable to cut</p> <p>15 B threads and turn it to A threads; that's acceptable in</p> <p>16 the industry? Is that your evidence?</p> <p>17 A. I didn't say that. As to whether it's acceptable, it</p> <p>18 should be for engineers to judge.</p> <p>19 Q. Is it not an insult now this time? Is it an insult of</p> <p>20 the profession of cutting the B threads?</p> <p>21 A. I told you before just now, I said there's just</p> <p>22 a possibility but I have not seen it myself that any</p> <p>23 workers cut the type B threads.</p> <p>24 Q. So this time, in question 11 and answer 11, you are</p> <p>25 imagining again?</p>	<p>Page 116</p> <p>1 cutting bars. That's the first point.</p> <p>2 Q. Is there a second part?</p> <p>3 A. Yes, when I gave the answer, I told them that I only</p> <p>4 learned about it from the news report.</p> <p>5 Q. All right, Mr Pun. You have answered my learned friend</p> <p>6 Mr Pennicott this morning that you would have a schedule</p> <p>7 provided to Leighton, and you would ask them to supply</p> <p>8 you with the rebars; correct?</p> <p>9 A. We have -- yes, we have a schedule for the supply of</p> <p>10 rebars by Leighton. Yes, I said that this morning.</p> <p>11 Q. There was also -- I think in Chinese you said</p> <p>12 "(Chinese spoken)", that you would provide to Leighton;</p> <p>13 correct?</p> <p>14 A. You mean the schedule? What are you referring to?</p> <p>15 Q. I mean the (Chinese spoken), the schedule you would</p> <p>16 provide to Leighton; correct?</p> <p>17 A. Yes, I said bending schedule.</p> <p>18 Q. Right, the bending schedule. As far as I understand --</p> <p>19 correct me if I'm wrong -- so Leighton will be</p> <p>20 responsible for supplying you with the threads, for you</p> <p>21 to do the rebar fixing?</p> <p>22 A. Correct.</p> <p>23 Q. I'm not sure whether this part is transcribed, but as</p> <p>24 far as I understand, if you can confirm with me then we</p> <p>25 can save all the exercise, but do you recall that you</p>

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1 told the MTRC type B threads are more expensive than
2 type A threads?
3 A. Actually, I shouldn't have said that to the MTRC,
4 because we didn't know about the price. I just said
5 that it would be more expensive to screw in the type B
6 threads than type A threads.
7 Q. So type B is more expensive than type A, you just said?
8 CHAIRMAN: Sorry, that got a bit confused. It would be more
9 expensive to screw in ...?
10 A. We are saying that for the labour cost -- so screwing in
11 the type B is more expensive than screwing in the
12 type A, that's labour cost.
13 MR SO: I see. I do apologise. I do apologise.
14 COMMISSIONER HANSFORD: Sorry, was your question, "Is the
15 type B bar more expensive to supply than type A bars"?
16 MR SO: Yes. I think the answer of the witness was he did
17 not know the price of the threads, and therefore the
18 salary is more expensive for doing the thread, type B,
19 according to what I heard from --
20 COMMISSIONER HANSFORD: The labour costs, yes. Thank you.
21 A. That is correct.
22 MR SO: Would there be a situation where, when you use
23 type B threads to put into type A couplers, then you
24 would need to cut off part of the type B threads; would
25 there be such situation?

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1 A. Normally, that wouldn't occur.
2 Q. So you would let those type B threads exposed?
3 A. If they use the B threaded bars -- where they use
4 B threads then half would be exposed. A whole section
5 would be exposed.
6 CHAIRMAN: Would that make any difference, structurally, in
7 terms of strength?
8 A. I personally feel that there's no problem. That's my
9 personal view. But in fact, whether there's an impact
10 on structural integrity, the engineers or Leighton's
11 people might have explained that. You could get the
12 professor or engineers to look into that and explain it.
13 MR SO: Sir, these are my questions. Thank you.
14 CHAIRMAN: Thank you.
15 Questioning by THE COMMISSIONERS
16 CHAIRMAN: Could I just ask you, just briefly -- BOSA
17 supplied the couplers and the reinforced bars; correct?
18 A. Yes.
19 CHAIRMAN: And they had their workshop very close by,
20 on site; is that right?
21 A. Yes.
22 CHAIRMAN: Okay. If there was any need to fix threading on
23 a rebar or cut threading on a rebar, what would you do?
24 Would you go back to BOSA and say, "Please do it for
25 us", or, if there was a real and legitimate need, would

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1 you do it yourself?
2 A. We wouldn't, because we have two types of threads. It's
3 either type A thread or type B thread. There's no other
4 version. And we will not take it to the BOSA site and
5 get a special coupler to adapt to it, and it will not
6 occur in the records either, because their equipment and
7 machinery, they will only produce type A or type B.
8 That's it. It's A, B, or B, A; that's it.
9 COMMISSIONER HANSFORD: Can I ask, Mr Pun: did BOSA
10 sometimes deliver bars that were wrong, bars that were
11 perhaps type B when they should have been type A? Did
12 that ever happen?
13 A. Well, normally, that might happen, but typically, when
14 they deliver the goods to our yard, we will then ship it
15 to the site from the yard. We will take it to the
16 construction site, or we can pick up directly from BOSA
17 and ship it all the way to the construction site. As
18 far as I know, BOSA does not make deliveries.
19 COMMISSIONER HANSFORD: Let me rephrase my question: did you
20 ever collect type B bars by mistake when they should
21 have been type A bars?
22 A. Yes, that would happen. But we could either swap it out
23 or not use the bars. But these scenarios do happen
24 because ultimately we are talking about a construction
25 site.

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1 CHAIRMAN: Right. Can I ask you, you spoke very strongly
2 about the industry practice of not cutting the threading
3 on these reinforced bars. Indeed, you said that it was
4 an insult to suggest that it would be done in the
5 ordinary course of work by professional workers.
6 A. Well, aside from cutting bars, nobody in the
7 construction industry in Hong Kong, nobody will do fake
8 work. We won't have systematic cutting of bars. That
9 cannot happen.
10 CHAIRMAN: I appreciate that, so that -- are you saying,
11 then, that when you take strong objection, it's not
12 because of the particular fact of cutting a rebar thread
13 as being in some way unique; it's because it's an insult
14 to suggest that Hong Kong workers, professionally
15 qualified, would be cutting corners and doing anything
16 that was artificial and/or dangerous?
17 A. Yes, that should be the case. That's definitely the
18 case. The construction workers I think will not,
19 because out of convenience or out of their personal
20 interest, they would not cut corners and conduct fake
21 work. The majority of our workers and bosses will not
22 instruct workers to do that.
23 CHAIRMAN: Can I ask you this: have you, in your
24 inspections, ever discovered that rebars had been
25 connected with shortened threads, or indeed simply put

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<p>1 at the mouth of the coupler so as to look as if it's 2 been threaded in when it hasn't? 3 A. Well, our procedure is for each bar that we work on in 4 Leighton or MTRCL, there are supervisors monitoring our 5 workers. They are observing them do the works, and even 6 every now and then they ask us to take it out, to see 7 whether it was installed properly. So I don't think 8 under such stringent conditions that people can fake the 9 works. 10 So, when I inspect the site, I see everything 11 installed properly. 12 CHAIRMAN: So it would be a real surprise, indeed a shock 13 for you, if you came across shortened -- or threads that 14 had been shortened in order to fake a connection? 15 A. Yes. If I were to discover that, we would instruct or 16 reprimand our workers immediately, on the spot, and 17 request them not to do that the second time, if we were 18 to discover that. In fact we didn't encounter these 19 scenarios, except for one occasion. There wasn't any 20 other occasion. 21 CHAIRMAN: Can I ask you this. You've spoken about cutters 22 and others have spoken about other types of machinery 23 which they call grinders. In your line of work, is it 24 common to see them being used at the workplace? 25 A. This equipment is used frequently. It's a hand-held</p>	<p>1 I think that's what he said. 2 CHAIRMAN: Okay. Thank you. 3 Cross-examination by MR KHAW 4 MR KHAW: Mr Pun, if I can just very briefly go through with 5 you the procedures regarding bar bending and bar fixing. 6 Okay? 7 A. (In English) Okay. 8 Q. If we can take a look at your police statement. In 9 Chinese, it's at E6/1587. The English version appears 10 at 1595.3. If we can look at paragraph 4 together and 11 I will try to understand the procedures properly. Here 12 you say: 13 "The sub-contract between Fang Sheung and Leighton 14 specified that Leighton would supply all materials for 15 the whole construction project, including rebars and 16 couplers." 17 Pausing here, Mr Pun -- we know that you have 18 referred us to the bar bending schedule; okay? The bar 19 bending schedule, maybe we can take a look at E1/284. 20 By the way, Mr Pun, I am acting for the government, 21 just in case there is any mistake. 22 If we can take a look at E284, at the top of the 23 diagram we can see numerous figures, like "T40", and 24 then there is a number there, et cetera, et cetera. 25 These are all the specifications and also the number</p>
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<p>1 piece of equipment. The industry -- it's a tool used in 2 our industry. Because the bars, when it's taken out 3 from the yard, some -- there are some unforeseen 4 circumstances, for example the CJ, it might be of 5 unexpected length and we cannot install the bar, then we 6 will use the hand-held tool to help us to cut the bar, 7 because all our metalwork is cut -- all the 8 instruction -- construction all over the world, all the 9 metal components are cut. We take a 12 metre material 10 and it is cut into different lengths and dimensions, to 11 meet the diagram, to meet the plans. 12 CHAIRMAN: Yes. I'm talking about the use of a cutting 13 machine or grinding machine at the work-face, right 14 there where you are actually fixing the bars. 15 A. Well, I said just now, we have a saw to cut the 16 so-called "sifu" bars, and we always have a tool nearby, 17 but my company only has two of these tools. 18 CHAIRMAN: All right. And what is a "sifu" bar? Perhaps 19 you can help me. 20 A. I think it's called a spacer bar in English. 21 CHAIRMAN: Okay. Thank you. 22 MR JAT: I think there may be a translation issue at [draft] 23 page 123, line 8. I think the current words are 24 "unexpected length", which if I heard the witness 25 correctly, he said there's protrusion, uneven surface.</p>	<p>1 required for the materials to be delivered, is that 2 right, according to Leighton's instructions? 3 A. Correct. This is just two batches for this bay. 4 Q. Then if we can go back to your police statement, again 5 paragraph 4: 6 "The rebars would be delivered to the site in 7 batches." 8 For avoidance of any doubt or confusion, the rebars 9 you are talking about here are the rebars in general, ie 10 the non-coupler rebars; right? 11 A. Correct. 12 Q. Then you say: 13 "First, the MTRC site supervisor would draw 14 a designated number of rebars from the batch in 15 proportion to the total number of rebars in that batch, 16 so that they would be delivered to the laboratory for 17 testing their weight, tensile strength and shear force." 18 Pausing here, may I ask you who was responsible for 19 taking the rebars for testing? 20 A. It's the MTRCL's engineer. I think they are called 21 quality control people. 22 Q. So the testing would be done before the materials are 23 delivered to the site for installation; am I correct? 24 A. It should be that. It definitely is that, because the 25 steel bars should have been delivered to the site</p>

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<p>1 20 days beforehand.</p> <p>2 Q. Then you say:</p> <p>3 "Fang Sheung's workers would follow the instruction</p> <p>4 of" --</p> <p>5 MR SHIEH: Slow down.</p> <p>6 MR KHAW: Yes.</p> <p>7 "Fang Sheung's workers would follow the instruction</p> <p>8 of the MTRC site supervisor and cut out 1 metre of each</p> <p>9 selected rebar with a portable electric shear ..."</p> <p>10 A. Correct.</p> <p>11 Q. Pause here again. There, you are referring to this</p> <p>12 procedure where Fang Sheung workers would cut out</p> <p>13 a particular part of the rebar with an electrical shear</p> <p>14 for testing; right?</p> <p>15 A. It should be that. It should be the use of the portable</p> <p>16 electric shear to cut the section as required by the</p> <p>17 MTRCL.</p> <p>18 Q. Again, for the avoidance of doubt, this electrical shear</p> <p>19 that you are talking about here is the one we saw;</p> <p>20 right?</p> <p>21 A. Correct.</p> <p>22 Q. Thank you. And this cutting procedure would be done</p> <p>23 before the materials were delivered to the site for</p> <p>24 installation; is that correct?</p> <p>25 A. Correct.</p>	<p>1 A. They had to do it in the right measurements that we gave</p> <p>2 them in our orders, and by measurements we are only</p> <p>3 referring to the lengths of the bars.</p> <p>4 Q. Thank you. Then you mention BOSA would make two types</p> <p>5 of threads, type A and type B; we all know about that.</p> <p>6 Then finally you say:</p> <p>7 "As for rebars used in other bar fixing works ..."</p> <p>8 Now, here you are talking about non-coupler rebars,</p> <p>9 I suppose, the final sentence?</p> <p>10 A. Correct.</p> <p>11 Q. "... we ourselves would be responsible for cutting them</p> <p>12 into suitable lengths according to the drawings with bar</p> <p>13 cutting machines."</p> <p>14 Do you see that?</p> <p>15 A. Correct.</p> <p>16 Q. I want to clarify this with you. The bar cutting</p> <p>17 machine you are talking about here is not this red</p> <p>18 machine; right?</p> <p>19 A. Oh, no, no.</p> <p>20 Q. If I can just show you, if we can take a look at</p> <p>21 F34/19759 -- here, yes. Can you confirm whether that is</p> <p>22 the sort of bar cutting machine that you refer to at the</p> <p>23 end of your paragraph 4 in your police statement?</p> <p>24 A. It's one of the types.</p> <p>25 Q. So this kind of bar cutting machine that you refer to in</p>
<p>1 Q. So the use of this electrical saw for the purpose of</p> <p>2 testing a particular part of the rebar done by</p> <p>3 Fang Sheung workers was not done on the site but was</p> <p>4 done elsewhere?</p> <p>5 A. In our bending yard. It's done in our bending yard.</p> <p>6 Q. Thank you. Then you go on to say:</p> <p>7 "For those rebars which were not selected for</p> <p>8 testing, they would be sprayed in white ... for</p> <p>9 identification."</p> <p>10 A. Correct.</p> <p>11 Q. Then maybe we can skip two lines, where you say:</p> <p>12 "Besides, BOSA was responsible for supplying the</p> <p>13 couplers and preparing the rebars in the right amounts</p> <p>14 and lengths for connection to the couplers of the</p> <p>15 diaphragm walls."</p> <p>16 Do you see that?</p> <p>17 A. Let me explain this here. BOSA itself does not have any</p> <p>18 rebars. The rebars were delivered by us, that is by</p> <p>19 the -- the tested rebars were delivered by us to BOSA in</p> <p>20 accordance with the bending schedule so they could</p> <p>21 prepare the threads they need to prepare.</p> <p>22 Q. Apparently BOSA would have been given instructions</p> <p>23 beforehand regarding the specifications/requirements in</p> <p>24 relation to the couplers, including the rebars, which</p> <p>25 would be needed for the site; correct?</p>	<p>1 paragraph 4 -- first of all, let me just try to clarify</p> <p>2 this with you -- this is a machine that your company,</p> <p>3 Fang Sheung, used at the bar bending yard; is that</p> <p>4 right?</p> <p>5 A. Correct.</p> <p>6 Q. Now, this kind of machine would not appear on site where</p> <p>7 the installation -- where the bar fixing work was done;</p> <p>8 right?</p> <p>9 A. They would be there. You know, bar fixing, at the bar</p> <p>10 fixing site, there would be such machines.</p> <p>11 COMMISSIONER HANSFORD: Sorry, Mr Khaw, before we move on</p> <p>12 from this photograph, can I just be clear: this is a bar</p> <p>13 bending machine; is it a bar bending and bar cutting</p> <p>14 machine, or are they two separate machines?</p> <p>15 MR KHAW: Maybe I should clarify with him.</p> <p>16 COMMISSIONER HANSFORD: Thank you.</p> <p>17 A. This one cannot be used for cutting bars. It's for</p> <p>18 bending the stirrups. This is specifically for bending</p> <p>19 the stirrups. So it's a bending machine. And this</p> <p>20 machine would not be moved to the site, because this</p> <p>21 machine cannot be used for cutting bars.</p> <p>22 COMMISSIONER HANSFORD: Sorry, so the answer is incomplete.</p> <p>23 So what we have been shown here is a bar bending</p> <p>24 machine. Was there also, in the bending yard, a bar</p> <p>25 cutting machine? I'm not clear about that yet.</p>
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<p>1 MR KHAW: Mr Pun, we just saw from this photograph what you 2 described as a bar bending machine, which only appears 3 at the bar bending yard, not on site where the 4 installation was carried out. Is that right? 5 A. For this type of machine, it's one of the types of bar 6 bending machines. This machine would not appear on the 7 site. 8 Q. What you just told us was that there would be another 9 kind of machine which is for bar cutting, and that 10 machine would appear in both the bar bending yard and 11 also on site where the installation was carried out; 12 am I correct? 13 A. Correct. 14 Q. Can you briefly describe what that bar cutting machine 15 looks like? 16 A. It's similar, very similar to this one. It's just that 17 there would be a knife, you know, a knife blade, some 18 kind of blade that could cut the bars. 19 Q. Thank you. So the size and the shape are more or less 20 the same for the two kinds of machine? 21 A. They look similar. That one would be slightly larger. 22 MR KHAW: I am moving to another topic, Mr Chairman. 23 I don't know whether it would be -- 24 CHAIRMAN: Yes, if that suits you. 25 We are finishing for the evening, returning tomorrow</p>	<p>1 INDEX 2 PAGE 3 MR PUN WAI SHAN (affirmed in Punti)1 4 Examination-in-chief by MS CHONG1 5 Examination by MR PENNICOTT2 6 Cross-examination by MR SO78 7 (In the absence of the witness)105 8 (In the presence of the witness)108 9 Questioning by THE COMMISSIONERS118 10 Cross-examination by MR KHAW123 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 morning at 10 am. The words that I said to you at 2 lunchtime about not discussing your evidence until 3 you've finished all of your testimony, they still apply. 4 Okay? 5 WITNESS: Totally understood. 6 CHAIRMAN: Thank you. 7 (5.00 pm) 8 (The hearing adjourned until 10.00 am the following day) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	