

1 Wednesday, 7 November 2018

2 (10.01 am)

3 MR PUN WAI SHAN (affirmed in Puntì)

4 Cross-examination by MR KHAW (continued)

5 MR KHAW: Good morning, Mr Pun.

6 Just to go back to where we finished yesterday, you
7 very helpfully told us that if Fang Sheung workers had
8 to cut a particular part of the rebar for testing -- we
9 are talking about the general rebar, not the coupler
10 rebar -- it was done at your bending yard. Do you
11 remember that?

12 A. 係。

13 Q. So it was done before the bar fixing work was actually
14 carried out; right?

15 A. 係。

16 Q. The bending yard, according to my understanding, was
17 located somewhere also in the construction site of the
18 SCL project; is that right?

19 A. 正確。

20 Q. Along the waterfront?

21 A. 係。

22 Q. Yesterday, you also talked about BOSA's involvement
23 regarding the materials.

24 If we can take a look at the transcript of
25 yesterday, page 126, line 17 -- you said:

1 "Let me explain this here. BOSA itself does not
2 have any rebars. The rebars were delivered by us, that
3 is by the -- the tested rebars were delivered by us to
4 BOSA in accordance with the bending schedule so they
5 could prepare the threads they need to prepare."

6 Now, am I correct to say that in that case, BOSA was
7 only responsible for doing the threading on the rebars
8 of the couplers already cut by Fang Sheung at the bar
9 bending yard; is that correct?

10 A. 啱。

11 Q. BOSA was not responsible for doing any cutting for such
12 rebars?

13 A. 係。

14 Q. Thank you.

15 We know all the steel bars, either steel bars in
16 general or the bars for the couplers, had already been
17 cut and prepared in accordance with the specifications
18 and requirements set out in the bar bending schedule
19 before they were delivered to the site for the bar
20 fixing work; right?

21 A. 啱。

22 Q. So am I correct to say that usually, in that case, it
23 would be highly unlikely for such rebars to be further
24 cut on site during the bar fixing process?

25 A. 啱嘅。

1 Q. If we can go back to one of your answers to
2 Mr Pennicott's questions yesterday, and that was in
3 relation to whether the red machine that you saw, the
4 red cutting machine that you saw yesterday, here, was
5 used for cutting a particular section of a rebar to be
6 sent out for testing. Do you remember that?

7 A. 係。

8 Q. If we can take a look at the transcript again, the
9 transcript of yesterday, page 28, after line 6:

10 "Can I just ask you this, Mr Pun, about that
11 passage. You refer to a portable electric shear. Can
12 you describe the piece of equipment that was used to do
13 that cutting for the testing?

14 Answer: About the testing of the rebars, we cannot
15 use the bar fixing machine to cut the bar for testing
16 because if we use that machine, it would have a force",
17 which would have the effect of deforming the steel bar;
18 that's what you said, right?

19 A. 係嘅。

20 Q. So, in relation to the cutting that you mentioned here,
21 you were actually referring to the cutting done at the
22 bar bending yard, not the bar fixing place; is that
23 correct?

24 A. 正確。

25 Q. If I can then discuss with you one of the answers you
26 have given to the police in the police statement. If we

1 can take a look at E6/1595.9. I can just give you the
2 Chinese version; it's E1594. That is the Chinese
3 version, regarding answer 15.

4 You told us yesterday that regarding this answer 15,
5 at bullet point 3, in relation to electric shear, that
6 was a mistake, that is what you told us, right; do you
7 remember that?

8 A. 啱嘅。

9 Q. Because you clarified with us that what you were
10 referring to in fact was not the threaded rebar on the
11 coupler but in fact rebar in general; right?

12 A. 啱嘅。

13 Q. Pausing here, if I can take you to look at one of your
14 answers to Mr Chairman's questions put to you yesterday
15 afternoon -- if we can go to the transcript of yesterday
16 again, page 121. Mr Chairman asked you:

17 "Can I ask you this. You've spoken about cutters
18 and others have spoken about other types of machinery
19 which they call grinders. In your line of work, is it
20 common to see them being used at the workplace?"

21 A. 我...

22 Q. Just a moment. I will just finish your answer first.
23 Your answer was:

24 "This equipment is used frequently. It's a
25 hand-held piece of equipment. The industry -- it's a
26 tool used in our industry. Because the bars, when it's

1 taken out from the yard, some -- there are some
2 unforeseen circumstances, for example the CJ
3 [construction joint] it might be of unexpected length
4 and we cannot install the bar, then we will use the
5 hand-held tool to help us to cut the bar ..."

6 Let's stop here first. Here, were you saying that
7 even after the bars were delivered to the bar fixing
8 place, you would still be required to cut the bars
9 because some of them might be too long or not previously
10 cut in accordance with the correct specifications? Is
11 that what you are trying to tell us?

12 A. 係。

13 CHAIRMAN: I'm sorry, could I ask: how often would that
14 occur? Several times a day? Once a month?

15 A. 唔係經常發生，一個月一、兩次嘅。

16 CHAIRMAN: All right. But you've said earlier -- and
17 counsel has referred you to that -- that cutters are
18 used frequently at the work site, at the fixing place.
19 Why else would they be used?

20 A. 嗰啲cut嗰啲spacer bar，要嚟擱住嗰啲spacer block嘅下面嗰條
21 「師傅鐵」，我哋中文譯名叫做。

22 MR KHAW: Let me just try to understand your answer step by
23 step. Now, earlier on this morning, when I asked you:
24 you know that before the materials were delivered to the
25 site for the bar fixing work, the bars had all been cut

1 according to the specifications; and then you said,
2 therefore, it is highly unlikely that the bars would
3 need to be cut on the site during the bar fixing work.

4 Do you remember that?

5 A. 呢啲係圖則裏面有嘅鋼筋，所有施工圖則裏面有鋼筋，我指係。

6 Q. Let's wait, Mr Pun. That's not really my question. My
7 question was, earlier on, you said, during the bar
8 fixing process, since the materials had already been
9 previously cut according to the specifications, it would
10 be highly unlikely for the bars to be further cut at the
11 site during the bar fixing work; do you remember that?
12 That is your answer earlier given to us.

13 A. 喎。

14 Q. So if here, in answer to Mr Chairman's question, if you
15 were referring to bars which were too long, right, too
16 long, which might need to be cut at the site during the
17 bar fixing work, were you referring to the general steel
18 bars which would be used for reinforcement, or the
19 "sifu" bars that you referred us to yesterday? It's the
20 general rebars that need to be cut or the "sifu" bar?

21 A. 啲師傅嘅鋼筋，做師傅嘅鋼筋，我哋俗稱「師傅鐵」嘅鋼筋，我哋會cut嘅。

22 Q. So the cutter on site during the bar fixing process was
23 used to cut the "sifu" bar; right?

24 A. 師傅鋼筋，冇錯。

25 CHAIRMAN: All right. Sorry, just help me again, in case

1 I've got this wrong. What are spacer bars used for?

2 A. 師傅鐵條圖則裏面係有嘅，我哋只不過方便我哋將嗰個鋼筋嚟令佢離開咗
3 嗰個應該有嘅cover，所以喺個spacer block上面我哋一般程序都係放
4 一條師傅鐵，然後放咗主力嘅鋼筋，換句話，呢條師傅鐵係圖則見唔到嘅。

5 COMMISSIONER HANSFORD: Can I -- please tell me if I've got
6 this right -- my understanding is the spacer bars are to
7 ensure that the reinforcement bars are at the correct
8 spacing, so they are something that you fix in order to
9 make sure that the reinforcement bars are the correct
10 distance apart. Is that correct?

11 A. 有正確距離，啱，同埋有應該有嘅cover。

12 COMMISSIONER HANSFORD: So the correct distance apart and
13 the correct cover, which means the distance between the
14 edge of the concrete pour and the reinforcement, so the
15 correct cover as well as the correct distance apart; is
16 that correct?

17 A. 係。

18 COMMISSIONER HANSFORD: Okay. And what I've heard you say
19 is that the cutter is used generally for cutting those
20 spacer bars -- do you say "sifu" bars? -- generally for
21 cutting the spacer bars, and very occasionally for
22 cutting normal reinforcement that for whatever reason is
23 too long; is that what you're saying?

24 A. 係。

25 COMMISSIONER HANSFORD: That's what I understood. Thank

1 you.

2 MR KHAW: Thank you.

3 So, in relation to the "sifu" bar -- let's see if my
4 limited understanding of this works -- the "sifu" bar
5 was used to kind of provide support for placing the
6 steel bars, the main reinforcement steel bars; is that
7 correct?

8 A. 正確。

9 Q. Usually, the "sifu" bars would actually sit on certain
10 saddles, metallic saddles or plastic saddles; is that
11 right?

12 A. 坐喺啲石屎spacer block。

13 Q. Concrete blocks.

14 A. Concrete block.

15 Q. And one of the functions of the spacer bar was to ensure
16 that the reinforcement bars would not be easily bent or
17 displaced when people, for example, work on or walk on
18 such reinforcement bar; am I right?

19 A. 啱嘅。

20 Q. So, just to complete this point, the "sifu" bar actually
21 does not form any part of the reinforcement bar, they
22 simply act as support for the reinforcement bars?

23 A. 啱嘅。

24 Q. So am I right in saying that in general, there is really
25 no need to have to cut the "sifu" bars; am I right?

1 A. 唔係，因為嗰啲師傅鐵條有唔同嘅規則擲個個--我哋通常會距離係1.5米，
2 跟住我哋會睇實際情況去呢個--去擺放嗰啲師傅鐵嘅。

3 Q. But the "sifu" bars do not have to fit a particular
4 specification or length; am I correct?

5 A. 唔需要嘅。

6 Q. So even if it is too long, it can still work as
7 a support for the reinforcement bars placed above the
8 "sifu" bar; am I right?

9 A. 啱嘅。

10 CHAIRMAN: Sorry, but if you are trying to keep the
11 reinforcing bars the correct distance apart from each
12 other, which you say would normally be 1.5 metres, might
13 you not need to cut these "sifu" bars just to ensure
14 that, depending on the location, if perhaps you need
15 a little less than 1.5 metres, you can trim that bar?

16 MR PENNICOTT: It's 150 millimetres.

17 COMMISSIONER HANSFORD: Yes, I'm not sure where this
18 1.5 metres is coming from. I think the centres are
19 150 millimetres, is that correct, generally?

20 MR PENNICOTT: Yes.

21 COMMISSIONER HANSFORD: Sorry to interrupt.

22 CHAIRMAN: No, no. You've put that into the correct
23 context. Thank you very much.

24 I am just wondering, perhaps simplistically, you
25 have reinforcing bars going this way (demonstrating) --

1 I am putting my hands out in front of me -- they need to
2 be kept the correct distance from each other, so you put
3 bars in the middle, going this way (demonstrating); is
4 that right?

5 A. 擲喺個底度，擲住佢。

6 CHAIRMAN: Underneath.

7 A. 即係話兩條嘢，呢條係long bar咁擲住佢，咁咪成排鐵係咁個...

8 CHAIRMAN: All right. So you don't actually have -- so
9 let's take two reinforcement bars going like this
10 (demonstrating with two highlighter pens) -- you don't
11 actually have another one that you trim that goes in the
12 middle and actually holds them apart, not like that?

13 A. 唔係，唔係，係擲喺下面。

14 COMMISSIONER HANSFORD: Sorry, Mr Khaw, I just need to
15 understand this.

16 MR KHAW: Of course.

17 COMMISSIONER HANSFORD: Can I just ask -- so these "sifu"
18 bars that are underneath the main reinforcement, is the
19 reason for you cutting them because they have to fit
20 into the space? Why do you have to cut the "sifu" bars?
21 What is the need for cutting the "sifu" bars?

22 A. 呢啲師傅鐵，我哋係有預計嘅長度嘅，因為呢隻鐵係隨意咁擺放，則裏面係有
23 呢隻鐵嘅，我哋係方便自己support嗰個spacing同埋嗰個cover，而去有呢
24 鐵，全香港嘅行業都會有呢隻鐵，擺啲--特別擺啲slab嗰陣時。

25 COMMISSIONER HANSFORD: Yes, I understand that, but I'm

1 trying to understand why they have to be cut, and
2 I think what you're telling me is it's because they come
3 in random lengths and so you therefore have to cut them
4 to the length that you require on site; is that correct?

5 A. 啱嘅，因為我哋嗰啲師傅鐵嘅bar係原裝12 metre一條嘅，所以要現場裁剪。

6 COMMISSIONER HANSFORD: Thank you. I understand.

7 CHAIRMAN: Now, are spacer bars different in their make-up
8 from ordinary reinforcing bars?

9 A. 冇分別嘅。

10 CHAIRMAN: So they are the same steel reinforcing bar, and
11 presumably you know how many and at what length you need
12 to have them before you start doing the work?

13 A. 我哋有預算嗰啲師傅鐵，因為嗰啲係small bar嘅，係T16，好細條嘅鐵，
14 T16咁大條。

15 CHAIRMAN: So you calculate how many you need, you calculate
16 the length of them, and you are able to charge for the
17 work that you do in respect of laying them?

18 A. 冇錢計嘅呢啲，呢啲冇錢計，因為唔係喺...

19 CHAIRMAN: You don't charge for doing any work in laying
20 them?

21 A. 係方便我哋自己support嗰個cover同埋嗰個spacing。

22 CHAIRMAN: All right. So it's built into the sort of work
23 you do?

24 A. 係。

25 COMMISSIONER HANSFORD: Just so that I can understand it

1 further -- sorry to labour this point but I think it's
2 quite important -- you're telling us that they are
3 16 millimetres' diameter, which is much thinner than the
4 normal reinforcement; is that correct? The "sifu" bars,
5 did you say they are 16 millimetres' diameter?

6 A. 係，直徑，冇錯，啱嘅。

7 COMMISSIONER HANSFORD: Thank you. And you don't schedule
8 these? These are not part -- when you schedule the
9 reinforcement and you tell Leighton what lengths that
10 you require, do you schedule the "sifu" bars or do you
11 just order a quantity to arrive in 12 metre lengths?

12 A. 我哋唔會計算落去嗰個開料嗰個預算表度嘅，因為呢啲我哋係隨意調啲12
13 metre嘅原裝bar去施工現場，等啲工人去cut嗰啲師傅鐵，因為係擺放--
14 擺到唔同嘅形狀或者唔同嘅距離，睇下邊度有需要，佢就會擺條落去。

15 COMMISSIONER HANSFORD: So they are always delivered in
16 12 metre lengths; is that what you are telling us?

17 A. 冇錯，我哋啲吊啲12米去畀佢哋按照實際情況去cut。

18 COMMISSIONER HANSFORD: Thank you. Now I understand.

19 MR KHAW: Can I just clarify a few more points with you on
20 this. When you brought in the "sifu" bars onto the site
21 for bar fixing work, you knew the dimensions in relation
22 to each bay; is that right?

23 A. 冇錯。

24 Q. So you ought to have known whether the "sifu" bars could
25 actually fit into a particular bay or not, before the

1 "sifu" bars were actually brought in; is that correct?

2 A. 呢啲係根據嗰個施工現場嗰個實際情況，由啲工人去呢個裁剪，點解呢？

3 因為我哋嗰啲駁口，即係嗰啲lapping嗰個位一定要有兩條師傅鐵擲住

4 佢，個lapping唔好等佢咁樣跌落嚟，所以喺呢個下面，呢個lapping

5 嘅下面一定要呢度擲一條，呢度又擲一條，等佢唔好咁樣跌落去，佢冇

6 cover㗎會。

7 Q. But the position of the lapping had already been fixed

8 in accordance with the design; right?

9 A. 呢個lapping位，係嘅。

10 Q. So you knew about the positions of the lapping, you knew

11 about the dimensions of each particular bay. Is there

12 any reason why the "sifu" bars, if it was necessary to

13 cut them into a particular dimension, why were they not

14 cut at the bar bending yard?

15 A. 因為呢啲每一個--每一倉嘅形--嗰個長度同埋呢個--長度同埋闊度或者係

16 嗰個CJ位都有多少唔同，所以我哋--我就唔會用--唔會話係剪咗喺個料場

17 剪咗畀啲伙記，去吩咐啲伙記呢條師傅係用喺邊度、嗰條師傅係用喺邊度，

18 咁樣係--即係呢個唔係咁好嘅。

19 Q. You agree that this issue regarding "sifu" bar has never

20 been mentioned in any of your previous statements; do

21 you agree?

22 A. 啱。

23 Q. Let's go to another point or perhaps another answer that

24 you gave in your police statement. E1595.9 again,

1 answer 11; the Chinese version at E1593. We have looked
2 at this already, but there are a few more questions that
3 I would like to ask you on this.

4 In the middle of your answer A11, can you see the
5 sentence starting from "In reality"?

6 "In reality, sometimes there were not enough rebars
7 with type A threads, and there was a chance that workers
8 would replace them with rebars of type B threads, so
9 that even when the rebars were completely screwed into
10 the couplers, part of the threads would still remain
11 exposed."

12 Do you see that?

13 A. 啱嘅。

14 Q. Here you said "in reality", so you are talking about
15 what happened as a matter of fact, do you agree, not as
16 a matter of guess; do you agree?

17 A. 當時我落口供嘅時候，呢個係一種估計嚟。

18 Q. So you agree, and I believe that was your answer given
19 to us yesterday, that is, when you were talking about
20 this cutting type B rebars and then replace them -- and
21 put them on the type A couplers, your answer given to us
22 yesterday was that what you stated here was not
23 something that you saw or even heard of; do you remember
24 that?

25 A. 啱嘅，係。

26 Q. But if we can look at the question in this respect,

1 question 11 -- the question was:

2 "When you were inspecting Hung Hom Station, have you
3 ever seen or heard anyone using machinery to cut short
4 the threaded rebars in order to pretend that the rebars
5 have been screwed into the couplers?"

6 The question specifically asked you to state what
7 you saw or heard; do you see that?

8 A. 睇到。

9 Q. So are you now telling us that you were in fact not
10 answering the question when you were giving answer A11?

11 A. 係。

12 Q. You were simply stating what you imagined to be the case
13 to the police?

14 A. 冇錯。

15 Q. Without any basis whatsoever?

16 A. 係嘅。

17 Q. Mr Pun, it seems to me that this imagination did not
18 only appear once, it appeared more than once. If we can
19 take a look at your interview by the MTR now. It's
20 B5/3082.5, that is the Chinese version. The English
21 version is at 3082.15.

22 If we can go to this particular time slot, starting
23 from 15:30. On the English transcript -- the English
24 transcript is not the full transcript; it is only
25 a summary of what has been transcribed in Chinese -- but

1 if I can take everyone to the English version first.

2 Mr Pun, you can take a look at the Chinese version
3 and then we can have a discussion.

4 Here it said:

5 "Regarding media reports on cutting of rebars."

6 Your answer was:

7 "Let me explain the cutting of rebars, may I? The
8 only reason was that the coupler was bent/damaged.
9 There was no other motivation for cutting rebars."

10 Then:

11 "Secondly, another possibility was [type A and
12 type B threads]. If there was insufficient bars of
13 type A threads, we would use that of type B but the
14 threads would stick out and it would not be acceptable.
15 If it was my workers cutting the rebars, possible that
16 they were just shortening the type B threads into type A
17 threads."

18 Now, do you remember saying something along that
19 line in the interview by the MTR?

20 A. 有。

21 Q. So am I correct to say that since the same scenario that
22 you described did not just appear once, it appeared
23 twice, there must have been basis, some basis, for you
24 to say this; is that right?

25 A. 如果一定要剪鋼筋，我認為呢--剪螺絲頭，我認為嗰個理由除咗呢啲，唔會有
26 第二啲理由。

1 Q. So am I right in saying that you must have seen
2 something, you must have heard something, which would
3 enable you to give us such details regarding type A
4 couplers, type B couplers, why type B couplers would
5 need to be cut? You must have seen or you must have
6 heard something; right?

7 A. 我做到三十幾、四十年嘅鐵，呢啲螺絲頭，我成日都碰到嘅，我哋--以我嘅
8 經驗嚟，係除咗上--要剪螺絲頭，就係除咗上述嘅原因，先至會去cut佢嘅
9 啫。

10 Q. Thank you. Now, here you are talking about your
11 experience, so are you now telling us that according to
12 your experience, there were in fact incidents where your
13 workers had to cut type B threaded bars and then put
14 them onto type A couplers? Is that what you are trying
15 to tell us?

16 A. 唔排除有咁嘅可能，我有呢個親眼睇見過。

17 Q. Thank you.

18 Now, earlier on this morning, you told us that BOSA
19 supplied couplers to you, but BOSA in fact was only
20 responsible for doing the threading. The cutting had
21 previously been all done by you; is that right?

22 A. 啱嘅。

23 Q. So it is highly unlikely that there would be situations
24 where there was miscalculation regarding the number of
25 type A couplers and type B couplers that were delivered

1 to the site for bar fixing work; would you agree?

2 A. 計錯數好少，唔會。

3 Q. So you still cannot tell us whether there was even one
4 single incident where workers cut type B threaded parts
5 and put them on to type A couplers? You can't tell us;
6 right?

7 A. 冇錯。

8 Q. Thank you.

9 If we can look at another reason that you provided
10 for cutting the threaded rebars, according to what you
11 said at the interview with MTR. If I can take you to,
12 again, B5, page 3082.16. I'm just trying to find the
13 Chinese version for you. It's 3082.6.

14 Now, here you were asked about the NCR, do you
15 remember, the NCR in December 2015 that I believe you
16 talked about yesterday?

17 A. 記得。

18 Q. Then the question relates to the cutting of rebars
19 regarding that particular or those particular incidents
20 covered under the NCR. Do you remember that?

21 A. 記得。

22 Q. Since the English translation of the transcribed
23 contents is only a summary, if I may refer to the
24 Chinese version bit by bit, and then I may need to
25 trouble the interpreter to interpret that particular

1 part of the interview, which is about two or three
2 minutes.

3 If we can now go to that particular part of the
4 transcript, just to understand what you said at that
5 time. 3082.6 -- I will read slowly:

6 "你頭先講過話都係第一次傳媒先發現(覺?)有cut鐵呢件事, 咁但係
7 我哋知道就係2015年12月就應該禮頓會有一個叫NCR係畀咗泛迅, 咁個度都
8 有提過應該有cut鐵呢件事㗎, 咁係咪應該如果係第一次知嘅話, 咁就唔--
9 唔係應該由傳媒講畀你聽喇, 係唔係?"

10 This is your answer:

11 "er...應該係咁講, er但係我相...見佢...我哋見唔到嘅夥計揸住
12 佢cut咗嘛

13 Question: 係

14 Answer: 嗰度呢就係我哋即時已經係話比地鐵聽同埋禮頓聽咩原因
15 導致佢咁樣, 所以即時改返正, 咁禮...所以地鐵係出返晒所有result俾我
16 話佢地改正晒架喇

17 Question: 但係個次係咩原因?

18 Answer: 因為啲鐵係夾得好死, 同埋啲coupler係歪咗嘅

19 Question: 咁於是呢?

20 Answer: 因為太密

21 Question: 於是呢?

22 Answer: 於是我哋會將佢啲鐵呢...用另外一啲er辦法將佢頂開,
23 先至係先至係er先至重新落湯油。如果啲工人正如地鐵所講嘅, 根本上可能

1 啲工人係冇扭到係冇做呢個動作

2 Question: 咁於是啲相出嚟係話你哋未扭晒吓嘛？

3 Answer: 係喇，所以呢地鐵咪叫我（我地？）重新做過囉

4 Question: 但係...你覺得係合唔合理吓我哋啲個NCR，其實係咪
5 真係冇（未？）扭晒入去定係你用左啲又或者第二啲因素呢？

6 Answer: er...應該係有cut，有cut嘅，cut個5支鐵

7 Question: 係cut er...

8 Question: cut短咗啲牙？

9 Answer: 係呀，但係我哋補救嘅，但係我哋要講嘅呢個呢個..."

10 There is something inaudible here.

11 "...嘅用轉都係完全補救唔到，地鐵收到為止

12 Question: 但係我想問個幾個5支呢

13 Answer: 係囉

14 Question: ...支，係A定B？

15 Answer: A牙嚟架

16 Question: A牙嚟嘅，但係佢cut短左

17 Answer: 係呀...哦...佢

18 Question: 原因係因為就係因為佢地咬得太死喇所以cut短左

19 Answer: 係嘞...你...佢...佢基本上啲鐵係密到你連牙鉗都擺唔入去

20 Question: 噃

21 Answer: 咁你咪可想而知佢個鐵係幾密

22 Question: 即係佢地工人就紮嘅鐵嘅時候就發覺覺得太密嘞，果幾支佢
23 都有辦法用到牙鉗去扭啲鐵入去，咁所以就不如剪短啲就當係（當即係？）

1 睇下、博下，當睇唔到，或者係好似睇落去又收咗咁樣嚟諗住過到骨嘅？

2 Answer: er...我諗就應該係地鐵發現到我地都係應該係咁樣樣

3 Question: ok

4 Question: 即係即係發現到er太密，跟住扭唔到入去，跟住呢，
5 就cut不過cut一半呢，即係唔知cut幾多cut幾多架？

6 Question: cut幾多架

7 Answer: cut幾多唔知呀

8 Question: 唔知呀？但正話問係cut B牙？

9 Answer: A牙

10 Question: A牙

11 Question: cut A牙，ok，但最後尾點樣改正番？

12 Answer: 後尾係...

13 Question: 最緊要就係改正番

14 Answer: 地鐵喺現場有人係度監管住嘅，我地喺現場同埋禮頓都有人證
15 監監管住我地係咁用盡一切辦法係嘞，因為都比較複雜啲，如果你咁樣...點解
16 釋俾一個正常咁er嘅煙帽..."

17 There is another part inaudible.

18 "...緊緊咁樣貼住，一浸一浸咁樣貼住，咁coupler同coupler之間，
19 coupler同coupler之間呢有墨由由嗰個方向呢有啲流出嚟穿左嗰個因為你啣
20 左d罅出嚟咁我地就我地搵工人可能負責燒焊。"

21 Just to first summarise this part of the interview.

22 According to the interpretation, it referred to the
23 reinforcement bars being too tight. Am I correct in

1 saying that in fact what you were trying to explain was
2 that, at that time, the reinforcement bars were too
3 congested; is that what you are trying to say?

4 A. 冇錯。

5 CHAIRMAN: By that, do you mean that a number of them came
6 together at or about the points where they were meant to
7 go into the couplers on a separated basis?

8 MR KHAW: Yes. If we may have a look at a photo attached to
9 the NCR, that will give us a clearer picture.

10 C8143 in C12. Perhaps we can take a look at 8147,
11 one of the photographs attached to the NCR. Mr Pun, if
12 we can look at this photograph together, can you explain
13 to us whether this photograph can show the situation
14 that you just described, ie the reinforcement bars being
15 too congested? Can this photograph show?

16 A. 睇到嘅。

17 Q. Can you explain to us?

18 A. 張相(indicating),我哋呢條top bar下面嗰條係--都係top bar嘅另外
19 一個方向,你會睇到(indicating)下面嗰啲鐵條夾到死一死嘅。

20 Q. For the record, the witness is pointing at --

21 A. 呢條coupler扭咗入去嗰陣時,呢面呢條coupler...

22 Q. Can I just stop you here.

23 For the record, the witness is pointing at the
24 vertical coupler on the left of this photograph.

25 CHAIRMAN: Yes.

1 A. 呢條coupler扭咗落去嗰陣時，見到呢個coupler (indicating)嗰個
2 平水係唔多啱嘅，喺佢兩條浸數之間想擺條coupler落去都擺唔到。

3 MR KHAW: Can you also explain to us what you can see from
4 this photograph regarding some cut couplers with
5 concrete covered on them?

6 A. 呢條coupler (indicating)應該係剪咗嗰條coupler。

7 CHAIRMAN: Which one?

8 A. 呢面呢條，最邊皮嗰條(indicating)。

9 COMMISSIONER HANSFORD: Are you referring to the vertical
10 bar that's coming down from above? Is that the one that
11 you say has had cut threads?

12 A. 係，係，係。

13 MR KHAW: Can you see any other cut threaded rebars from
14 this picture?

15 A. 睇唔到。

16 COMMISSIONER HANSFORD: Sorry, I don't fully understand this
17 picture. Am I also seeing some couplers from below
18 pointing up vertically, actually probably not quite
19 vertically, with no bar screwed into them? Is that also
20 what this photograph shows?

21 MR KHAW: Yes.

22 COMMISSIONER HANSFORD: It's probably better if I had the
23 answer from Mr Pun.

24 MR KHAW: Yes.

25 COMMISSIONER HANSFORD: Mr Pun, at the lower part, there

1 seems to be a coupler pointing up, not quite vertically,
2 with no bar screwed into it. Am I seeing that
3 correctly?

4 A. 啱嘅。

5 COMMISSIONER HANSFORD: Okay. I don't understand, actually.
6 We hear that this was then rectified. I don't
7 understand how you would rectify the situation like
8 that, but maybe that will come later. It looks
9 a nightmare to me.

10 MR KHAW: Talking about this particular incident, you
11 remember you told us yesterday that this was a
12 workmanship problem; do you remember that?

13 A. 冇錯。

14 Q. But according to the answer we just heard you gave in
15 the MTR interview, you said the rebars were cut in order
16 to pretend that they had been somehow inserted so that
17 nobody would realise that the couplers were not properly
18 installed. Do you remember that this is part of your
19 answer?

20 A. 唔係，呢個係港鐵問嘅啫，我有咁答。

21 Q. We can go back to that particular part, if you want.

22 CHAIRMAN: Did you not agree, in that answer, that the
23 threaded parts of the rebar had been cut, or rather the
24 threaded parts of the rebars, plural, had been cut?

25 A. 係，睇到啲相，係。

1 CHAIRMAN: And that would have been cut by your workers, or
2 those cuts would have been made by your workers?

3 A. 唔知，但係NCR就係畀咗我哋。

4 MR KHAW: Sorry, Mr Pun, going back to my earlier question.

5 If we can take a look at B3082.7 again, in B5. If I can
6 ask you to take a look at that particular question again
7 that you said was put to you by MTR staff, in the
8 middle -- I will read it out again:

9 "即係佢地工人就紮嘅鐵嘅時候就發覺覺得太密嘞，果幾支佢都有辦法
10 用到牙鉗去扭啲鐵入去"

11 Listen carefully to the next sentence:

12 "咁所以就不如劑短啲就當即係睇下博下當睇唔到或者係好似睇落去又
13 收咗咁樣嚟諗住過到骨嘅？"

14 This was the question put to you by MTR staff. Your
15 answer was:

16 "er...我諗就應該係地鐵發現到我地都係應該係咁樣樣"

17 That was your answer.

18 A. 我意思係嗰張圖裏面，地鐵係--喺呢個NCR，係地鐵發現咗我哋係有唔合格
19 咁樣去啲扭入啲螺絲頭裏面，我嘅答案就係呢樣嘢，個NCR係有五支鐵
20 係唔合格嘅。

21 Q. Sorry, I don't understand at all your answer.

22 When you attended this interview with the MTR, at
23 that time, obviously -- obviously -- you knew about this
24 NCR incident; right?

25 A. 圖片我係出席嗰日先至見得到嘅啫，NCR有唔合格嘅，我哋係知道嘅，一早。

1 Q. Thank you. So, shortly after the NCR was issued in
2 December 2015, you were told about the problems found;
3 am I right?

4 A. 㗎。

5 Q. Who told you about this incident?

6 A. 禮頓畀咗NCR畀我哋，我哋收咗，當時發生事情嘅第一時間亦都經過禮頓同埋
7 港鐵佢哋通知我哋有啲咁嘅事發生，現場，所以我哋立即現場嗰度要更正。

8 Q. So there were representatives from both Leighton and MTR
9 who talked to you directly about this incident; is that
10 right?

11 A. 唔係同我講，同我嘅管工講，實際上我喺呢件事，我淨係知道我哋有咁嘅事發生。

12 Q. So your knowledge of this incident was from Mr Cheung;
13 right?

14 A. 㗎嘅。

15 Q. Yesterday, you said, in a rather stern tone, that if
16 there is cutting of threaded rebars on a site, it is
17 an insult.

18 A. 我嘅講法係話如果造假咁樣去--有系統造假咁去剪鋼筋係一種侮辱，對
19 所有嘅香港嘅建築界。

20 Q. When you heard by Mr Cheung about this NCR incident,
21 were you shocked?

22 A. 係嘅。

23 Q. You immediately must have realised that it would have
24 a great impact on your company, on your business; is
25 that right?

1 A. 啱嘅。

2 Q. You must have been very keen to find out what actually
3 happened?

4 A. 啱嘅。

5 Q. As Fang Sheung's boss, you must have been very eager to
6 find out, first of all, whether the problems were in
7 fact caused by your own workers or not; is that right?

8 A. 呢啲應該係個別工人嗰個手工有多少問題。

9 Q. Answer my question, Mr Pun. You were very keen to find
10 out whether the problems were caused by your workers or
11 not; if they were not caused by your workers, you should
12 not be blamed?

13 A. 我都好想搵出，係。

14 Q. And you must have also made enquiry as to what happened;
15 right?

16 A. 呢樣係張生去問啲工人。

17 Q. So Mr Cheung then reported to you what happened, right,
18 after his investigation?

19 A. 係。

20 Q. He confirmed with you that "It was our workers who made
21 mistakes"; right?

22 A. 我收唔到佢咁講，即係當時我亦都唔記得。

23 Q. Sorry, he told you that the mistakes were committed by
24 Fang Sheung's workers; is that right? Is that what
25 Mr Cheung told you?

1 A. 佢話我哋--禮頓話畀我哋聽有一箇地方係啲coupler係冇完全扭晒入去。

2 Q. Fair enough. This is what Leighton told Mr Cheung.

3 This is what Leighton may have told you. But you
4 certainly wanted to know what was the cause of the
5 problems?

6 A. 啱嘅。

7 Q. So my question was: did Mr Cheung then report back to
8 you regarding the findings of his investigation?

9 A. 冇。

10 Q. No?

11 A. 做完調查，佢完成完嘅結果，...

12 Q. (Nodded head).

13 A. ... 話畀我哋聽搞掂，即係話已經喺禮頓--喺禮頓同埋地鐵嘅監管下搞掂番
14 佢。

15 Q. Hang on. Let us not talk about whether the matter was
16 resolved eventually, how it was resolved. Let's not
17 talk about that. As the boss of Fang Sheung, you must
18 have wanted to know what went on on site. What was the
19 answer you got from Mr Cheung; what went wrong actually?

20 A. 張生就係當時話畀我哋聽有幾條螺絲頭係扭唔到入去，後脛即刻搵啲伙記去
21 搞掂番佢。

22 Q. He told you about this problem regarding the congestion
23 of the reinforcement bars; did he tell you?

24 A. 呢樣嘢係我個--睇到佢嗰個張相喺嗰度係同地鐵咁講。

25 CHAIRMAN: All right, sorry -- I confess, Mr Pun, and

1 I don't mean it with disrespect, but we seem to be going
2 around in circles on what really should have been
3 a fairly clear situation.

4 Now, you were told or you knew that an NCR had been
5 received from Leightons.

6 A. 啱嘅。

7 CHAIRMAN: Do you get them every week?

8 A. 佢畀我哋，唔係個個禮拜，係收過呢次。

9 CHAIRMAN: Just this one. So they don't come regularly, and
10 this would have been a serious matter for you?

11 A. 我都認為係咁。

12 CHAIRMAN: Good. And what you seem to be saying now is that
13 the report that you got from your foreman was that there
14 had been nothing more than a failure to properly and
15 fully screw in a number of rebars, is that right,
16 a limited number?

17 A. 係。

18 CHAIRMAN: So you were not told anything about any rebar
19 threads being trimmed?

20 A. 冇講過。

21 CHAIRMAN: And you were not told about the fact that it was
22 impossible to properly fit the rebars because of
23 congestion of the reinforcing bars?

24 A. 係。

25 CHAIRMAN: So you got the NCR, as far as you were concerned,

1 simply because your workmen hadn't screwed in otherwise
2 perfectly okay rebars into properly aligned couplers?

3 A. 係。

4 CHAIRMAN: And that was it? They had left a couple of
5 threads showing?

6 A. 係，張相片我...

7 CHAIRMAN: Thank you. That's all you knew about it, until
8 you at some later stage made further investigations, and
9 that's presumably when all this blew up?

10 A. 啱嘅。

11 CHAIRMAN: And so when you say you knew nothing about this
12 until you read -- you knew nothing about cutting threads
13 short until you read it in the media, that's your
14 evidence, is it?

15 A. 個NCR係地鐵畀我哋，地鐵話係剪咗，我哋先知道嘅，同埋傳媒。

16 CHAIRMAN: All right. So you only knew it when you were
17 called into the MTRC interview?

18 A. 冇錯。

19 MR KHAW: Thank you.

20 Now, according to what we can see --

21 CHAIRMAN: Sorry, my apologies.

22 So you knew it then. That must have been a shock?

23 A. 係。

24 CHAIRMAN: You hadn't been told by your foreman?

25 A. 總管當日有話畀我哋聽㗎喇，只不過係嗰個...

1 CHAIRMAN: All right. The foreman told you on that day.

2 But that was not the time when you were investigating
3 the results of the NCR, was it? It was much later?

4 A. 唔係。

5 CHAIRMAN: All right. Are you saying the foreman told you
6 when the NCR was received and when he looked into it
7 that there had been cutting of threads?

8 A. 正確。

9 CHAIRMAN: All right. But earlier -- unless I have got this
10 completely wrong -- you said you only knew about this
11 when you went into the MTRC interview.

12 A. 嗰個--呢件事嘅，啱嘅。

13 CHAIRMAN: I'm obviously misunderstanding something complex,
14 because on an ordinary reading of this you seem to be
15 leading me around in circles, and I don't like it. So
16 I will now adjourn to just ensure that I am not the one
17 leading myself around in circles, and then we will
18 return. Do you understand me?

19 A. 好嘅。

20 CHAIRMAN: Because it seems to me -- you are the boss of
21 a business, at some stage, you've been told that rebars
22 have been cut, and it would seem to me it's not that
23 difficult to look into the situation, to find out the
24 truth, and to deal with it. That's called management.
25 Do you understand me?

1 A. 明白。

2 CHAIRMAN: Management requires understanding the position,
3 reducing it, to clear parameters, and then dealing with
4 it, and you don't seem to have done that at all here.
5 And what I can gain from this, perhaps wrongly, is that
6 you are trying to mislead this Inquiry, and I don't like
7 that because the purpose is for the benefit of the
8 Hong Kong community, not for your benefit.

9 A. 我琴日已經講咗，喺呢度，我哋即刻收到--修正咗之後，我哋即刻訓示咗啲
10 工人喺呢單--喺呢壇--呢樣--呢個NCR嗰度，我係訓示晒啲工人，係叫佢以
11 後唔會--唔可能發生--唔可以再冇咁嘅事情發生，我琴日已經講過。只不過
12 係...

13 CHAIRMAN: I appreciate that and I'm not going to delay
14 this. We will now have the mid-morning adjournment.
15 But your evidence is that you would have reprimanded
16 them for not screwing in the rebars into properly
17 aligned, perfectly normal couplers. That was their sin,
18 not screwing them in to the full extent, and no more
19 than that?

20 A. 係。

21 CHAIRMAN: That's as you understood it, you say now?

22 A. 係。

23 CHAIRMAN: All right. Thank you.

24 (11.24 am)

25 (A short adjournment)

1 (11.48 am)

2 MR KHAW: Mr Pun, if we can go back to what we discussed
3 before the morning break. When you were told by
4 Mr Cheung about the NCR incident, did you even care to
5 ask Mr Cheung, or anyone else, to let you have a look at
6 the NCR report or some evidence regarding what happened?
7 Did you care to even do that?

8 A. NCR嗰個報告係事後先收到，現場即時張生話畀我哋聽，我就話畀佢聽一定
9 要--佢去搞掂咗之後，話畀我聽，我就訓示佢以後唔好有--唔會同埋唔好再有
10 呢啲咁嘅事情發生。

11 Q. Try to stick to my question. My question was, when you
12 knew about the NCR incident, as Fang Sheung's boss,
13 since you were shocked to know about this incident, did
14 you care to then take the small step to ask somebody to
15 let you have a look at the NCR report, or at least some
16 evidence as to what happened, for example a photograph
17 or whatever? Did you do that?

18 A. 相，我哋係事後喺地鐵嗰度先至睇到嘅啫。

19 Q. Mr Cheung, I suggest to you that either you are now
20 being wholly incredible or you are a wholly
21 irresponsible boss.

22 A. 我唔同意，因為當時發生呢件事之後，係我有去同張生講，要佢確保
23 以後唔會有啲咁嘅事件發生，至於現場嘅情況，我真係冇--我現場，我
24 完全唔知道。

25 Q. Let's pause here. Yesterday you told us that you,

1 together with Mr Cheung, gave warning to the workers
2 that this should not happen again. Do you agree?

3 A. 啱。

4 Q. So are you now telling us that you were giving a stern
5 warning to your workers, without you knowing what
6 actually happened in fact? You just gave a notice,
7 "Please don't do that", and you don't know in fact what
8 happened?

9 A. 發生嘅--總言之我哋係有啲不合格嘅coupler扭咗入去，係冇完全扭入去，
10 呢件事我就係知道嘅。

11 Q. So now your evidence is that when you gave your warning
12 to the workers, "Hey, don't do this again", you only
13 knew that it was something wrong about the installation
14 of the couplers; right?

15 A. 係。

16 Q. You did not know anything at that time about cutting of
17 threaded rebars; can you confirm this?

18 A. 啱嘅。

19 Q. So let's take what you now tell us. You then attended
20 the MTR interview. The MTR staff told you about the
21 cutting incident, when they talked about NCR; you
22 remember that?

23 A. 記得。

24 Q. So were you very surprised, when the MTR staff suddenly
25 talked about cutting when they referred to NCR; were you

1 surprised, because you were never told about cutting
2 beforehand?

3 A. 係。

4 Q. Did you at that time think that, "Hey, how come
5 Mr Cheung did not tell me the whole picture? How come
6 I was kept in the dark?" Did that occur to your mind?

7 A. 我哋做鐵或者做任何工程，都會有啲手工上嘅問題，係令致到地鐵唔收貨嘅，
8 我覺得佢哋即刻係肯聽地鐵講同埋講禮頓講，即刻、即場搞掂，咁就我覺得
9 就係我應有嘅責任係okay。

10 Q. Please try not to avoid the question. My question was,
11 at the MTR interview, that was the first time some
12 people told you about cutting by your workers. My
13 question was, at that time, did you think, "Hey, how
14 come Mr Cheung never told me about cutting? How come?"

15 A. 有嘅。

16 Q. Were you angry at that time?

17 A. 啱嘅。

18 Q. You were angry, because you had not --

19 A. 喺地鐵嘅會上知--先至知道。

20 CHAIRMAN: How long after the event? The NCR was in
21 mid-December?

22 MR KHAW: December 2015.

23 CHAIRMAN: And the interview was ...?

24 MR KHAW: 13 June this year.

25 CHAIRMAN: So, in that period of over two years, you knew

1 nothing about it, as to cutting of threading?

2 A. 我哋只知道係一次有不合格嘅報告，但係唔知道有人剪鋼筋。

3 CHAIRMAN: But your foreman knew?

4 A. 應該知。

5 MR KHAW: Mr Pun, do you remember I referred you to various
6 bits of the transcript of the MTR interview earlier this
7 morning?

8 A. 係。

9 Q. In one of the questions the MTR staff actually put to
10 you that your workers might have done an unlawful act,
11 trying to take a gamble, trying to do something to
12 pretend that something was done properly, in the hope
13 that they can get away with it. That's what the MTR
14 staff told you at the interview; do you remember that?

15 A. 係。

16 Q. If you knew nothing about such act, your immediate
17 response must be, "Hey, hey, hey, what are you talking
18 about? Cutting? What cutting? What pretending, what
19 getting away with it? What are you talking about?"
20 That ought to have been your immediate response; right?

21 A. 呢五條鐵喺個NCR報告裏面係已經被剪咗㗎喇，應該就係，我嘅回答就係根據
22 嗰張相片去回答嗰啲事情嘅啫。

23 Q. So what you are now trying to tell us is that, "Oh, at
24 that time, I just merely looked at the photographs",
25 then that would give you the basis to agree with the MTR

1 staff that your workers did some unlawful act,
2 pretending that something was done properly when it was
3 not. Are you telling us this?

4 A. 係。

5 CHAIRMAN: And this is after your protestation yesterday
6 that to suggest that workers might do something like
7 this would be an insult to the industry in Hong Kong; is
8 that right? And it turns out that your own workers were
9 doing it; is that right?

10 A. 你睇下嗰條--嗰啲工人，我咁--呢個係--呢個case唔同，應該或者呢個
11 case純粹係--我覺得嗰個係個手工有問題，你睇下佢剪到扭唔入去，你
12 睇下張相，擺咗喺度，所以...

13 COMMISSIONER HANSFORD: Sorry, is there a different
14 translation of the word "workmanship" in Cantonese to --
15 is there a different understanding of the word
16 "workmanship" in Cantonese than there is in English?

17 MR KHAW: It should be the same.

18 COMMISSIONER HANSFORD: It should be the same?

19 MR KHAW: Yes.

20 COMMISSIONER HANSFORD: Mr Pun, you are saying that this
21 cutting is a case of poor workmanship; is that what
22 you're telling me?

23 A. 係。

24 MR KHAW: Mr Pun, how could you relate this deliberate
25 cutting to mere workmanship? I just cannot follow.

1 A. 因為呢樣佢一定要將條coupler扭入去嘅，我諗佢將嗰條鐵cut短佢，睇下--
2 嘗試睇下扭唔扭到入去，但係問題上，喺呢五條鐵裏面實際上都係cut咗都
3 冇用，扭唔到落去。

4 Q. Let me try to understand what you are now saying. If
5 you are saying that because of the congestion on the
6 reinforcement bars workers experienced difficulties in
7 trying to screw in the threaded parts into the couplers,
8 they did not do so, that could be negligence on the part
9 of the workers --

10 A. 係。

11 Q. -- and that would not necessitate cutting at all. If
12 it's simply a question of whether you could screw it in
13 or not, it would not involve cutting?

14 A. 啱嘅。

15 Q. So if someone eventually cut the threaded parts,
16 pretending that something was installed when it was not,
17 trying to get away with it, this could not be mere
18 workmanship. It was a question of honesty; would you
19 agree?

20 A. 我諗啲工人--我諗呀吓，因為我有啲實際情況下，因為佢哋覺得要完成嗰個
21 工序或者係點樣樣佢係去做呢樣嘢。

22 CHAIRMAN: That's exactly the point, exactly the point,
23 Mr Pun. It's one of the central issues being considered
24 in this Inquiry, that there will be problems from time
25 to time, and that the temptation will be there to find

1 short-cuts.

2 Now, would you agree -- not that your workers have
3 taken short-cuts -- that from time to time there will be
4 problems, the sort of problems that the photograph has
5 revealed?

6 A. 會存在嘅。

7 CHAIRMAN: Yes, and indeed the co-member of this Commission,
8 an engineer and a professor of engineering in England,
9 has termed that photograph as indicating a small
10 nightmare, in other words a real problem to be dealt
11 with, one not you could expect to fix in a matter of
12 minutes but perhaps in a matter of hours instead. Do
13 you understand?

14 A. 明白。

15 CHAIRMAN: And would there not, in those circumstances,
16 perhaps be a temptation to try to cut a corner and hope
17 that it's not noticed?

18 A. 我諗會，會。

19 MR KHAW: Did you ever talk to your workers or Mr Cheung as
20 to why the workers did the cutting? Did you?

21 A. 有嘅，嘗試探討過嘅。

22 Q. The answers that they gave you?

23 A. 我哋都係喺地鐵，個答案係一係就用B，會剪--咁先至有機會剪啲鋼筋，B
24 轉A...

25 Q. I'm sorry. Let me just do this step by step. You say

1 you actually talked to the workers and Mr Cheung about
2 why they had to do the cutting; right?

3 MR PENNICOTT: Sir, can Mr Khaw please identify the time,
4 because I can see we are going to get into another
5 confusion here.

6 MR KHAW: I was about to go into the date, yes.

7 MR PENNICOTT: The date, I think we need a date.

8 MR KHAW: I was about to. That was my next question.

9 MR PENNICOTT: Sorry.

10 MR KHAW: Thank you, Mr Pennicott.

11 You told us that you in fact talked to the workers
12 and Mr Cheung about the reasons as to why they did the
13 cutting; you just told us, right?

14 A. 啱。

15 Q. Did you talk to them before or after the MTR interview?

16 A. 之前，呢個係呢份NCR呢份嘢，係因應發生咗呢件事，係同啲...

17 Q. I'm sorry, Mr Pun, you are now telling us that before
18 you attended the MTR interview, you had already
19 discussed this issue regarding reasons for cutting with
20 the workers and Mr Cheung; right?

21 A. 我係訓示佢哋，叫佢唔好再有。

22 CHAIRMAN: No. That's not the answer to the question.

23 Put the question again, please. Thank you.

24 MR KHAW: Mr Pun, my question was before you attended the
25 MTR interview, you had already discussed with your
26 workers and Mr Cheung regarding the reason why there was

1 cutting; is that right?

2 A. 你講係咪呢件事呀？係咪...

3 Q. NCR. Let's talk about NCR first. I will have other
4 incidents that I'll explore with you. Let's talk about
5 NCR first.

6 A. 冇傾過，因為我由始至終都係喺嗰個6月13號先知道NCR呢件唔完全扭入去
7 個鋼筋裏面係有剪短...

8 Q. Right. Going back to your earlier answer, when you told
9 us that you in fact did talk to the workers and
10 Mr Cheung regarding the reasons for cutting, such
11 discussion happened after the MTR interview, is that
12 right, not before?

13 A. 我哋講過，係NCR發生之後，我係訓示啲工人唔好再有呢啲事--咁嘅事發生過。

14 Q. Now, let's talk about your warning to the workers first.
15 You said after you knew about the NCR incident, you told
16 your workers, gave them a stern warning, that this
17 should not happen again; right?

18 A. 喎。

19 Q. What should not happen? Did you specifically tell them
20 that there should be no cutting?

21 A. 唔應該再有唔合格報告嘅事，即係話唔應該再有我哋紮鐵唔合格嘅事。

22 Q. Maybe I should stop after this question on this topic,
23 but I really want to clarify this with you. You said
24 you told the workers, "Please don't do substandard
25 things, substandard things, things which do not meet the

1 standards, please do not do these things'; right?

2 A. 啱嘅。

3 Q. But at that time, after you knew about the NCR incident,
4 before the MTR interview, okay, after you knew about the
5 NCR incident from Mr Cheung, you in fact did not know
6 what actually went wrong, is that right, because you
7 simply did not take a look at the report or the photos?

8 A. 啱。

9 Q. So, when you telling your workers, "Hey, don't do these
10 things which do not meet standards", did you know what
11 you were talking about?

12 A. 我哋覺得如果公司出咗唔合格報告畀我哋，我哋就會有--喺紮鐵程序裏面係
13 出咗錯，所以吩咐啲工人係無論某一種情況，都唔可以再出錯。

14 Q. If that is your answer, that is your answer.

15 Going back to the MTR interview, after that
16 interview, did you talk to the workers or Mr Cheung
17 again regarding cutting? Did you?

18 A. 起咗貨喇，6月13號。

19 Q. Answer my question. Answer my question. At the MTR
20 interview, that was the very first time, according to
21 your evidence, that you were told about cutting by your
22 workers. You were angry. You were shocked. Did you
23 then talk about this cutting incident with the workers
24 and Mr Cheung, after the MTR interview? That's my
25 question. Did you or did you not?

1 A. 冇，6月13號以後係冇，因為我哋已經係結束咗個地盤。

2 Q. So before -- your evidence is that as the boss of
3 Fang Sheung, before the MTR interview and after the MTR
4 interview, you never cared about what went wrong on the
5 site actually? You never cared?

6 A. 我哋唔係唔關心，我哋係做，我哋係收過唯一一次咁嘅警告信，所以我都好
7 關心嗰個質量，以前係好少收到有嘅，冇，係呢...

8 Q. Right. Now, yesterday you told us about inspection and
9 supervision of Fang Sheung's work; do you remember that?

10 A. 喎。

11 Q. You told us yesterday that the workers would proceed to
12 fix one layer, one upper layer of the reinforcement,
13 after the lower layer had been examined or inspected by
14 Leighton and MTR; do you remember that?

15 A. 喎。

16 Q. So inspection and supervision layer by layer?

17 A. 係。

18 Q. So am I correct to say that had that been the case, the
19 NCR incident would not have happened at all; would you
20 agree?

21 A. 同意。

22 Q. So did you identify any problems regarding the
23 inspection and supervision of your works?

24 A. 我去睇地盤或者咩嘢，我哋係睇到佢有冇按照圖則去紮鐵，我哋紮--我都
25 好少發生到--發現有咩嘢問題。

1 Q. You just told us that you agree with me that had there
2 been proper inspection and supervision of the works from
3 one layer to another, this NCR incident should not have
4 happened. You agree with me?

5 A. 喺，但係好不幸咁發生㗎。

6 Q. So are you able to identify what went wrong in the
7 inspection or supervision process? As Fang Sheung's
8 boss, can you tell us?

9 A. 因為成件事我都唔係喺現場度，我唔知佢發生咗究竟係咩嘢錯事，即係話
10 做錯咗咩嘢事去令致有NCR出。

11 CHAIRMAN: Sorry, can I just put this: it is quite clear
12 that supervision and oversight in complex engineering
13 projects like this is critical; would you agree?

14 A. 同意。

15 CHAIRMAN: And if you discover that there is a real
16 possibility that the supervision and oversight has not
17 been up to standard, you would need immediately to check
18 into it and make sure that the standards are lifted?

19 A. 係。

20 CHAIRMAN: And what you are saying in the present case is
21 that although you had this small team of good workers
22 and you had your foreman, you were not informed of the
23 details of the NCR, and so you were not in a position to
24 deal with that, and nor were you in a position to look
25 to the question of how the incident could have happened

1 in the first place in order to improve your supervision
2 and oversight; is that right?

3 A. 係。

4 CHAIRMAN: So, in other words, even though you were the boss
5 of this business, working on a critical part of the
6 project, you were just not there to do your job of
7 ensuring proper oversight? You let it go by the way?
8 It was absent on your part?

9 A. 唔係。

10 CHAIRMAN: Okay. What did you do?

11 A. 我喺行政上，我哋係做咗--做晒，跟住啲圖則係去做啲嘢，喺行動上係由
12 張生去實際control嗰個行動，質量嗰度，我確保所有嘅鐵都係擺喺正確
13 嘅位置同埋呢個係同個鐵則係--最新嘅鐵則係相符...

14 CHAIRMAN: Mr Pun, you're just avoiding the question again.
15 I spoke to you before the tea break about being led
16 around in circles. Now, a cynic -- and I'm not
17 a cynic -- might say you are simply lying. Do you
18 understand me? Please answer the questions in a direct
19 way.

20 Do you agree that you did not check into how it was
21 that there may have been problems with your oversight of
22 the works after you got the NCR?

23 A. 同意。

24 CHAIRMAN: Do you agree you weren't even told what the true
25 reason for the NCR was?

1 A. 同意。

2 CHAIRMAN: And do you agree you took no steps to check into
3 it, to find out what the problem really was, so you
4 could deal with it, as a manager should do?

5 A. 係。

6 CHAIRMAN: Thank you.

7 MR KHAW: Mr Pun, if I can ask you to take a look at your
8 witness statement that you provided to this Commission.
9 This statement was dated 27 August, ie more than two
10 months after the MTR interview; right?

11 A. 係。

12 Q. If you can take a look at paragraph 7 -- the Chinese
13 version at E28, paragraph 7; in English it's E29.3 -- if
14 I can read out paragraph 7 to you. There you say:

15 "Although Fang Sheung is only a small-scale company
16 that makes every endeavour for rewards, it is definitely
17 a credible and reputable company in the bar bending
18 industry ... Fang Sheung only provides reliable and
19 veteran workmen who are absolutely impossible to engage
20 in fraud; otherwise it could not have possibly operated
21 as an industry member for such a long time. According
22 to the sub-contracting contract, Fang Sheung only
23 provided bar fixers to work according to the
24 instructions of Leighton, while all the materials were
25 prepared and responsible by Leighton. If the coupler
26 screw cups fixed to the concrete unit were damaged and

1 therefore making it impossible for the screw heads of
2 the steel bar to be fastened, Fang Sheung would only
3 need to notify the site supervisor of Leighton."

4 Then just one sentence down:

5 "Under such circumstances, why would it be necessary
6 for Fang Sheung to engage in fraud? Meanwhile, under
7 normal circumstances ... it will only take the workman
8 of Fang Sheung around 20 to 30 seconds to completely
9 twist the steel bars screws onto the screw cups.
10 However, it would take at least 1.5 to 2 minutes to use
11 a portable electric shear to cut short the screw heads
12 of a steel bar ... Hence, it was illogical for the bar
13 fixers of Fang Sheung to cut short the screw heads of
14 the steel bars due to fraud, given that they did not
15 have the need or incentive to do so."

16 Then the last sentence in this paragraph:

17 "Following the widely reported news about someone
18 possibly cutting short the screw heads of the steel bars
19 due to fraud, I did have investigated the staff of
20 Fang Sheung. However, I did not hear anything about the
21 staff of Fang Sheung cutting short the screw heads of
22 the steel bars due to fraud or reporting such fraud."

23 Mr Pun, am I right in saying that at least at the
24 point when you were making this witness statement, you
25 had already known full well what actually caused the NCR
26 to be issued, at least according to your evidence?

1 A. 係。

2 CHAIRMAN: Then why did you lie to us? Why?

3 A. 我唔明白，講...

4 CHAIRMAN: Oh, right.

5 A. 我係承認到呢個NCR呢個我哋係錯咗，我不嬲都講出嚟，我哋係即場講番正--
6 改番正佢啲喇已經。

7 MR KHAW: But at the time when you made this witness
8 statement, you knew that your workers in fact did
9 unlawful cutting. They cut corners for some reasons;
10 you knew about that already.

11 A. 我唔承認呢點，冇人會走捷徑去剪鋼筋，但係呢幾條可能我認為係有剪。

12 CHAIRMAN: All right. I just want to deal with one other
13 thing. If we are talking about management and
14 oversight, let us have a look at this particular
15 statement of yours. You say this, at the very end of
16 it:

17 "Following the widely reported news about someone
18 possibly cutting short the screw heads of steel bars due
19 to fraud, I did have [an investigation of] the staff of
20 Fang Sheung. However, I did not hear anything about the
21 staff of Fang Sheung cutting short the screw heads of
22 the steel bars due to fraud or reporting such fraud."

23 Do you understand that?

24 A. 明。

25 CHAIRMAN: So, on an ordinary reading of that, once you read

1 about this problem arising in the media, you went, as
2 a good manager would do, back to your own workers and
3 made investigations: "Have any of you ever cut short the
4 rebars?" "Yes" or "no"?

5 A. 會。

6 CHAIRMAN: Well, did you do that or not?

7 A. 唔係，頭先我聽唔到，主席，唔好意思，我頭先--你個問答--你嘅問題
8 前一個係我聽唔到，前一個問題。

9 CHAIRMAN: When the incident of cutting rebars came into the
10 press, you have said in your statement that you went
11 back to your workers and you checked with them about
12 that type of issue; you investigated the matter with
13 them. Did you do that?

14 A. 係。

15 CHAIRMAN: "However, I did not hear anything about the staff
16 of Fang Sheung cutting [the rebars] ..."

17 That's what you said.

18 A. 係。

19 CHAIRMAN: So nobody told you, "Yes, in fact we did cut
20 rebars on one occasion"?

21 A. 係，有一次，呢個NCR，以前...

22 CHAIRMAN: No, no, nobody told you that at that stage, and
23 you hadn't yet gone to the MTRC for your interview, so,
24 on an ordinary reading, what you're saying there is,
25 "When it came out in the press, I did go back and check,

1 but nobody said they knew anything about it." This is
2 despite the fact that of course there had been an NCR to
3 that very effect a couple of years earlier. So even
4 then they won't admit to you, "Yes, sorry, it did happen
5 once before and it was the subject of an NCR"?

6 A. 係。

7 MR KHAW: Thank you.

8 So, at the time when you were making this statement,
9 you knew full well that you were supplying information
10 for the purpose of assisting this Inquiry; is that
11 right?

12 A. 係。

13 Q. At the time when you were preparing this witness
14 statement, did it ever occur to your mind that, "Hey,
15 should I disclose this NCR incident or not?" Did you
16 ever consider that?

17 A. 喺呢份--喺呢一個證供裏面，係冇披--呢個冇披露呢件事。

18 Q. Of course we know what is stated in the statement. But
19 did it occur in your mind that, "Well, should I or
20 should I not disclose the NCR?" Did you consider that?

21 A. 應該披露嘅。

22 Q. Sorry, so your answer was you, at the time of making the
23 statement, thought that you should disclose the NCR;
24 right?

25 A. 啱嘅。

1 Q. Why did you not disclose?

2 A. 啲差人有問我呢件--呢一段。

3 Q. No, no, no. This is your statement to the Commission.

4 It does not involve the police. It does not involve the
5 police. It is you who gave this statement, without
6 anybody prompting you, without anybody asking you any
7 questions. You yourself, with the assistance of your
8 legal representatives --

9 A. 係。

10 Q. -- made this statement?

11 A. 因為呢份--呢份NCR係已經修正咗，所以我覺得全世界都知道，冇著意喺呢度
12 重複提過，我哋係即時搞掂咗，係...

13 Q. When you said you thought the whole world knew about
14 this -- that's what you said just now, you thought the
15 whole world knew about this NCR, that's why you decided
16 not to disclose; right?

17 A. 我唔係，即係喺呢度冇提，即係話喺呢份嘢裏面冇提過啫。

18 Q. Back to my earlier question: why did you choose not to
19 disclose the NCR incident in this witness statement?

20 A. 因為呢張NCR係我哋即時搞掂，係馬上修正晒，我覺得...

21 CHAIRMAN: No, Mr Pun. The NCR report, you knew full well,
22 had at its heart the cutting of threads of rebars. Is
23 that correct?

24 A. 啱。

25 CHAIRMAN: And you knew from the press and the many stories

1 that were circulating that the core issue that initially
2 was to be looked at in this Commission of Inquiry
3 related to cutting of rebars?

4 A. 知道。

5 CHAIRMAN: Then surely it would have helped the Commission
6 for you to mention the fact that there had been one
7 incident but it had been dealt with, at least to let us
8 know that there had been one incident and to explain it
9 in your own words?

10 A. 呢度係可能我哋嘅疏忽。

11 MR KHAW: You knew when you were preparing your witness
12 statement for this Commission -- you knew that the
13 Commission, through their lawyers, actually asked you
14 some specific questions; right?

15 A. 係。

16 Q. If we can look at just one of those questions raised.
17 E1, page 5. You can take it that this is the letter
18 from the Commission's lawyers to you. At paragraph 7,
19 let's take a look:

20 "Given the extensive public concern about the safety
21 of the diaphragm walls and platform slabs and
22 allegations that there might have been unlawful
23 shortening, cutting or defective connection of the steel
24 bars in the diaphragm walls and platform slabs:

25 (a) Explain and confirm whether your company has any
26 knowledge of the defective steel works (whether

1 undertaken by Leighton and/or its sub-contractors) and
2 if so, identify and describe the relevant events and
3 occasions. Please describe the defects, explain in what
4 ways requirements, standards and practice had been
5 breached and provide particulars of such events and
6 occasions (with reference to plans and drawings ...),
7 including but not limited to the dates, time, locations,
8 number of steel bars affected and the equipment used to
9 shorten or cut the steel bars.

10 (b) Identify the workers and persons who witnessed
11 such events and occasions."

12 Am I correct in saying that while you were preparing
13 your witness statement, you completely ignored the
14 request made by the Commission?

15 A. 唔係。

16 Q. If we can take a look at another statement that you
17 made, ie the police statement. E6/1595.8. If we can
18 take a look at question 10:

19 "Has Leighton and MTRC ever raised problems with
20 Fang Sheung about any bar fixing work which did not
21 conform to the standards?"

22 There you said:

23 "In 2017 (cannot recall the exact time), Fang Sheung
24 received an email from Leighton stating that in
25 September 2015, there was a non-conformance report for
26 improper connections between 5 rebars and the couplers.

1 But I can't recall the exact location of the
2 connections. As to the email, I have to check if
3 I still have the record."

4 Pausing here, we all know that the NCR was issued in
5 2015, December 2015. Here, you seemed to be telling the
6 police that you only received an email from Leighton
7 regarding the NCR in 2017. I want to just clarify with
8 you: when did you first know about Leighton's NCR? Was
9 it December 2015 when it was issued, or well after, ie
10 2017, as you stated to the police?

11 A. 實際情況，我個時間唔係--唔記得咁清楚。

12 Q. You can't remember?

13 A. 係。

14 Q. Then question 11:

15 "When you were inspecting Hung Hom Station, have you
16 ever seen or heard anyone using machinery to cut short
17 the threaded rebars in order to pretend that the rebars
18 have been screwed into the couplers?"

19 In fact, that was the same question asked by the MTR
20 staff during the interview; do you remember that?

21 A. 記得。

22 Q. Here, your answer was:

23 "Regarding cutting short the threaded rebars in
24 order to pretend that the rebars have been screwed into
25 the couplers, I only came to know from watching the news
26 that it was suggested that someone had cut the rebars."

1 Here, you are trying to tell the police, "I didn't
2 know anything. I only knew it from the press."

3 A. 我嘅意思就係除咗嗰個NCR嗰啲--嗰五條鐵。

4 Q. That's not what you said. You said you only came to
5 know from watching the news that it was suggested that
6 someone had cut the rebars.

7 A. 係，但係嗰個NCR嗰啲鐵究竟係咪--係有人剪鋼筋，而家即係話我哋--
8 事後我自己本人都唔係好清楚嗰個cut鋼筋嗰個事。

9 Q. Mr Pun, I suggest to you that, first, you are trying to
10 mislead this Commission, and then you are trying to
11 mislead the police.

12 A. 唔係，NCR係事實嚟嘅，但係嗰個實際情況係點樣，我自己係唔清楚，NCR，
13 我哋係做錯咗嘢，呢個係事實。

14 Q. You did not want to tell either the Commission or the
15 police the truth; is that right?

16 A. 唔係，如果我唔想嘅，我唔會上嚟喇。

17 Q. You did not want to tell the truth because you were
18 worried that Fang Sheung would become the target of this
19 investigation; am I right?

20 A. 唔會係，而家都係嚟喇，調查目標。

21 Q. Now, of course.

22 There's one further incident I'll just very briefly
23 discuss with you and see whether you knew about it or
24 not. According to one of the witnesses from Leighton,
25 there was another incident which was not covered in the

1 NCR. If we can take a look at the relevant photographs
2 at C12/8125. From this picture, we can see that there
3 was a threaded part of the coupler, with only three
4 threads remaining.

5 A. 見到，見到。

6 Q. If we can then take a look at 8123 as well. Again, we
7 saw the male part of the coupler not fully -- being cut,
8 not fully threaded, obviously being cut, and not
9 properly installed into the other part of the coupler.

10 A. 係嘅。

11 Q. Were you aware of these incidents?

12 A. 知道，禮頓講過嘅。

13 Q. Who in Leighton told you about these incidents?

14 A. 話畀我個管工聽，個管工話畀我哋聽--話畀我知。

15 Q. Who from Leighton told you or Mr Cheung about these
16 incidents?

17 A. 係張生話畀我哋聽嘅，禮頓話畀張生知，喺現場。

18 Q. Do you remember who was the person in charge from
19 Leighton in relation to these incidents?

20 A. 記唔到。

21 Q. Would you agree with me, by merely looking at these
22 photographs, that these were additional cutting
23 incidents?

24 A. 係嘅。

25 Q. When did you come to know about these incidents?

1 A. 當時發生咗都馬上知道㗎喇。

2 Q. When? Approximately when? 2015, 2016, 2017, this year;
3 when?

4 A. 呢啲都係發生事情嘅時候冇幾多日子就會知道--就知道㗎喇，係15年嘅。

5 Q. Sorry, you said around 2015, or this year? I cannot
6 hear properly.

7 A. 係發生呢件事情嘅後幾日已經知道㗎喇，個實際日子，我唔係好清楚。

8 Q. Sorry, when you said "after this happened", you are
9 referring to the media report about this incident, this
10 year; right?

11 A. 唔係，唔係，唔係。

12 Q. When?

13 A. 即係話禮頓有投訴嘅幾日後已經知㗎喇，一、兩日。

14 Q. I should put it this way: did you come to know about
15 these additional cutting incidents before or after you
16 knew about the NCR incident?

17 A. 前。

18 Q. Before?

19 A. 前。

20 Q. So, Mr Pun --

21 A. 唔係，呢兩次剪鋼筋事件，呢兩次單獨嘅事件係喺嗰個NCR嗰度以前嘅發生
22 嘅事嚟。

23 Q. Mr Pun, so when you first knew about the NCR, you had
24 already been aware of some previous cutting incidents?

25 A. 應該知道。

1 Q. You knew about these additional incidents -- how long
2 before you knew about the NCR incidents? Are you
3 talking about months, weeks, or what?

4 A. 我喺張生口中知道嘅，實際情況--實際個時間、實際嘅日子，我係唔記得。

5 Q. So, at that time, somebody showed you these photographs;
6 am I right?

7 A. 唔係。

8 Q. Sorry, your answer is ...?

9 A. 唔係。

10 Q. So, again, as Fang Sheung's boss, you were only told by
11 Mr Cheung that, "Boss, there were some incidents where
12 our workers were found to have cut the coupler rebars";
13 is that what you are trying to tell us?

14 A. 應該係禮--公司或者地鐵發現到呢一支，呢一支鋼筋剪咗，剪咗之後，話畀
15 張生知，叫佢--即係話叫佢去立即去更正咗，去重新搞過呢樣嘢。

16 Q. Did you or did you not care to make any enquiry, after
17 you knew about this from Mr Cheung, as to why this
18 happened? It was such an insult to you; why this
19 happened?

20 A. 呢啲係我覺得--於是張生佢咁搞掂，我就咪就算，冇咩嘢問。

21 Q. After you learned from Mr Cheung that there were such
22 cutting incidents, you did not talk to any workers,
23 trying to ask them about what happened? Did you or did
24 you not?

25 A. 喺呢一支度，我有咁講過，因為係一支半支。

1 CHAIRMAN: Sorry, "one bar or so" -- I think the photographs
2 indicate more than one bar, is that right, if you look
3 at the two photographs?

4 A. 因為禮頓畀我哋--警告我哋個口頭警告，可能個實際情況就係話我哋有一
5 支係去剪短咗。

6 MR PENNICOTT: Sir, the Leighton evidence on this particular
7 instance is there's two bars.

8 CHAIRMAN: Yes, I thought so.

9 MR KHAW: Am I right in saying that when Leighton told you
10 about this bar cutting incident, that was the first time
11 ever that you received information or complaint about
12 workers cutting threaded bars; am I right?

13 A. 係。

14 Q. So, again, you must be surprised to know about this?

15 A. 係。

16 Q. You did not want to find out why this happened? No
17 interest at all?

18 A. 唔係，我叫張生去睇下究竟發生咩嘢事。

19 Q. I mean you, you yourself, as Fang Sheung's boss. Don't
20 talk about Mr Cheung all the time. You, as
21 Fang Sheung's boss, did you care to at least find out
22 what happened?

23 A. 啱嘅。

24 Q. You did?

25 A. 係。

1 Q. What did you do?

2 A. 我當時咪去問下張生究竟發生咩嘢事，喺--呢條鐵做乜嘢會咁樣樣。

3 Q. Did he tell you any reason why the threaded rebars had
4 been cut? Did he ever tell you?

5 A. 記唔得佢講過咩嘢。

6 Q. So what remedial work did you do after you were aware of
7 this incident?

8 A. 嗰啲伙記重新按照規格咁扭番入去。

9 CHAIRMAN: The bar in the first photograph, 8125, which we
10 can have a look at, that is cut so that there would only
11 be two threads go into the coupler. Did that mean
12 replacing the bar?

13 A. 換嘅，換晒佢。

14 COMMISSIONER HANSFORD: Can I ask: how do you replace a bar
15 like that?

16 A. 現場我唔知佢咁點樣搞掂，但係呢啲通常要用把--額外嘅動作或者用人去挑
17 起上面嗰條--一排，搵條方擲住佢，等佢個空位大啲咁多，先至可以拎番出
18 嚟換番佢，因為佢而家剪到都有用嘅，睇到，佢係冇--扭唔到落去，佢係
19 夾到死一死，佢係剪到都有用，佢扭唔到落去，所以我吩咐啲伙記係剪都有
20 用，千祈唔好再有咁嘅嘢做。佢因為夾到死一死，佢條鐵係轉唔到。

21 COMMISSIONER HANSFORD: Just to follow up on that: how long
22 would it take to replace a bar like that in a location
23 like this? How long would that take?

24 A. 大概個零鐘。

25 COMMISSIONER HANSFORD: Okay.

1 MR PENNICOTT: Sir, the Leightons evidence is it's a lot
2 shorter than that.

3 COMMISSIONER HANSFORD: What, replacement is a lot shorter
4 than an hour?

5 MR PENNICOTT: Mr Mok's statement deals with this incident.

6 COMMISSIONER HANSFORD: Okay, we will deal with it when we
7 come to it.

8 MR PENNICOTT: He tells us that the bars were taken out, one
9 coupler had to be replaced and it took 15 to 30 minutes.

10 COMMISSIONER HANSFORD: Wow.

11 MR PENNICOTT: I'm only reciting what --

12 COMMISSIONER HANSFORD: Yes, yes. Thank you.

13 CHAIRMAN: Thank you very much, Mr Pennicott.

14 MR KHAW: Regarding the bar cutting incident that we are now
15 looking at, did you personally have a chance to talk to
16 Mr Edward Mok of Leighton?

17 A. 冇。

18 Q. Do you know whether Mr Cheung talked to him personally?

19 A. 唔清楚。

20 MR KHAW: We can ask him about that.

21 Mr Chairman, that may be a convenient moment.

22 CHAIRMAN: Yes, certainly. 2.15. Thank you all very much.

23 Mr Pun, you are reminded that you are not to talk
24 about your evidence with anybody over the lunch hour.

25 Thank you.

26 (12.57 pm)

1 (The luncheon adjournment)

2 (2.16 pm)

3 MR KHAW: Mr Pun, perhaps I can take you to have a look at
4 the evidence of Mr Edward Mok of Leighton. It's
5 C12/8113.

6 Starting from paragraph 28, he said:

7 "There were three occasions when I identified that
8 the threaded ends of rebars had been cut off, rather
9 than being screwed into the couplers. In total,
10 I recall identifying no more than eight defective rebars
11 with the threaded ends cut off. They were all
12 identified in area C of the EWL within a period of
13 around 4 months. All these rebars were rectified at the
14 time that they were identified."

15 If we can continue, according to Mr Edward Mok:

16 "I recall that the first occasion was around
17 September 2015. I cannot recall precisely, but
18 I believe it was during a formal inspection for rebar
19 fixing with MTRC's engineer. I do not recall exactly
20 which MTRC's engineer attended and cannot say with
21 certainty which RISC form relates to this inspection, as
22 there were various such inspections taking place around
23 that time. I identified that the threaded end of one
24 rebar had been cut off. The rebar was not screwed into
25 the coupler and there was a gap of several millimetres
26 between the bar and the coupler. As Fang Sheung's

1 workers were still on site, I immediately asked them to
2 replace the defective bar by taking it away and
3 replacing it with a new bar."

4 Pausing here, Mr Pun, this incident which apparently
5 happened in September 2015, this is in addition to the
6 incident relating to the two photographs that we saw
7 before lunch today. It's a further incident. Were you
8 aware of this particular incident regarding threaded bar
9 cutting?

10 A. 我而家先知道。

11 Q. If we can then move on to look at paragraph 32, about
12 the second incident:

13 "The second copies was around one month later in
14 October or November. Again, it was discovered during
15 a formal inspection with a MTRC engineer. Again, I do
16 not recall exactly which ... engineer attended ...
17 I recall that I and the MTRC's engineer identified one
18 or two ... defective rebars during the inspection.
19 Again, the threaded ends of the rebar(s) had been cut
20 off and there was an obvious gap between the rebar(s)
21 and the coupler(s) ... I asked the Fang Sheung's workers
22 to remove the defective bar(s) ..."

23 You can take it from me that this occasion in fact
24 relates to the occasion in relation to the two
25 photographs that we just saw before lunch, which you
26 told me you knew about.

1 A. 啱。

2 Q. So, obviously, before you knew about the NCR incident,
3 you were fully aware of bar cutting incidents?

4 A. 就係知道上述嗰兩支。

5 Q. In relation to the two pictures that we saw; right?

6 A. 係。

7 CHAIRMAN: Sorry, the above-mentioned incidents, or single
8 incident?

9 MR KHAW: According to Edward Mok's evidence, it's one
10 single incident involving two defective rebars.

11 CHAIRMAN: Right. Thank you.

12 MR KHAW: So am I correct to say that if we go back to your
13 MTR interview, which took place on 13 June --

14 COMMISSIONER HANSFORD: I'm getting Cantonese on mine rather
15 than English.

16 MR KHAW: Maybe I will repeat.

17 So if we go back to the MTR interview which took
18 place on 13 June this year --

19 A. 係。

20 Q. -- we can now accept that, at that time, you had already
21 known about previous bar cutting incident; is that
22 right?

23 A. 係。

24 Q. That is in fact why, when the MTR staff put it to you
25 that it was your workers who cut the threaded rebars,

1 pretending that things were installed properly when they
2 were not, and trying to get away with it, taking
3 a gamble, when the MTR staff put these things to you,
4 you were in a position to confirm whether what they told
5 you is right or wrong; am I right?

6 A. 係。

7 Q. Thank you.

8 Now, you remember you said yesterday that whenever
9 your workers encountered problems regarding couplers or
10 other problems in relation to the bar fixing work, you
11 would ask Leighton to fix it; do you remember?

12 A. 係。

13 Q. If we now look at those incidents where cutting of
14 rebars was found by Leighton in 2015, are you aware of
15 any reason why your workers made their own decision to
16 cut the rebars, instead of asking Leighton to fix the
17 problems?

18 A. 我有喺現場，實際嘅情況我唔係清楚。

19 Q. All right.

20 CHAIRMAN: I think the question is a bit broader, and it
21 goes to: did you speak to your workers, did you
22 investigate as to why they had not simply referred the
23 problem to Leighton?

24 A. 我都唔知。

25 MR KHAW: But there's just one minor point that I wish to

1 clarify with you. You remember yesterday, when you told
2 us about the NCR, you referred to a warning. Did you
3 take the NCR as a warning, or was there a separate
4 warning issued to your company regarding the NCR
5 incident?

6 A. 我記得淨係得一封嘅咋。

7 Q. The next topic -- I'll just very briefly go through some
8 of the pictures that you saw yesterday. If we can have
9 a look at D227. You remember you were asked questions
10 regarding whether, according to your understanding and
11 knowledge, they are Fang Sheung's workers; do you
12 remember that?

13 A. 有。

14 Q. And you said, according to your understanding, they were
15 not Fang Sheung workers; right?

16 A. 係。

17 Q. If we can then look at 228. Now, this picture also
18 shows one worker, working on the threaded rebars; right?
19 Do you see that?

20 A. 睇到。

21 Q. According to your evidence given yesterday, you told us
22 that this should not be a worker from Fang Sheung; do
23 you remember that?

24 A. 記得。

25 Q. Another photograph. 232. Again, do you remember your

1 answer yesterday that according to your understanding,
2 these two workers should not be Fang Sheung workers;
3 right?

4 A. 係。

5 Q. If these pictures in fact show that there were some
6 workers working on the reinforcement bars at the site,
7 do you have any idea as to who they were?

8 A. 唔清楚，亦都唔知道，因為係睇唔到個面貌，咩嘢都睇唔到。

9 CHAIRMAN: I don't think it's meant: do you know their
10 names? I think it's meant: do you know who they would
11 have been employed by?

12 A. 唔清楚。

13 MR KHAW: So, according to your evidence, if they were not
14 workers from Fang Sheung, they must be a group of secret
15 workers working on the site; right?

16 A. 我都唔知。

17 Q. But according to what you know about what happened at
18 the site for bar fixing work, is it your evidence that
19 only Fang Sheung workers would be responsible for the
20 work as shown in the pictures?

21 A. 正確。

22 CHAIRMAN: Could I ask you -- in front of the bars, lying on
23 the ground, there is a red tool. Can you see it? Is
24 that a wrench?

25 A. 冇錯。

1 CHAIRMAN: Would I be correct to say that wrenches are used
2 for screwing into the couplers?

3 A. 啱嘅。

4 CHAIRMAN: Okay. So that wrench is within hand distance of
5 those two men who have their hands on the rebar?

6 A. 係。

7 CHAIRMAN: But who could it be if -- I'm not asking you to
8 speculate, but you've said earlier that even if you call
9 Leightons in to fix a problem, Leightons don't then do
10 the screwing in of the rebars. They fix the problem,
11 they make it a situation where you can now do your work,
12 and then you go ahead and do your work; is that right?

13 A. 啱嘅。

14 CHAIRMAN: All right. It appears on the face of it that if
15 they are not actually screwing in or screwing out the
16 rebars, they've got hold of them very close to
17 a front -- very close to a wall or slab where the bars
18 closer to the forefront of the picture appear to have
19 been fixed into the wall.

20 A. 啱嘅。

21 MR KHAW: Mr Pun, do you remember that in the MTR
22 interview -- I can actually put it to you -- that you
23 did, when answering MTR staff's question, say that no
24 cutting could possibly be done unless your workers were
25 instructed to do so. Do you remember that?

1 A. 係嘅。

2 Q. So let's talk about the two incidents of bar cutting
3 that you knew of. One is the NCR; one is before the
4 NCR. Are you aware of any circumstances where the
5 workers were given instructions to cut the threaded
6 rebars?

7 A. 唔知。

8 Q. Right. One more point. If you can take a look at
9 D1/609. Do you remember you were shown this picture by
10 Mr Pennicott yesterday?

11 A. 記得。

12 Q. If we can now then take a look at E376. I wonder
13 whether it's possible to put E376 and D1/609 side by
14 side. I recall -- if I get it wrong then Mr Pennicott
15 will correct me -- that you were shown by Mr Pennicott,
16 first of all, E376, the drawing, and then you were asked
17 to look at D609 to confirm whether the picture
18 represents E376, represents the area shown at E376.

19 A. 應該係喇。

20 Q. If we can now focus on D609. Does this picture show
21 a condition where the bar fixing work had been
22 completed?

23 A. 唔係。

24 Q. Why do you say that?

25 A. 你睇下幅相，呢條跨過去連續牆嗰條係T3嚟嘅，跨過連續牆嗰條T3，呢面

1 呢條，你見到有啲螺絲頭啲係T2，仲有T1未擺落去，你T2都未擺晒，你
2 見咗有啲短啲，嗰條係T5嚟嘅，喺另外一幅圖，嗰條長--嗰條鐵係唔需要
3 跨入去連續牆裏面嘅。

4 Q. Yes. The vertical bars we can see here, underneath the
5 vertical bars, you can see that there were some bars
6 which were not complete, steel bars; can you see that,
7 at the bottom?

8 A. 指邊條？

9 Q. Maybe I can just point it out to you.

10 Yes. You can see at the bottom of this particular
11 photograph, we can see some -- if I can blow it up
12 a bit, you can see, at the bottom, there's some
13 concreted area; can you see that?

14 A. 見到。

15 Q. Probably above the concreted area, we can see about
16 three steel bars which are relatively short, much
17 shorter than the steel bars on top; do you see that?

18 A. 見到。

19 Q. Can you explain why?

20 Yes, my learned friends have pointed out that there
21 are in fact more than three. I apologise for my
22 eyesight. Probably more than -- let's take it as more
23 than three, okay, for the time being, shorter steel
24 bars.

25 A. 唔係短咗。

1 Q. Can you explain?

2 A. 嗰啲鋼筋係咁長嘅，因為喺T5呢面呢張圖，喺T5嗰面，你見到係有啲T5嘅
3 鐵，係唔使--唔需要人去連續牆裏面嘅。

4 Q. Right. And the longer steel bars on top, are they what
5 we call the through-bars?

6 A. 呢張圖裏面，呢一個section裏面應該有T7，T5有啲地方，而家睇到嘅就係
7 T5，T5係唔需要連續牆喺呢度，係唔需要由連續牆度，睇呢張則，我另外啲
8 張則，379都睇得到--sorry，377，E377，你睇到我哋有T5、T7，嗰啲
9 bar唔係--唔需要打埋一齊嘅，佢有啲係唔需要人去連續牆裏面，喺連續牆
10 嘅出面係停咗，而家，呢十二支Y40，5米8。

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

12 Cross-examination by MR WILKEN

13 MR WILKEN: Mr Chairman and Professor, a few questions, if
14 I may.

15 You were asked a lot of questions this morning --
16 sorry, Mr Shieh reminds me I have to tell you that I act
17 for Leighton, in case you don't know.

18 A. 問到我個腦都實晒，個腦都實晒，轉唔到過嚟。

19 Q. Hopefully I can take this fairly quickly so you won't be
20 pestered by me too much.

21 You were asked an awful lot of questions this
22 morning about the instance of the five cut rebars in
23 December; do you remember those questions?

24 A. 係。

25 Q. And at the time Mr Khaw said, and I won't take you to it

1 but it's [draft] page 32, line 23 of the transcript:

2 "Let us not talk about whether the matter was
3 resolved ... how it was resolved."

4 I want to talk briefly with you about how it was
5 resolved. Can you be shown B6/4121. Do you have it?

6 A. 見到。

7 Q. You can see that this is a non-conformance report?

8 A. 係。

9 Q. I want to take you to page 4127, and if we can look at
10 the middle of the page, the main box, "Details of
11 required rectification":

12 "Sub-contractor Fang Sheung will be requested to
13 remove all rebars with shortened threads. LCAL and MTR
14 will verify the condition of couplers and the length of
15 thread for each rebar. The new rebar will be screwed
16 with the help of LCAL direct labour. MTR IoW team and
17 LCAL site engineer team will inspect the whole process
18 for replacing all the new threaded rebars."

19 And you see that's signed "Andy". Do you know who
20 "Andy" is?

21 A. 知道，係。

22 Q. Andy Wong from MTR?

23 A. 係。

24 Q. Then if we go down, scroll down, you will see that this
25 is closed out on 13 January 2017, using the RISC. Then

1 if we scroll down again to the next page, you will see
2 here that this is the close-out RISC dated 13 January;
3 do you see that? You have to say "yes" or "no" for the
4 transcript.

5 A. 睇到。

6 Q. Then if you scroll down further to the next page, and
7 again down to the next page, and again down, you will
8 see a series of photographs which shows the remedial
9 works being carried out; that's correct, isn't it?

10 A. 睇到。

11 Q. So the incident of the five rebars was discovered;
12 correct?

13 A. 係。

14 Q. And remedied?

15 A. 係。

16 Q. You were also shown earlier -- and if we can go to
17 C12/8123 -- these photographs; do you remember these?

18 A. 記得。

19 Q. These were photographs taken by Mr Mok of Leighton,
20 weren't they?

21 A. 唔知。

22 Q. You don't know? Okay.

23 A. 我唔知。

24 Q. Were you aware it was Leighton who raised the issue of
25 these cut rebars with Fang Sheung?

1 A. 知道。

2 Q. If you go to the next page, and after that, go to the
3 next page down, this again is another photograph of cut
4 rebar, isn't it?

5 A. 係。

6 Q. This was another incident that Leighton raised with you?

7 A. 係。

8 Q. And so far as you are aware, all these cut rebars were
9 remedied?

10 A. 冇錯。

11 Q. Can we move on to another subject. Can you be shown
12 E6/1594, paragraph 15 in the Chinese, and in the
13 English, 1595.9. I want to look at paragraph 15. Here
14 you say you have a bar cutting machine, that's the first
15 bullet point:

16 "Bar cutting machine: to snap or bend rebars.
17 However, as the snapped end of the rebars would be
18 flattened, those rebars would be handed over to BOSA for
19 the end to be trimmed before use. This method would
20 only be [used] when we [wanted not] to waste the
21 rebars."

22 A. 啱嘅。

23 Q. So BOSA had a shop on site, correct, somewhere to work
24 on rebars?

25 A. 工場，工場。

1 Q. Yes, a workshop. I'm grateful for the correction.

2 A. 係。

3 Q. They had a workshop on site where they could fix rebars
4 or deal with rebars?

5 A. 工場係要嚟處理我哋order番嚟出嗰啲B杯，我哋畀--order佢嘅B杯或者
6 A杯，佢係要嚟絞牙嘅。

7 Q. And when you had cut the rebars with the bar cutting
8 machine, they would then remedy them; correct?

9 A. 由BOSA，佢另外用一部機，係好大型嘅切割機去切，嗰個切齊嗰個口，先至
10 絞得螺絲頭，呢部機係好大型、好大型嘅。

11 Q. Thank you.

12 COMMISSIONER HANSFORD: Sorry, I'm getting confused about
13 what "deal with" means. Presumably, Mr Pun, when the
14 bar went to BOSA, BOSA would then create the threaded --
15 turn it into a threaded bar; is that what you're saying?

16 A. 冇錯。

17 COMMISSIONER HANSFORD: What BOSA did with the bars that
18 were cut was what?

19 A. 係。

20 COMMISSIONER HANSFORD: What did they do with the bars that
21 were cut?

22 A. 首先將個--因為我哋啲口係逼斷佢嘅，佢會有個紕口同埋有個唔齊整嘅口，係
23 紋唔到螺絲頭，佢要首先將...

24 COMMISSIONER HANSFORD: Yes, I understand.

25 A. ...cut齊，係喇，佢就係咁。

1 COMMISSIONER HANSFORD: Okay. Now I understand. Thank you.

2 MR WILKEN: And when you cut rebar in this fashion, you
3 produced a rebar cutting record, didn't you? Or BOSA
4 produced a rebar cutting record?

5 A. 啱嘅。

6 Q. Can I take you to E5/996.

7 This is a rebar cutting record and it's an example,
8 but you can see there that this is dated between 18 and
9 23 September 2015; do you see that?

10 A. 睇到。

11 Q. So this would cover, if you were cutting rebars in area,
12 say, C3 or C5 at that time, wouldn't it?

13 A. 係。

14 Q. And it would cover, obviously, what was happening in
15 relation to rebar around 22 September 2015?

16 A. 係。

17 Q. And you see there, on the second line of writing down,
18 it looks like, 22 September, cutting of rebar in area
19 C3-5; correct?

20 A. 呢類order, 冇錯。

21 Q. Sorry, I need to correct myself. When I said the MTR
22 engineer was Andy Wong, it was Andy Ip of Leighton. I'm
23 grateful.

24 Can we just move on to one last topic. You were
25 asked a series of questions yesterday by Mr So about the

1 evidence that Joe Cheung gave to MTR. Do you remember
2 those series of questions?

3 A. 記得佢問張生嘅口供。

4 Q. About Mr Cheung, not of Mr Cheung, because Mr Cheung
5 hasn't given evidence yet; about him.

6 A. 係，關於張先生。

7 Q. And your response to one of those series of questions
8 was you needed to see the context of those questions;
9 that's correct, isn't it?

10 A. 喎。

11 Q. Can I just show you a bit of the context. Could you go
12 to B5/3082.19 to 20 for the Chinese, and .30 and .31 for
13 the English.

14 If we can pick it up about halfway down on .30 of
15 the English -- yes:

16 "What's the quantity roughly?

17 Answer: Very few.

18 Question: So they were usually abandoned like that?

19 Answer: To fill the hole only, they would adopt
20 rectification measures ..."

21 If we can go over the page:

22 "Do you mean, by filling the holes, that it was not
23 just filling it up but inserting the rebars after
24 cutting the threaded heads and see what else to do?

25 Answer: The couplers were damaged and it was
26 possible to screw it in. We just placed them there so

1 that it looked nice. Somebody told us that they would
2 do rectification measures on their own. Just one or
3 half rebar. Sometimes workers would just follow the
4 instructions and do it.

5 Question: Other than the unsatisfactory connections
6 concerning those 5 rebars, have you, during your stay at
7 the site, heard of any similar incident? Or any staff
8 reporting such incidents to you?

9 Answer: No. No one."

10 So Mr Cheung was talking there about the five rebars
11 in December; correct?

12 A. 係。

13 MR WILKEN: Sir, Professor, I have no more questions.

14 COMMISSIONER HANSFORD: Thank you.

15 MR BOULDING: We have no questions, sir.

16 CHAIRMAN: Thank you very much, Mr Boulding.

17 Re-examination by MS CHONG

18 MS CHONG: Just a few questions.

19 You were asked about your interview with MTR in June
20 this year, and you told the Commission that at that
21 time, it was the first time that you knew about the five
22 rebars covered by the NCR was shortened. It was the
23 first time that you knew about these rebars being
24 shortened, on that day; right?

25 Now my question is, before you proceed further to
26 answer questions from the MTR, did you have the chance

1 to first discuss with your foreman, Mr Joe Cheung, to
2 confirm with him, according to his investigation, why
3 those bars were shortened?

4 A. 喺調查委員會之前，係冇。

5 Q. It was the first time that you got to know that the bars
6 were shortened, but you did not have the opportunity or
7 you did not confirm with Mr Joe Cheung first before you
8 proceeded to answer further questions from MTRC; was
9 that your answer?

10 A. 正確。

11 Q. Did you confirm with Mr Joe Cheung whether what you said
12 to the MTR, namely those bars were so congested and that
13 the workers could not use the wrench to screw them, and
14 that they were cut, all this information, before you --
15 did you confirm with Mr Joe Cheung before you gave all
16 these answers to the MTR?

17 A. 冇。

18 CHAIRMAN: Sorry, then how did you know that the bars were
19 so congested?

20 A. 我睇張相，睇張相去分--去呢個--去衡量嘅啫。

21 MS CHONG: So that's your opinion, after viewing the
22 photographs?

23 A. 係，絕對係。

24 Q. That's fine.

25 Now, please -- yesterday, do you remember that you

1 were asked about this cutting machine on site by
2 Mr Khaw, and can I refer you to E1288.

3 Do you recognise this machine?

4 A. 認得。

5 Q. What kind of machine is it?

6 A. 呢部係屈鐵機--紮鐵機，紮鐵，係專門要嚟cut同埋屈嘅機械。

7 Q. Was that the machine that you talked about yesterday,
8 about the cutting machine; was it this?

9 A. 琴日提過--唔係呢部，琴日提過嘅係類似嘅，類似，比呢部細啲，我哋琴日
10 睇嗰部，嗰部係屈洛仔機。

11 Q. Who owns this machine?

12 A. 我哋嘅。

13 MS CHONG: I have no further questions.

14 CHAIRMAN: Thank you very much.

15 Further examination by MR PENNICOTT

16 MR PENNICOTT: Sir, I have a slight hesitation. Just
17 a couple of things. When Mr Wilken was cross-examining
18 Mr Pun, he was shown very quickly the NCR with "Andy"
19 written on it.

20 MR WILKEN: I apologise. It was my error, it was Andy Ip.

21 MR PENNICOTT: I appreciate that, but unfortunately the
22 witness agreed it was Andy Wong. So perhaps we ought to
23 clarify with the witness that it was Andy Ip, not Andy
24 Wong. Do you understand, Mr Pun?

25 A. 明嘅，明嘅。

1 MR PENNICOTT: That's fine, that's clarified that.

2 Secondly, can I just take up one point that Mr Khaw
3 mentioned to the witness, and that was about a warning
4 letter. I just want to make sure that we've got the
5 answer and it's clear and Mr Pun is happy with the
6 answer.

7 Mr Pun, we've seen many references and you've asked
8 many questions about an NCR. You've been shown that
9 NCR. Do you understand?

10 A. 明白。

11 Q. You've also mentioned a warning letter?

12 A. 係。

13 Q. Are they the same thing or are they two different
14 documents?

15 A. 係，同一樣嘢。

16 MR PENNICOTT: Thank you very much. I just wanted to make
17 sure we hadn't missed something.

18 CHAIRMAN: Yes. Good. Thank you very much indeed. Your
19 evidence is complete. You can go now. You may have to
20 be recalled to answer further questions, but if so you
21 will be advised. Thank you.

22 (The witness was released)

23 MR SO: Sir, just a matter before we actually proceed to the
24 next witness. I have communicated with counsel for the
25 Commission. It's regarding the transcript at B3082.18
26 that we had some discussion yesterday regarding the

1 recordings of Mr Cheung Chiu Fung.

2 Yesterday, I actually read out the Chinese
3 transcription of the transcript, but that bit of the
4 transcript, after those instructing me, and myself,
5 hearing the actual recording of it, which I understand
6 the solicitors and counsel for the Commission also
7 agreed, there might be a slight mistake in terms of the
8 Chinese transcription, which is material, so I guess it
9 would be appropriate to raise that.

10 It is at the Chinese part. The English part was
11 actually not transcribed. The Chinese part, it reads
12 like this -- I think I will have to trouble the
13 interpreter to interpret it. The question part was
14 already translated but the answer part was not
15 translated. The answer, which was originally on the
16 Chinese transcript was:

17 "如果係真係扭唔到呀，個杯係爛呀，破損呀，咁咪會鑿咗個
18 COUPLER囉，總之就..."

19 This is the original transcript. According to what
20 we heard --

21 CHAIRMAN: Sorry, I've only just finished hearing the
22 English translation.

23 MR SO: I do apologise. So there was the discussion as to
24 whether the transcript was written as "鑿咗個coupler",
25 that's the part. After hearing the recording
26 which I understand the Commission also agreed, the one

1 which was said is not "鑿咗個coupler", but in fact it
2 was "咁咪會做唔到個coupler".

3 INTERPRETER: In English it means "the coupler could not be
4 used".

5 MR PENNICOTT: Sir, I'm told by those that know better than
6 I do that Mr So is entirely right.

7 MR SO: Thank you very much. That's the point.

8 COMMISSIONER HANSFORD: Sorry, I know I can go back in the
9 transcript and I will have to do that, but is this the
10 point where we were discussing the difference between
11 hacked out and sawn off?

12 MR SO: Exactly, sir.

13 MR PENNICOTT: It has come across as "chiselling" this
14 afternoon, but yesterday it was "hacked out" or "hacking
15 off".

16 COMMISSIONER HANSFORD: Right, and that's chiselling?

17 MR SO: Yes. As far as we understand now, according to the
18 Chinese which we now say has to be changed, it means it
19 cannot be put in or cannot be used.

20 COMMISSIONER HANSFORD: Yes, I understand now.

21 MR SO: Thank you very much.

22 CHAIRMAN: Yes?

23 MR PENNICOTT: Sir, I understand that Mr Cheung is the next
24 witness, so if he's available then we can make a start,
25 or -- yes, let's make a start, shall we?

26 CHAIRMAN: Yes.

1 MS CHONG: Mr Cheung, please state your full name to this
2 Commission.

3 WITNESS: 本人張釗峰。

4 MR CHEUNG CHIU FUNG, JOE (affirmed in Puntì)

5 Examination-in-chief by MS CHONG

6 MS CHONG: Please turn to bundle E, starting from page 875
7 to 879, and the English translation is 879.1 to 879.5.

8 This is the witness statement you made to this
9 Commission, is it?

10 A. 係,冇錯。

11 Q. At page E879, you signed your name there; do you
12 confirm?

13 A. 係,啱嘅。

14 Q. You also confirmed the truth of this statement by
15 signing the statement of truth, right, on the same page?

16 A. 係,冇錯。

17 Q. Do you wish to adopt this statement as your evidence to
18 this Commission?

19 A. 啱。

20 MS CHONG: Please stay here for cross-examination.

21 Examination by MR PENNICOTT

22 MR PENNICOTT: Mr Cheung, good afternoon.

23 A. 係,你好。

24 Q. My name is Pennicott; I am one of the counsel for the
25 Commission, and I've got a few questions for you. When

1 I've finished, counsel for other parties may wish to ask
2 you some questions as well, and during the course of our
3 discussion it may well be that the Chairman and
4 Commissioner will also ask you some questions. At the
5 end of all that, Ms Chong will ask you, if she needs to,
6 any further questions. Do you follow?

7 A. 明白。

8 Q. You're also known as Joe Cheung, I think?

9 A. 係，冇錯。

10 Q. You have a trade test certificate, I understand, issued
11 by the Vocational Training Council and Construction
12 Industry Council, for bar bending and fixing?

13 A. 冇錯。

14 Q. When did you get that? When did you obtain that
15 certificate?

16 A. 確實日期就唔係咁清楚，都有十年㗎喇。

17 Q. So about 2008?

18 A. 有㗎喇，係。

19 Q. Throughout the course of the project that we're
20 concerned with, SCL1112, where we know Fang Sheung was
21 a sub-contractor to Leighton for the bar bending and
22 fixing works, I think I'm right to say, am I not, that
23 you were the most senior person on site so far as
24 Fang Sheung is concerned?

25 A. 冇錯。

1 Q. And, as I understand it, Mr Cheung, you were there from
2 day one, when Fang Sheung started their rebar work,
3 throughout the whole period; save perhaps for periods of
4 leave and holiday, you were there every day?

5 A. 可以咁講。

6 Q. Right. Mr Cheung, the first thing I'd like to ask you
7 about is BOSA. Do you remember BOSA?

8 A. 記得。

9 Q. If you go to paragraph 6 of your witness statement and
10 the second sentence -- sorry, it should be E5/879.1 in
11 the English, and 876 in the Chinese. Now I've lost
12 where I was.

13 In your witness statement, at paragraph 6, the
14 second sentence, you say this:

15 "According to the guidance and instruction provided
16 in prior lecture section" -- maybe that should say
17 "session", I don't know -- "hosted by the material
18 supplier, staff of Fang Sheung knew how to correctly
19 install and connect the screw iron ..."

20 That is the words that appear there. I think we
21 know that as "threaded rebar", Mr Cheung; would you
22 agree with that?

23 A. 同意。

24 Q. "... twist till tightly fasten will do."

25 Then if you go to your police witness statement at
26 Q3 and A3 -- that's E6/1584.7 in the English and 1582 in

1 the Chinese -- it says this:

2 "For this project, did Leighton explain what the
3 correct bar fixing requirements were and provide
4 guidance for screwing the rebar into couplers?"

5 Answer 3, A3, which you gave to the police was this:

6 "As it was BOSA which supplied the couplers and
7 rebars, BOSA would provide such explanation and guidance
8 to inform our workers that the threads of the rebars
9 must be fully screwed into the couplers."

10 Now, with those two pieces of evidence in mind,
11 Mr Cheung, can you confirm that you and your workers
12 received guidance and instructions from BOSA, prior to
13 commencing the rebar fixing works?

14 A. 係，有。

15 Q. And what form did that guidance instruction take? Did
16 they come along to the site? Did you have a meeting
17 with them? What happened?

18 A. 人和嘅螺絲廠喺紅磡係有廠喺度嘅，亦都有辦公室喺度，佢個指引同指示
19 嘅話，同埋個briefing，嗰個座談會講緊--講解呢個coupler係點樣去
20 使用係符合標準，係喺地盤度同我哋啲工人，仲有禮頓嘅科文喺度，咁樣
21 教我哋點樣去使用coupler。

22 Q. Now, I imagine, but tell me if I'm wrong, that the
23 workforce of Fang Sheung was not constant; it would
24 change periodically. Some people would leave, new
25 people would come; is that right, as a general

1 proposition?

2 A. 好少。

3 Q. Okay. All right. So your evidence is that, generally
4 speaking, there was a fairly constant -- the same people
5 were there throughout the period of the works; is that
6 right?

7 A. 冇錯。

8 Q. All right. That's very helpful. Could I ask you this:
9 did BOSA show you or give you any documentation to show
10 you the fixing process?

11 A. 文件，好似我印象嘅話，係有兩份--兩張paper嘅紙嘅文件係講解嘅，但係
12 實質上嘅話，係喺現場地盤同我哋工人實地嘅地方度現場講解如何點樣去裝
13 coupler。

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. 清楚。

23 Q. Have you seen those two sheets before?

24 A. 有印象。

25 Q. Right. So might these be the two sheets of paper that

1 they showed you when they gave you some instructions?

2 A. 係。

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. 睇到。

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. 係, 睇到。

12 Q. Have you seen these before?

13 A. 冇。

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. 睇到。

24 Q. I understand that's your signature on that page?

25 A. 冇錯。

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. 冇錯。

6 Q. And it runs through to 23 May 2015 through to 31 March
7 2016?

8 A. 係。

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. 睇到。

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. 明白。

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. 係，冇錯。

1 Q. So what you have here listed, on 11 January 2016, is
2 areas B4 and B5 completed; is that correct?

3 A. 冇錯。

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. 睇到。

8 Q. Do you recall where area A2 was?

9 A. A2區就喺area A出--area A喺呢個0線，0線--點樣形容呢？Area A，
10 0線呢個喺條H--UH嗰條track旁邊，如果有圖，就可以講解畀你聽。

11 Q. You can. Let me just show you a drawing.

12 A. 好。

13 Q. Let's try this one. A250. Someone is going to give you
14 a hard copy, Mr Cheung.

15 A. 我睇到喇。A2嘅位置喺M1 0至到去4線嗰度，嗰度個地方叫做A2
16 (indicating)。

17 Q. Right. We've got a plan marked up, sir. The witness
18 has highlighted it in yellow, and it seems to run --

19 COMMISSIONER HANSFORD: Sorry, could I see? Okay.

20 MR PENNICOTT: It seems fairly accurate from what we've seen
21 before.

22 Thank you very much, Mr Cheung, for that.

23 Now, the next batch of documents attached to your
24 witness statement, Mr Cheung, start at E969. You call
25 these, this batch of documents, which run through to

1 page 1257, "rebars processing records". In a few
2 sentences, Mr Cheung, can you explain to us what these
3 documents are and what you use them for, who compiled
4 them?

5 A. 文件裏面應該有三款，有一啲係潘先生拆咗EWL嘅track嘅圖則所需要嘅
6 coupler，我就會抄番條數出嚟，跟住然後遞交界BOSA廠，有啲就係
7 BOSA廠經已搞好吃coupler畀我，需要我去簽番名嘅收據喇，簡單，就係
8 咁。

9 Q. Right. So this is the process, the documents that show
10 the process, by which you placed into your orders --

11 A. 係。

12 Q. -- your requirements with BOSA, and they would send the
13 materials that you had requested back to you, and there
14 would be a receipt for those materials?

15 A. 冇錯。

16 Q. So if one just takes the second page as an example --
17 that's E971.

18 A. 睇到。

19 Q. We see it's dated 6 February 2015, and it looks like it
20 relates to a capping beam, top left?

21 A. 係，冇錯。

22 Q. And this is you ordering a number of T50 bars, is it, of
23 a particular size and a particular number?

24 A. 冇錯。

25 Q. Okay.

1 COMMISSIONER HANSFORD: Sorry. Does the "B" there mean
2 a B type thread?

3 MR PENNICOTT: I was about to ask that.

4 COMMISSIONER HANSFORD: Sorry, I'm ahead.

5 MR PENNICOTT: What does the "B" stand for, Mr Cheung?

6 A. 係, "B"嘅代表意思畫咗四方嚟, 即係呢個係B杯, B牙嘅螺絲頭, 有杯嘅。

7 Q. Okay.

8 If you could go to 995, please. This, as
9 I understand it, Mr Cheung -- correct me if I am
10 wrong -- is the next stage of the process. This is BOSA
11 sending back to you a rebar cutting record, indicating
12 what they're providing to you on four days in September
13 2015, and you're signing on behalf of Fang Sheung
14 receipt of that material?

15 A. 可以咁講, 應該係話我係落咗order咁多款類型嘅鐵料。

16 Q. Whose writing is on this sheet, Mr Cheung?

17 A. 文件上簽名係我, 其他字跡係人和嘅。

18 Q. By BOSA, yes. So they are recording what they are
19 giving to you, or sending back to you after your order,
20 and you're just signing by way of receipt of the
21 materials?

22 A. 我係簽名確認我係需要呢啲coupler, 未必係代表收貨。

23 Q. A purchase order. All right.

24 So which document do we need to look at which shows
25 us that you've actually received the material?

1 A. 我係冇權去收咗嗰啲物料嘅，我係確認有呢幾款嘅物料我需要用到。

2 Q. Okay. If you look at 1229 by way of example,

3 Mr Cheung --

4 A. 係。

5 Q. -- what is that? What is that document? You see it's

6 a delivery note --

7 A. 係。

8 Q. -- to Leighton?

9 A. 係。

10 Q. Is this you acknowledging receipt of materials or not?

11 A. 呢張唔係。

12 Q. Okay. If you didn't have authority, who did?

13 A. 我解釋一下呢一張單，呢張單係會畀番禮頓，因為呢一張單落咗order，
14 佢會送番嚟地盤，由禮頓嘅人員去簽收嘅，有時候佢哋冇人，咁我睇番張
15 order，都係我嘅鐵呢，我都會幫佢哋簽名嘅。

16 Q. Right. Ordinarily, Leighton would sign for the delivery
17 and receipt of materials?

18 A. 冇錯。

19 Q. I understand. All right. Thank you very much.

20 Then next, Mr Cheung, at page E5/1258, you have
21 appendix 3 to your witness statement, which appends
22 a series of on-site photographs; do you see that?

23 A. 見到。

24 Q. We've looked at some of those photographs and I'm going
25 to look at some of them with you a bit later. First of

1 all, can you tell us -- I should say this. The earliest
2 photograph that I have managed to find is 13 September
3 2014 -- that's at E5/1312 but we don't need to look at
4 it -- and the latest one is 18 May 2016 -- E5/1328.
5 Again, we don't need to look at it.

6 Mr Cheung, can I ask you this: are these photographs
7 that you took?

8 A. 係，冇錯。

9 Q. Right. We are going to come back to the photographs
10 shortly, Mr Cheung.

11 Then lastly the documents that you attach to your
12 statement. 1360 in E5. You describe these documents,
13 behind 1360, as "Work schedule", or work schedules?

14 A. 係，冇錯。

15 Q. As I understand it, these are working schedules that
16 would have been given to you by Leightons?

17 A. 係，冇錯。

18 Q. Mr Cheung, it may not be particularly material but I've
19 found out that the documents you've appended are either
20 undated or they are all dated in 2016. Presumably, you
21 had these working schedules throughout, did you, the
22 whole of the project, not just in 2016?

23 A. 因為我哋係搵番出嚟係得咁多時間表。

24 Q. Okay. Just on that question of missing documents,
25 Mr Cheung, can I ask you this.

1 A. 可以，啱嘅。

2 Q. I think it's been put on the electronic bundle. The
3 index that we prepared and handed out yesterday for the
4 drawings, I think that's gone on to the electronic
5 bundles. Unfortunately, I can't tell you where it is.

6 It's E1/282.1.

7 Sir, I'll carry on. You've got the document in
8 front of you, Mr Cheung. You will see there in front of
9 you, there's an index. What that index is, Mr Cheung,
10 is an index of various drawings that Mr Pun attached to
11 his statement. Do you understand?

12 COMMISSIONER HANSFORD: This is the schedule we were given
13 by hand yesterday?

14 MR PENNICOTT: Yes, sir. It's now on the electronic bundle
15 somewhere.

16 COMMISSIONER HANSFORD: I've got it.

17 MR PENNICOTT: There we are.

18 I'm not going to discuss the drawings with you
19 because I did that with Mr Pun yesterday, but what I did
20 ask him about was -- do you see the top of this index,
21 Mr Cheung, he says that -- we say that area C1,
22 area C1-2 and area B3 top steel are missing from the
23 drawings. And Mr Pun told us yesterday that certainly
24 areas C1 and C1-2 were two of the earliest areas that
25 were fixed with rebar and then concreted. He wasn't
26 on site at the time and therefore couldn't find any

1 documents in relation to those areas, that is drawings
2 in relation to those areas, but you might know where
3 they are. Would that be right?

4 A. 唔係咁啱，C1-1文件就有㗎喇，因為C1-1當時嘅話，因為工程急，係我現場
5 演繹嘅要，係現場control，現場紮鐵。

6 Q. So you don't know whether there are any documents still
7 available for C1-1 and C1-2? Or perhaps you do know
8 that they are not available?

9 A. 因為嗰陣時工程急，好倉卒，我都係用我手寫筆即時去搵我哋啲工人去紮鐵
10 嘅，嗰啲文件耐㗎，冇咗喇已經係。

11 MR PENNICOTT: All right. Let's move on.

12 Maybe we should have a short break.

13 CHAIRMAN: Good. Thank you.

14 (3.46 pm)

15 (A short adjournment)

16 (4.05 pm)

17 MR PENNICOTT: Mr Cheung, we are going to continue on
18 a different topic. Please can you be shown paragraph 8
19 of your police witness statement, which is 1584.3 in the
20 English and 1577 in the Chinese, although in fact I want
21 to look at the passage on 1584.4 in the English version,
22 please.

23 You need to turn the page in the Chinese as well,
24 Mr Cheung. I want to find the sentence that begins, "On
25 another note". Do you have that?

1 "On another note, our workers wore uniforms provided
2 by Leighton when working on site."

3 Do you have that, Mr Cheung?

4 CHAIRMAN: Paragraph 9, is it?

5 MR PENNICOTT: It's paragraph 8, sir.

6 CHAIRMAN: Sorry.

7 A. 睇到。

8 MR PENNICOTT: You say:

9 "On another note, our workers wore uniforms provided
10 by Leighton when working on site. Everyone had three
11 sets of uniforms, which consisted of an orange top with
12 reflective strips and with SCL and Leighton printed
13 thereon and blue trousers with reflective strips. But
14 often when the uniforms provided by Leighton were being
15 washed or were damaged, workers would wear their own
16 clothes with reflective vests on top (with no special
17 feature or company name)."

18 That's what you told the police, Mr Cheung?

19 A. 冇錯。

20 Q. Is that accurate? Were all of your workers provided
21 with three sets of uniforms?

22 A. 視乎禮頓當時有冇足夠嘅衫褲，有時候或者係得一套、兩套嘅。

23 Q. All right. Were you provided with a uniform, Mr Cheung?

24 A. 我都--初時我都有。

25 Q. But then?

1 A. 唔適合我着，所以我都唔穿，我唔穿着。

2 Q. All right. I've asked you that because I now want to
3 take you to a few photographs.

4 Could we go, please, through to D228. You have that
5 on the screen, Mr Cheung. Is this a photograph you have
6 seen before?

7 A. 係。

8 Q. When did you first see it?

9 A. 喺報紙度見過，新聞。

10 Q. So that would have been back in May/June earlier this
11 year?

12 A. 係，差唔多。

13 Q. Forget about what's being done in the photograph for
14 now, Mr Cheung. Are you able to say, are you able to
15 tell, just by looking at the photograph, looking at what
16 the person is wearing, whether that is a Fang Sheung or
17 a Leighton worker?

18 A. 講唔到。

19 Q. Do you recognise the machine that he's using?

20 A. 認得。

21 Q. It's a machine that is similar to one that is owned by
22 Fang Sheung; yes?

23 A. 係，泛迅有兩部，類似泛迅嘅機。

24 Q. Okay. Fang Sheung had two machines similar to this one,
25 Mr Cheung. You say these two machines were on the site

1 where you were doing the rebar fixing; is that correct?

2 A. 係，冇錯。

3 Q. What did you use those machines for? Why did you have
4 them there?

5 A. 因為呢一部機器方便，又係手提電動工具，對我哋去剪幼鐵嘅時候，係極之
6 方便。

7 Q. And when you say "thin bars", Mr Cheung -- let's take
8 that in stages -- first of all, how do you define
9 "thin"? What diameter bars are we talking about?

10 A. 喺我心目中，幼嘅鐵就係Y25，即係25mm，去到Y12，12mm。

11 Q. Right. So less than 25, 25 or less?

12 A. 係，冇錯。

13 Q. Now, what sort of use would those bars be put to, the
14 Y12s up to the Y25s? What would you be using those for?
15 Clearly, they are not the main rebar that we know about.
16 They are not the T40s, and so forth, are they?

17 A. 冇錯。

18 Q. So what type of bars are we talking about that you would
19 be cutting with this machine, between Y12 and Y25?

20 A. 如果做樓面嘅時候有需要要做呢個底籠鐵，即係spacer bar，底鐵，去承托
21 上面主要個B1嘅鐵。仲有，點解會好用？因為有啲間牆，200窩牆，有時候
22 需要實地去裁剪啲鐵，先至可以完成得到工種嘅。

23 Q. All right. Let me just take you up on one point in that
24 answer. Did you refer to spacer bars?

25 A. 冇錯。

1 Q. Sometimes known as "sifu" bars?

2 A. 冇錯，師傅鐵。

3 Q. I'll come back to the other photographs in a moment, but
4 can we look at one of your photographs, in E5, please.
5 Could I ask you, please, to be shown E5/1349.

6 Mr Cheung, first of all, we can see this photograph
7 was taken on 14 July 2015. It's in area C1, and the
8 caption -- and I understand this is your writing on --
9 the annotations are yours, in the Chinese?

10 A. 冇錯，我寫。

11 Q. And what you've said is, "Fixing base plate of rebars".

12 Do we see any spacer bars in this photograph?

13 A. 見到，左下角三條，有磚仔，就係喇。

14 Q. Can you point them out?

15 A. 一、二、三(indicating)。

16 Q. So the ones resting on the blocks? What appear to be
17 resting on the blocks?

18 A. 係，冇錯。

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毫米。

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. 冇錯。

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. 去剪呢個驗鐵。

11 Q. Sorry, which iron bar?

12 A. 即係12米嘅鋼筋嚟到地盤，需要去測試嘅鐵，我哋為之叫「驗鐵」，需要
13 cut 1米長，跟住畀公司拎去驗收合唔合格，啲啲我哋叫做「驗鐵」。

14 Q. So you would use this cutter -- and you've described and
15 we've seen the photograph --

16 A. 冇錯。

17 Q. -- for cutting regular rebar, not threaded rebar but
18 regular rebar, for the purposes of Leighton or MTRC
19 testing that rebar?

20 A. 冇牙，係要切，cut啲12米長嘅鐵。

21 Q. Yes. If you have a 12 metre long bar, as I understand
22 it, you cut out a metre length --

23 A. 冇錯。

24 Q. -- and that's sent away for the testing?

25 A. 冇錯。

1 Q. And that can be a 40 millimetre bar, the ones that we've
2 seen in the photographs, for example?

3 A. 係。

4 Q. Can we get D228 back up, please. So there is no doubt,
5 Mr Cheung, that the cutter is perfectly capable of
6 cutting a 40 millimetre rebar?

7 A. 冇錯。

8 Q. So it's not just confined to Y12 to Y25; it's also
9 capable of going through a 40 millimetre bar?

10 A. 係。

11 Q. So we've got spacer bars, we've got the rebar that's for
12 testing. Any other reason for having the cutter there?
13 Any other cutter -- cutting any other material?

14 A. 唔明白。

15 Q. I'm just trying to think, and trying to ask you to think
16 about, what use you put that cutter to. You've given us
17 spacer bars to be cut, you've given us the rebar that's
18 going off for testing. Is there anything else that you
19 would use the cutter for?

20 A. 如果啲鐵係長咗嘅，導致放唔到落去去紮鐵，有需要嘅話，要將佢長、短去
21 裁剪到適合嘅長度去施工。

22 Q. Which bars are you talking about now? Are you talking
23 about the general rebar?

24 A. 冇錯。

25 Q. So does that mean that there were occasions when BOSA

1 supplied you, despite the process that we discussed
2 earlier, with rebar that was the wrong length?

3 A. 應該唔係人和，應該係現場施工嘅時候，佢個大細位置有變，同實質嘅圖則
4 位置有變，有需要去cut啲鐵嘅長度去施工。

5 Q. Okay. I apologise. So rebar not supplied by BOSA
6 because that's the threaded rebar, but the general rebar
7 you were provided with by Leightons, that would at
8 times, is that right, need to be cut in order to make it
9 fit?

10 A. 係，冇錯。

11 Q. And how often did that happen?

12 A. 唔會常常，係會少啲嘅。

13 Q. Once a week? A couple of times a week? A few times
14 a month? Approximately?

15 A. 如果我去推算嘅話，應該一個月都會有兩次。

16 Q. Okay. Anything else? So we've got three things now.
17 We've got spacer bars, testing, and now we've got too
18 long rebar that needs cutting. Anything else?

19 A. 冇喇。

20 Q. All right. Just a moment ago, when I asked the question
21 first off, you referred to, so the transcript says,
22 "partition walls". Why did you include those words in
23 your initial answer to my question, "partition walls"?

24 A. 間牆係我哋中文簡稱叫做「間牆」，其實係non-structural wall，嗰啲
25 窩牆，因為佢嘅裏面嘅鐵係比較細。

1 Q. Right. And you, as I understand it, if I understand
2 your evidence correctly, had to provide rebar fixing for
3 certain partition walls; is that correct?

4 A. 係。

5 Q. And also I think somebody mentioned at some stage core
6 walls. Are they the same or different? C-O-R-E, core
7 walls.

8 A. 係。

9 Q. So is what you're telling the Commission that for the
10 purposes of those walls, rebar fixing had to be done,
11 reinforcement had to be provided, and that type of bar
12 would also need to be cut, or may need to be cut?

13 A. 冇錯，啱。

14 Q. All right. Could I ask you, please, to be shown another
15 photograph, photograph E5/1288.

16 Mr Cheung, I think in the centre of this
17 photograph -- first of all, let's just give it some
18 detail -- it's dated 26 August 2015, it's in area C2-3,
19 and the caption or annotation is "on-site bottom layer
20 steel fixing work"; do you see that?

21 A. 睇到。

22 Q. We see what looks like a piece of machinery in the
23 centre of the photograph, do you see that, green in
24 colour?

25 A. 睇到。

1 Q. What is it? What is that machine, Mr Cheung?

2 A. 一部綠色嘅剪鐵機，亦都可以屈鐵機。

3 Q. What types of bar would be cut by this machine?

4 A. 應該係Y12至到Y40都可以剪。

5 Q. Mr Cheung, the workers, it looks like two workers, we
6 can see, standing by the machine, are they likely to be
7 Fang Sheung workers?

8 A. 有可能。

9 Q. Who else would be allowed to use -- presumably, this
10 machine belongs to Fang Sheung, does it?

11 A. 應該係。

12 Q. Well, is it? Do you know? You took the photograph.
13 You were there on 26 August. Who else could it have
14 belonged to?

15 A. 如果正常位置，呢度呀，呢部機肯定係泛迅。

16 Q. Yes, okay. Let's assume it belongs to Fang Sheung.

17 A. 係。

18 Q. Who else would have permission to use this machine,
19 other than Fang Sheung?

20 A. 只有我哋泛迅用。

21 Q. And in terms of the way in which the bar is cut, would
22 this machine cut the bar in a different way than the
23 hand-held machine that we were talking about earlier?

24 A. 一定唔同，因為呢一部機係我哋正常嘅屈鐵機，佢剪嘅鐵比較係可以多，
25 手提嗰部佢只能夠剪幾條鐵，就有電，呢部機剪幾耐都有電。

1 Q. Okay. So this is, if I have understood it correctly,
2 a bar cutting machine and a bar bending machine? It
3 does both; is that right?

4 A. 全對。

5 Q. Okay. And if you used that machine for bar cutting,
6 would the end of the bar, the piece that had been cut,
7 be in a different form than if you had cut it by the
8 hand-saw or hand-held saw?

9 A. 一定唔同。

10 Q. In what way would they be different?

11 A. 因為你用手提嘅工具或者係剪鐵，佢哋會剪出嚟嘅鐵係比較齊整、光滑，如果
12 我哋用呢部綠色嘅屈鐵機、剪鐵機去剪鐵，佢會有凹凸紋，甚至乎有尖嘅位置
13 凸咗出嚟，我哋簡稱叫「紕口」，會有尖銳嘅部分產生咗出嚟。

14 Q. Right. So you would be able to tell the difference
15 between a bar that had been cut by the big green machine
16 compared to the hand-held machine?

17 A. 啱啱講咗，個分別就係我啱啱講咗嗰度。

18 Q. Okay. If you would be good enough, please, to go back
19 to the photograph at 228.

20 Mr Cheung, do you agree that that photograph appears
21 to show the worker using the hand-held cutter seeking to
22 cut through the thread of a threaded rebar?

23 A. 係。

24 CHAIRMAN: Is this the one that Mr Poon was asked about --
25 maybe it was --

1 MR PENNICOTT: He was asked about it many times, sir.

2 CHAIRMAN: Yes, and there was a good deal of light, because
3 this time around it appears to be clearer and does show
4 thread.

5 MR PENNICOTT: It does. I'm not sure we were looking at
6 before. I thought we were looking at this one, I must
7 say.

8 MR SHIEH: We were looking at this one and there was some
9 discussion as to whether or not it shows the cutting of
10 the threaded end or whether it shows the cutting of the
11 unthreaded end of a rebar --

12 CHAIRMAN: That's right.

13 MR SHIEH: -- which appeared to be placed on top of that
14 block and there was a discussion when I cross-examined
15 Mr Poon.

16 CHAIRMAN: Good, thank you.

17 COMMISSIONER HANSFORD: There was, and this time we've got
18 it blown up on the screen so it's a bit larger, which is
19 possibly why we're finding it easier to see.

20 MR PENNICOTT: Yes.

21 CHAIRMAN: Sorry, returning to your witness.

22 MR PENNICOTT: It's all right. I think I've got a clear
23 answer.

24 CHAIRMAN: Which is?

25 MR PENNICOTT: It was "yes" somewhere up the page.

26 MR WILKEN: "Correct", [draft] 120, line 2.

1 CHAIRMAN: So you will have to assist me. Your question
2 again was ...?

3 MR PENNICOTT: The question was:

4 "Mr Cheung, do you agree that that photograph
5 appears to show the worker using the hand-held cutter
6 seeking to cut through the thread of a threaded rebar?

7 Answer: Correct."

8 CHAIRMAN: All right.

9 MR PENNICOTT: If that's right, Mr Cheung, why would he be
10 doing that?

11 A. 即係我個人睇呀，頭先嘅動作係想去cut呢條螺絲頭，但係我又見唔到有鋸片，
12 亦都未必睇得咁清楚係鋸片。同時間你第二個問題就係話，我估佢係做啲修補
13 嘅工作。

14 CHAIRMAN: Remedial work involving the cutting of a thread,
15 if in fact that shows the cutting of a thread?

16 A. 主席，我都係斷估，我唔清楚。

17 CHAIRMAN: All right. I think my question is this. If it
18 is showing the cutting of a thread, you have said that
19 you would guess that what was being done is some sort of
20 remedial work, and my question was: what sort of
21 remedial work would entail cutting a thread?

22 A. 係咪啲條螺絲頭唔啱用？

23 COMMISSIONER HANSFORD: Sorry, I don't understand that.
24 What do you mean "not suitable for use"?

25 A. 咁如果佢係適合用嘅話，佢無需要去裁剪佢。

1 CHAIRMAN: Are you saying that the thread would be damaged
2 in some way and therefore of no value for actually
3 screwing into a coupler and so you get rid of the
4 thread?

5 A. 有可能。

6 CHAIRMAN: All right.

7 MR PENNICOTT: Mr Cheung, I think you said you couldn't see
8 the cutter or the saw itself.

9 A. 係。

10 Q. Can you not see it? If you look at the thread and you
11 look at around about 8 o'clock, isn't that part of the
12 cutter band?

13 A. 我睇唔清楚。

14 Q. Can you tell whether that's a type A or a type B thread,
15 Mr Cheung?

16 A. 講唔出。

17 Q. Can't you count the threads?

18 A. 我嘗試下數，你可以話我唔啱嘅。

19 十三格。

20 Q. So closer to a type A? We know type B has about 20 to
21 21 threads, and normally type A has approximately 10 to
22 11 threads. Do you agree?

23 A. 我對螺絲頭嘅，我有認真去數過。

24 Q. That's what your boss told us.

25 A. 或者可以咁講。

1 Q. All right. Let's move on. No doubt if others have
2 questions for you about that, they will ask you.

3 Can I ask you, please, to be shown page 230,
4 a photograph --

5 CHAIRMAN: I think, just so that we understand the context,
6 Prof Hansford is quite right. I think when this
7 photograph was originally shown to Mr Poon, it was much
8 smaller, and that's why I remember we were looking at
9 a bright centre, and nobody was quite sure whether that
10 was light reflection or whatever, but I think once you
11 enlarge the photo here, it does show a thread, and
12 of course it is close to the machine, and I think
13 Mr Poon said that that's what he saw, a thread being
14 cut.

15 MR PENNICOTT: Yes, indeed.

16 Sir, unfortunately, this photograph, if you look at
17 our schedule, you can find it in about four or five
18 different places, and it may be that we were looking at
19 it somewhere else and it's not quite as well-defined as
20 it is here. I'm not sure.

21 MR BOULDING: Sir, I don't know whether I can help in this
22 regard but I certainly have a note that Mr Poon was
23 asked about what appears to be the same photo at D766,
24 D767 and D768.

25 CHAIRMAN: Thank you very much, Mr Boulding.

26 MR PENNICOTT: Just for the purpose of comparison, let's

1 just see whether our memories are right. Can we just
2 look at that.

3 Yes, that wouldn't have been so helpful. I referred
4 to a better photograph, sir.

5 CHAIRMAN: That one is better.

6 MR PENNICOTT: Right. D230. First of all, Mr Cheung,
7 you've already been positively IDed by your boss, but is
8 that you on the left of the photograph?

9 A. 我上司對咗我二十年，佢冇理由認唔到我㗎，我啲衣著。雖然睇唔晒，但係
10 都係好似係我嚟㗎喇。

11 Q. Not wearing a uniform, it would suggest, but there we
12 are. Right.

13 A. 呢件都係屬於制服㗎嘅。

14 Q. Sort of.

15 A. 呢件都係屬於制服㗎，我嘅工作服㗎。

16 Q. You've got a safety vest on, and we know it's September;
17 it's pretty hot, I expect. You appear to be carrying
18 some plans or drawings in your left hand.

19 A. 係，冇錯。

20 Q. On a more serious note, Mr Cheung, it's Mr Poon, Jason
21 Poon, who tells us that he took this photograph,
22 together with a few others we've been looking at. Did
23 you make any attempt to stop Mr Poon taking this
24 photograph or any other photograph?

25 A. 如果你係9月22日嘅話，事隔咁耐嘅話，嗰日究竟係發生咩嘢事情嘅話，

1 其實我都唔係咁記得㗎喇。如果你再問到潘先生嘅話，我會阻止佢去影
2 地盤相嘅話，我係絕對唔會阻止佢影，因為喺地盤裏面嘅話，影地盤嘅
3 進度相，甚至連工程相，係好普遍嘅，我絕對冇阻止佢。

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. 㗎。

8 Q. All right. Can I ask you, please, to look at D232.
9 This is another photograph taken by Mr Poon --

10 A. 係。

11 Q. -- so he's told us. Is this a photograph you've seen
12 before, Mr Cheung?

13 A. 有印象。

14 Q. Where did you see this? When did you first see this,
15 sorry?

16 A. 又係報紙。

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. 係。

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. 我講唔到，因為如果我嘅工人嘅話，到咗6點鐘都有理由啲衣著咁乾淨，同埋
25 我啲工人多數都唔會着長袖衫。

1 Q. We've checked some of the records we've been given,
2 Mr Cheung, and we think we can work out that you had
3 something of the order of 18 workers working overtime,
4 that is beyond 5.30 or 6 o'clock, on 22 September, and
5 we know this photograph was taken at 19 minutes past
6 six. So you had plenty of workers there at the time,
7 Mr Cheung, and that's why I'm really asking you the
8 question. But your evidence is you don't think they're
9 Fang Sheung workers; is that right?

10 A. 因為我真真正正望唔到佢嘅樣嘅話，我唔夠膽肯定佢係我泛迅嘅工人。

11 Q. All right. Assume they are not Fang Sheung workers;
12 they appear to be holding rebar, do you agree?

13 A. 同意。

14 Q. It's difficult to tell precisely what they are doing
15 but, if they are not Fang Sheung workers, why would they
16 be there dealing with rebar, which is the work Fang
17 Sheung is supposed to be doing? Can you think of any
18 reason why workers other than Fang Sheung workers would
19 be handling this rebar?

20 A. 我唔敢肯定係唔係我泛迅工人，但係如果在圖裏面睇嘅話，有機會係我哋泛迅
21 工人喺度扭緊緊，做緊鐵。

22 Q. All right. From your experience, and looking at the
23 photograph, Mr Cheung, do you think that that is the
24 operation that's taking place, that they're trying to
25 screw the rebar into the D-wall?

1 A. 係。

2 Q. Okay. Could I ask you then, please, to go back, and can
3 we look, please, at the photograph at 227.

4 First of all, Mr Cheung, can you help us with the
5 machine that we can see in this photograph; do you see
6 that machine? Is that a Fang Sheung piece of machinery
7 or not?

8 A. 唔係泛迅嘅機。

9 Q. And do you say that because the answer you gave us
10 earlier was that you had two similar cutting machines,
11 the red one that we saw in the previous photograph, and
12 no other hand-held machines? Is that how you deduce
13 that?

14 A. 我哋係手提嘍嘛，手提電動工具。

15 Q. Do you have any recollection of this machine being on
16 the site? It seems to be in the middle of the rebar.
17 We know -- we think it's area C2-5, it could be C1-4,
18 taken on 4 September at 9.05 in the morning. Have you
19 any recollection of this machine at all?

20 A. 類似呢啲機器嘅話，唔單只我泛迅有嘅，地盤其他判頭都有嘅。

21 Q. Which other sub-contractors might have this type of
22 machine?

23 A. 我就唔清楚喇。

24 Q. Are you able to tell us, or help us, with what's
25 actually going on --

1 A. 係。

2 Q. -- here? Can you tell us?

3 A. 睇相嘅話，佢係而家呢個cut緊多咗嘅鐵啲。

4 Q. Now, as I understand it, Mr Cheung -- correct me if I am
5 wrong -- these are not Fang Sheung workers; is that
6 correct?

7 A. 一定唔係。

8 Q. So if these workers are, as you say, cutting rebar, why
9 would they be doing that?

10 A. 頭先你問過我佢係做緊啲乜嘢，我嘅形容就係話啲鐵長咗，佢要cut平佢。

11 Q. Yes, but why would these non-Fang Sheung workers -- why
12 would they be doing that operation? You're supposed to
13 be doing the rebar and the rebar fixing. Why are these
14 workers, non-Fang Sheung workers, cutting the rebar?

15 A. 咁我就唔清楚喇。

16 CHAIRMAN: But would you agree they appear to be doing
17 whatever they're doing at your workface, on your
18 worksite? They are standing on a latticework of rebars,
19 some of which are butting up against a wall. This is
20 your area of work, is it not?

21 A. 冇錯。

22 CHAIRMAN: Would you expect to find other sub-contractors
23 just coming on to the site and cutting rebars,
24 without -- you're the foreman -- clearing it through you
25 and getting the okay from you?

1 A. 因為--我睇相片嘅話，佢唔係cut我哋嘅鋼筋啫，我哋經已--如果睇相片
2 嘅話，我哋經已差唔多係完成工種㗎喇已經係，完成紮鐵㗎喇。

3 CHAIRMAN: Yes, but you have to forgive me: I'm in charge of
4 this small section of people. They are at our workplace
5 in the sense that we're actually standing on rebars, and
6 a couple of guys come along with a cutter and start
7 cutting rebar. What I'm going to do is go across and
8 sort of say, "Hello, what are you doing?"

9 A. 主席，如果我喺現場嘅話，我都會問佢嘅，我唔喺現場。

10 CHAIRMAN: All right. But if you were there, and if they
11 were just cutting other rebars that you didn't need,
12 I imagine you would tell them to go away and cut them
13 somewhere else, wouldn't you?

14 A. 冇錯，如果佢阻住我工作嘅話，我又唔清楚佢做乜嘢嘅話，我會叫佢去
15 第二度。

16 CHAIRMAN: Yes. So what we have, then -- please forgive
17 me -- is here we've got a photograph, and I understand
18 your puzzlement because you weren't there, but you're
19 able to say these are not Fang Sheung workers, not your
20 machine, and they seem to be cutting rebar at your
21 workplace, and then you also have another earlier
22 photograph of somebody bending over and cutting what
23 appears to be a rebar, perhaps even a thread, again on
24 your workplace. That's 22 September. You weren't
25 present for that either, that you can recall? If you

1 want to go back to that photograph, you can, of course.

2 It would be the right thing to do.

3 What number is that, Mr Pennicott?

4 MR PENNICOTT: 228. That one?

5 CHAIRMAN: Yes, this one here, if we enlarge that -- there
6 we go -- again, that appears to be at your workplace,
7 where you would be in charge. There are certainly the
8 threads of a rebar very central. Whether it's being cut
9 or not, one can't say definitively. You don't recall
10 being present? It's a long time ago.

11 A. 冇錯，如果我在場嘅話，我一定係會阻止。

12 CHAIRMAN: Okay.

13 COMMISSIONER HANSFORD: Sorry, there's a point that I don't
14 yet fully understand. Can we go back, please, to D227,
15 where I think, Mr Cheung, you said these workers who
16 were not Fang Sheung workers are cutting a rebar that's
17 not one of your rebars. Is that what you said? What
18 are they cutting?

19 A. 其實我唔知佢想做乜嘢，亦都唔知佢哋喺度做緊啲乜嘢。

20 CHAIRMAN: Would that be unusual, to have people at your
21 workplace where you're responsible for the integrity of
22 the bars that are bent and fitted, to have people
23 suddenly appearing with a machine and doing some
24 cutting?

25 A. 咁雖然係呢個地方係我嘅工地，我完成紮鐵，咁仲有其他嘅科文，仲有其他

1 嘅工作嘅管工喺度㗎嘛，係咪？

2 MR PENNICOTT: All right. Sir, perhaps we could adjourn now
3 and perhaps I will review what's been said and see
4 whether we need to go back to it.

5 CHAIRMAN: Yes. Thank you very much indeed.

6 MR PENNICOTT: Sir, could we just have a brief conversation
7 about timetabling?

8 CHAIRMAN: Yes.

9 H O U S E K E E P I N G

10 MR PENNICOTT: Because, as you are aware -- Mr Cheung, you
11 perhaps ought to listen to this -- we have Mr Plummer
12 first thing in the morning from Australia, Perth,
13 starting at 10 o'clock. I'm afraid I don't know how
14 long his examination and cross-examination is going to
15 last, but obviously what will then have to happen is
16 when he's finished, we will have to ask Mr Cheung to
17 come back, and I will continue questioning him.

18 I imagine I'm going to be perhaps another hour to
19 an hour and a half, because I'm afraid there are quite
20 a lot of photographs I want to look at with him and some
21 other material as well. So that could take a good chunk
22 of tomorrow afternoon. It's just a question of whether
23 you want to fix a particular time for Mr Cheung to come
24 back or whether we just ask him to be here in the
25 morning and be available for when we finish Mr Plummer,
26 whatever is convenient.

1 CHAIRMAN: Has there been any discussion as to how long we
2 think en masse we are going to require the attention of
3 Mr Plummer?

4 MR PENNICOTT: I think I will probably be no longer
5 20 minutes to half an hour, at most. As I think
6 everybody now knows, Mr Plummer has produced another
7 witness statement today, which in fact I think is going
8 to shorten things, because he's dealt with in that
9 witness statement a number of matters I was going to ask
10 him to look at anyway, so that's certainly going to
11 shorten matters. But I don't know how my learned
12 friends are fixed in terms of questions for Mr Plummer.

13 MR BOULDING: Sir, at the moment, we have no questions, at
14 the moment.

15 CHAIRMAN: Fine. Thank you.

16 MR TO: 20 minutes.

17 MR KHAW: I will be no more than 30 minutes.

18 MR SHIEH: The whole point of putting in a responsive
19 statement by Mr Plummer to address some of the evidence
20 which came up last week is to shorten matters, so for
21 the in-chief I doubt whether I have anything to top up,
22 and for re-examination, obviously it depends on the
23 outcome of everyone else's questioning.

24 CHAIRMAN: Of course. Thank you.

25 Ms Chong?

26 MS CHONG: I have no questions for Mr Plummer.

1 MR PENNICOTT: It looks to me, broadly speaking, we're
2 talking about a maximum of two hours on that basis,
3 possibly slightly less. We can perhaps invite Mr Cheung
4 to be here at midday.

5 CHAIRMAN: Yes.

6 Mr Cheung, as you have heard, we are taking evidence
7 by way of videolink with another country tomorrow
8 morning. That's starting at 10.00. We estimate that we
9 will be concluded by midday, that's 12 noon, and we
10 would be pleased if you could be here tomorrow at
11 12 noon, ready to continue with your evidence.

12 WITNESS: 明白，主席。

13 CHAIRMAN: I do have to say this to you. A bit like a lot
14 of building works, courts can also go on longer than
15 anticipated; all right? So if you get here and at
16 quarter past 12 we are still involved with our
17 videolink, please be patient.

18 WITNESS: 我樂於協助。

19 CHAIRMAN: There's just one final thing. You are now giving
20 your evidence, and you are not permitted, when you are
21 giving your evidence, until it is completed, to discuss
22 your evidence with anybody else. Do you understand me?

23 WITNESS: 完全明白。

24 CHAIRMAN: I don't say this in any way as a criticism, but
25 when you get out of court, especially if you're dealing
26 with people who aren't used to giving evidence or maybe

1 have given evidence already, they are often naturally
2 and in good faith very keen to hear what you had to say,
3 and maybe even give you advice. Now, that you're not
4 permitted to do. Do you understand me?

5 WITNESS: 明白，主席，我有朋友嘅。

6 CHAIRMAN: There's no way to answer that! Thank you very
7 much. 10 am tomorrow morning.

8 (5.03 pm)

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

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