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<p>1 Wednesday, 7 November 2018 2 (10.01 am) 3 MR PUN WAI SHAN (affirmed in Punti) 4 (All answers given via simultaneous interpreter 5 except where otherwise specified) 6 Cross-examination by MR KHAW (continued) 7 MR KHAW: Good morning, Mr Pun. 8 Just to go back to where we finished yesterday, you 9 very helpfully told us that if Fang Sheung workers had 10 to cut a particular part of the rebar for testing -- we 11 are talking about the general rebar, not the coupler 12 rebar -- it was done at your bending yard. Do you 13 remember that? 14 A. Yes. 15 Q. So it was done before the bar fixing work was actually 16 carried out; right? 17 A. Yes. 18 Q. The bending yard, according to my understanding, was 19 located somewhere also in the construction site of the 20 SCL project; is that right? 21 A. Correct. 22 Q. Along the waterfront? 23 A. Yes. 24 Q. Yesterday, you also talked about BOSA's involvement 25 regarding the materials.</p>	<p>1 cut on site during the bar fixing process? 2 A. Correct. 3 Q. If we can go back to one of your answers to 4 Mr Pennicott's questions yesterday, and that was in 5 relation to whether the red machine that you saw, the 6 red cutting machine that you saw yesterday, here, was 7 used for cutting a particular section of a rebar to be 8 sent out for testing. Do you remember that? 9 A. Correct. 10 Q. If we can take a look at the transcript again, the 11 transcript of yesterday, page 28, after line 6: 12 "Can I just ask you this, Mr Pun, about that 13 passage. You refer to a portable electric shear. Can 14 you describe the piece of equipment that was used to do 15 that cutting for the testing? 16 Answer: About the testing of the rebars, we cannot 17 use the bar fixing machine to cut the bar for testing 18 because if we use that machine, it would have a force", 19 which would have the effect of deforming the steel bar; 20 that's what you said, right? 21 A. Correct. 22 Q. So, in relation to the cutting that you mentioned here, 23 you were actually referring to the cutting done at the 24 bar bending yard, not the bar fixing place; is that 25 correct?</p>
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<p>1 If we can take a look at the transcript of 2 yesterday, page 126, line 17 -- you said: 3 "Let me explain this here. BOSA itself does not 4 have any rebars. The rebars were delivered by us, that 5 is by the -- the tested rebars were delivered by us to 6 BOSA in accordance with the bending schedule so they 7 could prepare the threads they need to prepare." 8 Now, am I correct to say that in that case, BOSA was 9 only responsible for doing the threading on the rebars 10 of the couplers already cut by Fang Sheung at the bar 11 bending yard; is that correct? 12 A. Correct. 13 Q. BOSA was not responsible for doing any cutting for such 14 rebars? 15 A. Yes. 16 Q. Thank you. 17 We know all the steel bars, either steel bars in 18 general or the bars for the couplers, had already been 19 cut and prepared in accordance with the specifications 20 and requirements set out in the bar bending schedule 21 before they were delivered to the site for the bar 22 fixing work; right? 23 A. Correct. 24 Q. So am I correct to say that usually, in that case, it 25 would be highly unlikely for such rebars to be further</p>	<p>1 A. Correct. 2 Q. If I can then discuss with you one of the answers you 3 have given to the police in the police statement. If we 4 can take a look at E6/1595.9. I can just give you the 5 Chinese version; it's E1594. That is the Chinese 6 version, regarding answer 15. 7 You told us yesterday that regarding this answer 15, 8 at bullet point 3, in relation to electric shear, that 9 was a mistake, that is what you told us, right; do you 10 remember that? 11 A. Correct. 12 Q. Because you clarified with us that what you were 13 referring to in fact was not the threaded rebar on the 14 coupler but in fact rebar in general; right? 15 A. Correct. 16 Q. Pausing here, if I can take you to look at one of your 17 answers to Mr Chairman's questions put to you yesterday 18 afternoon -- if we can go to the transcript of yesterday 19 again, page 121. Mr Chairman asked you: 20 "Can I ask you this. You've spoken about cutters 21 and others have spoken about other types of machinery 22 which they call grinders. In your line of work, is it 23 common to see them being used at the workplace?" 24 A. (Chinese spoken) -- 25 Q. Just a moment. I will just finish your answer first.</p>

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<p>1 Your answer was:</p> <p>2 "This equipment is used frequently. It's a</p> <p>3 hand-held piece of equipment. The industry -- it's a</p> <p>4 tool used in our industry. Because the bars, when it's</p> <p>5 taken out from the yard, some -- there are some</p> <p>6 unforeseen circumstances, for example the CJ</p> <p>7 [construction joint] it might be of unexpected length</p> <p>8 and we cannot install the bar, then we will use the</p> <p>9 hand-held tool to help us to cut the bar ..."</p> <p>10 Let's stop here first. Here, were you saying that</p> <p>11 even after the bars were delivered to the bar fixing</p> <p>12 place, you would still be required to cut the bars</p> <p>13 because some of them might be too long or not previously</p> <p>14 cut in accordance with the correct specifications? Is</p> <p>15 that what you are trying to tell us?</p> <p>16 A. Yes.</p> <p>17 CHAIRMAN: I'm sorry, could I ask: how often would that</p> <p>18 occur? Several times a day? Once a month?</p> <p>19 A. It doesn't happen often. Maybe once or twice in</p> <p>20 a month.</p> <p>21 CHAIRMAN: All right. But you've said earlier -- and</p> <p>22 counsel has referred you to that -- that cutters are</p> <p>23 used frequently at the work site, at the fixing place.</p> <p>24 Why else would they be used?</p> <p>25 A. It's for cutting the spacer bars, for holding up the</p>	<p>1 "sifu" bars that you referred us to yesterday? It's the</p> <p>2 general rebars that need to be cut or the "sifu" bar?</p> <p>3 A. It's the spacer bars. We call them "sifu" bars in</p> <p>4 general, the spacer bars that we need to cut.</p> <p>5 Q. So the cutter on site during the bar fixing process was</p> <p>6 used to cut the "sifu" bar; right?</p> <p>7 A. Yes, spacer bars, correct.</p> <p>8 CHAIRMAN: All right. Sorry, just help me again, in case</p> <p>9 I've got this wrong. What are spacer bars used for?</p> <p>10 A. Spacer bars are not found in the drawings. It's only</p> <p>11 used for convenience sake, and that is to allow us to</p> <p>12 put a space between the cover and the rebars. So,</p> <p>13 usually, above the spacer block, there would be a spacer</p> <p>14 bar, and then we place the rebars. Therefore the spacer</p> <p>15 bars are not found in the drawings.</p> <p>16 COMMISSIONER HANSFORD: Can I -- please tell me if I've got</p> <p>17 this right -- my understanding is the spacer bars are to</p> <p>18 ensure that the reinforcement bars are at the correct</p> <p>19 spacing, so they are something that you fix in order to</p> <p>20 make sure that the reinforcement bars are the correct</p> <p>21 distance apart. Is that correct?</p> <p>22 A. Correct distance, yes, and there should be cover as</p> <p>23 well.</p> <p>24 COMMISSIONER HANSFORD: So the correct distance apart and</p> <p>25 the correct cover, which means the distance between the</p>
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<p>1 spacer box. That is, it's for holding up the spacer bar</p> <p>2 or what I called "sifu" bar yesterday.</p> <p>3 MR KHAW: Let me just try to understand your answer step by</p> <p>4 step. Now, earlier on this morning, when I asked you:</p> <p>5 you know that before the materials were delivered to the</p> <p>6 site for the bar fixing work, the bars had all been cut</p> <p>7 according to the specifications; and then you said,</p> <p>8 therefore, it is highly unlikely that the bars would</p> <p>9 need to be cut on the site during the bar fixing work.</p> <p>10 Do you remember that?</p> <p>11 A. These are the bars in the drawings, that is the bars --</p> <p>12 I am referring to bars in the works drawings.</p> <p>13 Q. Let's wait, Mr Pun. That's not really my question. My</p> <p>14 question was, earlier on, you said, during the bar</p> <p>15 fixing process, since the materials had already been</p> <p>16 previously cut according to the specifications, it would</p> <p>17 be highly unlikely for the bars to be further cut at the</p> <p>18 site during the bar fixing work; do you remember that?</p> <p>19 That is your answer earlier given to us.</p> <p>20 A. Correct.</p> <p>21 Q. So if here, in answer to Mr Chairman's question, if you</p> <p>22 were referring to bars which were too long, right, too</p> <p>23 long, which might need to be cut at the site during the</p> <p>24 bar fixing work, were you referring to the general steel</p> <p>25 bars which would be used for reinforcement, or the</p>	<p>1 edge of the concrete pour and the reinforcement, so the</p> <p>2 correct cover as well as the correct distance apart; is</p> <p>3 that correct?</p> <p>4 A. Yes.</p> <p>5 COMMISSIONER HANSFORD: Okay. And what I've heard you say</p> <p>6 is that the cutter is used generally for cutting those</p> <p>7 spacer bars -- do you say "sifu" bars? -- generally for</p> <p>8 cutting the spacer bars, and very occasionally for</p> <p>9 cutting normal reinforcement that for whatever reason is</p> <p>10 too long; is that what you're saying?</p> <p>11 A. Yes.</p> <p>12 COMMISSIONER HANSFORD: That's what I understood. Thank</p> <p>13 you.</p> <p>14 MR KHAW: Thank you.</p> <p>15 So, in relation to the "sifu" bar -- let's see if my</p> <p>16 limited understanding of this works -- the "sifu" bar</p> <p>17 was used to kind of provide support for placing the</p> <p>18 steel bars, the main reinforcement steel bars; is that</p> <p>19 correct?</p> <p>20 A. Correct.</p> <p>21 Q. Usually, the "sifu" bars would actually sit on certain</p> <p>22 saddles, metallic saddles or plastic saddles; is that</p> <p>23 right?</p> <p>24 A. Usually sitting on concrete spacer block.</p> <p>25 Q. And one of the functions of the spacer bar was to ensure</p>

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<p>1 that the reinforcement bars would not be easily bent or 2 displaced when people, for example, work on or walk on 3 such reinforcement bar; am I right? 4 A. Correct. 5 Q. So, just to complete this point, the "sifu" bar actually 6 does not form any part of the reinforcement bar, they 7 simply act as support for the reinforcement bars? 8 A. Correct. 9 Q. So am I right in saying that in general, there is really 10 no need to have to cut the "sifu" bars; am I right? 11 A. No. This is because, for the "sifu" bars, there are 12 different specifications for placing them. It's usually 13 1.5 metres apart and then, depending on actual 14 situation, we will place the spacer bars. 15 Q. But the "sifu" bars do not have to fit a particular 16 specification or length; am I correct? 17 A. No. No need. 18 Q. So even if it is too long, it can still work as 19 a support for the reinforcement bars placed above the 20 "sifu" bar; am I right? 21 A. Yes, correct. 22 CHAIRMAN: Sorry, but if you are trying to keep the 23 reinforcing bars the correct distance apart from each 24 other, which you say would normally be 1.5 metres, might 25 you not need to cut these "sifu" bars just to ensure</p>	<p>1 A. No. No. They were placed underneath the reinforcement 2 bars. 3 COMMISSIONER HANSFORD: Sorry, Mr Khaw, I just need to 4 understand this. 5 MR KHAW: Of course. 6 COMMISSIONER HANSFORD: Can I just ask -- so these "sifu" 7 bars that are underneath the main reinforcement, is the 8 reason for you cutting them because they have to fit 9 into the space? Why do you have to cut the "sifu" bars? 10 What is the need for cutting the "sifu" bars? 11 A. For these spacer bars, there is no prescribed length, 12 because these are just random steel rods and they were 13 not included in the drawings. It's only to enable us to 14 support the spacing as well as the cover. And these 15 sort of spacer bars are prevalent around the industry 16 and they are put in slabs. 17 COMMISSIONER HANSFORD: Yes, I understand that, but I'm 18 trying to understand why they have to be cut, and 19 I think what you're telling me is it's because they come 20 in random lengths and so you therefore have to cut them 21 to the length that you require on site; is that correct? 22 A. Correct. This is because the spacer bars are usually 23 12 metres and they have to be cut on site. 24 COMMISSIONER HANSFORD: Thank you. I understand. 25 CHAIRMAN: Now, are spacer bars different in their make-up</p>
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<p>1 that, depending on the location, if perhaps you need 2 a little less than 1.5 metres, you can trim that bar? 3 MR PENNICOTT: It's 150 millimetres. 4 COMMISSIONER HANSFORD: Yes, I'm not sure where this 5 1.5 metres is coming from. I think the centres are 6 150 millimetres, is that correct, generally? 7 MR PENNICOTT: Yes. 8 COMMISSIONER HANSFORD: Sorry to interrupt. 9 CHAIRMAN: No, no. You've put that into the correct 10 context. Thank you very much. 11 I am just wondering, perhaps simplistically, you 12 have reinforcing bars going this way (demonstrating) -- 13 I am putting my hands out in front of me -- they need to 14 be kept the correct distance from each other, so you put 15 bars in the middle, going this way (demonstrating); is 16 that right? 17 A. It's actually placed underneath the reinforcement bars. 18 Underneath the reinforcement bar. It's like there is 19 long bars and then there will be reinforcement bar on 20 top. 21 CHAIRMAN: All right. So you don't actually have -- so 22 let's take two reinforcement bars going like this 23 (demonstrating with two highlighter pens) -- you don't 24 actually have another one that you trim that goes in the 25 middle and actually holds them apart, not like that?</p>	<p>1 from ordinary reinforcing bars? 2 A. No difference. 3 CHAIRMAN: So they are the same steel reinforcing bar, and 4 presumably you know how many and at what length you need 5 to have them before you start doing the work? 6 A. Yes. We have made estimations of these spacer bars, 7 because they are T16, which is very narrow. 8 CHAIRMAN: So you calculate how many you need, you calculate 9 the length of them, and you are able to charge for the 10 work that you do in respect of laying them? 11 A. We do not charge for these spacer bars. (Chinese 12 spoken). 13 CHAIRMAN: You don't charge for doing any work in laying 14 them? 15 A. This is just to facilitate our work because it's to 16 support the cover and the spacing. 17 CHAIRMAN: All right. So it's built into the sort of work 18 you do? 19 A. (Chinese spoken). 20 COMMISSIONER HANSFORD: Just so that I can understand it 21 further -- sorry to labour this point but I think it's 22 quite important -- you're telling us that they are 23 16 millimetres' diameter, which is much thinner than the 24 normal reinforcement; is that correct? The "sifu" bars, 25 did you say they are 16 millimetres' diameter?</p>

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<p>1 A. Yes, diameter. Yes, correct.</p> <p>2 COMMISSIONER HANSFORD: Thank you. And you don't schedule</p> <p>3 these? These are not part -- when you schedule the</p> <p>4 reinforcement and you tell Leighton what lengths that</p> <p>5 you require, do you schedule the "sifu" bars or do you</p> <p>6 just order a quantity to arrive in 12 metre lengths?</p> <p>7 A. I will not include them in the bending schedules. This</p> <p>8 is because we only used some 12 metre steel bars, and</p> <p>9 the workers would cut them, because they could be in</p> <p>10 different shapes and different spaces and if needed we</p> <p>11 will put them in.</p> <p>12 COMMISSIONER HANSFORD: So they are always delivered in</p> <p>13 12 metre lengths; is that what you are telling us?</p> <p>14 A. Yes. Yes. We will order some 12 metre steel rods, and</p> <p>15 they will cut them according to actual needs.</p> <p>16 COMMISSIONER HANSFORD: Thank you. Now I understand.</p> <p>17 MR KHAW: Can I just clarify a few more points with you on</p> <p>18 this. When you brought in the "sifu" bars onto the site</p> <p>19 for bar fixing work, you knew the dimensions in relation</p> <p>20 to each bay; is that right?</p> <p>21 A. Yes.</p> <p>22 Q. So you ought to have known whether the "sifu" bars could</p> <p>23 actually fit into a particular bay or not, before the</p> <p>24 "sifu" bars were actually brought in; is that correct?</p> <p>25 A. We have to look at the actual situation. The workers</p>	<p>1 Q. Let's go to another point or perhaps another answer that</p> <p>2 you gave in your police statement. E1595.9 again,</p> <p>3 answer 11; the Chinese version at E1593. We have looked</p> <p>4 at this already, but there are a few more questions that</p> <p>5 I would like to ask you on this.</p> <p>6 In the middle of your answer A11, can you see the</p> <p>7 sentence starting from "In reality"?</p> <p>8 "In reality, sometimes there were not enough rebars</p> <p>9 with type A threads, and there was a chance that workers</p> <p>10 would replace them with rebars of type B threads, so</p> <p>11 that even when the rebars were completely screwed into</p> <p>12 the couplers, part of the threads would still remain</p> <p>13 exposed."</p> <p>14 Do you see that?</p> <p>15 A. Yes, correct.</p> <p>16 Q. Here you said "in reality", so you are talking about</p> <p>17 what happened as a matter of fact, do you agree, not as</p> <p>18 a matter of guess; do you agree?</p> <p>19 A. When I put this statement, this was just a guess.</p> <p>20 Q. So you agree, and I believe that was your answer given</p> <p>21 to us yesterday, that is, when you were talking about</p> <p>22 this cutting type B rebars and then replace them -- and</p> <p>23 put them on the type A couplers, your answer given to us</p> <p>24 yesterday was that what you stated here was not</p> <p>25 something that you saw or even heard of; do you remember</p>
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<p>1 will consider how to cut the spacer bars according to</p> <p>2 the actual needs. This is because, for the lapping, we</p> <p>3 need to have two spacer bars to support them, so that</p> <p>4 the lapping will not sag. So this is underneath the</p> <p>5 lapping, we need to place one spacer bar here</p> <p>6 (demonstrating with two pens), one spacer bar there, so</p> <p>7 the lapping will not sag.</p> <p>8 Q. But the position of the lapping had already been fixed</p> <p>9 in accordance with the design; right?</p> <p>10 A. The lapping position, yes.</p> <p>11 Q. So you knew about the positions of the lapping, you knew</p> <p>12 about the dimensions of each particular bay. Is there</p> <p>13 any reason why the "sifu" bars, if it was necessary to</p> <p>14 cut them into a particular dimension, why were they not</p> <p>15 cut at the bar bending yard?</p> <p>16 A. This is because the dimension of each bay, the length</p> <p>17 and width and the CJ positions, are different.</p> <p>18 Therefore, I will not precut these spacer bars and then</p> <p>19 direct the workers to use this spacer bar in this</p> <p>20 position and that in that position. This is not correct</p> <p>21 or this is not right.</p> <p>22 Q. You agree that this issue regarding "sifu" bar has never</p> <p>23 been mentioned in any of your previous statements; do</p> <p>24 you agree?</p> <p>25 A. Yes.</p>	<p>1 that?</p> <p>2 A. Yes.</p> <p>3 Q. But if we can look at the question in this respect,</p> <p>4 question 11 -- the question was:</p> <p>5 "When you were inspecting Hung Hom Station, have you</p> <p>6 ever seen or heard anyone using machinery to cut short</p> <p>7 the threaded rebars in order to pretend that the rebars</p> <p>8 have been screwed into the couplers?"</p> <p>9 The question specifically asked you to state what</p> <p>10 you saw or heard; do you see that?</p> <p>11 A. Yes, I see it.</p> <p>12 Q. So are you now telling us that you were in fact not</p> <p>13 answering the question when you were giving answer A11?</p> <p>14 A. Yes.</p> <p>15 Q. You were simply stating what you imagined to be the case</p> <p>16 to the police?</p> <p>17 A. Correct.</p> <p>18 Q. Without any basis whatsoever?</p> <p>19 A. Correct.</p> <p>20 Q. Mr Pun, it seems to me that this imagination did not</p> <p>21 only appear once, it appeared more than once. If we can</p> <p>22 take a look at your interview by the MTR now. It's</p> <p>23 B5/3082.5, that is the Chinese version. The English</p> <p>24 version is at 3082.15.</p> <p>25 If we can go to this particular time slot, starting</p>

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<p>1 from 15:30. On the English transcript -- the English 2 transcript is not the full transcript; it is only 3 a summary of what has been transcribed in Chinese -- but 4 if I can take everyone to the English version first. 5 Mr Pun, you can take a look at the Chinese version 6 and then we can have a discussion. 7 Here it said: 8 "Regarding media reports on cutting of rebars." 9 Your answer was: 10 "Let me explain the cutting of rebars, may I? The 11 only reason was that the coupler was bent/damaged. 12 There was no other motivation for cutting rebars." 13 Then: 14 "Secondly, another possibility was [type A and 15 type B threads]. If there was insufficient bars of 16 type A threads, we would use that of type B but the 17 threads would stick out and it would not be acceptable. 18 If it was my workers cutting the rebars, possible that 19 they were just shortening the type B threads into type A 20 threads." 21 Now, do you remember saying something along that 22 line in the interview by the MTR? 23 A. Yes. 24 Q. So am I correct to say that since the same scenario that 25 you described did not just appear once, it appeared</p>	<p>1 supplied couplers to you, but BOSA in fact was only 2 responsible for doing the threading. The cutting had 3 previously been all done by you; is that right? 4 A. Correct. 5 Q. So it is highly unlikely that there would be situations 6 where there was miscalculation regarding the number of 7 type A couplers and type B couplers that were delivered 8 to the site for bar fixing work; would you agree? 9 A. Rarely there is miscalculation. There won't be 10 miscalculation. 11 Q. So you still cannot tell us whether there was even one 12 single incident where workers cut type B threaded parts 13 and put them on to type A couplers? You can't tell us; 14 right? 15 A. Correct. 16 Q. Thank you. 17 If we can look at another reason that you provided 18 for cutting the threaded rebars, according to what you 19 said at the interview with MTR. If I can take you to, 20 again, B5, page 3082.16. I'm just trying to find the 21 Chinese version for you. It's 3082.6. 22 Now, here you were asked about the NCR, do you 23 remember, the NCR in December 2015 that I believe you 24 talked about yesterday? 25 A. I remember that, yes.</p>
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<p>1 twice, there must have been basis, some basis, for you 2 to say this; is that right? 3 A. If there is definitely a need to cut rebars or cut the 4 threads, I would believe the reason is this one only. 5 There couldn't be any other reasons. 6 Q. So am I right in saying that you must have seen 7 something, you must have heard something, which would 8 enable you to give us such details regarding type A 9 couplers, type B couplers, why type B couplers would 10 need to be cut? You must have seen or you must have 11 heard something; right? 12 A. I've been in this trade for 30-40 years. I see the 13 couplers all the time. So, from my experience, if there 14 is a need to cut the threads, that has to be the only 15 reason, the one that I have just stated. 16 Q. Thank you. Now, here you are talking about your 17 experience, so are you now telling us that according to 18 your experience, there were in fact incidents where your 19 workers had to cut type B threaded bars and then put 20 them onto type A couplers? Is that what you are trying 21 to tell us? 22 A. I do not rule out the possibility, but I have not seen 23 it myself. 24 Q. Thank you. 25 Now, earlier on this morning, you told us that BOSA</p>	<p>1 Q. Then the question relates to the cutting of rebars 2 regarding that particular or those particular incidents 3 covered under the NCR. Do you remember that? 4 A. Yes, I remember that. 5 Q. Since the English translation of the transcribed 6 contents is only a summary, if I may refer to the 7 Chinese version bit by bit, and then I may need to 8 trouble the interpreter to interpret that particular 9 part of the interview, which is about two or three 10 minutes. 11 If we can now go to that particular part of the 12 transcript, just to understand what you said at that 13 time. 3082.6 -- I will read slowly: 14 "(Via interpreter) You said just now that it was the 15 first time you found out about the cutting of bars was 16 from the media. But we know that in December 2015 there 17 should be an NCR from Leighton to Fang Sheung, and in 18 there, there should have been mention of the bar cutting 19 incident. So if it was the first time that you knew, 20 then it shouldn't have come from the media; right?" 21 This is your answer: 22 "(Via interpreter) Yes, you could put it that way, 23 but in the photo I don't see the workers are holding the 24 bars for cutting. 25 Question: Yes.</p>

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<p>1 Answer: There we immediately told MTRCL and 2 Leighton the reasons that led to that, so there was 3 immediate correction or rectification. So MTRCL 4 released all the results to me and said that they have 5 already rectified it all. 6 Question: But on that occasion what was the reason? 7 Answer: This is because the rebars were squeezed 8 too tight and the coupler was deformed or bent. 9 Question: And so? 10 Answer: Because too tight. 11 Question: So? So? 12 Answer: So we would use those rebars, to use 13 another method to remove them, and then we would put 14 lubricant to stretch them out. If the workers were as 15 what the MTRCL said, these workers may not have taken 16 this step at all. 17 Question: So the photos show that or said that you 18 did not screw the rebars fully? 19 Answer: Yes. Therefore, MTRCL asked us to redo 20 them. 21 Question: But do you consider it reasonable or not, 22 that is our NCR? Is it really that you did not screw 23 the rebars fully into the coupler, or did you use other 24 method or another factor? 25 Answer: That should have been cut, the five rebars.</p>	<p>1 they were not able to use wrench to screw the rebars 2 into the coupler. Therefore, they would rather cut 3 short the rebars, and took a risk, they hoped nobody 4 would see it or pretend that they didn't see it, or it 5 appeared that they were screwed into the coupler, so 6 that they would not be found out? 7 Answer: I think it should be MTRCL that discovered 8 that. We may have done so. 9 Question: Okay. 10 Question: That is discovered that the rebars were 11 too congested, you could not screw them in, and then you 12 cut the rebars but only cut half of it, that is you 13 don't know how many threads you cut? 14 Question: How many threads you cut? 15 Answer: Don't know how many threads were cut. 16 Question: You don't know, but just now the question 17 was about cutting type B? 18 Answer: Type A. 19 Question: Type A? 20 Question: Cutting type A, okay. But eventually how 21 did you rectify it? 22 Answer: Later ... 23 Question: What is most important is that it was 24 rectified. 25 Answer: MTRC had site staff monitoring the site,</p>
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<p>1 Question: Cut? 2 Answer: Cut? 3 Question: Cut away the threads. 4 Answer: Yes, yes, but we took remedial measure. 5 And we say this and this ..." 6 (In English) There is something inaudible here. 7 "(Via interpreter)... and even then we could not 8 completely remedy it, and not acceptable to MTRCL. 9 Question: But I would like to ask about the five 10 rebars. 11 Answer: Yes. 12 Question: Are they A or B? 13 Answer: Type A. 14 Question: Type A, but they were cut short? 15 Answer: Yes, or they ... 16 Question: The reason is because they were too 17 congested, therefore they cut them short? 18 Answer: Yes. Basically, the steel rods were too 19 congested. You could not even put in a wrench. 20 Question: Mmm. 21 Answer: So you can imagine how congested the rebars 22 were placed. 23 Question: In other words, when the workers were 24 fixing the bars, they discovered that, they felt that 25 the bars were too congested. For these several rebars,</p>	<p>1 and when we were on site and together with Leighton, 2 there were people supervising our work, making sure that 3 we exhausted all means, yes, this is because it is 4 complicated. If you do this, how do you explain to 5 a normal person that is ..." 6 (In English) There is another part inaudible. 7 "(Via interpreter) ... and a cap was so close and 8 one layer being very close to another layer, and in 9 between two couplers, in between two couplers, and where 10 there was some painted section and there was some 11 pustulation, this is because you had poked some space 12 and then we can ask our workers who could be responsible 13 for welding." 14 Just to first summarise this part of the interview. 15 According to the interpretation, it referred to the 16 reinforcement bars being too tight. Am I correct in 17 saying that in fact what you were trying to explain was 18 that, at that time, the reinforcement bars were too 19 congested; is that what you are trying to say? 20 A. Yes. 21 CHAIRMAN: By that, do you mean that a number of them came 22 together at or about the points where they were meant to 23 go into the couplers on a separated basis? 24 MR KHAW: Yes. If we may have a look at a photo attached to 25 the NCR, that will give us a clearer picture.</p>

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<p>1 C8143 in C12. Perhaps we can take a look at 8147, 2 one of the photographs attached to the NCR. Mr Pun, if 3 we can look at this photograph together, can you explain 4 to us whether this photograph can show the situation 5 that you just described, ie the reinforcement bars being 6 too congested? Can this photograph show? 7 A. Yes, I see it. 8 Q. Can you explain to us? 9 A. This photo (indicating), this is the top bar. 10 Underneath it is also a top bar in a different 11 direction. You can see here (indicating), underneath 12 these steel were all tight, the steel were very tight 13 together. 14 Q. For the record, the witness is pointing at -- 15 A. Now, when this coupler was screwed in, the coupler on 16 this other side -- 17 Q. Can I just stop you here. 18 For the record, the witness is pointing at the 19 vertical coupler on the left of this photograph. 20 CHAIRMAN: Yes. 21 A. This coupler, when it's screwed in, you can see this 22 coupler (indicating), the level was not right. You can 23 see. In between the bars, if you want to put a coupler 24 in, it's not possible. 25 MR KHAW: Can you also explain to us what you can see from</p>	<p>1 A. Correct. 2 COMMISSIONER HANSFORD: Okay. I don't understand, actually. 3 We hear that this was then rectified. I don't 4 understand how you would rectify the situation like 5 that, but maybe that will come later. It looks 6 a nightmare to me. 7 MR KHAW: Talking about this particular incident, you 8 remember you told us yesterday that this was a 9 workmanship problem; do you remember that? 10 A. Correct. 11 Q. But according to the answer we just heard you gave in 12 the MTR interview, you said the rebars were cut in order 13 to pretend that they had been somehow inserted so that 14 nobody would realise that the couplers were not properly 15 installed. Do you remember that this is part of your 16 answer? 17 A. No, no. That's what the MTRCL asked. I didn't answer 18 it that way. 19 Q. We can go back to that particular part, if you want. 20 CHAIRMAN: Did you not agree, in that answer, that the 21 threaded parts of the rebar had been cut, or rather the 22 threaded parts of the rebars, plural, had been cut? 23 A. Yes. We see that in the photo. 24 CHAIRMAN: And that would have been cut by your workers, or 25 those cuts would have been made by your workers?</p>
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<p>1 this photograph regarding some cut couplers with 2 concrete covered on them? 3 A. This coupler (indicating) should be the cut one. 4 CHAIRMAN: Which one? 5 A. This one, on this side, at the edge (indicating). 6 COMMISSIONER HANSFORD: Are you referring to the vertical 7 bar that's coming down from above? Is that the one that 8 you say has had cut threads? 9 A. Yes, correct. 10 MR KHAW: Can you see any other cut threaded rebars from 11 this picture? 12 A. No, I don't see it. 13 COMMISSIONER HANSFORD: Sorry, I don't fully understand this 14 picture. Am I also seeing some couplers from below 15 pointing up vertically, actually probably not quite 16 vertically, with no bar screwed into them? Is that also 17 what this photograph shows? 18 MR KHAW: Yes. 19 COMMISSIONER HANSFORD: It's probably better if I had the 20 answer from Mr Pun. 21 MR KHAW: Yes. 22 COMMISSIONER HANSFORD: Mr Pun, at the lower part, there 23 seems to be a coupler pointing up, not quite vertically, 24 with no bar screwed into it. Am I seeing that 25 correctly?</p>	<p>1 A. I do not know. But an NCR was issued to us. 2 MR KHAW: Sorry, Mr Pun, going back to my earlier question. 3 If we can take a look at B3082.7 again, in B5. If I can 4 ask you to take a look at that particular question again 5 that you said was put to you by MTR staff, in the 6 middle -- I will read it out again: 7 "(Via interpreter) That is, their workers, when 8 fixing the bars, they found or felt that they were too 9 congested. For those few bars, they were unable to use 10 the wrench to screw the bars in." 11 Listen carefully to the next sentence: 12 "So they might as well cut them shorter and pretend 13 or take a gamble and pretend that they could not be 14 seen, or they may look as if the bars have been screwed 15 in and they hope that they can get away with it?" 16 This was the question put to you by MTR staff. Your 17 answer was: 18 "Er ... I think that it should be that the MTRC 19 found out and, yes, that should be the case for us." 20 That was your answer. 21 A. I meant in the drawings. I meant the MTRCL found that 22 there were some bars not screwed in properly. That's my 23 answer. That's what I referred to. That is in the NCR 24 there were five bars that were not up to standard. 25 Q. Sorry, I don't understand at all your answer.</p>

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<p>1 When you attended this interview with the MTR, at 2 that time, obviously -- obviously -- you knew about this 3 NCR incident; right? 4 A. I only saw the photos on the day I attended the 5 interview. For NCR, where there's a non-conformance, 6 yes, we were aware of it. 7 Q. Thank you. So, shortly after the NCR was issued in 8 December 2015, you were told about the problems found; 9 am I right? 10 A. Correct. 11 Q. Who told you about this incident? 12 A. Leighton issued an NCR to us. We received the NCR. At 13 the time, at the first instance when this happened, 14 Leighton and MTRCL informed us that there was such 15 a case on site. So they asked us to remedy it at once 16 on site. 17 Q. So there were representatives from both Leighton and MTR 18 who talked to you directly about this incident; is that 19 right? 20 A. They didn't tell me. They told my foreman. On this 21 incident, I only knew that it happened. 22 Q. So your knowledge of this incident was from Mr Cheung; 23 right? 24 A. Correct. 25 Q. Yesterday, you said, in a rather stern tone, that if</p>	<p>1 Q. And you must have also made enquiry as to what happened; 2 right? 3 A. It was Mr Cheung who asked the workers. 4 Q. So Mr Cheung then reported to you what happened, right, 5 after his investigation? 6 A. Yes. 7 Q. He confirmed with you that "It was our workers who made 8 mistakes"; right? 9 A. I didn't hear him say that. Actually, I don't remember 10 at the time what he said. 11 Q. Sorry, he told you that the mistakes were committed by 12 Fang Sheung's workers; is that right? Is that what 13 Mr Cheung told you? 14 A. He said we -- Leighton told us that at one location the 15 couplers were not screwed in completely. 16 Q. Fair enough. This is what Leighton told Mr Cheung. 17 This is what Leighton may have told you. But you 18 certainly wanted to know what was the cause of the 19 problems? 20 A. Correct. 21 Q. So my question was: did Mr Cheung then report back to 22 you regarding the findings of his investigation? 23 A. No. 24 Q. No? 25 A. After he finished the investigation, you mean the</p>
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<p>1 there is cutting of threaded rebars on a site, it is 2 an insult. 3 A. What I said was if there's a faking systematically in 4 cutting rebars, then that's an insult to all in the 5 construction sector in Hong Kong. 6 Q. When you heard by Mr Cheung about this NCR incident, 7 were you shocked? 8 A. Yes. 9 Q. You immediately must have realised that it would have 10 a great impact on your company, on your business; is 11 that right? 12 A. Correct. 13 Q. You must have been very keen to find out what actually 14 happened? 15 A. Correct. 16 Q. As Fang Sheung's boss, you must have been very eager to 17 find out, first of all, whether the problems were in 18 fact caused by your own workers or not; is that right? 19 A. Well, that should have to do with the workmanship of 20 individual workers; there may be some problem. 21 Q. Answer my question, Mr Pun. You were very keen to find 22 out whether the problems were caused by your workers or 23 not; if they were not caused by your workers, you should 24 not be blamed? 25 A. Yes, I was keen to find out, yes.</p>	<p>1 findings? 2 Q. (Nodded head). 3 A. He told me that it was all fixed, under the supervision 4 of MTRC and Leighton. 5 Q. Hang on. Let us not talk about whether the matter was 6 resolved eventually, how it was resolved. Let's not 7 talk about that. As the boss of Fang Sheung, you must 8 have wanted to know what went on on site. What was the 9 answer you got from Mr Cheung; what went wrong actually? 10 A. Mr Cheung told me that there were several threaded 11 rebars that were not screwed completely into the 12 couplers. He immediately instructed some workers to fix 13 them. 14 Q. He told you about this problem regarding the congestion 15 of the reinforcement bars; did he tell you? 16 A. For that, I told the MTRC after looking at the photos. 17 CHAIRMAN: All right, sorry -- I confess, Mr Pun, and 18 I don't mean it with disrespect, but we seem to be going 19 around in circles on what really should have been 20 a fairly clear situation. 21 Now, you were told or you knew that an NCR had been 22 received from Leightons. 23 A. Yes. 24 CHAIRMAN: Do you get them every week? 25 A. Not every week but just this one.</p>

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<p>1 CHAIRMAN: Just this one. So they don't come regularly, and 2 this would have been a serious matter for you? 3 A. I also felt that way. 4 CHAIRMAN: Good. And what you seem to be saying now is that 5 the report that you got from your foreman was that there 6 had been nothing more than a failure to properly and 7 fully screw in a number of rebars, is that right, 8 a limited number? 9 A. Yes. 10 CHAIRMAN: So you were not told anything about any rebar 11 threads being trimmed? 12 A. No, he didn't mention it. 13 CHAIRMAN: And you were not told about the fact that it was 14 impossible to properly fit the rebars because of 15 congestion of the reinforcing bars? 16 A. No. 17 CHAIRMAN: So you got the NCR, as far as you were concerned, 18 simply because your workmen hadn't screwed in otherwise 19 perfectly okay rebars into properly aligned couplers? 20 A. Yes. 21 CHAIRMAN: And that was it? They had left a couple of 22 threads showing? 23 A. Yes. 24 CHAIRMAN: Thank you. That's all you knew about it, until 25 you at some later stage made further investigations, and</p>	<p>1 that there had been cutting of threads? 2 A. Yes. 3 CHAIRMAN: All right. But earlier -- unless I have got this 4 completely wrong -- you said you only knew about this 5 when you went into the MTRC interview. 6 A. Yes, correct. 7 CHAIRMAN: I'm obviously misunderstanding something complex, 8 because on an ordinary reading of this you seem to be 9 leading me around in circles, and I don't like it. So 10 I will now adjourn to just ensure that I am not the one 11 leading myself around in circles, and then we will 12 return. Do you understand me? 13 A. Yes. 14 CHAIRMAN: Because it seems to me -- you are the boss of 15 a business, at some stage, you've been told that rebars 16 have been cut, and it would seem to me it's not that 17 difficult to look into the situation, to find out the 18 truth, and to deal with it. That's called management. 19 Do you understand me? 20 A. I understand. 21 CHAIRMAN: Management requires understanding the position, 22 reducing it, to clear parameters, and then dealing with 23 it, and you don't seem to have done that at all here. 24 And what I can gain from this, perhaps wrongly, is that 25 you are trying to mislead this Inquiry, and I don't like</p>
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<p>1 that's presumably when all this blew up? 2 A. Yes. 3 CHAIRMAN: And so when you say you knew nothing about this 4 until you read -- you knew nothing about cutting threads 5 short until you read it in the media, that's your 6 evidence, is it? 7 A. The NCR was issued by MTRC, and the MTRC told us that 8 there were some rebars cut short, and we only knew it 9 then, and from the media as well. 10 CHAIRMAN: All right. So you only knew it when you were 11 called into the MTRC interview? 12 A. Yes. 13 MR KHAW: Thank you. 14 Now, according to what we can see -- 15 CHAIRMAN: Sorry, my apologies. 16 So you knew it then. That must have been a shock? 17 A. Yes. 18 CHAIRMAN: You hadn't been told by your foreman? 19 A. The foreman told me on that day. 20 CHAIRMAN: All right. The foreman told you on that day. 21 But that was not the time when you were investigating 22 the results of the NCR, was it? It was much later? 23 A. No. 24 CHAIRMAN: All right. Are you saying the foreman told you 25 when the NCR was received and when he looked into it</p>	<p>1 that because the purpose is for the benefit of the 2 Hong Kong community, not for your benefit. 3 A. Yesterday, I already said that when we received this 4 report I already reprimanded the workers. On the NCR, 5 I instructed the workers not to have this repeat again. 6 Yesterday, I already said so. 7 CHAIRMAN: I appreciate that and I'm not going to delay 8 this. We will now have the mid-morning adjournment. 9 But your evidence is that you would have reprimanded 10 them for not screwing in the rebars into properly 11 aligned, perfectly normal couplers. That was their sin, 12 not screwing them in to the full extent, and no more 13 than that? 14 A. Yes. 15 CHAIRMAN: That's as you understood it, you say now? 16 A. Yes. 17 CHAIRMAN: All right. Thank you. 18 (11.24 am) 19 (A short adjournment) 20 (11.48 am) 21 MR KHAW: Mr Pun, if we can go back to what we discussed 22 before the morning break. When you were told by 23 Mr Cheung about the NCR incident, did you even care to 24 ask Mr Cheung, or anyone else, to let you have a look at 25 the NCR report or some evidence regarding what happened?</p>

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<p>1 Did you care to even do that?</p> <p>2 A. For the NCR report, we only received it afterwards.</p> <p>3 On site, at that instance, Mr Cheung told me and I said</p> <p>4 to him that he must remedy it and he should tell me</p> <p>5 afterwards. So I reprimanded him that in future there</p> <p>6 must not be such incidents ever again.</p> <p>7 Q. Try to stick to my question. My question was, when you</p> <p>8 knew about the NCR incident, as Fang Sheung's boss,</p> <p>9 since you were shocked to know about this incident, did</p> <p>10 you care to then take the small step to ask somebody to</p> <p>11 let you have a look at the NCR report, or at least some</p> <p>12 evidence as to what happened, for example a photograph</p> <p>13 or whatever? Did you do that?</p> <p>14 A. Photos? We only saw the photos at the MTRCL.</p> <p>15 Q. Mr Cheung, I suggest to you that either you are now</p> <p>16 being wholly incredible or you are a wholly</p> <p>17 irresponsible boss.</p> <p>18 A. I don't agree, because at the time when this incident</p> <p>19 happened or after this incident happened, I did tell</p> <p>20 Mr Cheung. I asked him to make sure that this won't</p> <p>21 ever happen again.</p> <p>22 As to what happened on site, I did not know anything</p> <p>23 at all about it.</p> <p>24 Q. Let's pause here. Yesterday you told us that you,</p> <p>25 together with Mr Cheung, gave warning to the workers</p>	<p>1 surprised, because you were never told about cutting</p> <p>2 beforehand?</p> <p>3 A. Yes.</p> <p>4 Q. Did you at that time think that, "Hey, how come</p> <p>5 Mr Cheung did not tell me the whole picture? How come</p> <p>6 I was kept in the dark?" Did that occur to your mind?</p> <p>7 A. You know, we in the bar bending industry, when we do any</p> <p>8 works, there would always be some workmanship problems,</p> <p>9 so the MTRCL would not accept the works. I believe that</p> <p>10 they listened to the MTRCL and Leighton immediately and</p> <p>11 they fixed it on the spot. So I felt that that's my</p> <p>12 responsibility and I've done it.</p> <p>13 Q. Please try not to avoid the question. My question was,</p> <p>14 at the MTR interview, that was the first time some</p> <p>15 people told you about cutting by your workers. My</p> <p>16 question was, at that time, did you think, "Hey, how</p> <p>17 come Mr Cheung never told me about cutting? How come?"</p> <p>18 A. Yes, I did.</p> <p>19 Q. Were you angry at that time?</p> <p>20 A. Yes, I was.</p> <p>21 Q. You were angry, because you had not --</p> <p>22 A. At the MTRCL's interview, I found out only then.</p> <p>23 CHAIRMAN: How long after the event? The NCR was in</p> <p>24 mid-December?</p> <p>25 MR KHAW: December 2015.</p>
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<p>1 that this should not happen again. Do you agree?</p> <p>2 A. Correct.</p> <p>3 Q. So are you now telling us that you were giving a stern</p> <p>4 warning to your workers, without you knowing what</p> <p>5 actually happened in fact? You just gave a notice,</p> <p>6 "Please don't do that", and you don't know in fact what</p> <p>7 happened?</p> <p>8 A. Well, it's that we didn't -- there were some couplers</p> <p>9 that were screwed in, that were not screwed in entirely,</p> <p>10 and I knew about that. So there's some non-conformance.</p> <p>11 Q. So now your evidence is that when you gave your warning</p> <p>12 to the workers, "Hey, don't do this again", you only</p> <p>13 knew that it was something wrong about the installation</p> <p>14 of the couplers; right?</p> <p>15 A. Yes.</p> <p>16 Q. You did not know anything at that time about cutting of</p> <p>17 threaded rebars; can you confirm this?</p> <p>18 A. Correct.</p> <p>19 Q. So let's take what you now tell us. You then attended</p> <p>20 the MTR interview. The MTR staff told you about the</p> <p>21 cutting incident, when they talked about NCR; you</p> <p>22 remember that?</p> <p>23 A. I remember that, yes.</p> <p>24 Q. So were you very surprised, when the MTR staff suddenly</p> <p>25 talked about cutting when they referred to NCR; were you</p>	<p>1 CHAIRMAN: And the interview was ...?</p> <p>2 MR KHAW: 13 June this year.</p> <p>3 CHAIRMAN: So, in that period of over two years, you knew</p> <p>4 nothing about it, as to cutting of threading?</p> <p>5 A. We just knew there was one NCR. We didn't know there</p> <p>6 were people cutting bars.</p> <p>7 CHAIRMAN: But your foreman knew?</p> <p>8 A. He should know, yes.</p> <p>9 MR KHAW: Mr Pun, do you remember I referred you to various</p> <p>10 bits of the transcript of the MTR interview earlier this</p> <p>11 morning?</p> <p>12 A. Yes.</p> <p>13 Q. In one of the questions the MTR staff actually put to</p> <p>14 you that your workers might have done an unlawful act,</p> <p>15 trying to take a gamble, trying to do something to</p> <p>16 pretend that something was done properly, in the hope</p> <p>17 that they can get away with it. That's what the MTR</p> <p>18 staff told you at the interview; do you remember that?</p> <p>19 A. Yes.</p> <p>20 Q. If you knew nothing about such act, your immediate</p> <p>21 response must be, "Hey, hey, hey, what are you talking</p> <p>22 about? Cutting? What cutting? What pretending, what</p> <p>23 getting away with it? What are you talking about?"</p> <p>24 That ought to have been your immediate response; right?</p> <p>25 A. For these five bars in the NCR report, they were already</p>

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<p>1 cut. I think so, yes. So my reply was based on the 2 photo -- 3 Q. So what you are now trying to tell us is that, "Oh, at 4 that time, I just merely looked at the photographs", 5 then that would give you the basis to agree with the MTR 6 staff that your workers did some unlawful act, 7 pretending that something was done properly when it was 8 not. Are you telling us this? 9 A. Yes. 10 CHAIRMAN: And this is after your protestation yesterday 11 that to suggest that workers might do something like 12 this would be an insult to the industry in Hong Kong; is 13 that right? And it turns out that your own workers were 14 doing it; is that right? 15 A. The workers -- well, this case is not the same. In this 16 case, I think it's merely about problems with the 17 workmanship. You can see they cut it to the extent it 18 could not be screwed in at all; you can see in the 19 photo. It's just left there. 20 COMMISSIONER HANSFORD: Sorry, is there a different 21 translation of the word "workmanship" in Cantonese to -- 22 is there a different understanding of the word 23 "workmanship" in Cantonese than there is in English? 24 MR KHAW: It should be the same. 25 COMMISSIONER HANSFORD: It should be the same?</p>	<p>1 trying to get away with it, this could not be mere 2 workmanship. It was a question of honesty; would you 3 agree? 4 A. I think the workers -- I think, because I was not 5 on site -- I think the workers thought they had to 6 complete the work in that area, and they tried to find 7 a way to do it. 8 CHAIRMAN: That's exactly the point, exactly the point, 9 Mr Pun. It's one of the central issues being considered 10 in this Inquiry, that there will be problems from time 11 to time, and that the temptation will be there to find 12 short-cuts. 13 Now, would you agree -- not that your workers have 14 taken short-cuts -- that from time to time there will be 15 problems, the sort of problems that the photograph has 16 revealed? 17 A. Yes, they do exist. 18 CHAIRMAN: Yes, and indeed the co-member of this Commission, 19 an engineer and a professor of engineering in England, 20 has termed that photograph as indicating a small 21 nightmare, in other words a real problem to be dealt 22 with, one not you could expect to fix in a matter of 23 minutes but perhaps in a matter of hours instead. Do 24 you understand? 25 A. Yes, I understand.</p>
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<p>1 MR KHAW: Yes. 2 COMMISSIONER HANSFORD: Mr Pun, you are saying that this 3 cutting is a case of poor workmanship; is that what 4 you're telling me? 5 A. Yes. 6 MR KHAW: Mr Pun, how could you relate this deliberate 7 cutting to mere workmanship? I just cannot follow. 8 A. Because the workers have to screw the rebars completely 9 into the couplers. For the workers to cut short the 10 rebars, I thought they were trying to screw them into 11 the couplers, but for these five rebars, after they cut 12 them, they did not screw them into the couplers. 13 Q. Let me try to understand what you are now saying. If 14 you are saying that because of the congestion on the 15 reinforcement bars workers experienced difficulties in 16 trying to screw in the threaded parts into the couplers, 17 they did not do so, that could be negligence on the part 18 of the workers -- 19 A. Yes. 20 Q. -- and that would not necessitate cutting at all. If 21 it's simply a question of whether you could screw it in 22 or not, it would not involve cutting? 23 A. Correct. 24 Q. So if someone eventually cut the threaded parts, 25 pretending that something was installed when it was not,</p>	<p>1 CHAIRMAN: And would there not, in those circumstances, 2 perhaps be a temptation to try to cut a corner and hope 3 that it's not noticed? 4 A. I think yes. 5 MR KHAW: Did you ever talk to your workers or Mr Cheung as 6 to why the workers did the cutting? Did you? 7 A. Yes. I tried to explore this question. 8 Q. The answers that they gave you? 9 A. The answer, as I gave the MTRC, either they cut type B 10 rebars into type A, that may be the reason for cutting 11 the rebars; that is to convert a type B rebar to 12 a type A rebar. 13 Q. I'm sorry. Let me just do this step by step. You say 14 you actually talked to the workers and Mr Cheung about 15 why they had to do the cutting; right? 16 MR PENNICOTT: Sir, can Mr Khaw please identify the time, 17 because I can see we are going to get into another 18 confusion here. 19 MR KHAW: I was about to go into the date, yes. 20 MR PENNICOTT: The date, I think we need a date. 21 MR KHAW: I was about to. That was my next question. 22 MR PENNICOTT: Sorry. 23 MR KHAW: Thank you, Mr Pennicott. 24 You told us that you in fact talked to the workers 25 and Mr Cheung about the reasons as to why they did the</p>

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<p>1 cutting; you just told us, right?</p> <p>2 A. Right.</p> <p>3 Q. Did you talk to them before or after the MTR interview?</p> <p>4 A. Before. After the NCR report --</p> <p>5 Q. I'm sorry, Mr Pun, you are now telling us that before</p> <p>6 you attended the MTR interview, you had already</p> <p>7 discussed this issue regarding reasons for cutting with</p> <p>8 the workers and Mr Cheung; right?</p> <p>9 A. I instructed them not to let this happen again.</p> <p>10 CHAIRMAN: No. That's not the answer to the question.</p> <p>11 Put the question again, please. Thank you.</p> <p>12 MR KHAW: Mr Pun, my question was before you attended the</p> <p>13 MTR interview, you had already discussed with your</p> <p>14 workers and Mr Cheung regarding the reason why there was</p> <p>15 cutting; is that right?</p> <p>16 A. You are talking about this incident?</p> <p>17 Q. NCR. Let's talk about NCR first. I will have other</p> <p>18 incidents that I'll explore with you. Let's talk about</p> <p>19 NCR first.</p> <p>20 A. No, I didn't. Because I only found out on 13 June about</p> <p>21 the NCR and that the rebars were not completely screwed</p> <p>22 into the coupler and there were cutting.</p> <p>23 Q. Right. Going back to your earlier answer, when you told</p> <p>24 us that you in fact did talk to the workers and</p> <p>25 Mr Cheung regarding the reasons for cutting, such</p>	<p>1 A. That's correct.</p> <p>2 Q. So, when you telling your workers, "Hey, don't do these</p> <p>3 things which do not meet standards", did you know what</p> <p>4 you were talking about?</p> <p>5 A. I felt that if there was a non-conformance report,</p> <p>6 I knew that there must be something wrong with the bar</p> <p>7 fixing procedure, and therefore I instructed the</p> <p>8 workers, no matter what, they could not commit such</p> <p>9 wrong again.</p> <p>10 Q. If that is your answer, that is your answer.</p> <p>11 Going back to the MTR interview, after that</p> <p>12 interview, did you talk to the workers or Mr Cheung</p> <p>13 again regarding cutting? Did you?</p> <p>14 A. By that time, the project was completed. By 13 June the</p> <p>15 project was completed.</p> <p>16 Q. Answer my question. Answer my question. At the MTR</p> <p>17 interview, that was the very first time, according to</p> <p>18 your evidence, that you were told about cutting by your</p> <p>19 workers. You were angry. You were shocked. Did you</p> <p>20 then talk about this cutting incident with the workers</p> <p>21 and Mr Cheung, after the MTR interview? That's my</p> <p>22 question. Did you or did you not?</p> <p>23 A. After 13 June, no. This is because the project was</p> <p>24 already completed by then.</p> <p>25 Q. So before -- your evidence is that as the boss of</p>
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<p>1 discussion happened after the MTR interview, is that</p> <p>2 right, not before?</p> <p>3 A. After the NCR, I instructed the workers or reprimanded</p> <p>4 the workers not to let this happen again.</p> <p>5 Q. Now, let's talk about your warning to the workers first.</p> <p>6 You said after you knew about the NCR incident, you told</p> <p>7 your workers, gave them a stern warning, that this</p> <p>8 should not happen again; right?</p> <p>9 A. Yes.</p> <p>10 Q. What should not happen? Did you specifically tell them</p> <p>11 that there should be no cutting?</p> <p>12 A. There should not be any non-conformance reports. In</p> <p>13 other words, there should not be any reports about our</p> <p>14 bar fixing not meeting the standards.</p> <p>15 Q. Maybe I should stop after this question on this topic,</p> <p>16 but I really want to clarify this with you. You said</p> <p>17 you told the workers, "Please don't do substandard</p> <p>18 things, substandard things, things which do not meet the</p> <p>19 standards, please do not do these things"; right?</p> <p>20 A. Yes, correct.</p> <p>21 Q. But at that time, after you knew about the NCR incident,</p> <p>22 before the MTR interview, okay, after you knew about the</p> <p>23 NCR incident from Mr Cheung, you in fact did not know</p> <p>24 what actually went wrong, is that right, because you</p> <p>25 simply did not take a look at the report or the photos?</p>	<p>1 Fang Sheung, before the MTR interview and after the MTR</p> <p>2 interview, you never cared about what went wrong on the</p> <p>3 site actually? You never cared?</p> <p>4 A. It's not that we don't care. We only received one</p> <p>5 warning letter. Therefore, I'm concerned about the</p> <p>6 quality, because in the past there were very few such</p> <p>7 reports.</p> <p>8 Q. Right. Now, yesterday you told us about inspection and</p> <p>9 supervision of Fang Sheung's work; do you remember that?</p> <p>10 A. Yes.</p> <p>11 Q. You told us yesterday that the workers would proceed to</p> <p>12 fix one layer, one upper layer of the reinforcement,</p> <p>13 after the lower layer had been examined or inspected by</p> <p>14 Leighton and MTR; do you remember that?</p> <p>15 A. Yes.</p> <p>16 Q. So inspection and supervision layer by layer?</p> <p>17 A. Yes.</p> <p>18 Q. So am I correct to say that had that been the case, the</p> <p>19 NCR incident would not have happened at all; would you</p> <p>20 agree?</p> <p>21 A. Yes, agreed.</p> <p>22 Q. So did you identify any problems regarding the</p> <p>23 inspection and supervision of your works?</p> <p>24 A. When I visited the site, I would monitor whether they</p> <p>25 did the bar fixing according to the drawings. I rarely</p>

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<p>1 found any problem.</p> <p>2 Q. You just told us that you agree with me that had there</p> <p>3 been proper inspection and supervision of the works from</p> <p>4 one layer to another, this NCR incident should not have</p> <p>5 happened. You agree with me?</p> <p>6 A. Yes, but unfortunately it happened.</p> <p>7 Q. So are you able to identify what went wrong in the</p> <p>8 inspection or supervision process? As Fang Sheung's</p> <p>9 boss, can you tell us?</p> <p>10 A. Because I wasn't around in the site all the time, I did</p> <p>11 not know what went wrong that was leading to the NCR.</p> <p>12 CHAIRMAN: Sorry, can I just put this: it is quite clear</p> <p>13 that supervision and oversight in complex engineering</p> <p>14 projects like this is critical; would you agree?</p> <p>15 A. Agreed.</p> <p>16 CHAIRMAN: And if you discover that there is a real</p> <p>17 possibility that the supervision and oversight has not</p> <p>18 been up to standard, you would need immediately to check</p> <p>19 into it and make sure that the standards are lifted?</p> <p>20 A. Yes.</p> <p>21 CHAIRMAN: And what you are saying in the present case is</p> <p>22 that although you had this small team of good workers</p> <p>23 and you had your foreman, you were not informed of the</p> <p>24 details of the NCR, and so you were not in a position to</p> <p>25 deal with that, and nor were you in a position to look</p>	<p>1 the works after you got the NCR?</p> <p>2 A. Agreed.</p> <p>3 CHAIRMAN: Do you agree you weren't even told what the true</p> <p>4 reason for the NCR was?</p> <p>5 A. Agreed.</p> <p>6 CHAIRMAN: And do you agree you took no steps to check into</p> <p>7 it, to find out what the problem really was, so you</p> <p>8 could deal with it, as a manager should do?</p> <p>9 A. Yes.</p> <p>10 CHAIRMAN: Thank you.</p> <p>11 MR KHAW: Mr Pun, if I can ask you to take a look at your</p> <p>12 witness statement that you provided to this Commission.</p> <p>13 This statement was dated 27 August, ie more than two</p> <p>14 months after the MTR interview; right?</p> <p>15 A. Yes.</p> <p>16 Q. If you can take a look at paragraph 7 -- the Chinese</p> <p>17 version at E28, paragraph 7; in English it's E29.3 -- if</p> <p>18 I can read out paragraph 7 to you. There you say:</p> <p>19 "Although Fang Sheung is only a small-scale company</p> <p>20 that makes every endeavour for rewards, it is definitely</p> <p>21 a credible and reputable company in the bar bending</p> <p>22 industry ... Fang Sheung only provides reliable and</p> <p>23 veteran workmen who are absolutely impossible to engage</p> <p>24 in fraud; otherwise it could not have possibly operated</p> <p>25 as an industry member for such a long time. According</p>
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<p>1 to the question of how the incident could have happened</p> <p>2 in the first place in order to improve your supervision</p> <p>3 and oversight; is that right?</p> <p>4 A. Yes.</p> <p>5 CHAIRMAN: So, in other words, even though you were the boss</p> <p>6 of this business, working on a critical part of the</p> <p>7 project, you were just not there to do your job of</p> <p>8 ensuring proper oversight? You let it go by the way?</p> <p>9 It was absent on your part?</p> <p>10 A. No.</p> <p>11 CHAIRMAN: Okay. What did you do?</p> <p>12 A. Administratively, we did all the things. We did things</p> <p>13 in accordance with the drawings. At the operational</p> <p>14 level, Mr Cheung was in charge of the operation. On</p> <p>15 quality, I would ensure that all the bars were put in</p> <p>16 the right place and they conform with the latest</p> <p>17 drawings.</p> <p>18 CHAIRMAN: Mr Pun, you're just avoiding the question again.</p> <p>19 I spoke to you before the tea break about being led</p> <p>20 around in circles. Now, a cynic -- and I'm not</p> <p>21 a cynic -- might say you are simply lying. Do you</p> <p>22 understand me? Please answer the questions in a direct</p> <p>23 way.</p> <p>24 Do you agree that you did not check into how it was</p> <p>25 that there may have been problems with your oversight of</p>	<p>1 to the sub-contracting contract, Fang Sheung only</p> <p>2 provided bar fixers to work according to the</p> <p>3 instructions of Leighton, while all the materials were</p> <p>4 prepared and responsible by Leighton. If the coupler</p> <p>5 screw cups fixed to the concrete unit were damaged and</p> <p>6 therefore making it impossible for the screw heads of</p> <p>7 the steel bar to be fastened, Fang Sheung would only</p> <p>8 need to notify the site supervisor of Leighton."</p> <p>9 Then just one sentence down:</p> <p>10 "Under such circumstances, why would it be necessary</p> <p>11 for Fang Sheung to engage in fraud? Meanwhile, under</p> <p>12 normal circumstances ... it will only take the workman</p> <p>13 of Fang Sheung around 20 to 30 seconds to completely</p> <p>14 twist the steel bars screws onto the screw cups.</p> <p>15 However, it would take at least 1.5 to 2 minutes to use</p> <p>16 a portable electric shear to cut short the screw heads</p> <p>17 of a steel bar ... Hence, it was illogical for the bar</p> <p>18 fixers of Fang Sheung to cut short the screw heads of</p> <p>19 the steel bars due to fraud, given that they did not</p> <p>20 have the need or incentive to do so."</p> <p>21 Then the last sentence in this paragraph:</p> <p>22 "Following the widely reported news about someone</p> <p>23 possibly cutting short the screw heads of the steel bars</p> <p>24 due to fraud, I did have investigated the staff of</p> <p>25 Fang Sheung. However, I did not hear anything about the</p>

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<p>1 staff of Fang Sheung cutting short the screw heads of 2 the steel bars due to fraud or reporting such fraud." 3 Mr Pun, am I right in saying that at least at the 4 point when you were making this witness statement, you 5 had already known full well what actually caused the NCR 6 to be issued, at least according to your evidence? 7 A. Yes. 8 CHAIRMAN: Then why did you lie to us? Why? 9 A. I don't understand. 10 CHAIRMAN: Oh, right. 11 A. I admitted that for the NCR, we were wrong. I have 12 always said that we immediately make remedy. 13 MR KHAW: But at the time when you made this witness 14 statement, you knew that your workers in fact did 15 unlawful cutting. They cut corners for some reasons; 16 you knew about that already. 17 A. I don't admit to this. No one would cut corners to cut 18 rebars. But for these rebars I thought, yes, they were 19 cut. 20 CHAIRMAN: All right. I just want to deal with one other 21 thing. If we are talking about management and 22 oversight, let us have a look at this particular 23 statement of yours. You say this, at the very end of 24 it: 25 "Following the widely reported news about someone</p>	<p>1 That's what you said. 2 A. Yes. 3 CHAIRMAN: So nobody told you, "Yes, in fact we did cut 4 rebars on one occasion"? 5 A. Yes, one occasion in the NCR. 6 CHAIRMAN: No, no, nobody told you that at that stage, and 7 you hadn't yet gone to the MTRC for your interview, so, 8 on an ordinary reading, what you're saying there is, 9 "When it came out in the press, I did go back and check, 10 but nobody said they knew anything about it." This is 11 despite the fact that of course there had been an NCR to 12 that very effect a couple of years earlier. So even 13 then they won't admit to you, "Yes, sorry, it did happen 14 once before and it was the subject of an NCR"? 15 A. Yes. 16 MR KHAW: Thank you. 17 So, at the time when you were making this statement, 18 you knew full well that you were supplying information 19 for the purpose of assisting this Inquiry; is that 20 right? 21 A. Yes. 22 Q. At the time when you were preparing this witness 23 statement, did it ever occur to your mind that, "Hey, 24 should I disclose this NCR incident or not?" Did you 25 ever consider that?</p>
<p>Page 54</p> <p>1 possibly cutting short the screw heads of steel bars due 2 to fraud, I did have [an investigation of] the staff of 3 Fang Sheung. However, I did not hear anything about the 4 staff of Fang Sheung cutting short the screw heads of 5 the steel bars due to fraud or reporting such fraud." 6 Do you understand that? 7 A. Yes, I understand that. 8 CHAIRMAN: So, on an ordinary reading of that, once you read 9 about this problem arising in the media, you went, as 10 a good manager would do, back to your own workers and 11 made investigations: "Have any of you ever cut short the 12 rebars?" "Yes" or "no"? 13 A. Yes, I would do that. 14 CHAIRMAN: Well, did you do that or not? 15 A. I'm sorry, I didn't hear the bit before your question. 16 The last question -- I didn't hear the question before 17 this one. 18 CHAIRMAN: When the incident of cutting rebars came into the 19 press, you have said in your statement that you went 20 back to your workers and you checked with them about 21 that type of issue; you investigated the matter with 22 them. Did you do that? 23 A. Yes, I did. 24 CHAIRMAN: "However, I did not hear anything about the staff 25 of Fang Sheung cutting [the rebars] ..."</p>	<p>Page 56</p> <p>1 A. For this statement, there's no disclosure of this 2 incident. 3 Q. Of course we know what is stated in the statement. But 4 did it occur in your mind that, "Well, should I or 5 should I not disclose the NCR?" Did you consider that? 6 A. It should be disclosed. 7 Q. Sorry, so your answer was you, at the time of making the 8 statement, thought that you should disclose the NCR; 9 right? 10 A. Correct. 11 Q. Why did you not disclose? 12 A. The police did not ask me about it -- 13 Q. No, no, no. This is your statement to the Commission. 14 It does not involve the police. It does not involve the 15 police. It is you who gave this statement, without 16 anybody prompting you, without anybody asking you any 17 questions. You yourself, with the assistance of your 18 legal representatives -- 19 A. (Chinese spoken). 20 Q. -- made this statement? 21 A. For the NCR -- for the NCR -- because the problem had 22 been rectified, so I thought the whole world would have 23 known about it. I did not deliberately, therefore, 24 mention this here or repeat this point here again, 25 because it was fixed at once.</p>

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<p>1 Q. When you said you thought the whole world knew about 2 this -- that's what you said just now, you thought the 3 whole world knew about this NCR, that's why you decided 4 not to disclose; right?</p> <p>5 A. No. I didn't mention it in my witness statement. 6 I only said I didn't mention in my witness statement.</p> <p>7 Q. Back to my earlier question: why did you choose not to 8 disclose the NCR incident in this witness statement?</p> <p>9 A. This is because we immediately rectified the problem 10 identified in the NCR report. We fixed it.</p> <p>11 CHAIRMAN: No, Mr Pun. The NCR report, you knew full well 12 had at its heart the cutting of threads of rebars. Is 13 that correct?</p> <p>14 A. Yes.</p> <p>15 CHAIRMAN: And you knew from the press and the many stories 16 that were circulating that the core issue that initially 17 was to be looked at in this Commission of Inquiry 18 related to cutting of rebars?</p> <p>19 A. I know.</p> <p>20 CHAIRMAN: Then surely it would have helped the Commission 21 for you to mention the fact that there had been one 22 incident but it had been dealt with, at least to let us 23 know that there had been one incident and to explain it 24 in your own words?</p> <p>25 A. Maybe I was negligent in this respect.</p>	<p>1 (b) Identify the workers and persons who witnessed 2 such events and occasions."</p> <p>3 Am I correct in saying that while you were preparing 4 your witness statement, you completely ignored the 5 request made by the Commission?</p> <p>6 A. No.</p> <p>7 Q. If we can take a look at another statement that you 8 made, ie the police statement. E6/1595.8. If we can 9 take a look at question 10: 10 "Has Leighton and MTRC ever raised problems with 11 Fang Sheung about any bar fixing work which did not 12 conform to the standards?" 13 There you said: 14 "In 2017 (cannot recall the exact time), Fang Sheung 15 received an email from Leighton stating that in 16 September 2015, there was a non-conformance report for 17 improper connections between 5 rebars and the couplers. 18 But I can't recall the exact location of the 19 connections. As to the email, I have to check if 20 I still have the record." 21 Pausing here, we all know that the NCR was issued in 22 2015, December 2015. Here, you seemed to be telling the 23 police that you only received an email from Leighton 24 regarding the NCR in 2017. I want to just clarify with 25 you: when did you first know about Leighton's NCR? Was</p>
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<p>1 MR KHAW: You knew when you were preparing your witness 2 statement for this Commission -- you knew that the 3 Commission, through their lawyers, actually asked you 4 some specific questions; right?</p> <p>5 A. Yes.</p> <p>6 Q. If we can look at just one of those questions raised. 7 E1, page 5. You can take it that this is the letter 8 from the Commission's lawyers to you. At paragraph 7, 9 let's take a look: 10 "Given the extensive public concern about the safety 11 of the diaphragm walls and platform slabs and 12 allegations that there might have been unlawful 13 shortening, cutting or defective connection of the steel 14 bars in the diaphragm walls and platform slabs: 15 (a) Explain and confirm whether your company has any 16 knowledge of the defective steel works (whether 17 undertaken by Leighton and/or its sub-contractors) and 18 if so, identify and describe the relevant events and 19 occasions. Please describe the defects, explain in what 20 ways requirements, standards and practice had been 21 breached and provide particulars of such events and 22 occasions (with reference to plans and drawings ...), 23 including but not limited to the dates, time, locations, 24 number of steel bars affected and the equipment used to 25 shorten or cut the steel bars.</p>	<p>1 it December 2015 when it was issued, or well after, ie 2 2017, as you stated to the police?</p> <p>3 A. For the actual time, I can no longer recall exactly.</p> <p>4 Q. You can't remember?</p> <p>5 A. Yes, I can't remember.</p> <p>6 Q. Then question 11: 7 "When you were inspecting Hung Hom Station, have you 8 ever seen or heard anyone using machinery to cut short 9 the threaded rebars in order to pretend that the rebars 10 have been screwed into the couplers?" 11 In fact, that was the same question asked by the MTR 12 staff during the interview; do you remember that?</p> <p>13 A. Yes, I remember.</p> <p>14 Q. Here, your answer was: 15 "Regarding cutting short the threaded rebars in 16 order to pretend that the rebars have been screwed into 17 the couplers, I only came to know from watching the news 18 that it was suggested that someone had cut the rebars." 19 Here, you are trying to tell the police, "I didn't 20 know anything. I only knew it from the press." 21 A. What I meant was, apart from the NCR, the five rebars in 22 the NCR report. 23 Q. That's not what you said. You said you only came to 24 know from watching the news that it was suggested that 25 someone had cut the rebars.</p>

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<p>1 A. Yes. But whether there was somebody cutting the rebars 2 in the NCR report, I personally did not know exactly 3 what happened. 4 Q. Mr Pun, I suggest to you that, first, you are trying to 5 mislead this Commission, and then you are trying to 6 mislead the police. 7 A. No. The NCR report was true, was a fact. But as to 8 what exactly happened, I was not clear. We did commit 9 some wrong in the NCR report. 10 Q. You did not want to tell either the Commission or the 11 police the truth; is that right? 12 A. No. If I did not want to tell the truth, I would not 13 have attended this Inquiry. 14 Q. You did not want to tell the truth because you were 15 worried that Fang Sheung would become the target of this 16 investigation; am I right? 17 A. No. Fang Sheung is already the target of investigation 18 now. 19 Q. Now, of course. 20 There's one further incident I'll just very briefly 21 discuss with you and see whether you knew about it or 22 not. According to one of the witnesses from Leighton, 23 there was another incident which was not covered in the 24 NCR. If we can take a look at the relevant photographs 25 at C12/8125. From this picture, we can see that there</p>	<p>1 Q. When? Approximately when? 2015, 2016, 2017, this year; 2 when? 3 A. These happened and not long after, I knew, after this 4 happened. It was about 2015. 5 Q. Sorry, you said around 2015, or this year? I cannot 6 hear properly. 7 A. It was after this happened, several days after this 8 happened, I knew already. The actual date, I cannot be 9 sure. 10 Q. Sorry, when you said "after this happened", you are 11 referring to the media report about this incident, this 12 year; right? 13 A. No, no, no. 14 Q. When? 15 A. Leighton complained, and several days after the 16 complaint I knew already. 17 Q. I should put it this way: did you come to know about 18 these additional cutting incidents before or after you 19 knew about the NCR incident? 20 A. Before. 21 Q. Before? 22 A. Before. 23 Q. So, Mr Pun -- 24 A. For these two isolated bar cutting incidents, they 25 happened before the NCR.</p>
<p>Page 62</p> <p>1 was a threaded part of the coupler, with only three 2 threads remaining. 3 A. Yes. 4 Q. If we can then take a look at 8123 as well. Again, we 5 saw the male part of the coupler not fully -- being cut, 6 not fully threaded, obviously being cut, and not 7 properly installed into the other part of the coupler. 8 A. Yes. 9 Q. Were you aware of these incidents? 10 A. Yes. Leighton told me that. 11 Q. Who in Leighton told you about these incidents? 12 A. They told my site foreman, and my site foreman told me. 13 Q. Who from Leighton told you or Mr Cheung about these 14 incidents? 15 A. Mr Cheung told us. I think Leighton told Mr Cheung 16 on site. 17 Q. Do you remember who was the person in charge from 18 Leighton in relation to these incidents? 19 A. I don't remember. 20 Q. Would you agree with me, by merely looking at these 21 photographs, that these were additional cutting 22 incidents? 23 A. Yes. 24 Q. When did you come to know about these incidents? 25 A. At the time, after they happened, I knew it immediately.</p>	<p>Page 64</p> <p>1 Q. Mr Pun, so when you first knew about the NCR, you had 2 already been aware of some previous cutting incidents? 3 A. I should know, yes. 4 Q. You knew about these additional incidents -- how long 5 before you knew about the NCR incidents? Are you 6 talking about months, weeks, or what? 7 A. I learned from Mr Cheung, but for the actual situation 8 or the date, I don't recall that. 9 Q. So, at that time, somebody showed you these photographs; 10 am I right? 11 A. No. 12 Q. Sorry, your answer is ...? 13 A. No. 14 Q. So, again, as Fang Sheung's boss, you were only told by 15 Mr Cheung that, "Boss, there were some incidents where 16 our workers were found to have cut the coupler rebars"; 17 is that what you are trying to tell us? 18 A. It should be the company, the Leighton company or the 19 MTRCL that found out about this particular bar having 20 been cut, and then they told Mr Cheung, or they asked 21 Mr Cheung to immediately rectify it, that is to 22 immediately do it again. 23 Q. Did you or did you not care to make any enquiry, after 24 you knew about this from Mr Cheung, as to why this 25 happened? It was such an insult to you; why this</p>

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<p>1 happened?</p> <p>2 A. I believe Mr Cheung fixed it, so I just left it there;</p> <p>3 I didn't ask.</p> <p>4 Q. After you learned from Mr Cheung that there were such</p> <p>5 cutting incidents, you did not talk to any workers,</p> <p>6 trying to ask them about what happened? Did you or did</p> <p>7 you not?</p> <p>8 A. On this particular bar, I did not talk to them, because</p> <p>9 it was just one bar or so.</p> <p>10 CHAIRMAN: Sorry, "one bar or so" -- I think the photographs</p> <p>11 indicate more than one bar, is that right, if you look</p> <p>12 at the two photographs?</p> <p>13 A. Because Leighton gave us the verbal warning, and that</p> <p>14 was about one bar that was cut short.</p> <p>15 MR PENNICOTT: Sir, the Leighton evidence on this particular</p> <p>16 instance is there's two bars.</p> <p>17 CHAIRMAN: Yes, I thought so.</p> <p>18 MR KHAW: Am I right in saying that when Leighton told you</p> <p>19 about this bar cutting incident, that was the first time</p> <p>20 ever that you received information or complaint about</p> <p>21 workers cutting threaded bars; am I right?</p> <p>22 A. Yes.</p> <p>23 Q. So, again, you must be surprised to know about this?</p> <p>24 A. Yes.</p> <p>25 Q. You did not want to find out why this happened? No</p>	<p>1 COMMISSIONER HANSFORD: Can I ask: how do you replace a bar</p> <p>2 like that?</p> <p>3 A. I don't know how they fix it on site, but usually they</p> <p>4 would have to use -- do something extra, or they have to</p> <p>5 have someone manually lift out the bar above the whole</p> <p>6 row, and then they will use some column or bar to hold</p> <p>7 that up, so there will be a bit more space, a void.</p> <p>8 Then they could take it out and replace it. Because you</p> <p>9 can see, it's cut now, it's useless, it can't be screwed</p> <p>10 in, and it's all stuck there tightly. So if it's been</p> <p>11 cut like that, it's useless, it cannot be screwed in.</p> <p>12 So I would tell the workers no point cutting it, they</p> <p>13 must never do it, because it's now stuck so tightly and</p> <p>14 they couldn't turn the bar.</p> <p>15 COMMISSIONER HANSFORD: Just to follow up on that: how long</p> <p>16 would it take to replace a bar like that in a location</p> <p>17 like this? How long would that take?</p> <p>18 A. Approximately an hour or so.</p> <p>19 COMMISSIONER HANSFORD: Okay.</p> <p>20 MR PENNICOTT: Sir, the Leightons evidence is it's a lot</p> <p>21 shorter than that.</p> <p>22 COMMISSIONER HANSFORD: What, replacement is a lot shorter</p> <p>23 than an hour?</p> <p>24 MR PENNICOTT: Mr Mok's statement deals with this incident.</p> <p>25 COMMISSIONER HANSFORD: Okay, we will deal with it when we</p>
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<p>1 interest at all?</p> <p>2 A. No. I asked Mr Cheung to find out what happened.</p> <p>3 Q. I mean you, you yourself, as Fang Sheung's boss. Don't</p> <p>4 talk about Mr Cheung all the time. You, as</p> <p>5 Fang Sheung's boss, did you care to at least find out</p> <p>6 what happened?</p> <p>7 A. Yes, correct.</p> <p>8 Q. You did?</p> <p>9 A. Yes.</p> <p>10 Q. What did you do?</p> <p>11 A. At the time, I asked Mr Cheung what exactly happened,</p> <p>12 why this bar was like this.</p> <p>13 Q. Did he tell you any reason why the threaded rebars had</p> <p>14 been cut? Did he ever tell you?</p> <p>15 A. I couldn't recall what he said.</p> <p>16 Q. So what remedial work did you do after you were aware of</p> <p>17 this incident?</p> <p>18 A. The staff reiterated that they screwed the bars back in,</p> <p>19 in accordance with the specifications. The workers did</p> <p>20 it again, that is.</p> <p>21 CHAIRMAN: The bar in the first photograph, 8125, which we</p> <p>22 can have a look at, that is cut so that there would only</p> <p>23 be two threads go into the coupler. Did that mean</p> <p>24 replacing the bar?</p> <p>25 A. Yes, replaced. All were replaced.</p>	<p>1 come to it.</p> <p>2 MR PENNICOTT: He tells us that the bars were taken out, one</p> <p>3 coupler had to be replaced and it took 15 to 30 minutes.</p> <p>4 COMMISSIONER HANSFORD: Wow.</p> <p>5 MR PENNICOTT: I'm only reciting what --</p> <p>6 COMMISSIONER HANSFORD: Yes, yes. Thank you.</p> <p>7 CHAIRMAN: Thank you very much, Mr Pennicott.</p> <p>8 MR KHAW: Regarding the bar cutting incident that we are now</p> <p>9 looking at, did you personally have a chance to talk to</p> <p>10 Mr Edward Mok of Leighton?</p> <p>11 A. No.</p> <p>12 Q. Do you know whether Mr Cheung talked to him personally?</p> <p>13 A. I'm not sure.</p> <p>14 MR KHAW: We can ask him about that.</p> <p>15 Mr Chairman, that may be a convenient moment.</p> <p>16 CHAIRMAN: Yes, certainly. 2.15. Thank you all very much.</p> <p>17 Mr Pun, you are reminded that you are not to talk</p> <p>18 about your evidence with anybody over the lunch hour.</p> <p>19 Thank you.</p> <p>20 (12.57 pm)</p> <p>21 (The luncheon adjournment)</p> <p>22 (2.16 pm)</p> <p>23 MR KHAW: Mr Pun, perhaps I can take you to have a look at</p> <p>24 the evidence of Mr Edward Mok of Leighton. It's</p> <p>25 C12/8113.</p>

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<p>1 Starting from paragraph 28, he said:</p> <p>2 "There were three occasions when I identified that</p> <p>3 the threaded ends of rebars had been cut off, rather</p> <p>4 than being screwed into the couplers. In total,</p> <p>5 I recall identifying no more than eight defective rebars</p> <p>6 with the threaded ends cut off. They were all</p> <p>7 identified in area C of the EWL within a period of</p> <p>8 around 4 months. All these rebars were rectified at the</p> <p>9 time that they were identified."</p> <p>10 If we can continue, according to Mr Edward Mok:</p> <p>11 "I recall that the first occasion was around</p> <p>12 September 2015. I cannot recall precisely, but</p> <p>13 I believe it was during a formal inspection for rebar</p> <p>14 fixing with MTRC's engineer. I do not recall exactly</p> <p>15 which MTRC's engineer attended and cannot say with</p> <p>16 certainty which RISC form relates to this inspection, as</p> <p>17 there were various such inspections taking place around</p> <p>18 that time. I identified that the threaded end of one</p> <p>19 rebar had been cut off. The rebar was not screwed into</p> <p>20 the coupler and there was a gap of several millimetres</p> <p>21 between the bar and the coupler. As Fang Sheung's</p> <p>22 workers were still on site, I immediately asked them to</p> <p>23 replace the defective bar by taking it away and</p> <p>24 replacing it with a new bar."</p> <p>25 Pausing here, Mr Pun, this incident which apparently</p>	<p>1 A. I only knew about the above-mentioned incident.</p> <p>2 Q. In relation to the two pictures that we saw, right?</p> <p>3 A. Yes.</p> <p>4 CHAIRMAN: Sorry, the above-mentioned incidents, or single</p> <p>5 incident?</p> <p>6 MR KHAW: According to Edward Mok's evidence, it's one</p> <p>7 single incident involving two defective rebars.</p> <p>8 CHAIRMAN: Right. Thank you.</p> <p>9 MR KHAW: So am I correct to say that if we go back to your</p> <p>10 MTR interview, which took place on 13 June --</p> <p>11 COMMISSIONER HANSFORD: I'm getting Cantonese on mine rather</p> <p>12 than English.</p> <p>13 MR KHAW: Maybe I will repeat.</p> <p>14 So if we go back to the MTR interview which took</p> <p>15 place on 13 June this year --</p> <p>16 A. Yes.</p> <p>17 Q. -- we can now accept that, at that time, you had already</p> <p>18 known about previous bar cutting incident; is that</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. That is in fact why, when the MTR staff put it to you</p> <p>22 that it was your workers who cut the threaded rebars,</p> <p>23 pretending that things were installed properly when they</p> <p>24 were not, and trying to get away with it, taking</p> <p>25 a gamble, when the MTR staff put these things to you,</p>
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<p>1 happened in September 2015, this is in addition to the</p> <p>2 incident relating to the two photographs that we saw</p> <p>3 before lunch today. It's a further incident. Were you</p> <p>4 aware of this particular incident regarding threaded bar</p> <p>5 cutting?</p> <p>6 A. I only learned about it now.</p> <p>7 Q. If we can then move on to look at paragraph 32, about</p> <p>8 the second incident:</p> <p>9 "The second copies was around one month later in</p> <p>10 October or November. Again, it was discovered during</p> <p>11 a formal inspection with a MTRC engineer. Again, I do</p> <p>12 not recall exactly which ... engineer attended ...</p> <p>13 I recall that I and the MTRC's engineer identified one</p> <p>14 or two ... defective rebars during the inspection.</p> <p>15 Again, the threaded ends of the rebar(s) had been cut</p> <p>16 off and there was an obvious gap between the rebar(s)</p> <p>17 and the coupler(s) ... I asked the Fang Sheung's workers</p> <p>18 to remove the defective bar(s) ..."</p> <p>19 You can take it from me that this occasion in fact</p> <p>20 relates to the occasion in relation to the two</p> <p>21 photographs that we just saw before lunch, which you</p> <p>22 told me you knew about.</p> <p>23 A. Correct.</p> <p>24 Q. So, obviously, before you knew about the NCR incident,</p> <p>25 you were fully aware of bar cutting incidents?</p>	<p>1 you were in a position to confirm whether what they told</p> <p>2 you is right or wrong; am I right?</p> <p>3 A. Yes.</p> <p>4 Q. Thank you.</p> <p>5 Now, you remember you said yesterday that whenever</p> <p>6 your workers encountered problems regarding couplers or</p> <p>7 other problems in relation to the bar fixing work, you</p> <p>8 would ask Leighton to fix it; do you remember?</p> <p>9 A. Yes.</p> <p>10 Q. If we now look at those incidents where cutting of</p> <p>11 rebars was found by Leighton in 2015, are you aware of</p> <p>12 any reason why your workers made their own decision to</p> <p>13 cut the rebars, instead of asking Leighton to fix the</p> <p>14 problems?</p> <p>15 A. I was not on site. I didn't know about the actual</p> <p>16 condition.</p> <p>17 Q. All right.</p> <p>18 CHAIRMAN: I think the question is a bit broader, and it</p> <p>19 goes to: did you speak to your workers, did you</p> <p>20 investigate as to why they had not simply referred the</p> <p>21 problem to Leighton?</p> <p>22 A. I didn't know why.</p> <p>23 MR KHAW: But there's just one minor point that I wish to</p> <p>24 clarify with you. You remember yesterday, when you told</p> <p>25 us about the NCR, you referred to a warning. Did you</p>

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<p>1 take the NCR as a warning, or was there a separate 2 warning issued to your company regarding the NCR 3 incident? 4 A. There was only one warning letter. 5 Q. The next topic -- I'll just very briefly go through some 6 of the pictures that you saw yesterday. If we can have 7 a look at D227. You remember you were asked questions 8 regarding whether, according to your understanding and 9 knowledge, they are Fang Sheung's workers; do you 10 remember that? 11 A. Yes. 12 Q. And you said, according to your understanding, they were 13 not Fang Sheung workers; right? 14 A. Yes. 15 Q. If we can then look at 228. Now, this picture also 16 shows one worker, working on the threaded rebars; right? 17 Do you see that? 18 A. Yes. 19 Q. According to your evidence given yesterday, you told us 20 that this should not be a worker from Fang Sheung; do 21 you remember that? 22 A. Yes. 23 Q. Another photograph. 232. Again, do you remember your 24 answer yesterday that according to your understanding, 25 these two workers should not be Fang Sheung workers;</p>	<p>1 for screwing into the couplers? 2 A. Correct. 3 CHAIRMAN: Okay. So that wrench is within hand distance of 4 those two men who have their hands on the rebar? 5 A. Correct. 6 CHAIRMAN: But who could it be if -- I'm not asking you to 7 speculate, but you've said earlier that even if you call 8 Leightons in to fix a problem, Leightons don't then do 9 the screwing in of the rebars. They fix the problem, 10 they make it a situation where you can now do your work, 11 and then you go ahead and do your work; is that right? 12 A. Correct. 13 CHAIRMAN: All right. It appears on the face of it that if 14 they are not actually screwing in or screwing out the 15 rebars, they've got hold of them very close to 16 a front -- very close to a wall or slab where the bars 17 closer to the forefront of the picture appear to have 18 been fixed into the wall. 19 A. Correct. 20 MR KHAW: Mr Pun, do you remember that in the MTR 21 interview -- I can actually put it to you -- that you 22 did, when answering MTR staff's question, say that no 23 cutting could possibly be done unless your workers were 24 instructed to do so. Do you remember that? 25 A. That's right.</p>
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<p>1 right? 2 A. Yes. 3 Q. If these pictures in fact show that there were some 4 workers working on the reinforcement bars at the site, 5 do you have any idea as to who they were? 6 A. No, no idea. Not sure. Because couldn't see their 7 faces. 8 CHAIRMAN: I don't think it's meant: do you know their 9 names? I think it's meant: do you know who they would 10 have been employed by? 11 A. No, I don't. 12 MR KHAW: So, according to your evidence, if they were not 13 workers from Fang Sheung, they must be a group of secret 14 workers working on the site; right? 15 A. I don't know either. 16 Q. But according to what you know about what happened at 17 the site for bar fixing work, is it your evidence that 18 only Fang Sheung workers would be responsible for the 19 work as shown in the pictures? 20 A. Correct. 21 CHAIRMAN: Could I ask you -- in front of the bars, lying on 22 the ground, there is a red tool. Can you see it? Is 23 that a wrench? 24 A. Correct. 25 CHAIRMAN: Would I be correct to say that wrenches are used</p>	<p>1 Q. So let's talk about the two incidents of bar cutting 2 that you knew of. One is the NCR; one is before the 3 NCR. Are you aware of any circumstances where the 4 workers were given instructions to cut the threaded 5 rebars? 6 A. No, I'm not aware of any. 7 Q. Right. One more point. If you can take a look at 8 D1/609. Do you remember you were shown this picture by 9 Mr Pennicott yesterday? 10 A. Yes, I remember. 11 Q. If we can now then take a look at E376. I wonder 12 whether it's possible to put E376 and D1/609 side by 13 side. I recall -- if I get it wrong then Mr Pennicott 14 will correct me -- that you were shown by Mr Pennicott, 15 first of all, E376, the drawing, and then you were asked 16 to look at D609 to confirm whether the picture 17 represents E376, represents the area shown at E376. 18 A. I suppose so. 19 Q. If we can now focus on D609. Does this picture show 20 a condition where the bar fixing work had been 21 completed? 22 A. Not correct. 23 Q. Why do you say that? 24 A. If you just take a look at the photo, this one, all the 25 way to the diaphragm wall, is T3. The one going beyond</p>

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<p>1 the diaphragm wall is T3, and then you see the threads 2 here; that's T2, together with T1 not yet installed. In 3 fact, not all T2s have been placed there yet. You can 4 see some shorter ones, and these are T5s, shown in 5 another drawing. There's no need to put those bars in 6 the diaphragm wall.</p> <p>7 Q. Yes. The vertical bars we can see here, underneath the 8 vertical bars, you can see that there were some bars 9 which were not complete, steel bars; can you see that, 10 at the bottom?</p> <p>11 A. Which are you referring to?</p> <p>12 Q. Maybe I can just point it out to you.</p> <p>13 Yes. You can see at the bottom of this particular 14 photograph, we can see some -- if I can blow it up 15 a bit, you can see, at the bottom, there's some 16 concreted area; can you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Probably above the concreted area, we can see about 19 three steel bars which are relatively short, much 20 shorter than the steel bars on top; do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Can you explain why?</p> <p>23 Yes, my learned friends have pointed out that there 24 are in fact more than three. I apologise for my 25 eyesight. Probably more than -- let's take it as more</p>	<p>1 A. I have been questioned so much that my brain has been 2 stuck; I couldn't even think.</p> <p>3 Q. Hopefully I can take this fairly quickly so you won't be 4 pestered by me too much.</p> <p>5 You were asked an awful lot of questions this 6 morning about the instance of the five cut rebars in 7 December; do you remember those questions?</p> <p>8 A. That's right.</p> <p>9 Q. And at the time Mr Khaw said, and I won't take you to it 10 but it's [draft] page 32, line 23 of the transcript: 11 "Let us not talk about whether the matter was 12 resolved ... how it was resolved."</p> <p>13 I want to talk briefly with you about how it was 14 resolved. Can you be shown B6/4121. Do you have it?</p> <p>15 A. Yes.</p> <p>16 Q. You can see that this is a non-conformance report?</p> <p>17 A. Yes.</p> <p>18 Q. I want to take you to page 4127, and if we can look at 19 the middle of the page, the main box, "Details of 20 required rectification": 21 "Sub-contractor Fang Sheung will be requested to 22 remove all rebars with shortened threads. LCAL and MTR 23 will verify the condition of couplers and the length of 24 thread for each rebar. The new rebar will be screwed 25 with the help of LCAL direct labour. MTR IoW team and</p>
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<p>1 than three, okay, for the time being, shorter steel 2 bars.</p> <p>3 A. Not shortened.</p> <p>4 Q. Can you explain?</p> <p>5 A. These bars are of this length because on this drawing 6 you should see some bars of T5, they are not required to 7 be screwed into the diaphragm wall.</p> <p>8 Q. Right. And the longer steel bars on top, are they what 9 we call the through-bars?</p> <p>10 A. In this picture, for this section, there should be T7s, 11 T5s for some parts, and here what you see are T5s. For 12 T5s, there was no need to go all the way to the 13 diaphragm wall. If you refer to the other drawing, you 14 can also see in E379. I'm sorry, it should be E377.</p> <p>15 You will see that we have T5s, T7s. These bars are not 16 required to be put together to the diaphragm wall. They 17 should stop right outside the diaphragm wall. These 12 18 Y40s, 5.8 metres.</p> <p>19 MR KHAW: Thank you. I have no further questions.</p> <p>20 Cross-examination by MR WILKEN</p> <p>21 MR WILKEN: Mr Chairman and Professor, a few questions, if 22 I may.</p> <p>23 You were asked a lot of questions this morning -- 24 sorry, Mr Shieh reminds me I have to tell you that I act 25 for Leighton, in case you don't know.</p>	<p>1 LCAL site engineer team will inspect the whole process 2 for replacing all the new threaded rebars."</p> <p>3 And you see that's signed "Andy". Do you know who 4 "Andy" is?</p> <p>5 A. Yes.</p> <p>6 Q. Andy Wong from MTR?</p> <p>7 A. Yes.</p> <p>8 Q. Then if we go down, scroll down, you will see that this 9 is closed out on 13 January 2017, using the RISC. Then 10 if we scroll down again to the next page, you will see 11 here that this is the close-out RISC dated 13 January; 12 do you see that? You have to say "yes" or "no" for the 13 transcript.</p> <p>14 A. Yes.</p> <p>15 Q. Then if you scroll down further to the next page, and 16 again down to the next page, and again down, you will 17 see a series of photographs which shows the remedial 18 works being carried out; that's correct, isn't it?</p> <p>19 A. Yes.</p> <p>20 Q. So the incident of the five rebars was discovered; 21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. And remedied?</p> <p>24 A. Yes.</p> <p>25 Q. You were also shown earlier -- and if we can go to</p>

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<p>1 C12/8123 -- these photographs; do you remember these? 2 A. Yes. 3 Q. These were photographs taken by Mr Mok of Leighton, 4 weren't they? 5 A. I don't know. 6 Q. You don't know? Okay. 7 A. I don't know. 8 Q. Were you aware it was Leighton who raised the issue of 9 these cut rebars with Fang Sheung? 10 A. Yes. 11 Q. If you go to the next page, and after that, go to the 12 next page down, this again is another photograph of cut 13 rebar, isn't it? 14 A. Yes. 15 Q. This was another incident that Leighton raised with you? 16 A. Yes. 17 Q. And so far as you are aware, all these cut rebars were 18 remedied? 19 A. Yes. 20 Q. Can we move on to another subject. Can you be shown 21 E6/1594, paragraph 15 in the Chinese, and in the 22 English, 1595.9. I want to look at paragraph 15. Here 23 you say you have a bar cutting machine, that's the first 24 bullet point: 25 "Bar cutting machine: to snap or bend rebars.</p>	<p>1 A. (Chinese spoken). 2 COMMISSIONER HANSFORD: What BOSA did with the bars that 3 were cut was what? 4 A. (Chinese spoken). 5 COMMISSIONER HANSFORD: What did they do with the bars that 6 were cut? 7 A. Because the snapped end of the rebars would be flattened 8 and would be impossible to screw into the coupler. 9 COMMISSIONER HANSFORD: Yes, I understand. 10 A. So they would have to trim it before use. 11 COMMISSIONER HANSFORD: Okay. Now I understand. Thank you. 12 MR WILKEN: And when you cut rebar in this fashion, you 13 produced a rebar cutting record, didn't you? Or BOSA 14 produced a rebar cutting record? 15 A. Yes. 16 Q. Can I take you to E5/996. 17 This is a rebar cutting record and it's an example, 18 but you can see there that this is dated between 18 and 19 23 September 2015; do you see that? 20 A. I do. 21 Q. So this would cover, if you were cutting rebars in area, 22 say, C3 or C5 at that time, wouldn't it? 23 A. Yes. 24 Q. And it would cover, obviously, what was happening in 25 relation to rebar around 22 September 2015?</p>
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<p>1 However, as the snapped end of the rebars would be 2 flattened, those rebars would be handed over to BOSA for 3 the end to be trimmed before use. This method would 4 only be [used] when we [wanted not] to waste the 5 rebars." 6 A. Correct. 7 Q. So BOSA had a shop on site, correct, somewhere to work 8 on rebars? 9 A. A workshop. 10 Q. Yes, a workshop. I'm grateful for the correction. 11 A. Yes. 12 Q. They had a workshop on site where they could fix rebars 13 or deal with rebars? 14 A. Yes, the workshop was for dealing with type B rebars or 15 couplers. 16 Q. And when you had cut the rebars with the bar cutting 17 machine, they would then remedy them; correct? 18 A. BOSA would use another large machine, cutting machine, 19 to deal with the cut end before it can be screwed into 20 the coupler. It is a very big machine. 21 Q. Thank you. 22 COMMISSIONER HANSFORD: Sorry, I'm getting confused about 23 what "deal with" means. Presumably, Mr Pun, when the 24 bar went to BOSA, BOSA would then create the threaded -- 25 turn it into a threaded bar; is that what you're saying?</p>	<p>1 A. Yes. 2 Q. And you see there, on the second line of writing down, 3 it looks like, 22 September, cutting of rebar in area 4 C3-5; correct? 5 A. Yes, order -- we took the order to -- placed the order 6 for cutting. 7 Q. Sorry, I need to correct myself. When I said the MTR 8 engineer was Andy Wong, it was Andy Ip of Leighton. I'm 9 grateful. 10 Can we just move on to one last topic. You were 11 asked a series of questions yesterday by Mr So about the 12 evidence that Joe Cheung gave to MTR. Do you remember 13 those series of questions? 14 A. I remember questions he asked of Mr Cheung. 15 Q. About Mr Cheung, not of Mr Cheung, because Mr Cheung 16 hasn't given evidence yet; about him. 17 A. Yes, about Mr Cheung. 18 Q. And your response to one of those series of questions 19 was you needed to see the context of those questions; 20 that's correct, isn't it? 21 A. Yes. 22 Q. Can I just show you a bit of the context. Could you go 23 to B5/3082.19 to 20 for the Chinese, and .30 and .31 for 24 the English. 25 If we can pick it up about halfway down on .30 of</p>

Page 85	1 the English -- yes: 2 "What's the quantity roughly? 3 Answer: Very few. 4 Question: So they were usually abandoned like that? 5 Answer: To fill the hole only, they would adopt 6 rectification measures ..." 7 If we can go over the page: 8 "Do you mean, by filling the holes, that it was not 9 just filling it up but inserting the rebars after 10 cutting the threaded heads and see what else to do? 11 Answer: The couplers were damaged and it was 12 possible to screw it in. We just placed them there so 13 that it looked nice. Somebody told us that they would 14 do rectification measures on their own. Just one or 15 half rebar. Sometimes workers would just follow the 16 instructions and do it. 17 Question: Other than the unsatisfactory connections 18 concerning those 5 rebars, have you, during your stay at 19 the site, heard of any similar incident? Or any staff 20 reporting such incidents to you? 21 Answer: No. No one." 22 So Mr Cheung was talking there about the five rebars 23 in December; correct? 24 A. Yes. 25 MR WILKEN: Sir, Professor, I have no more questions.	Page 87	1 the workers could not use the wrench to screw them, and 2 that they were cut, all this information, before you -- 3 did you confirm with Mr Joe Cheung before you gave all 4 these answers to the MTR? 5 A. No. 6 CHAIRMAN: Sorry, then how did you know that the bars were 7 so congested? 8 A. When I saw the photo, I came to that conclusion. 9 MS CHONG: So that's your opinion, after viewing the 10 photographs? 11 A. Yes, exactly. 12 Q. That's fine. 13 Now, please -- yesterday, do you remember that you 14 were asked about this cutting machine on site by 15 Mr Khaw, and can I refer you to E1288. 16 Do you recognise this machine? 17 A. Yes. 18 Q. What kind of machine is it? 19 A. It's a bar fixing machine for cutting and bending of 20 bars, a piece of machinery. 21 Q. Was that the machine that you talked about yesterday, 22 about the cutting machine; was it this? 23 A. Mentioned yesterday? Not this one. I mentioned 24 something similar, but this one's smaller. For the 25 other one, that's another kind of machine.
Page 86	1 COMMISSIONER HANSFORD: Thank you. 2 MR BOULDING: We have no questions, sir. 3 CHAIRMAN: Thank you very much, Mr Boulding. 4 Re-examination by MS CHONG 5 MS CHONG: Just a few questions. 6 You were asked about your interview with MTR in June 7 this year, and you told the Commission that at that 8 time, it was the first time that you knew about the five 9 rebars covered by the NCR was shortened. It was the 10 first time that you knew about these rebars being 11 shortened, on that day; right? 12 Now my question is, before you proceed further to 13 answer questions from the MTR, did you have the chance 14 to first discuss with your foreman, Mr Joe Cheung, to 15 confirm with him, according to his investigation, why 16 those bars were shortened? 17 A. Not before the COI. 18 Q. It was the first time that you got to know that the bars 19 were shortened, but you did not have the opportunity or 20 you did not confirm with Mr Joe Cheung first before you 21 proceeded to answer further questions from MTRC; was 22 that your answer? 23 A. Correct. 24 Q. Did you confirm with Mr Joe Cheung whether what you said 25 to the MTR, namely those bars were so congested and that	Page 88	1 Q. Who owns this machine? 2 A. We do. 3 MS CHONG: I have no further questions. 4 CHAIRMAN: Thank you very much. 5 Further examination by MR PENNICOTT 6 MR PENNICOTT: Sir, I have a slight hesitation. Just 7 a couple of things. When Mr Wilken was cross-examining 8 Mr Pun, he was shown very quickly the NCR with "Andy" 9 written on it. 10 MR WILKEN: I apologise. It was my error, it was Andy Ip. 11 MR PENNICOTT: I appreciate that, but unfortunately the 12 witness agreed it was Andy Wong. So perhaps we ought to 13 clarify with the witness that it was Andy Ip, not Andy 14 Wong. Do you understand, Mr Pun? 15 A. Yes, I understand. 16 MR PENNICOTT: That's fine, that's clarified that. 17 Secondly, can I just take up one point that Mr Khaw 18 mentioned to the witness, and that was about a warning 19 letter. I just want to make sure that we've got the 20 answer and it's clear and Mr Pun is happy with the 21 answer. 22 Mr Pun, we've seen many references and you've asked 23 many questions about an NCR. You've been shown that 24 NCR. Do you understand? 25 A. Yes.

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<p>1 Q. You've also mentioned a warning letter? 2 A. Yes. 3 Q. Are they the same thing or are they two different 4 documents? 5 A. Same thing. 6 MR PENNICOTT: Thank you very much. I just wanted to make 7 sure we hadn't missed something. 8 CHAIRMAN: Yes. Good. Thank you very much indeed. Your 9 evidence is complete. You can go now. You may have to 10 be recalled to answer further questions, but if so you 11 will be advised. Thank you. 12 (The witness was released) 13 MR SO: Sir, just a matter before we actually proceed to the 14 next witness. I have communicated with counsel for the 15 Commission. It's regarding the transcript at B3082.18 16 that we had some discussion yesterday regarding the 17 recordings of Mr Cheung Chiu Fung. 18 Yesterday, I actually read out the Chinese 19 transcription of the transcript, but that bit of the 20 transcript, after those instructing me, and myself, 21 hearing the actual recording of it, which I understand 22 the solicitors and counsel for the Commission also 23 agreed, there might be a slight mistake in terms of the 24 Chinese transcription, which is material, so I guess it 25 would be appropriate to raise that.</p>	<p>1 COMMISSIONER HANSFORD: Sorry, I know I can go back in the 2 transcript and I will have to do that, but is this the 3 point where we were discussing the difference between 4 hacked out and sawn off? 5 MR SO: Exactly, sir. 6 MR PENNICOTT: It has come across as "chiselling" this 7 afternoon, but yesterday it was "hacked out" or "hacking 8 off". 9 COMMISSIONER HANSFORD: Right, and that's chiselling? 10 MR SO: Yes. As far as we understand now, according to the 11 Chinese which we now say has to be changed, it means it 12 cannot be put in or cannot be used. 13 COMMISSIONER HANSFORD: Yes, I understand now. 14 MR SO: Thank you very much. 15 CHAIRMAN: Yes? 16 MR PENNICOTT: Sir, I understand that Mr Cheung is the next 17 witness, so if he's available then we can make a start, 18 or -- yes, let's make a start, shall we? 19 CHAIRMAN: Yes. 20 MS CHONG: Mr Cheung, please state your full name to this 21 Commission. 22 WITNESS: (Via interpreter) I, Cheung Chiu Fung. 23 MR CHEUNG CHIU FUNG, JOE (affirmed in Punt) ) 24 (All answers given via simultaneous interpreter 25 except where otherwise specified)</p>
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<p>1 It is at the Chinese part. The English part was 2 actually not transcribed. The Chinese part, it reads 3 like this -- I think I will have to trouble the 4 interpreter to interpret it. The question part was 5 already translated but the answer part was not 6 translated. The answer, which was originally on the 7 Chinese transcript was: 8 "(Via interpreter) If that is true that it could not 9 be screwed in, if the coupler is damaged, then the 10 coupler would be chiselled." 11 This is the original transcript. According to what 12 we heard -- 13 CHAIRMAN: Sorry, I've only just finished hearing the 14 English translation. 15 MR SO: I do apologise. So there was the discussion as to 16 whether the transcript was written as "(Chinese spoken) 17 coupler", that's the part. After hearing the recording 18 which I understand the Commission also agreed, the one 19 which was said is not "(Chinese spoken) coupler", but in 20 fact it was "(Chinese spoken) coupler". 21 INTERPRETER: In English it means "the coupler could not be 22 used". 23 MR PENNICOTT: Sir, I'm told by those that know better than 24 I do that Mr So is entirely right. 25 MR SO: Thank you very much. That's the point.</p>	<p>1 Examination-in-chief by MS CHONG 2 MS CHONG: Please turn to bundle E, starting from page 875 3 to 879, and the English translation is 879.1 to 879.5. 4 This is the witness statement you made to this 5 Commission, is it? 6 A. Correct. Correct. 7 Q. At page E879, you signed your name there; do you 8 confirm? 9 A. Yes, correct. 10 Q. You also confirmed the truth of this statement by 11 signing the statement of truth, right, on the same page? 12 A. Yes, correct. 13 Q. Do you wish to adopt this statement as your evidence to 14 this Commission? 15 A. Correct. 16 MS CHONG: Please stay here for cross-examination. 17 Examination by MR PENNICOTT 18 MR PENNICOTT: Mr Cheung, good afternoon. 19 A. Good afternoon. 20 Q. My name is Pennicott; I am one of the counsel for the 21 Commission, and I've got a few questions for you. When 22 I've finished, counsel for other parties may wish to ask 23 you some questions as well, and during the course of our 24 discussion it may well be that the Chairman and 25 Commissioner will also ask you some questions. At the</p>

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<p>1 end of all that, Ms Chong will ask you, if she needs to, 2 any further questions. Do you follow? 3 A. Yes, I follow. 4 Q. You're also known as Joe Cheung, I think? 5 A. Yes, correct. 6 Q. You have a trade test certificate, I understand, issued 7 by the Vocational Training Council and Construction 8 Industry Council, for bar bending and fixing? 9 A. Correct. 10 Q. When did you get that? When did you obtain that 11 certificate? 12 A. The exact date I don't recall. It's been ten years. 13 Q. So about 2008? 14 A. Yes, I suppose, yes. 15 Q. Throughout the course of the project that we're 16 concerned with, SCL1112, where we know Fang Sheung was 17 a sub-contractor to Leighton for the bar bending and 18 fixing works, I think I'm right to say, am I not, that 19 you were the most senior person on site so far as 20 Fang Sheung is concerned? 21 A. Correct. 22 Q. And, as I understand it, Mr Cheung, you were there from 23 day one, when Fang Sheung started their rebar work, 24 throughout the whole period; save perhaps for periods of 25 leave and holiday, you were there every day?</p>	<p>1 guidance for screwing the rebar into couplers?" 2 Answer 3, A3, which you gave to the police was this: 3 "As it was BOSA which supplied the couplers and 4 rebars, BOSA would provide such explanation and guidance 5 to inform our workers that the threads of the rebars 6 must be fully screwed into the couplers." 7 Now, with those two pieces of evidence in mind, 8 Mr Cheung, can you confirm that you and your workers 9 received guidance and instructions from BOSA, prior to 10 commencing the rebar fixing works? 11 A. Yes. Yes, we did. 12 Q. And what form did that guidance instruction take? Did 13 they come along to the site? Did you have a meeting 14 with them? What happened? 15 A. BOSA shop at Hung Hom -- well, BOSA had a workshop in 16 Hung Hom and they have got an office. Instructions and 17 guidelines and briefings were given to explain how the 18 couplers should be used according to the standards. Our 19 workers and foremen of Leighton were present. We were 20 taught how to use the couplers. 21 Q. Now, I imagine, but tell me if I'm wrong, that the 22 workforce of Fang Sheung was not constant; it would 23 change periodically. Some people would leave, new 24 people would come; is that right, as a general 25 proposition?</p>
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<p>1 A. You can put it this way. 2 Q. Right. Mr Cheung, the first thing I'd like to ask you 3 about is BOSA. Do you remember BOSA? 4 A. Yes. 5 Q. If you go to paragraph 6 of your witness statement and 6 the second sentence -- sorry, it should be E5/879.1 in 7 the English, and 876 in the Chinese. Now I've lost 8 where I was. 9 In your witness statement, at paragraph 6, the 10 second sentence, you say this: 11 "According to the guidance and instruction provided 12 in prior lecture section" -- maybe that should say 13 "session", I don't know -- "hosted by the material 14 supplier, staff of Fang Sheung knew how to correctly 15 install and connect the screw iron ..." 16 That is the words that appear there. I think we 17 know that as "threaded rebar", Mr Cheung; would you 18 agree with that? 19 A. Agree. 20 Q. "... twist till tightly fasten will do." 21 Then if you go to your police witness statement at 22 Q3 and A3 -- that's E6/1584.7 in the English and 1582 in 23 the Chinese -- it says this: 24 "For this project, did Leighton explain what the 25 correct bar fixing requirements were and provide</p>	<p>1 A. Rarely. 2 Q. Okay. All right. So your evidence is that, generally 3 speaking, there was a fairly constant -- the same people 4 were there throughout the period of the works; is that 5 right? 6 A. Correct. 7 Q. All right. That's very helpful. Could I ask you this: 8 did BOSA show you or give you any documentation to show 9 you the fixing process? 10 A. Documentation, as far as I can remember, there were two 11 sheets of documentation to explain, but in fact on site 12 they gave us the briefings to workers on how to install 13 the couplers. 14 Q. Right. Could you be shown, please, bundle C10, 15 page 7009. 16 You will see there, Mr Cheung, at the top, it's 17 headed "BOSA", "Coupler installation method (standard 18 splice -- type A)". 19 If you go down to the next page, please, a BOSA 20 document again, "Coupler installation method (position 21 splice -- type B)"; do you see that? 22 A. Yes, very clear. 23 Q. Have you seen those two sheets before? 24 A. I have some impression. 25 Q. Right. So might these be the two sheets of paper that</p>

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1 they showed you when they gave you some instructions? 2 A. Yes. 3 Q. Okay. Let's also -- can we go to page C7011, so the 4 next page down, please. Now, Mr Cheung, this is another 5 BOSA document. This time it's headed, "How to measure 6 the thread length -- Servisplice"; do you see that? 7 A. I do. 8 Q. If we could just scroll down to the next three pages, 9 please. You've been given a hard copy; thank you. Just 10 look at those documents, Mr Cheung. 11 A. I've got it. 12 Q. Have you seen these before? 13 A. No. 14 Q. All right. Thank you very much. 15 Next, Mr Cheung, I would like just to ask you to 16 give us some help with some documents that you have 17 attached to your witness statement, so that I understand 18 what they are. All right? 19 We will need E5, and if we go first of all to 20 page E5/880, we see a sheet there which is headed 21 "Appendix 1", "On-site daily records"; do you see that, 22 Mr Cheung? 23 A. I do. 24 Q. I understand that's your signature on that page? 25 A. Correct.	1 Q. So what you have here listed, on 11 January 2016, is 2 areas B4 and B5 completed; is that correct? 3 A. Yes. 4 Q. If you then go over the page to 943, on 12 January you 5 appear to be working, or have workers, at area A2; do 6 you see that? 7 A. I do. 8 Q. Do you recall where area A2 was? 9 A. Area A2 -- area A was at line zero -- how should 10 I describe it? -- it was next to track UH. If I've got 11 a plan, a drawing, I can show it to you. 12 Q. You can. Let me just show you a drawing. 13 A. Thank you. 14 Q. Let's try this one. A250. Someone is going to give you 15 a hard copy, Mr Cheung. 16 A. I can see it. Area A2 is at M1 line 0 to 4, and that's 17 area A2 (indicating). 18 Q. Right. We've got a plan marked up, sir. The witness 19 has highlighted it in yellow, and it seems to run -- 20 COMMISSIONER HANSFORD: Sorry, could I see? Okay. 21 MR PENNICOTT: It seems fairly accurate from what we've seen 22 before. 23 Thank you very much, Mr Cheung, for that. 24 Now, the next batch of documents attached to your 25 witness statement, Mr Cheung, start at E969. You call			
1 Q. This document runs through to page E968. So what we 2 have are your -- it's essentially a site diary, 3 effectively, is it, Mr Cheung? I know you call it 4 a daily record. It's essentially a site diary? 5 A. Correct. 6 Q. And it runs through to 23 May 2015 through to 31 March 7 2016? 8 A. Yes. 9 Q. Could I ask you, for reasons that don't directly concern 10 you, Mr Cheung, to turn to pages 942 and 943, where we 11 find the entries for 11, 12 and 13 January 2016. 12 So at E942 to start with, Mr Cheung, we have on the 13 right-hand side of the page your entry for 11 January 14 2016; is that right? 15 A. Yes, I can see it. 16 Q. Sir, I should have pointed out that I understand that 17 the English translations that have been put on your 18 documents are ones that the Commission's lawyers have 19 done; okay? 20 Do you understand? 21 A. Okay. 22 Q. I understand that, other than what's in the red box or 23 the red boxes, the rest of the writing in here is yours; 24 is that correct? 25 A. Yes. Yes.	1 these, this batch of documents, which run through to 2 page 1257, "rebars processing records". In a few 3 sentences, Mr Cheung, can you explain to us what these 4 documents are and what you use them for, who compiled 5 them? 6 A. In these documents, there should be three types. Some 7 of them were prepared by Mr Pun, in relation to the 8 drawings of the EWL and the couplers needed, and then 9 I would submit to BOSA, and for another type, that's the 10 receipt given to me by BOSA, which had processed or 11 finished the procedure. That's it. 12 Q. Right. So this is the process, the documents that show 13 the process, by which you placed into your orders -- 14 A. Yes. 15 Q. -- your requirements with BOSA, and they would send the 16 materials that you had requested back to you, and there 17 would be a receipt for those materials? 18 A. Correct. 19 Q. So if one just takes the second page as an example -- 20 that's E971. 21 A. I can see that. 22 Q. We see it's dated 6 February 2015, and it looks like it 23 relates to a capping beam, top left? 24 A. Yes, correct. 25 Q. And this is you ordering a number of T50 bars, is it, of			

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<p>1 a particular size and a particular number?</p> <p>2 A. Correct.</p> <p>3 Q. Okay.</p> <p>4 COMMISSIONER HANSFORD: Sorry. Does the "B" there mean</p> <p>5 a B type thread?</p> <p>6 MR PENNICOTT: I was about to ask that.</p> <p>7 COMMISSIONER HANSFORD: Sorry, I'm ahead.</p> <p>8 MR PENNICOTT: What does the "B" stand for, Mr Cheung?</p> <p>9 A. That's true. B represents the B coupler and B threads</p> <p>10 that comes with the coupler.</p> <p>11 Q. Okay.</p> <p>12 If you could go to 995, please. This, as</p> <p>13 I understand it, Mr Cheung -- correct me if I am</p> <p>14 wrong -- is the next stage of the process. This is BOSA</p> <p>15 sending back to you a rebar cutting record, indicating</p> <p>16 what they're providing to you on four days in September</p> <p>17 2015, and you're signing on behalf of Fang Sheung</p> <p>18 receipt of that material?</p> <p>19 A. You can put it this way, or rather it should be said</p> <p>20 that I placed orders for these types of rebar materials.</p> <p>21 Q. Whose writing is on this sheet, Mr Cheung?</p> <p>22 A. On this sheet it was I who appended the signature. As</p> <p>23 for other writing, it was done by BOSA.</p> <p>24 Q. By BOSA, yes. So they are recording what they are</p> <p>25 giving to you, or sending back to you after your order,</p>	<p>1 might not be present and when I checked the order and</p> <p>2 confirmed that the order related to us, I would sign on</p> <p>3 their behalf.</p> <p>4 Q. Right. Ordinarily, Leighton would sign for the delivery</p> <p>5 and receipt of materials?</p> <p>6 A. That's right.</p> <p>7 Q. I understand. All right. Thank you very much.</p> <p>8 Then next, Mr Cheung, at page E5/1258, you have</p> <p>9 appendix 3 to your witness statement, which appends</p> <p>10 a series of on-site photographs; do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. We've looked at some of those photographs and I'm going</p> <p>13 to look at some of them with you a bit later. First of</p> <p>14 all, can you tell us -- I should say this. The earliest</p> <p>15 photograph that I have managed to find is 13 September</p> <p>16 2014 -- that's at E5/1312 but we don't need to look at</p> <p>17 it -- and the latest one is 18 May 2016 -- E5/1328.</p> <p>18 Again, we don't need to look at it.</p> <p>19 Mr Cheung, can I ask you this: are these photographs</p> <p>20 that you took?</p> <p>21 A. Yes, correct.</p> <p>22 Q. Right. We are going to come back to the photographs</p> <p>23 shortly, Mr Cheung.</p> <p>24 Then lastly the documents that you attach to your</p> <p>25 statement. 1360 in E5. You describe these documents,</p>
<p>Page 102</p> <p>1 and you're just signing by way of receipt of the</p> <p>2 materials?</p> <p>3 A. I signed to confirm that these were the couplers needed.</p> <p>4 It doesn't necessarily mean that I received those goods.</p> <p>5 Q. A purchase order. All right.</p> <p>6 So which document do we need to look at which shows</p> <p>7 us that you've actually received the material?</p> <p>8 A. I did not have the authority to actually receive the</p> <p>9 materials. I could only confirm that these were the</p> <p>10 materials that I would need.</p> <p>11 Q. Okay. If you look at 1229 by way of example,</p> <p>12 Mr Cheung --</p> <p>13 A. Yes.</p> <p>14 Q. -- what is that? What is that document? You see it's</p> <p>15 a delivery note --</p> <p>16 A. Yes.</p> <p>17 Q. -- to Leighton?</p> <p>18 A. Yes.</p> <p>19 Q. Is this you acknowledging receipt of materials or not?</p> <p>20 A. No, not this one.</p> <p>21 Q. Okay. If you didn't have authority, who did?</p> <p>22 A. Let me explain about this document. This note would be</p> <p>23 passed to Leighton. Because after placing the order,</p> <p>24 this note would be delivered to the site for staff of</p> <p>25 Leighton to sign for receipt. Sometimes, their staff</p>	<p>Page 104</p> <p>1 behind 1360, as "Work schedule", or work schedules?</p> <p>2 A. Right, correct.</p> <p>3 Q. As I understand it, these are working schedules that</p> <p>4 would have been given to you by Leightons?</p> <p>5 A. Yes, correct.</p> <p>6 Q. Mr Cheung, it may not be particularly material but I've</p> <p>7 found out that the documents you've appended are either</p> <p>8 undated or they are all dated in 2016. Presumably, you</p> <p>9 had these working schedules throughout, did you, the</p> <p>10 whole of the project, not just in 2016?</p> <p>11 A. Because these were the schedules that we were able to</p> <p>12 retrieve.</p> <p>13 Q. Okay. Just on that question of missing documents,</p> <p>14 Mr Cheung, can I ask you this.</p> <p>15 A. Yes, you can, correct.</p> <p>16 Q. I think it's been put on the electronic bundle. The</p> <p>17 index that we prepared and handed out yesterday for the</p> <p>18 drawings, I think that's gone on to the electronic</p> <p>19 bundles. Unfortunately, I can't tell you where it is.</p> <p>20 It's E1/282.1.</p> <p>21 Sir, I'll carry on. You've got the document in</p> <p>22 front of you, Mr Cheung. You will see there in front of</p> <p>23 you, there's an index. What that index is, Mr Cheung,</p> <p>24 is an index of various drawings that Mr Pun attached to</p> <p>25 his statement. Do you understand?</p>

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<p>1 COMMISSIONER HANSFORD: This is the schedule we were given 2 by hand yesterday? 3 MR PENNICOTT: Yes, sir. It's now on the electronic bundle 4 somewhere. 5 COMMISSIONER HANSFORD: I've got it. 6 MR PENNICOTT: There we are. 7 I'm not going to discuss the drawings with you 8 because I did that with Mr Pun yesterday, but what I did 9 ask him about was -- do you see the top of this index, 10 Mr Cheung, he says that -- we say that area C1, 11 area C1-2 and area B3 top steel are missing from the 12 drawings. And Mr Pun told us yesterday that certainly 13 areas C1 and C1-2 were two of the earliest areas that 14 were fixed with rebar and then concreted. He wasn't 15 on site at the time and therefore couldn't find any 16 documents in relation to those areas, that is drawings 17 in relation to those areas, but you might know where 18 they are. Would that be right? 19 A. Well, not quite true. For C1-1, documents were no 20 longer in existence. For C1-2, because works were 21 carried out quite hastily, there was control on site and 22 bar fixing was done on site. 23 Q. So you don't know whether there are any documents still 24 available for C1-1 and C1-2? Or perhaps you do know 25 that they are not available?</p>	<p>1 A. Yes, I see that. 2 MR PENNICOTT: You say: 3 "On another note, our workers wore uniforms provided 4 by Leighton when working on site. Everyone had three 5 sets of uniforms, which consisted of an orange top with 6 reflective strips and with SCL and Leighton printed 7 thereon and blue trousers with reflective strips. But 8 often when the uniforms provided by Leighton were being 9 washed or were damaged, workers would wear their own 10 clothes with reflective vests on top (with no special 11 feature or company name)." 12 That's what you told the police, Mr Cheung? 13 A. Correct. 14 Q. Is that accurate? Were all of your workers provided 15 with three sets of uniforms? 16 A. It depends on whether at the time Leighton had adequate 17 supply of uniforms. Sometimes only one or two sets. 18 Q. All right. Were you provided with a uniform, Mr Cheung? 19 A. At first, I was given uniform. 20 Q. But then? 21 A. It didn't fit me so I didn't wear them. 22 Q. All right. I've asked you that because I now want to 23 take you to a few photographs. 24 Could we go, please, through to D228. You have that 25 on the screen, Mr Cheung. Is this a photograph you have</p>
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<p>1 A. Because of the tight work schedule, I just wrote it down 2 myself and looked for workers on site for bar fixing, 3 and because of lapse of time these documents no longer 4 exist. 5 MR PENNICOTT: All right. Let's move on. 6 Maybe we should have a short break. 7 CHAIRMAN: Good. Thank you. 8 (3.46 pm) 9 (A short adjournment) 10 (4.05 pm) 11 MR PENNICOTT: Mr Cheung, we are going to continue on 12 a different topic. Please can you be shown paragraph 8 13 of your police witness statement, which is 1584.3 in the 14 English and 1577 in the Chinese, although in fact I want 15 to look at the passage on 1584.4 in the English version, 16 please. 17 You need to turn the page in the Chinese as well, 18 Mr Cheung. I want to find the sentence that begins, "On 19 another note". Do you have that? 20 "On another note, our workers wore uniforms provided 21 by Leighton when working on site." 22 Do you have that, Mr Cheung? 23 CHAIRMAN: Paragraph 9, is it? 24 MR PENNICOTT: It's paragraph 8, sir. 25 CHAIRMAN: Sorry.</p>	<p>1 seen before? 2 A. Yes. 3 Q. When did you first see it? 4 A. I've seen that in the newspaper, I mean in the news. 5 Q. So that would have been back in May/June earlier this 6 year? 7 A. Yes, roughly. 8 Q. Forget about what's being done in the photograph for 9 now, Mr Cheung. Are you able to say, are you able to 10 tell, just by looking at the photograph, looking at what 11 the person is wearing, whether that is a Fang Sheung or 12 a Leighton worker? 13 A. I can't tell. 14 Q. Do you recognise the machine that he's using? 15 A. Yes. 16 Q. It's a machine that is similar to one that is owned by 17 Fang Sheung; yes? 18 A. Yes, Fang Sheung had two machines similar to this one. 19 Q. Okay. Fang Sheung had two machines similar to this one, 20 Mr Cheung. You say these two machines were on the site 21 where you were doing the rebar fixing; is that correct? 22 A. Yes, correct. 23 Q. What did you use those machines for? Why did you have 24 them there? 25 A. Because this machine is convenient. It's a portable</p>

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<p>1 electric equipment. When we cut thin bars, this machine 2 was extremely convenient. 3 Q. And when you say "thin bars", Mr Cheung -- let's take 4 that in stages -- first of all, how do you define 5 "thin"? What diameter bars are we talking about? 6 A. In my view, "thin bars" means Y25 millimetres to 7 Y12 millimetres. 8 Q. Right. So less than 25, 25 or less? 9 A. That's correct. 10 Q. Now, what sort of use would those bars be put to, the 11 Y12s up to the Y25s? What would you be using those for? 12 Clearly, they are not the main rebar that we know about. 13 They are not the T40s, and so forth, are they? 14 A. That's right. 15 Q. So what type of bars are we talking about that you would 16 be cutting with this machine, between Y12 and Y25? 17 A. When working on the slab, if it was necessary to prepare 18 the bottom cage spacer bar to prop up the B1 bars, which 19 were the main ones, and also I said it was useful 20 because we needed to have partition walls and we needed 21 to cut bars at the site to finish that procedure. 22 Q. All right. Let me just take you up on one point in that 23 answer. Did you refer to spacer bars? 24 A. Correct. 25 Q. Sometimes known as "sifu" bars?</p>	<p>1 Q. And they would only be placed at the base; is that 2 right? You wouldn't find them anywhere else, just at 3 the base? 4 A. Correct. 5 Q. All right. Now, apart from spacer bars -- I'm sorry 6 I can't immediately get back to your answer earlier -- 7 apart from spacer bars, help me again, what else would 8 you use these cutting machines for, apart from cutting 9 spacer bars? What else? 10 A. To cut iron, ready iron bar. 11 Q. Sorry, which iron bar? 12 A. 12 metre bars, when they arrived at site, they needed 13 testing. We call them ready -- they are called testing 14 iron. So we have bars for testing. We have to have 15 them tested to see whether they are up to standard. We 16 call them bar for testing. 17 Q. So you would use this cutter -- and you've described and 18 we've seen the photograph -- 19 A. Yes. 20 Q. -- for cutting regular rebar, not threaded rebar but 21 regular rebar, for the purposes of Leighton or MTRC 22 testing that rebar? 23 A. Without thread, no threaded. We have to cut 12 metre 24 long bars. 25 Q. Yes. If you have a 12 metre long bar, as I understand</p>
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<p>1 A. Correct. Yes, "sifu" bars. 2 Q. I'll come back to the other photographs in a moment, but 3 can we look at one of your photographs, in E5, please. 4 Could I ask you, please, to be shown E5/1349. 5 Mr Cheung, first of all, we can see this photograph 6 was taken on 14 July 2015. It's in area C1, and the 7 caption -- and I understand this is your writing on -- 8 the annotations are yours, in the Chinese? 9 A. Correct, my handwriting. 10 Q. And what you've said is, "Fixing base plate of rebars". 11 Do we see any spacer bars in this photograph? 12 A. Yes. There are three on the bottom left, with the 13 tiles. 14 Q. Can you point them out? 15 A. One, two, three (indicating). 16 Q. So the ones resting on the blocks? What appear to be 17 resting on the blocks? 18 A. Correct. 19 CHAIRMAN: They are sitting on -- look like half bricks? 20 MR PENNICOTT: That's right. 21 COMMISSIONER HANSFORD: They're spacers. 22 MR PENNICOTT: They're spacer blocks, yes. 23 So the spacer bars are the ones -- they are of what 24 diameter? 25 A. Y16, 16 millimetres.</p>	<p>1 it, you cut out a metre length -- 2 A. Correct. 3 Q. -- and that's sent away for the testing? 4 A. Correct. 5 Q. And that can be a 40 millimetre bar, the ones that we've 6 seen in the photographs, for example? 7 A. Yes. 8 Q. Can we get D228 back up, please. So there is no doubt, 9 Mr Cheung, that the cutter is perfectly capable of 10 cutting a 40 millimetre rebar? 11 A. Correct. 12 Q. So it's not just confined to Y12 to Y25; it's also 13 capable of going through a 40 millimetre bar? 14 A. Yes. 15 Q. So we've got spacer bars, we've got the rebar that's for 16 testing. Any other reason for having the cutter there? 17 Any other cutter -- cutting any other material? 18 A. I don't quite get your question. 19 Q. I'm just trying to think, and trying to ask you to think 20 about, what use you put that cutter to. You've given us 21 spacer bars to be cut, you've given us the rebar that's 22 going off for testing. Is there anything else that you 23 would use the cutter for? 24 A. If the bars are too long, and as a result cannot be put 25 in for fixing, then we have to cut the rebars to the</p>

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1 right length for works.  
2 Q. Which bars are you talking about now? Are you talking  
3 about the general rebar?  
4 A. Yes.  
5 Q. So does that mean that there were occasions when BOSA  
6 supplied you, despite the process that we discussed  
7 earlier, with rebar that was the wrong length?  
8 A. It shouldn't be from BOSA. Rather, when we were  
9 working, the size and the locations were different from  
10 the drawings, and we had to cut the rebars for fixing.  
11 Q. Okay. I apologise. So rebar not supplied by BOSA  
12 because that's the threaded rebar, but the general rebar  
13 you were provided with by Leightons, that would at  
14 times, is that right, need to be cut in order to make it  
15 fit?  
16 A. Correct.  
17 Q. And how often did that happen?  
18 A. Not often. Rather uncommon.  
19 Q. Once a week? A couple of times a week? A few times  
20 a month? Approximately?  
21 A. I would say a couple of times in a month.  
22 Q. Okay. Anything else? So we've got three things now.  
23 We've got spacer bars, testing, and now we've got too  
24 long rebar that needs cutting. Anything else?  
25 A. Nothing else.

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1 Q. All right. Just a moment ago, when I asked the question  
2 first off, you referred to, so the transcript says,  
3 "partition walls". Why did you include those words in  
4 your initial answer to my question, "partition walls"?  
5 A. Partition walls, that's a short form, in Chinese. In  
6 fact I was referring to non-structural walls, because  
7 the bars were smaller in there.  
8 Q. Right. And you, as I understand it, if I understand  
9 your evidence correctly, had to provide rebar fixing for  
10 certain partition walls; is that correct?  
11 A. Yes.  
12 Q. And also I think somebody mentioned at some stage core  
13 walls. Are they the same or different? C-O-R-E, core  
14 walls.  
15 A. Yes.  
16 Q. So is what you're telling the Commission that for the  
17 purposes of those walls, rebar fixing had to be done,  
18 reinforcement had to be provided, and that type of bar  
19 would also need to be cut, or may need to be cut?  
20 A. Correct. Correct.  
21 Q. All right. Could I ask you, please, to be shown another  
22 photograph, photograph E5/1288.  
23 Mr Cheung, I think in the centre of this  
24 photograph -- first of all, let's just give it some  
25 detail -- it's dated 26 August 2015, it's in area C2-3,

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1 and the caption or annotation is "on-site bottom layer  
2 steel fixing work"; do you see that?  
3 A. I do.  
4 Q. We see what looks like a piece of machinery in the  
5 centre of the photograph, do you see that, green in  
6 colour?  
7 A. Yes, I can see it.  
8 Q. What is it? What is that machine, Mr Cheung?  
9 A. A green bar bending machine, also for bar fixing --  
10 cutting. Both for bar cutting and bending.  
11 Q. What types of bar would be cut by this machine?  
12 A. Y12 to Y40 bars can be cut.  
13 Q. Mr Cheung, the workers, it looks like two workers, we  
14 can see, standing by the machine, are they likely to be  
15 Fang Sheung workers?  
16 A. Could be.  
17 Q. Who else would be allowed to use -- presumably, this  
18 machine belongs to Fang Sheung, does it?  
19 A. It should be.  
20 Q. Well, is it? Do you know? You took the photograph.  
21 You were there on 26 August. Who else could it have  
22 belonged to?  
23 A. Normally, this must belong to Fang Sheung.  
24 Q. Yes, okay. Let's assume it belongs to Fang Sheung.  
25 A. Yes.

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1 Q. Who else would have permission to use this machine,  
2 other than Fang Sheung?  
3 A. Only Fang Sheung can use it.  
4 Q. And in terms of the way in which the bar is cut, would  
5 this machine cut the bar in a different way than the  
6 hand-held machine that we were talking about earlier?  
7 A. For sure, they would be different, because this machine  
8 is our normal bar bending machine. It could cut more  
9 bars. For the hand-held type, it could only cut a few  
10 bars and would be out of power. For this machine, it  
11 could operate -- it would have power to continue to  
12 operate for as long as it could be.  
13 Q. Okay. So this is, if I have understood it correctly,  
14 a bar cutting machine and a bar bending machine? It  
15 does both; is that right?  
16 A. Very correct.  
17 Q. Okay. And if you used that machine for bar cutting,  
18 would the end of the bar, the piece that had been cut,  
19 be in a different form than if you had cut it by the  
20 hand-saw or hand-held saw?  
21 A. They must be different.  
22 Q. In what way would they be different?  
23 A. Because if you use a hand-saw or hand-held equipment,  
24 the bars cut would have a more levelled cut, whereas if  
25 we use the green bar cutting or bending machine to cut

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<p>1 the bars, the surface would be jagged. There might be 2 some sharpened bits protruding. 3 Q. Right. So you would be able to tell the difference 4 between a bar that had been cut by the big green machine 5 compared to the hand-held machine? 6 A. Just like I said, the difference is what I just 7 explained. 8 Q. Okay. If you would be good enough, please, to go back 9 to the photograph at 228. 10 Mr Cheung, do you agree that that photograph appears 11 to show the worker using the hand-held cutter seeking to 12 cut through the thread of a threaded rebar? 13 A. Correct. 14 CHAIRMAN: Is this the one that Mr Poon was asked about -- 15 maybe it was -- 16 MR PENNICOTT: He was asked about it many times, sir. 17 CHAIRMAN: Yes, and there was a good deal of light, because 18 this time around it appears to be clearer and does show 19 thread. 20 MR PENNICOTT: It does. I'm not sure we were looking at 21 before. I thought we were looking at this one, I must 22 say. 23 MR SHIEH: We were looking at this one and there was some 24 discussion as to whether or not it shows the cutting of 25 the threaded end or whether it shows the cutting of the</p>	<p>1 doing that? 2 A. That's just my personal view. The action shown, it 3 seems to be cutting the threaded section of the bar, but 4 I do not see the disc cutter, and it can't be seen very 5 clearly here. The second part of your question, I guess 6 that some remedial work was in progress. 7 CHAIRMAN: Remedial work involving the cutting of a thread, 8 if in fact that shows the cutting of a thread? 9 A. Chairman, for this I just guessed it. I'm not sure. 10 CHAIRMAN: All right. I think my question is this. If it 11 is showing the cutting of a thread, you have said that 12 you would guess that what was being done is some sort of 13 remedial work, and my question was: what sort of 14 remedial work would entail cutting a thread? 15 A. Whether the thread was not suitable for use? 16 COMMISSIONER HANSFORD: Sorry, I don't understand that. 17 What do you mean "not suitable for use"? 18 A. Say if it were suitable for use, then there would have 19 been no need to cut it. 20 CHAIRMAN: Are you saying that the thread would be damaged 21 in some way and therefore of no value for actually 22 screwing into a coupler and so you get rid of the 23 thread? 24 A. Possible. 25 CHAIRMAN: All right.</p>
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<p>1 unthreaded end of a rebar -- 2 CHAIRMAN: That's right. 3 MR SHIEH: -- which appeared to be placed on top of that 4 block and there was a discussion when I cross-examined 5 Mr Poon. 6 CHAIRMAN: Good, thank you. 7 COMMISSIONER HANSFORD: There was, and this time we've got 8 it blown up on the screen so it's a bit larger, which is 9 possibly why we're finding it easier to see. 10 MR PENNICOTT: Yes. 11 CHAIRMAN: Sorry, returning to your witness. 12 MR PENNICOTT: It's all right. I think I've got a clear 13 answer. 14 CHAIRMAN: Which is? 15 MR PENNICOTT: It was "yes" somewhere up the page. 16 MR WILKEN: "Correct", [draft] 120, line 2. 17 CHAIRMAN: So you will have to assist me. Your question 18 again was ...? 19 MR PENNICOTT: The question was: 20 "Mr Cheung, do you agree that that photograph 21 appears to show the worker using the hand-held cutter 22 seeking to cut through the thread of a threaded rebar? 23 Answer: Correct." 24 CHAIRMAN: All right. 25 MR PENNICOTT: If that's right, Mr Cheung, why would he be</p>	<p>1 MR PENNICOTT: Mr Cheung, I think you said you couldn't see 2 the cutter or the saw itself. 3 A. Right. 4 Q. Can you not see it? If you look at the thread and you 5 look at around about 8 o'clock, isn't that part of the 6 cutter band? 7 A. I can't see clearly. 8 Q. Can you tell whether that's a type A or a type B thread, 9 Mr Cheung? 10 A. No, I can't. 11 Q. Can't you count the threads? 12 A. Let me try. But I stand to be corrected. 13 13 threads. 14 Q. So closer to a type A? We know type B has about 20 to 15 21 threads, and normally type A has approximately 10 to 16 11 threads. Do you agree? 17 A. Well, I didn't seriously count any threads before. 18 Q. That's what your boss told us. 19 A. Perhaps you may put it this way. 20 Q. All right. Let's move on. No doubt if others have 21 questions for you about that, they will ask you. 22 Can I ask you, please, to be shown page 230, 23 a photograph -- 24 CHAIRMAN: I think, just so that we understand the context, 25 Prof Hansford is quite right. I think when this</p>

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1 photograph was originally shown to Mr Poon, it was much  
2 smaller, and that's why I remember we were looking at  
3 a bright centre, and nobody was quite sure whether that  
4 was light reflection or whatever, but I think once you  
5 enlarge the photo here, it does show a thread, and  
6 of course it is close to the machine, and I think  
7 Mr Poon said that that's what he saw, a thread being  
8 cut.  
9 MR PENNICOTT: Yes, indeed.  
10 Sir, unfortunately, this photograph, if you look at  
11 our schedule, you can find it in about four or five  
12 different places, and it may be that we were looking at  
13 it somewhere else and it's not quite as well-defined as  
14 it is here. I'm not sure.  
15 MR BOULDING: Sir, I don't know whether I can help in this  
16 regard but I certainly have a note that Mr Poon was  
17 asked about what appears to be the same photo at D766,  
18 D767 and D768.  
19 CHAIRMAN: Thank you very much, Mr Boulding.  
20 MR PENNICOTT: Just for the purpose of comparison, let's  
21 just see whether our memories are right. Can we just  
22 look at that.  
23 Yes, that wouldn't have been so helpful. I referred  
24 to a better photograph, sir.  
25 CHAIRMAN: That one is better.

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1 MR PENNICOTT: Right. D230. First of all, Mr Cheung,  
2 you've already been positively IDed by your boss, but is  
3 that you on the left of the photograph?  
4 A. My boss has known me for 20 years; it was impossible for  
5 him not to identify me. My figure was not fully shown  
6 but it seems to be me, yes.  
7 Q. Not wearing a uniform, it would suggest, but there we  
8 are. Right.  
9 A. That's a kind of uniform.  
10 Q. Sort of.  
11 A. That's a kind of uniform. That's my work clothes.  
12 Q. You've got a safety vest on, and we know it's September;  
13 it's pretty hot, I expect. You appear to be carrying  
14 some plans or drawings in your left hand.  
15 A. Yes, correct.  
16 Q. On a more serious note, Mr Cheung, it's Mr Poon, Jason  
17 Poon, who tells us that he took this photograph,  
18 together with a few others we've been looking at. Did  
19 you make any attempt to stop Mr Poon taking this  
20 photograph or any other photograph?  
21 A. If you're talking about 22 September, it was such a long  
22 time ago. As to what happened that day, I do not have  
23 a clear memory. If you ask about Mr Poon being stopped  
24 by me in taking photos at the site, I definitely would  
25 not have done that, because at the site photos had to be

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1 taken regarding the works and the progress of works, and  
2 it was a common scenario. I definitely would not stop  
3 him.  
4 Q. All right. So you have no recollection of ever having  
5 stopped Mr Poon taking photographs, either on this  
6 occasion or any other occasion; is that right?  
7 A. Correct.  
8 Q. All right. Can I ask you, please, to look at D232.  
9 This is another photograph taken by Mr Poon --  
10 A. Yes.  
11 Q. -- so he's told us. Is this a photograph you've seen  
12 before, Mr Cheung?  
13 A. Yes, I do have recollection.  
14 Q. Where did you see this? When did you first see this,  
15 sorry?  
16 A. In the newspaper.  
17 Q. Right. Again, are you able to tell us, just by -- you  
18 say you can't see the identity of the workers  
19 concerned --  
20 A. Yes.  
21 Q. -- but are you able to say with any degree of confidence  
22 whether they are Fang Sheung workers or Leighton  
23 workers?  
24 A. I'm not able to say, because if those were my workers,  
25 at 6 o'clock, they would not appear so clean, as far as

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1 their clothing is concerned. And for my workers, most  
2 of them would not wear long sleeves.  
3 Q. We've checked some of the records we've been given,  
4 Mr Cheung, and we think we can work out that you had  
5 something of the order of 18 workers working overtime,  
6 that is beyond 5.30 or 6 o'clock, on 22 September, and  
7 we know this photograph was taken at 19 minutes past  
8 six. So you had plenty of workers there at the time,  
9 Mr Cheung, and that's why I'm really asking you the  
10 question. But your evidence is you don't think they're  
11 Fang Sheung workers; is that right?  
12 A. Because I really could not see their faces, I dare not  
13 confirm whether they were Fang Sheung workers.  
14 Q. All right. Assume they are not Fang Sheung workers;  
15 they appear to be holding rebar, do you agree?  
16 A. Agree.  
17 Q. It's difficult to tell precisely what they are doing  
18 but, if they are not Fang Sheung workers, why would they  
19 be there dealing with rebar, which is the work Fang  
20 Sheung is supposed to be doing? Can you think of any  
21 reason why workers other than Fang Sheung workers would  
22 be handling this rebar?  
23 A. I dare not confirm whether they were Fang Sheung  
24 workers, but judging from the photo, it could be Fang  
25 Sheung workers screwing the rebar.

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1 Q. All right. From your experience, and looking at the  
 2 photograph, Mr Cheung, do you think that that is the  
 3 operation that's taking place, that they're trying to  
 4 screw the rebar into the D-wall?  
 5 A. Yes.  
 6 Q. Okay. Could I ask you then, please, to go back, and can  
 7 we look, please, at the photograph at 227.  
 8 First of all, Mr Cheung, can you help us with the  
 9 machine that we can see in this photograph; do you see  
 10 that machine? Is that a Fang Sheung piece of machinery  
 11 or not?  
 12 A. It is not a machinery of Fang Sheung.  
 13 Q. And do you say that because the answer you gave us  
 14 earlier was that you had two similar cutting machines,  
 15 the red one that we saw in the previous photograph, and  
 16 no other hand-held machines? Is that how you deduce  
 17 that?  
 18 A. Yes, we had hand-held electric machines.  
 19 Q. Do you have any recollection of this machine being on  
 20 the site? It seems to be in the middle of the rebar.  
 21 We know -- we think it's area C2-5, it could be C1-4,  
 22 taken on 4 September at 9.05 in the morning. Have you  
 23 any recollection of this machine at all?  
 24 A. It's not just Fang Sheung that had similar machines.  
 25 Other sub-contractors at the site could have similar

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1 machines.  
 2 Q. Which other sub-contractors might have this type of  
 3 machine?  
 4 A. That I am not sure.  
 5 Q. Are you able to tell us, or help us, with what's  
 6 actually going on --  
 7 A. Yes.  
 8 Q. -- here? Can you tell us?  
 9 A. Judging from the photo, the worker was cutting the  
 10 excessive rebar.  
 11 Q. Now, as I understand it, Mr Cheung -- correct me if I am  
 12 wrong -- these are not Fang Sheung workers; is that  
 13 correct?  
 14 A. Certainly not.  
 15 Q. So if these workers are, as you say, cutting rebar, why  
 16 would they be doing that?  
 17 A. You asked me just now what they were doing. I described  
 18 them. I described that as the rebars were too long and  
 19 they had to cut them short.  
 20 Q. Yes, but why would these non-Fang Sheung workers -- why  
 21 would they be doing that operation? You're supposed to  
 22 be doing the rebar and the rebar fixing. Why are these  
 23 workers, non-Fang Sheung workers, cutting the rebar?  
 24 A. Then I don't know.  
 25 CHAIRMAN: But would you agree they appear to be doing

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1 whatever they're doing at your workface, on your  
 2 worksite? They are standing on a latticework of rebars,  
 3 some of which are butting up against a wall. This is  
 4 your area of work, is it not?  
 5 A. Yes.  
 6 CHAIRMAN: Would you expect to find other sub-contractors  
 7 just coming on to the site and cutting rebars,  
 8 without -- you're the foreman -- clearing it through you  
 9 and getting the okay from you?  
 10 A. Because, judging from the photo, they were not cutting  
 11 our rebars. Judging from this photo, we had almost  
 12 completed bar fixing.  
 13 CHAIRMAN: Yes, but you have to forgive me: I'm in charge of  
 14 this small section of people. They are at our workface  
 15 in the sense that we're actually standing on rebars, and  
 16 a couple of guys come along with a cutter and start  
 17 cutting rebar. What I'm going to do is go across and  
 18 sort of say, "Hello, what are you doing?"  
 19 A. Chairman, if I were there, I would ask the same. But  
 20 I was not there.  
 21 CHAIRMAN: All right. But if you were there, and if they  
 22 were just cutting other rebars that you didn't need,  
 23 I imagine you would tell them to go away and cut them  
 24 somewhere else, wouldn't you?  
 25 A. That's right. If they were in the way of our work and

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1 if I didn't know what they were doing, I would ask them  
 2 to go.  
 3 CHAIRMAN: Yes. So what we have, then -- please forgive  
 4 me -- is here we've got a photograph, and I understand  
 5 your puzzlement because you weren't there, but you're  
 6 able to say these are not Fang Sheung workers, not your  
 7 machine, and they seem to be cutting rebar at your  
 8 workplace, and then you also have another earlier  
 9 photograph of somebody bending over and cutting what  
 10 appears to be a rebar, perhaps even a thread, again on  
 11 your workplace. That's 22 September. You weren't  
 12 present for that either, that you can recall? If you  
 13 want to go back to that photograph, you can, of course.  
 14 It would be the right thing to do.  
 15 What number is that, Mr Pennicott?  
 16 MR PENNICOTT: 228. That one?  
 17 CHAIRMAN: Yes, this one here, if we enlarge that -- there  
 18 we go -- again, that appears to be at your workplace,  
 19 where you would be in charge. There are certainly the  
 20 threads of a rebar very central. Whether it's being cut  
 21 or not, one can't say definitively. You don't recall  
 22 being present? It's a long time ago.  
 23 A. Correct. If I were there, I would for sure stop that.  
 24 CHAIRMAN: Okay.  
 25 COMMISSIONER HANSFORD: Sorry, there's a point that I don't

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<p>1 yet fully understand. Can we go back, please, to D227, 2 where I think, Mr Cheung, you said these workers who 3 were not Fang Sheung workers are cutting a rebar that's 4 not one of your rebars. Is that what you said? What 5 are they cutting? 6 A. In fact, I don't know what they wanted to do. I don't 7 know what they were doing. 8 CHAIRMAN: Would that be unusual, to have people at your 9 workplace where you're responsible for the integrity of 10 the bars that are bent and fitted, to have people 11 suddenly appearing with a machine and doing some 12 cutting? 13 A. Although that was my works area, I completed bar fixing, 14 but there were other foremen present. Right? 15 MR PENNICOTT: All right. Sir, perhaps we could adjourn now 16 and perhaps I will review what's been said and see 17 whether we need to go back to it. 18 CHAIRMAN: Yes. Thank you very much indeed. 19 MR PENNICOTT: Sir, could we just have a brief conversation 20 about timetabling? 21 CHAIRMAN: Yes. 22 H O U S E K E E P I N G 23 MR PENNICOTT: Because, as you are aware -- Mr Cheung, you 24 perhaps ought to listen to this -- we have Mr Plummer 25 first thing in the morning from Australia, Perth,</p>	<p>1 friends are fixed in terms of questions for Mr Plummer. 2 MR BOULDING: Sir, at the moment, we have no questions, at 3 the moment. 4 CHAIRMAN: Fine. Thank you. 5 MR TO: 20 minutes. 6 MR KHAW: I will be no more than 30 minutes. 7 MR SHIEH: The whole point of putting in a responsive 8 statement by Mr Plummer to address some of the evidence 9 which came up last week is to shorten matters, so for 10 the in-chief I doubt whether I have anything to top up, 11 and for re-examination, obviously it depends on the 12 outcome of everyone else's questioning. 13 CHAIRMAN: Of course. Thank you. 14 Ms Chong? 15 MS CHONG: I have no questions for Mr Plummer. 16 MR PENNICOTT: It looks to me, broadly speaking, we're 17 talking about a maximum of two hours on that basis, 18 possibly slightly less. We can perhaps invite Mr Cheung 19 to be here at midday. 20 CHAIRMAN: Yes. 21 Mr Cheung, as you have heard, we are taking evidence 22 by way of videolink with another country tomorrow 23 morning. That's starting at 10.00. We estimate that we 24 will be concluded by midday, that's 12 noon, and we 25 would be pleased if you could be here tomorrow at</p>
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<p>1 starting at 10 o'clock. I'm afraid I don't know how 2 long his examination and cross-examination is going to 3 last, but obviously what will then have to happen is 4 when he's finished, we will have to ask Mr Cheung to 5 come back, and I will continue questioning him. 6 I imagine I'm going to be perhaps another hour to 7 an hour and a half, because I'm afraid there are quite 8 a lot of photographs I want to look at with him and some 9 other material as well. So that could take a good chunk 10 of tomorrow afternoon. It's just a question of whether 11 you want to fix a particular time for Mr Cheung to come 12 back or whether we just ask him to be here in the 13 morning and be available for when we finish Mr Plummer, 14 whatever is convenient. 15 CHAIRMAN: Has there been any discussion as to how long we 16 think en masse we are going to require the attention of 17 Mr Plummer? 18 MR PENNICOTT: I think I will probably be no longer 19 20 minutes to half an hour, at most. As I think 20 everybody now knows, Mr Plummer has produced another 21 witness statement today, which in fact I think is going 22 to shorten things, because he's dealt with in that 23 witness statement a number of matters I was going to ask 24 him to look at anyway, so that's certainly going to 25 shorten matters. But I don't know how my learned</p>	<p>1 12 noon, ready to continue with your evidence. 2 WITNESS: I got it, Chairman. 3 CHAIRMAN: I do have to say this to you. A bit like a lot 4 of building works, courts can also go on longer than 5 anticipated; all right? So if you get here and at 6 quarter past 12 we are still involved with our 7 videolink, please be patient. 8 WITNESS: I am happy to assist. 9 CHAIRMAN: There's just one final thing. You are now giving 10 your evidence, and you are not permitted, when you are 11 giving your evidence, until it is completed, to discuss 12 your evidence with anybody else. Do you understand me? 13 WITNESS: I absolutely understand. 14 CHAIRMAN: I don't say this in any way as a criticism, but 15 when you get out of court, especially if you're dealing 16 with people who aren't used to giving evidence or maybe 17 have given evidence already, they are often naturally 18 and in good faith very keen to hear what you had to say, 19 and maybe even give you advice. Now, that you're not 20 permitted to do. Do you understand me? 21 WITNESS: Yes, I understand, Chairman. I have no friends! 22 CHAIRMAN: There's no way to answer that! Thank you very 23 much. 10 am tomorrow morning. 24 (5.03 pm) 25 (The hearing adjourned until 10.00 am the following day)</p>

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