

1 Thursday, 8 November 2018

2 (10.01 am)

3 MR PENNICOTT: Sir, good morning. We have, as you are  
4 aware, Mr Plummer, Mr Malcolm Plummer, the first  
5 Leighton witness, who is in Perth, Australia, as opposed  
6 to Perth, Scotland. He is going to give evidence by  
7 videolink.

8 Perhaps I can just do a test. Mr Plummer, can you  
9 hear me?

10 (Discussion off the record)

11 CHAIRMAN: Let's try and see how we are doing and if it's  
12 impossible then we'll break in order to see if  
13 technically we can improve matters.

14 Mr Shieh, would that be satisfactory for you?

15 MR SHIEH: Certainly, yes.

16 Good morning, Mr Plummer.

17 WITNESS: Good morning.

18 MR SHIEH: My name is Paul Shieh; I am counsel representing  
19 Leighton. Can you hear me?

20 WITNESS: Yes, I can hear you quite well.

21 MR SHIEH: There are a few questions that I would like to  
22 ask you, and then counsel, lawyers for other parties in  
23 this Commission of Inquiry may have their own questions  
24 to ask you, and then the Chairman or Mr Commissioner may  
25 have their questions for you also, and counsel for the

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1 Commission, Mr Pennicott, may also ask you questions,  
2 and after all that I may re-examine you, to round it up.

3 Do you follow that?

4 WITNESS: Yes.

5 MR MALCOLM PLUMMER (sworn)

6 Examination-in-chief by MR SHIEH

7 MR SHIEH: Mr Plummer, do you remember having made two  
8 witness statements for the purpose of this Commission of  
9 Inquiry?

10 A. Yes.

11 Q. Can you look at bundle C27, page 20674. You should now  
12 have that in front of you on a computer screen.

13 A. Yes.

14 Q. Do you see that, Mr Plummer?

15 A. Yes.

16 Q. Can you turn to the last page of this document, which is  
17 20678. Do you see your name and signature there?

18 A. Yes.

19 Q. Can I then ask you to look at bundle C35, page 26641.  
20 Do you see this document headed, "Second witness  
21 statement of Malcolm Plummer"?

22 A. Yes.

23 Q. Can you look at the last page of this document at 26644.

24 A. Yes.

25 Q. Do you see your name and signature there?

26

1 A. Yes.

2 Q. Do you confirm the content of these two statements and  
3 put them forward as your evidence in this Commission of  
4 Inquiry?

5 A. Yes.

6 Q. Thank you. Just pausing here, do you have any problem  
7 or difficulty hearing what's coming from Hong Kong?

8 A. No, it's clear enough.

9 Q. Thank you.

10 There is one question I would like to ask you. It  
11 arose out of certain things that Mr Jason Poon said on  
12 Monday, which there wasn't enough time to relay to you  
13 for the purpose of incorporation in your second witness  
14 statement.

15 Can I ask you to look at the transcript of this past  
16 Monday, Day 11 of the proceedings, 5 November, page 131.  
17 Mr Plummer, I am not going to read out into the  
18 microphone what was transcribed there, because you would  
19 be able to see for yourself.

20 Can I trouble you to read -- to yourself, obviously,  
21 not read out into the microphone -- page 131, line 10,  
22 the question starting, "The chairman asked you  
23 a question" -- read all the way down to 132, line 22.  
24 Read that to yourself. If you want to move on the page,  
25 then you just tell whoever it is who controls the

26

1 transcript and he or she will scroll down for you. But  
2 131, line 10, all the way down to 132, line 22. Tell us  
3 after you have finished reading it.

4 A. Okay. You can scroll to the next page, please. Can you  
5 scroll, please.

6 Yes, I have finished reading this, yes.

7 Q. Thank you. Now, this, just to put it in context, was  
8 what Mr Jason Poon said when he was re-examined by his  
9 own lawyers on Monday.

10 Having read what Mr Jason Poon had said in that part  
11 of the transcript, do you have anything to say in d to  
12 what Mr Jason Poon had said there?

13 A. My response is it's completely false.

14 MR SHIEH: Thank you very much, Mr Plummer. I have no  
15 further questions for you, but other lawyers may, so  
16 could you please remain seated and answer their  
17 questions. Thank you very much, Mr Plummer. I think  
18 Mr Pennicott, counsel for the Commission, will be asking  
19 you questions next.

20 Examination by MR PENNICOTT

21 MR PENNICOTT: Good morning, Mr Plummer, again. As Mr Shieh  
22 has said, my name is Pennicott, I am one of the counsel  
23 to the Commission and I've got a few questions for you.  
24 Those questions will be limited to your first witness  
25 statement. I am not going to ask you any questions  
26

1 about your second witness statement.

2 First of all, Mr Plummer, could I ask you, please,  
3 to look at paragraph 6 of your first witness statement,  
4 where you say:

5 "Contract SCL1112 was unusual in that it was  
6 a 'partnering' contract between Leighton and MTRCL with  
7 some risk and profit sharing between us. This also  
8 meant that MTRCL also had to sign off on the hiring of  
9 sub-contractors such as Fang Sheung ... which was one of  
10 two sub-contractors responsible for installation of the  
11 reinforcement ..."

12 Pausing there, Mr Plummer, who was the other  
13 sub-contractor responsible for installation of  
14 reinforcement? Who do you have in mind?

15 A. A company called Wing & Kwong did another area of the  
16 site.

17 CHAIRMAN: Sorry, could you repeat that? That one was a bit  
18 lost.

19 A. The other sub-contractor was called Wing & Kwong, and  
20 they did the reinforcement fixing for the areas outside  
21 the station. Fang Sheung did the station.

22 CHAIRMAN: Thank you.

23 MR PENNICOTT: Understood. Thank you very much for that  
24 clarification.

25 You go on to say:

26

1            "... and China Technology Corporation ... which was  
2            one of several sub-contractors responsible for erecting  
3            the formwork and concreting works."

4            First of all, going back to Fang Sheung, are they  
5            a company that prior to this project you had had  
6            experience of working with before?

7            A. Yes.

8            Q. On how many occasions, approximately, do you recall?

9            A. I think they worked for us on the Tseung Kwan O Station  
10           and I think on the Central Reclamation job.

11           Q. Right.

12           A. I'm speculating, but at least one other contract.

13           Q. And you had personal experience of working with them,  
14           did you, Mr Plummer?

15           A. Well, personally insofar as that I knew their  
16           performance, yes.

17           Q. You were involved in the contract?

18           A. Yes, it was the contract I was administering, they were  
19           employed, yes.

20           COURT REPORTER: I'm not catching half of what he's saying.

21           CHAIRMAN: Mr Plummer, sorry, would it be possible to speak  
22           a little more slowly and pronounced? I know it's  
23           a rather artificial way of doing it, but it just makes  
24           communication that much easier.

25           WITNESS: That's okay.

26

1 CHAIRMAN: Thank you.

2 MR PENNICOTT: I think it's working better when Mr Plummer  
3 gets closer to the microphone, I must say.

4 Mr Plummer, on the previous contract that  
5 Fang Sheung had worked as a sub-contractor for Leighton,  
6 had they performed satisfactorily?

7 A. As far as I can recall, yes.

8 Q. Do you recall whether that sub-contract involved the  
9 installation of threaded rebar and couplers?

10 A. It could well have done on the station, yes, the  
11 Tseung Kwan O station.

12 Q. That was a yes, was it?

13 A. Yes.

14 Q. Can I then, please, Mr Plummer, ask you to go to  
15 paragraph 17 of your first witness statement, where you  
16 say:

17 "I was involved in the hiring of China Technology."

18 Pausing there, had you ever had a business  
19 relationship with China Technology before SCL  
20 contract 1112?

21 A. No.

22 Q. So your first experience of China Technology?

23 A. Correct.

24 Q. And you say you were involved in the hiring of China  
25 Technology. You say they submitted a very competitive  
26

1 tender for the role, significantly lower than the  
2 competition, and you say although you weren't familiar  
3 with China Technology, Jason Poon had some reasonably  
4 innovative ideas about how the works could be performed  
5 which appeared to justify his lower costs. MTRC also  
6 agreed to use China Technology.

7 Then at paragraph 18 you say this:

8 "The difficulties that China Technology had in doing  
9 the work mainly flowed from shortages of money."

10 Now, Mr Plummer, at what point in time did you  
11 perceive that China Technology had a problem with  
12 cash flow?

13 A. Well, as I state in the next sentence, the fortnightly  
14 payments were not unusual, but since China Technology  
15 had quite a few workers, it was critical that the  
16 fortnightly payments include all the work done insofar  
17 as payments -- how can I put it? Because of the  
18 emphasis on getting the payments out quickly due to the  
19 fortnightly arrangement, you had to make sure that it  
20 include all the work done, which was quite a quantity  
21 surveying effort, you might say, to make sure it was all  
22 done correctly. So it's -- when I say shortages of  
23 money, we had to make sure he was paid 100 per cent  
24 every fortnight.

25 Q. But was this a problem right from the start or was it  
26



1 a problem when the job was partway through; do you  
2 recall?

3 A. Well, most sub-contracts are quite okay at the start  
4 because -- well, they just are. It occurred more as the  
5 job went through, yes, and got -- sort of in the last  
6 year of my work on the site it got more difficult.

7 Q. All right. Mr Plummer, you are not suggesting, I think,  
8 that there was some alteration in the sub-contract  
9 arrangement and on the sub-contract itself provides for  
10 fortnightly payments? You are not suggesting there was  
11 any change in the payment mechanism, are you?

12 A. No, no, it was always set up that way.

13 Q. Yes, okay.

14 A. As I say, it was not unusual.

15 Q. No, but it was the only sub-contract that we've seen  
16 that had fortnightly payments as opposed to monthly  
17 payments. Fang Sheung, Intrafor, various other  
18 sub-contracts we've seen all had monthly payment. This  
19 was the only one we could find that had fortnightly  
20 payments.

21 A. Okay.

22 Q. That presumably was something you negotiated with  
23 Mr Poon when you set up the sub-contract?

24 A. That would have been the case, yes.

25 Q. All right. Could I then, please, ask you to go to  
26

1 paragraph 21 of your first witness statement. You say:

2 "Until very recently, I was not aware of any  
3 threaded ends of rebars being cut off. I have been told  
4 that there were three occasions from around September to  
5 December 2015 when a very small number of defective  
6 rebars were identified by Leighton and MTR staff in  
7 area C of the EWL slab and rectified immediately. I am  
8 unable to comment on these occasions."

9 Could I ask you, please, to be shown bundle C12,  
10 page 8134.

11 Mr Plummer, this is a document that we here in  
12 Hong Kong have looked at a couple of times already.  
13 It's an NCR and it's NCR157. Do you see that?

14 A. Yes.

15 Q. It's a non-conformance report. It has a date on  
16 page 8134 of 18 December, and our understanding is that  
17 that is Mr Rawsthorne's signature that appears above the  
18 date. Do you see that?

19 A. Yes.

20 Q. It was sent by Leighton to Fang Sheung; do you see that?

21 A. Yes.

22 Q. Have you seen this before, Mr Plummer?

23 A. I can't remember seeing it, no.

24 Q. The reason I ask you that, Mr Plummer, is that if you  
25 go, please, to page 8141 -- thank you. Pause there,  
26

1 slightly up; that's fine -- you'll see, Mr Plummer, that  
2 it bears your name, this document, "Issuer: Mr Malcolm  
3 Plummer", but you can see on the right-hand side it is  
4 PPed, again by Mr Rawsthorne; do you see that?

5 A. Yes.

6 Q. So is your position that whilst it bears your name, you  
7 did not see this at the time or at any time until I've  
8 just shown it to you?

9 A. Well, I can't recall seeing it. I can't recall this  
10 document, no.

11 Q. All right.

12 A. I'm just trying to read what it actually says.

13 Q. Sorry, I didn't catch that.

14 CHAIRMAN: "I need to read what it actually says."

15 MR PENNICOTT: Sorry, please do, Mr Plummer. I'm sorry,  
16 yes.

17 A. Could you go back to the actual non-conformance report,  
18 please?

19 Q. Yes, of course. That's back at page 8134, and there's  
20 some more detail over the page at 8135.

21 A. Okay.

22 Q. There are some photographs attached to it as well.

23 I don't know whether you've seen those before?

24 A. And the photographs, please.

25 No, I haven't seen those before.

26

1 Q. Okay. Mr Plummer, presumably you are or were familiar  
2 with the non-conformance report process that Leightons  
3 and MTRC adopted?

4 A. In general terms, yes.

5 Q. From the document I showed you that bears your name but  
6 PPed by Mr Rawsthorne, that was Leighton sending the  
7 NCR, forwarding it to MTR, as we can see. You sent it  
8 to Mr Kit Chan who we know is the construction manager  
9 of MTR.

10 A. Okay.

11 Q. Having sent that to Mr Chan, what was supposed to happen  
12 next in terms of the process? Are you able to tell us?

13 A. No, apart from the fact he take action, no.

14 Q. Right. You were sending it to MTR because that's what  
15 the contract required or because MTR needed to do  
16 something about it?

17 A. It would have been either part of the contract or part  
18 of the agreed method of handling such situations,  
19 I guess.

20 Q. All right. Could I ask you this. If you go back to the  
21 second page of the non-conformance report, at page 8135,  
22 and you go to the very bottom part of it, please --  
23 thank you very much -- you will see that there's a box  
24 headed "Key"; do you see that?

25 A. "Key", yes.

26

1 Q. About four or five lines down, it says:

2 "See guideline (G121: non-conformance report  
3 classification) for further information to classify the  
4 cause of defective work."

5 Do you see that?

6 A. Yes.

7 Q. Can you help me with the guideline -- where would one  
8 find guideline G121?

9 A. I can't help you there, I'm sorry.

10 Q. All right. I've asked you the question. There are  
11 plenty of other Leighton witnesses coming along and  
12 perhaps, having got advance notice of the question,  
13 somebody else may be able to help us. Thank you for  
14 that, Mr Plummer.

15 Could I then, please, ask you to be shown the  
16 witness statement of Mr Kit Chan, which we will find at  
17 B1/262, and please could we go to page 277,  
18 paragraph 40.

19 Have you had the opportunity of reading Mr Chan's  
20 witness statement, Mr Plummer?

21 A. Sorry?

22 Q. This is a witness statement that Mr Kit Chan of MTR,  
23 who's not yet given evidence but will be giving evidence  
24 later on, this is his witness statement that he's  
25 produced for the Commission. My question was: have you  
26

1 had an opportunity of reading Mr Chan's witness  
2 statement?

3 A. Not until today, no.

4 Q. I wonder, to save me reading it out, if you could just  
5 read, first of all, paragraph 40 to yourself of that  
6 witness statement, please.

7 A. Okay.

8 Okay.

9 Q. Then if we could go to 41, please. I will read this out  
10 this time. It says:

11 "As the difficulties arising from EH74 also existed  
12 in other panels, after some verbal discussions between  
13 my construction team and the representatives of Leighton  
14 (who should have been Mr Malcolm Plummer (project  
15 director), Mr Ian Rawsthorne (project manager) and/or  
16 Mr Gary Chow (construction manager) but I cannot  
17 remember whom in particular I spoke to) ..."

18 Pausing there, Mr Plummer, what this is all about is  
19 the change of detail to the top of the east diaphragm  
20 wall. In general terms, were you aware of that change?

21 A. In general terms, yes.

22 Q. Did you participate in any discussions with Mr Kit Chan  
23 and other members of your team about that change?

24 A. I don't recall discussing it with Mr Kit Chan. I would  
25 have discussed it in general terms with our design team.

26

1 Q. Would you have discussed the detail of it or would it  
2 have been rather high-level?

3 A. Oh, probably high-level. Discussions about the design  
4 of the diaphragm wall had been going on for a long time.  
5 It wasn't just a one-off event.

6 Q. Right. In any event, you don't recall having any  
7 discussions with Mr Chan, Mr Kit Chan?

8 A. Not as per paragraph 41, no.

9 Q. Okay. If we could go on, please, to -- keep going in  
10 paragraph 42. Pause there, paragraph 42. If you could  
11 again read paragraph 42 to yourself, please, Mr Plummer.

12 A. Okay.

13 Q. Then if we could go to paragraph 47, please. Again, if  
14 you could just read that to yourself, please.

15 A. Okay.

16 Q. So what he's saying in those few paragraphs, Mr Plummer,  
17 is that there were various construction process issues  
18 at the top of the east diaphragm wall, and he's listed  
19 them out there as we've just seen and you've just read.

20 If you could then go to paragraph 48, again what  
21 Mr Chan says is this:

22 "In light of the need to proceed in accordance with  
23 the design intent/assumption and to overcome various  
24 problems relating to the couplers connections as noted  
25 in paragraph 47, which would be time-consuming and  
26

1           costly, I discussed the matter with my team and the  
2           representatives of Leighton ..."

3           Again, he mentions you. So as well as the EH74  
4           specific problem that we looked at and mentioned  
5           earlier, do you remember having any further discussions  
6           with Mr Chan on all of these other issues that had  
7           arisen?

8           A. Not the ones mentioned in these paragraphs, no.

9           MR PENNICOTT: All right. Thank you very much, Mr Plummer.

10          I have no further questions for you. Thank you.

11   Cross-examination by MR TO

12          MR TO: Good morning, sir. Good morning, Chairman and  
13          Commissioner. I have a few questions, Mr Plummer.

14   Mr Plummer, I represent China Technology.

15   Can you go back to -- I'm just going to ask you  
16          questions on your first witness statement. That's  
17          C20674. Do you have that, Mr Plummer?

18          A. I don't get to see 20674. I've got paragraphs 1 and 2  
19          at the moment.

20          Q. I'm going to take you to one or two paragraphs. The  
21          first one is paragraph 8. This refers to, Mr Plummer,  
22          in terms of visiting sites and your last sentence --  
23          I will just read it out:

24   "I would also normally visit the site once or twice  
25          per week."

26



1           And if you go to paragraph 10 -- I will just read it  
2           out to you -- in the middle, it says:

3           "... and any issues of concern that had arisen."

4           Then after that I will take you to paragraph 12. In  
5           this sentence you say:

6           "I would hold weekly meetings with representatives  
7           of all aspects of the project."

8           In paragraph 15:

9           "In addition, we had a weekly on-site safety  
10          inspection with MTRCL plus a formal safety meeting."

11          So, Mr Plummer, is that correct?

12         A. Actually, on re-reading this, the on-site safety meeting  
13          also included a quality meeting.

14         Q. I understand. In fact, I'm going to ask you a few  
15          questions relating to this, Mr Plummer.

16         CHAIRMAN: Sorry, that was a quality meeting?

17         MR TO: Yes.

18         CHAIRMAN: Mr Plummer, I think you said the safety meeting  
19          included also a quality meeting; is that right?

20         A. That's correct.

21         CHAIRMAN: Thank you very much.

22         MR TO: Thank you, Chairman.

23                 Mr Plummer, I'm going to ask you a few questions  
24                 relating to this, if I may. Basically you oversee the  
25                 project SCL1112; is that correct?

26

1 A. Correct.

2 Q. So you have a lot of meetings; is that correct?

3 A. Correct.

4 Q. Now, Mr Pennicott took you to an NCR, and it's C50, if  
5 you go to it. Bundle C1/C50. This is from Leighton's  
6 submissions.

7 Mr Plummer, can you see the top of this? This is  
8 dated 18 December 2015.

9 A. Right.

10 Q. Remember you told Mr Pennicott you had not seen this  
11 document?

12 A. Well, not that I can recall, no.

13 Q. Okay. Can I take you back to your witness statement.  
14 If you go to paragraph 14, can you see it says there,  
15 "We also tracked" -- can you see that?

16 A. Yes.

17 Q. "We also tracked the number of non-conformance reports  
18 ('NCR') issued by Leighton over the course of the  
19 previous month in each area."

20 So in this situation, you would have looked at this  
21 NCR in January, at least 18 January?

22 A. No, no, that sentence refers to the head office  
23 meetings. It was an industry problem, you might say,  
24 that people were reluctant to report NCRs, so when  
25 a site -- when comparing the sites, the number of NCRs

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1 reported was usually very low. The company was trying  
2 to change that attitude, to get people to report  
3 non-conformances rather than to sit on them, so to  
4 speak. That's what that second sentence is all about --  
5 sorry, the third sentence.

6 Q. What do you mean by "track the number of non-conformance  
7 reports"? What do you mean by "track"? The number or  
8 details?

9 A. No, there's a number. They would have shown a graph on  
10 the wall, on the screen that had all the sites listed  
11 and all the number of non-conformances per site, just to  
12 see how they were comparing. That's what that sentence  
13 is all about.

14 Q. Mr Plummer, can I take you back to C50.

15 If you look at the top there, where it says "Kit  
16 Chan", can you see that, "MTRC"?

17 A. Yes.

18 Q. At the side it says "By hand & ePMS". What does "ePMS"  
19 stand for?

20 A. I think that was -- I'm just speculating. That may have  
21 been MTR's internal email system, I don't know.

22 Q. So you basically give it to them by hand and know  
23 through the ePMS?

24 A. You have to check with MTR on that one.

25 Q. Okay. So this document was given by hand to MTR?

26

1 A. Well, it should have been, yes.

2 Q. So NCR reports are all given by hand to MTR?

3 A. I couldn't comment on that.

4 Q. I understand. Let's move on, Mr Plummer. I just have  
5 two more questions for you. One question is, in  
6 paragraph 13 of your witness statement, the first  
7 witness statement, line 3, you can see the words:

8 "I tried to engender a culture of openness in the  
9 Leighton staff about issues that arose on the project."

10 What are you trying to imply there, Mr Plummer?

11 A. I'm not trying to imply anything. That's what it says.

12 Q. So what you are you trying to say by stating this  
13 sentence?

14 CHAIRMAN: Sorry, I have a little bit of difficulty there.

15 What I understand Mr Plummer to be saying is that he  
16 wanted to have a culture of openness so that people  
17 would be ready to discuss not only internally in  
18 Leighton but also with their next-door neighbours, the  
19 MTR, any problems that arose.

20 MR TO: Thank you, Chairman.

21 CHAIRMAN: Would that be right, Mr Plummer?

22 A. That's correct.

23 MR TO: So are you telling us that there's no openness in  
24 the MTR and also Leighton in terms of communication?

25 CHAIRMAN: No, I don't think that helps me. I think what  
26

1 he's saying is that as the senior manager, he wanted,  
2 because this was a joint contract, a joint exercise, to  
3 engender trust and openness, everybody discuss their  
4 problems, nobody hold anything back from anybody else,  
5 the result perhaps being later on greater difficulties.

6 MR TO: Thank you.

7 Mr Plummer, my last question. In paragraph 12, the  
8 last sentence, you say:

9 "I do not recall anyone raising at one of those  
10 progress meetings, questions or issues regarding rebar  
11 fixing or the allegation that the threaded ends of  
12 rebars were cut off or shortened."

13 My question to you is: were there any rebar cuttings  
14 or shortened whatsoever under your watch?

15 A. Do you mean by virtue of the progress meetings or --  
16 I don't understand.

17 Q. While you were supervising the project SCL1112.

18 A. Well, I wasn't aware of any until this year.

19 Q. Can you repeat that, Mr Plummer? We couldn't really  
20 hear.

21 CHAIRMAN: "I wasn't aware of any until this year."

22 MR TO: Thank you very much. I don't have any further  
23 questions for Mr Plummer.

24 WITNESS: Thank you.

25 Cross-examination by MR KHAW

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1 MR KHAW: Mr Plummer, good morning. I am acting for the  
2 government. There are a few areas I would like to  
3 discuss with you in relation to your witness statements.

4 If we can take a look at paragraph 6 of your first  
5 witness statement, where you say:

6 "Contract SCL1112 was unusual in that it was  
7 a 'partnering' contract between Leighton and MTR with  
8 some risk and profit sharing between us."

9 Pausing here, Mr Plummer, can you just briefly  
10 describe what you think is unusual in this arrangement?

11 A. Well, there weren't many contracts at least at that time  
12 which had the -- the risk and profit meant that up to  
13 a certain point the profit was shared 50/50 and then  
14 after that the MTR got all the profit, and on the risk  
15 side, if the job made a loss, that the loss was shared  
16 up at a certain point, and after that point the  
17 contractor took all the loss. Not many contracts at  
18 that time had that mechanism.

19 Q. I see. For example, if the implementation of this  
20 contract experiences some delays, for example, that  
21 would usually result in an escalation of costs on the  
22 part of Leighton, naturally. So how would such  
23 additional costs be shared between Leighton and MTR?

24 A. Depending on how the problem came about, but in general  
25 terms, yes. There is a facility in the contract, from  
26

1 memory, that, say, the contractor has spent money  
2 without reasonable cause, then that was on his  
3 shoulders.

4 Q. Sorry, if I understand you correctly, you mean, in that  
5 case, if a particular sub-contractor has incurred  
6 additional costs in relation to a particular aspect of  
7 the project, then such additional cost would fall upon  
8 the shoulders of Leighton; is that what you mean?

9 A. No, no, no. Only if the -- I forget the term they used  
10 in the contract but it's in the contract there, certain  
11 costs are not shared. But if the sub-contractor  
12 incurred extra costs in the normal course of his work  
13 and it was a legitimate cost, that would be shared.

14 Q. Right.

15 A. I just amend that comment. In addition to what he was  
16 due under the contract, obviously he has obligations  
17 under his contract, and if something came up that was  
18 additional to the contract, then that's shared.

19 Q. I see. So, in relation to such additional costs, that  
20 would be shared by Leighton and MTR equally?

21 A. Sorry, could you say that again?

22 Q. If additional costs have been incurred, are you saying  
23 that such additional costs would be shared between MTR  
24 and Leighton equally?

25 A. First of all, it has to be a legitimate extra cost.

26

1           They just can't say they've got additional cost and  
2           somebody pays. The second one is it's shared up to  
3           a certain point and after that the contractor wears it  
4           all.

5       Q. Apart from costs, how would you calculate the profit in  
6       general which would be shared between you and MTR?

7       A. Well, that's only known at the end of the contract.

8       CHAIRMAN: Sorry, we didn't quite catch that. That's  
9       an exercise done at the end of the contract; is that  
10       right?

11       A. That's correct.

12       MR KHAW: So if, for example, additional costs have been  
13       incurred for a particular kind of rectification work  
14       which has been done by the sub-contractor, that will  
15       naturally reduce the profit which would eventually be  
16       shared by MTR and Leighton; is that right?

17       A. It depends. If it's seen to be the contractor's fault  
18       on his own, then he has to wear the cost. It might be a  
19       design fault in which case you might look to somebody  
20       else. It's not an automatic flow-on, no.

21       Q. Right. So you mean that depends on whether the  
22       rectification work -- the cost of the rectification work  
23       should be borne by the sub-contractor or not; is that  
24       what you are trying to say?

25       CHAIRMAN: Or somebody else. For example, if it's a design  
26



1 fault, then it may be borne by whoever drew up the  
2 designs wrongly.

3 MR KHAW: Yes.

4 Now, we would like to focus on the delay costs. If  
5 rectification works are required for a particular aspect  
6 of the project, and such work has actually caused delay  
7 to the project, how would such delay cost be factored in  
8 in the final account?

9 A. Well, it's a complicated question. You really have to  
10 get to the root cause of these whole thing first.  
11 That's about as much as I can comment, without knowing  
12 the facts.

13 Q. Right. Shall we move on to one aspect in your witness  
14 statement. In paragraph 5 of your first witness  
15 statement, you talk about your responsibility as  
16 a project director. Do you see that?

17 A. Yes.

18 Q. If we can take a look at a document, B6/3982. That is  
19 the quality assurance plan. Have you seen this document  
20 before?

21 A. I have seen one that was similar, yes.

22 Q. On this page, the responsibilities of the project  
23 director with respect to quality management are set out.  
24 We can see responsibilities include reviewing and  
25 authorising the quality assurance plan and other system

26

1 documents that relate to quality; evaluating, with the  
2 quality and environmental manager the competencies of  
3 project personnel with respect to quality activities,  
4 et cetera; assigning quality responsibilities to project  
5 personnel.

6 If we can go down a little bit: participating in the  
7 review of the quality system at the project and other  
8 relevant quality meetings and programmes; making sure  
9 that appropriate training in quality is provided; and  
10 then the second-last item, approving the required  
11 actions associated with non-conformance reports and  
12 corrective action requests; and finally, leading risk  
13 management assessment exercises.

14 Do you see that?

15 A. Yes.

16 Q. One particular aspect that I'm interested in is the  
17 second-last item, in relation to NCR, ie the  
18 non-conformance report, and also the actions required by  
19 you in that particular respect.

20 If there are irregularities found in the project, in  
21 the implementation of the project, obviously some people  
22 in Leighton will investigate the irregularities before  
23 they decide whether an NCR should be issued or not. Do  
24 you agree?

25 A. Sorry, can you say that again, please?

26

1 Q. If there are irregularities in the implementation of the  
2 project -- for example, you discover problems in the  
3 work done by a particular sub-contractor -- there are  
4 people in Leighton who are responsible for investigating  
5 into the irregularities before they decide whether  
6 an NCR should be issued or not; would you agree?

7 A. Well, I hear what you say, but go on.

8 All these lists of actions here are my sort of  
9 responsibilities. We have a whole organisation to carry  
10 them out.

11 Q. Yes. So you would be responsible for deciding whether  
12 an NCR should be issued or not; is that right?

13 A. On a day-to-day basis, no. That was handled by many  
14 people. Well, the quality team, put it that way.

15 Q. But you would participate in the discussions when other  
16 people were deciding whether an NCR should be issued or  
17 not; is that a fair way of putting it?

18 A. Well, it depends (a) whether I was there at the time and  
19 (b) whether they thought it appropriate to involve me.  
20 I mean, there's a whole host of things that come into  
21 play.

22 Q. I don't quite follow you, Mr Plummer. Did you or did  
23 you not participate in the decision-making process in  
24 relation to whether an NCR should be issued or not?

25 A. I may have on some, but definitely not all.

26

1 Q. So are there any particular aspects that you would be  
2 involved in the decision-making process as to whether  
3 an NCR should be issued or not? Any particular areas  
4 that you would participate; any particular areas that  
5 you would not participate?

6 A. I find that difficult to answer. I don't know; I can't  
7 answer that.

8 Q. So am I correct in saying that if you were asked, then  
9 you would participate in the decision-making process; if  
10 you were not asked, then you would not?

11 A. In a large majority of cases, that's probably correct.

12 Q. Right. So, in general, who was the person -- talking  
13 about this particular project, who was the person who  
14 made the ultimate decision as to whether a particular  
15 NCR should be issued or not?

16 A. The chap working for Leightons was the quality assurance  
17 manager, Mr Harman.

18 Q. Right. So presumably, before a decision was made by  
19 him, he would at least discuss with you as to whether  
20 an NCR should be issued or not, would he?

21 A. No. I mean, there are lots of things that NCRs arrange  
22 for. Some are sort of maybe a problem with some supply  
23 items; that's just a routine matter. That was his job,  
24 to work out which ones to do.

25 Q. But according to the quality assurance plan, you would  
26

1 be responsible for approving the required actions  
2 associated with the NCRs; that you would agree, right?

3 A. Well, the whole list here is -- if you scroll to the  
4 top, I think it says I'm responsible for all that.  
5 I mean, that's a full-time job, all those 20 different  
6 items listed there. I did have an oversight over it,  
7 that's how it worked.

8 Q. I'm sorry, maybe I didn't make myself clear. My  
9 question was, after the NCR was issued, regardless of  
10 whether you were involved in the decision-making process  
11 as to whether an NCR should be issued or not, after the  
12 NCR was issued, you would be responsible for approving  
13 the required actions associated with the NCR; that's  
14 your responsibility, am I right?

15 A. It's my responsibility, but not necessarily on, you  
16 know, a personal basis.

17 CHAIRMAN: Would it be correct to say, then, that although  
18 the buck stopped with you, you didn't necessarily  
19 involve yourself in approving or disapproving each and  
20 every set of actions flowing from an NCR?

21 A. Yes, that's correct. I mean, I think the paragraph that  
22 follows all those actions sort of sums it up. It says  
23 he is authorised to implement measures, and it goes on  
24 about pretty much the whole job. That's a full-time  
25 job.

26

1 MR KHAW: Thank you.

2 Is it fair to say that whenever an NCR is issued, at  
3 least that NCR would be passed on to you for  
4 consideration?

5 A. Well, no. I don't think that happened. I haven't  
6 seen -- that one that was shown to me before, I haven't  
7 seen that before.

8 Q. Since you are talking about that particular NCR, if  
9 I may refer you again to paragraph 21 of your first  
10 witness statement. According to your recollection, you  
11 did not see that NCR before?

12 A. In paragraph 21 it says, "I was not aware of any  
13 threaded ... rebars being cut off." The implication of  
14 that is cut off in an illegal way or in a way that was  
15 detrimental to the project. If you look at the  
16 statement I've seen out of Mr Kit Chan's thing, he's  
17 talking about various difficulties.

18 So I think you are leaping ahead there, to take it  
19 that the NCR involved an illegal operation, you might  
20 say. It might have been perfectly legitimate and they  
21 had a solution for it and life went on. But 21 refers  
22 to doing it in a surreptitious way.

23 Q. Mr Plummer, I don't think I have actually gone into the  
24 question of legitimacy yet. I'm only talking about your  
25 earlier evidence that, according to your recollection,

26

1           you did not see this NCR before. Do you remember that?

2       A. Yes.

3       Q. May I just know when you were first aware of this NCR?

4           You said:

5                 "Until very recently, I was not aware of any  
6           threaded ends of rebars being cut off. I have been told  
7           that there were three occasions from around September to  
8           December ... when a very small number of defective  
9           rebars were identified by Leighton ..."

10                I would just like to explore with you when  
11           approximately you were first aware of this NCR incident,  
12           ie Fang Sheung was found to have cut certain threaded  
13           rebars.

14       A. Well, in the witness statement there, I said it was the  
15           middle of this year that I was told about it. The NCR  
16           I found out about this morning, when it came up on the  
17           screen.

18       Q. So, in relation to this NCR incident, you were never  
19           asked to give your opinion or approve of any remedial  
20           actions in order to rectify the irregularity?

21       A. No.

22       Q. Is that the case?

23                Sorry, Mr Plummer, is that the case?

24       A. Sorry, what was the question again?

25       Q. In relation to this particular NCR incident that you  
26

1           have been referred to, we now understand that you did  
2           not see the NCR report before, but my question was, in  
3           relation to this particular NCR incident, regardless of  
4           whether you have seen the report before, were you asked  
5           to give any opinion regarding the remedial actions --

6           A.   No.   No.

7           CHAIRMAN:   "No.   No."

8           MR KHAW:   Thank you.

9                       Now that you are aware of this NCR incident, do you  
10           consider this a serious incident, a serious  
11           irregularity?

12          A.   I would have to know more about it before I give that  
13          comment.

14          CHAIRMAN:   "I would have to know more about it before  
15                       I could answer that point."

16          MR KHAW:   Yes.

17                       So now you know about this NCR incident, were you  
18           surprised that at that time you were not given any  
19           information as a project director that this incident  
20           happened?

21          A.   Not really.

22          Q.   Not really?   All right.

23          A.   Well, I can't recall the NCR and I can't recall any  
24          discussion about it.

25          Q.   Yes.   Sure.   Let us just have a look at the NCR now.

26



1 C12/8134. You have seen the documents. There are  
2 actually some photographs attached. If you can look at  
3 C8136, 8138, 8139. If we can go back to the NCR report  
4 itself, 8135, the details of defective work are  
5 described as follows:

6 "Threaded rebars at 3m thickness EWL slab at area C3  
7 bay C3-2/C3-3, was found 5 number of threaded steel bars  
8 heads -- Y40 at bottom layer which were cut and hadn't  
9 screwed into couplers face to bay C3-1/C3-4/eastern  
10 diaphragm wall."

11 Now you have a chance to look at this NCR, would you  
12 consider such irregularity a serious one, as a project  
13 director?

14 A. It would sound serious enough to do further work on it,  
15 yes.

16 CHAIRMAN: Sorry, could you repeat that, Mr Plummer? Thank  
17 you.

18 A. It would warrant further investigation, put it that way.

19 MR KHAW: My earlier question was, now that you have seen  
20 the NCR, the contents of the reports and the photographs  
21 showing the defects, were you surprised that you were  
22 not informed of such an NCR incident before, as  
23 a project manager; were you surprised? Sorry, a project  
24 director.

25 A. Hard to answer. Well, I would like to know more about  
26

1           the circumstances surrounding it before I could go and  
2           answer that.

3       Q. Mr Plummer, purely on the basis of what we have seen  
4       from the NCR report, you told us that now you think this  
5       is something serious which should warrant further  
6       actions?

7       A. No, I think I said it would warrant further  
8       investigation. I don't know whether I said --

9       Q. Further investigation, yes. So, purely on the basis of  
10      the NCR report that you have now seen, my question was:  
11      were you surprised that you were not informed at the  
12      material time?

13     A. Without knowing all the facts around it and who knew  
14     what and all this sort of stuff, I can't really -- you  
15     know, I would need to know that further information  
16     before I make a comment.

17     Q. The mere fact that threaded rebars were cut on the  
18     site -- just focus on this particular act -- would you  
19     consider that a serious misconduct?

20     A. It depends why it was done. I mean, if they couldn't --  
21     they might have -- maybe some bars were cut at some  
22     stage and there was design solution for it in advance.  
23     I mean, you have to find all these facts out. Just  
24     looking at the NCR on its own doesn't give you the  
25     complete story.

26

1 Q. So you agree that at least this particular fact would  
2 need to be further investigated?

3 A. Just looking at the bare facts here, yes.

4 Q. Now we have evidence from the relevant sub-contractor  
5 who has given evidence as to why this happened, one of  
6 the reasons given by the sub-contractor, ie Fang Sheung,  
7 was that it might be the case that the workers had  
8 difficulty in trying to screw in the threaded parts of  
9 the coupler, and they cut the threaded rebars,  
10 pretending that such threaded rebars were properly  
11 installed. If that is the case, would you consider that  
12 a serious misconduct?

13 A. I mean, he's speculating anyway, so it's a bit hard to  
14 comment on that.

15 Q. No, I'm not speculating. I'm actually telling you  
16 something from the evidence given by Fang Sheung.

17 A. But you said Fang Sheung was speculating.

18 CHAIRMAN: No, I think the issue is you are saying  
19 Fang Sheung admitted -- mind you, I see what you are  
20 saying, Mr Plummer. You're saying it's speculation on  
21 the part of Fang Sheung from what you know. They are  
22 simply saying it's possible that this happened for that  
23 reason, so you can't really comment.

24 A. Correct.

25 MR KHAW: Thank you.

26

1           During your work on the site for this project, were  
2           you aware of any incident where workers doing bar fixing  
3           work encountered difficulties in trying to screw in the  
4           threaded parts of the coupler?

5           A. No, but they would have had difficulties. It wasn't  
6           an easy job.

7           Q. Right. If I can ask you to have a look at one witness  
8           statement from MTR. B379. It's a witness statement  
9           from Mr Louis Kwan, paragraph 19. It says:

10           "The construction of the EWL slab typically  
11           consisted of the following splicing assemblies:

12           The splicing of the starter bars to the cast-in  
13           couplers (both top and bottom layers) in the excavation  
14           side of the diaphragm wall panels using type A  
15           connections, except for the panels in the east diaphragm  
16           wall which were subject to the change in construction  
17           [design] which I will discuss below ... These cast-in  
18           couplers form part of the rebar cages in the diaphragm  
19           walls, and after the concrete casting of the diaphragm  
20           walls, the cast-in couplers had to be exposed (typically  
21           using a hydro-demolition machine) as part of the  
22           preparation of the shear key."

23           Pausing here, Mr Plummer, you were certainly aware  
24           of this process during the construction works; right?

25           A. The hydro-demolition machine?

26

1 Q. Yes, about the demolition for the purpose of exposing  
2 the cast-in couplers.

3 A. Yes.

4 Q. Were you aware of any incidents where couplers were  
5 damaged as a result of this particular process?

6 A. No. One of the advantages was that it didn't damage the  
7 couplers, to my knowledge.

8 Q. So your answer to my question was no, you were not aware  
9 of any incident where couplers were damaged?

10 A. No -- well, yes.

11 Q. In your almost 30 years of experience in the  
12 construction industry, were you aware of any incident  
13 where threaded rebars of couplers had to be cut?

14 A. Not that I can recall.

15 Q. In relation to this particular project, during the  
16 period between February 2015 and August 2016, were you  
17 aware that the whole project was under enormous time  
18 pressure?

19 A. Yes.

20 Q. Were you aware of any reports on delay in the process of  
21 rebar fixing work?

22 A. When you say "reports", reports by whom?

23 Q. Or have you heard of any incident in relation to such  
24 delay?

25 A. The pressure on the programme was a factor from day one.

26

1           It was nothing unusual and it was just one of those  
2           "part of the job" situations. There was nothing -- we  
3           didn't write reports about it.

4       Q.   Going back to this demolition work for the purpose of  
5           exposing the cast-in couplers, such work was done by  
6           Leighton's labourers or by other sub-contractor?

7       A.   Leighton's labour.

8       Q.   So Leighton's labourers would have to work closely with  
9           Fang Sheung's workers in relation to the bar fixing  
10          works; is that correct?

11      A.   No. The hydro-demolition work, it needed a whole area  
12          to be cordoned off, and was very messy because there was  
13          a lot of water flying around. It was done ahead of the  
14          bar fixing works; it had to be separate.

15      Q.   Were you aware of any incident where the direct  
16          labourers of Leighton would have to deal with any  
17          defective couplers?

18      A.   No, I'm not aware of any.

19      Q.   Were there or were there not any occasions where  
20          Leighton was responsible for replacing certain defective  
21          couplers found on the site?

22      A.   I don't know.

23      Q.   In relation to the bar fixing work, on the site, did you  
24          have regular meetings with Fang Sheung or whether your  
25          colleagues had regular meetings with Fang Sheung; do you

26

1 know?

2 A. I didn't, but they spoke with Fang Sheung on a daily  
3 basis. We had monthly sub-contractor meetings, but they  
4 were more formal. The work was discussed on a daily  
5 basis on the site.

6 Q. So, if there were incidents that couplers were found  
7 defective for the bar fixing work, were you supposed to  
8 know?

9 A. Sorry, what was that? Was I supposed to ...?

10 Q. If there were incidents where couplers were found to be  
11 defective, were you supposed to know, as a project  
12 director?

13 A. No, there's no reason, as long as they could be fixed.

14 Q. If there were defective coupler works on the site which  
15 required Leighton's direct labourers to rectify the  
16 problem, were you supposed to know?

17 A. No. Matters like that is sort of fairly routine for the  
18 site staff. If they've damaged it during the  
19 hydro-demolition, it would have been up to Leightons'  
20 people to fix it. If it was faulty because of the  
21 diaphragm wall construction, then Intrafor would have to  
22 come and fix it.

23 Q. My question was: if there was a particular piece of  
24 rectification work for the purpose of bar fixing which  
25 required Leighton's direct labourers to deal with, would  
26

1           you be informed?

2           A.    No.

3           MR KHAW:  Would that be a convenient moment?  I have a few  
4           more questions for him.

5           MR PENNICOTT:  Shall we go on?

6           CHAIRMAN:  I think so, yes.

7           MR KHAW:  Can I ask you to take a look at the QSP, at  
8           H9/4260.  Have you seen this document before?

9           A.    I may have done.  I don't recall it.

10          Q.    Okay.  Maybe we go to the next page.  4265.  Have you  
11          seen this document before?

12          A.    As I say, I may have, but I can't recall it.

13          Q.    Are you aware that this quality supervision plan  
14          regarding installation of couplers -- are you able to  
15          tell us whether this plan applies to both the  
16          construction of the diaphragm walls and platform slabs?

17          A.    Sorry, could you repeat that?

18          Q.    I'm sorry.  Can you tell us whether this quality  
19          supervision plan regarding installation of couplers  
20          applies to the construction of both diaphragm walls and  
21          platform slabs?

22          A.    Well, I'd have to read the document.  It doesn't say  
23          here.

24          Q.    If we can go to the next page.  Scroll down, please.  
25          "Introduction to quality supervision plan" -- can you

26



1 recall whether you have seen it before?

2 A. As I say, I may have, but I can't recall seeing it.

3 Q. You can see the requirements in relation to assignment  
4 of quality control supervisors to supervise the  
5 manufacturing process and the frequency of quality  
6 supervision, et cetera. You were not aware of this  
7 requirement?

8 A. I may have read it in the early days, but I mean, we  
9 started -- we actually imported the couplers; we didn't  
10 manufacture them.

11 Q. Right. In fact, I would just like to clarify with you  
12 as to whether you know that this plan applies to the  
13 construction regarding both diaphragm walls and slabs.  
14 Are you able to tell us?

15 A. No, not without reading the whole document. It must say  
16 somewhere there where it's meant to be used.

17 Q. Regarding the bar fixing work, ie the installation of  
18 couplers --

19 A. Sorry, regarding the what?

20 Q. Sorry. Regarding the bar fixing work, in relation to  
21 the installation of couplers -- can you hear me?

22 A. Yes.

23 Q. -- can you tell us how such work was inspected and  
24 supervised by Leighton?

25 A. Well, the details of that, I'd have to refer to other  
26

1 people. I can't remember.

2 Q. I see. So, after such inspection work, other people  
3 would report to you; is that right?

4 A. As far as inspection of couplers and that sort of thing,  
5 that was done on a fairly regular basis, and I didn't  
6 get reports on every one, no. It was just one of those  
7 things that was handled as part of the job.

8 Q. As a project director, would you agree that the NCR  
9 incident would not have happened if the necessary work  
10 had been inspected and supervised properly?

11 A. It depends when the fault was noticed. If it was  
12 noticed during inspection, then I'd say the system is  
13 working properly.

14 COMMISSIONER HANSFORD: Sorry, can we have that answer  
15 again?

16 A. I'm saying it depends when the fault was found or found  
17 out. If it was found out during an inspection, then the  
18 system is working properly.

19 COMMISSIONER HANSFORD: Thank you.

20 MR KHAW: Thank you. If we can go to page 4269 of the same  
21 document. Subparagraph 5.1, under paragraph 5,  
22 "Supervision and inspection by RC on site --  
23 installation works", (i):

24 "Quality control supervisors" --

25 COMMISSIONER HANSFORD: Sorry, Mr Khaw, could you just

26

1           remind us who "RC" is?

2           MR KHAW: The registered contractor.

3           COMMISSIONER HANSFORD: Thank you.

4           MR KHAW: "... will [be] responsible to carry out full-time  
5           and continuous supervision of the splicing assemblies  
6           on site."

7                    Can you see that?

8           A. Yes.

9           Q. Can you tell us what is your understanding of "full-time  
10           and continuous supervision"?

11          A. This is part of -- I'd have to come back to you on that.  
12           I haven't got a quick answer on that.

13          Q. Sorry, Mr Plummer, you were the project director.

14          A. Yes, this is part of some quality control --

15          Q. You have no idea regarding the meaning of "full-time and  
16           continuous supervision"?

17          A. Whether that's part of the full-time and continuous  
18           supervision of the whole site, or whether they sit  
19           there, assembly by assembly, which I seriously doubt,  
20           I would have to go and find out.

21                    This is a document written by the coupler company,  
22           I presume, or started with them.

23          Q. No, no, no. We are not talking about the supervision of  
24           the whole site. I'm only talking about what is stated  
25           here, under (i), which is in relation to installation  
26

1 works, and it specifically relates to supervision of the  
2 splicing assemblies on site.

3 A. Well, I can only see what's written here. I mean, if it  
4 says "full-time" then it says "full-time".

5 Q. Sorry, Mr Plummer, I would like to know a bit more about  
6 your answer. This is Leighton's document, regarding the  
7 quality supervision plan. Paragraph 5 deals with  
8 supervision on site works, and the paragraph that I just  
9 read to you, under (i), relates specifically to  
10 supervision of the splicing assemblies on site.

11 I would just like to understand a bit more from you  
12 as to how this full-time and continuous supervision was  
13 carried out. What is your understanding of this  
14 particular term? Can you tell us a bit more?

15 A. First of all, I have to go back and find out what they  
16 meant by splicing assembly. There are various stages to  
17 the coupler installation. The first one was when they  
18 make up the cages for the diaphragm walls, the couplers  
19 are actually inserted and fixed into that cage, so when  
20 the concrete is poured they are buried. That's like you  
21 might call the splicing assembly. We've got foremen and  
22 quality people on the site at that time. Or whether it  
23 refers to the installation of the bar that goes on to  
24 the so-called splicing assembly, I would have to do some  
25 more investigation.

26

1 Q. Sorry, Mr Plummer, I don't quite understand. In order  
2 to have full-time and continuous supervision, I suppose  
3 there must be a mechanism where you would determine the  
4 necessary manpower for each stage of the supervision.  
5 Would that be correct?

6 A. It was a bit more general than that. We had various  
7 teams assigned to it who go through all the different  
8 stages. We haven't got the luxury of having a different  
9 team for every different stage.

10 Q. So, when the bar fixing workers were actually screwing  
11 in the threaded parts of the couplers for the  
12 reinforcement, how was it supervised by Leighton?

13 A. We had site foremen and site engineers watching the  
14 works. Obviously you don't have one foreman per worker.  
15 One foreman covers an area.

16 Q. Was it done layer after layer?

17 A. I don't know that.

18 Q. You can't comment?

19 A. No.

20 Q. Do you actually know how the inspection and supervision  
21 work was carried out? Do you actually know? Have you  
22 ever seen?

23 A. Well, I didn't go and get a demonstration of how they  
24 did it, no. I just observed the works during the  
25 inspection -- my inspections.

26

1 Q. I see. So when Fang Sheung was doing the bar fixing  
2 work, you yourself actually never witnessed how the  
3 inspection and supervision work was carried out; is that  
4 correct?

5 A. Not on a formal basis, no.

6 Q. Thank you.

7 Apart from Leighton's own labourers, does Leighton  
8 also hire other labourers or dayworkers to perform any  
9 of the works for the project?

10 A. Yes, we do hire daywork labour.

11 CHAIRMAN: Sorry, I didn't catch that.

12 A. We do hire daywork labour.

13 CHAIRMAN: Thank you.

14 Would it also be correct to say -- I think you may  
15 have mentioned it; if not, forgive me -- that it would  
16 be normal to hire a number of workers who would do work  
17 that fell in between the sub-contractors' work?

18 A. Yes, that's correct.

19 MR KHAW: If Leighton's direct labour actually carried out  
20 work which the sub-contractor failed to do, how would  
21 such cost be calculated as between Leighton and the  
22 sub-contractor?

23 A. As far as I know, we didn't do that sort of thing.

24 Q. So that piece of work eventually done by Leighton's  
25 direct labour, that would be counted as the

26

1 sub-contractors' work or not?

2 A. When you say the work done by direct labour, which work  
3 was that?

4 Q. I was referring to the work that the sub-contractor  
5 failed to do and eventually the sub-contractor required  
6 Leighton's direct labour to deal with, that sort of  
7 work.

8 A. But I'm not aware of any of that sort of work.

9 CHAIRMAN: "I'm not aware of that sort of work."

10 MR KHAW: I see. So you were never aware of any incident  
11 where Leighton's own worker or the worker hired by  
12 Leighton carried out any work that the sub-contractor  
13 failed to do? You were not aware of any such incidents;  
14 right?

15 A. I'm not aware of it. I can't recall anything like that,  
16 no.

17 Q. One final question. As a project of Leighton, are you  
18 aware of any practice that Leighton would sign  
19 confidentiality agreements with sub-contractors?

20 A. To what effect?

21 Q. First of all, in general, are you aware of any practice  
22 that Leighton would ask sub-contractors to sign  
23 confidentiality agreements?

24 A. Never.

25 MR KHAW: I have no further questions.

26

1 MR BOULDING: No questions from us, sir.

2 CHAIRMAN: Thank you.

3 Ms Chong?

4 MS CHONG: No questions from Fang Sheung.

5 CHAIRMAN: All right. Any re-examination?

6 MR SHIEH: I have no re-examination.

7 Questioning by THE COMMISSIONERS

8 CHAIRMAN: I just have a couple of questions, if I may,

9 Mr Plummer. The question, as you are aware, of  
10 corruption has crept into these proceedings, corruption  
11 by way of cutting corners, for backhanders and things  
12 like that.

13 Over your many years, have you ever investigated the  
14 possibility of such corruption occurring on projects in  
15 which you have been involved?

16 A. No.

17 CHAIRMAN: Do you recall, in respect of this project, having  
18 any reasonably long discussions, one on one, about any  
19 subject at all with Mr Poon?

20 A. The various evidence that Mr Poon gave about corruption  
21 and my confessing and all this sort of thing is  
22 completely fabrication. Nothing like that ever  
23 occurred.

24 CHAIRMAN: Okay.

25 A. Apart from the fact that corruption didn't exist, or  
26



1           what he calls corruption, didn't exist in the first  
2           place.

3       CHAIRMAN: So you certainly had no idea of anything like  
4           that, no reports were made to you by anybody of any form  
5           of possible corrupt cost-cutting?

6       A. No. I don't really see how it could happen. The  
7           daywork labour was employed on completely separate areas  
8           of the job; transport and roads and management and so  
9           on.

10       CHAIRMAN: Yes. Good.

11           Peter, any questions?

12       COMMISSIONER HANSFORD: No questions, thank you.

13       CHAIRMAN: Anything arising, Mr Shieh?

14       MR SHIEH: Nothing arising.

15       CHAIRMAN: Good. Mr Plummer, you are finished. Thank you  
16           very much indeed.

17       WITNESS: Okay. Thank you.

18       CHAIRMAN: I know it's an inconvenience for you and we  
19           appreciate that. Thank you very much.

20       WITNESS: Thank you.

21           (The witness was released)

22       MR PENNICOTT: Pretty good timing, on any view.

23       CHAIRMAN: Shall we just have ten minutes?

24       MR PENNICOTT: Yes, sir.

25       CHAIRMAN: Thank you.

26

1 (11.51 am)

2 (A short adjournment)

3 (12.13 pm)

4 MR CHEUNG CHIU FUNG, JOE (on former affirmation in Punti)

5 Examination by MR PENNICOTT (continued)

6 MR PENNICOTT: All right, Mr Cheung. Good afternoon.

7 A. 係，早晨。

8 Q. Mr Cheung, when we broke last night, we had been looking  
9 at a photograph at D1/227, which I wonder if we can put  
10 back up on the screen, please. You had indicated to the  
11 Commission that the two workers that we see in this  
12 photograph were not Fang Sheung workers. Do you recall  
13 that?

14 A. 記得，冇錯。

15 Q. Overnight, I've been doing some revision on helmets and  
16 hats. Could you please be shown bundle C32, page 24096.  
17 This is a witness statement from Mr Khyle Rodgers of  
18 Leighton, and if we could just go down three pages,  
19 please, paragraph 14 -- can we see the whole of  
20 paragraph 14, please; thank you -- and what Mr Rodgers  
21 says here -- I don't know if you've seen this before,  
22 Mr Cheung, but that doesn't matter for my purposes -- it  
23 says:

24 "Leighton had a system of uniforms and hat colours  
25 for sub-contractors and workers. All workers had to  
26 attend a Leighton induction course at Kwai Fong to learn

1 the system before commencing work on site. Leighton did  
2 not have many of its own labourers. Instead it would  
3 use day labour from sub-contractors. The hat colour  
4 system was as follows".

5 If you look at this with me, Mr Cheung:

6 "Red hats indicated banksmen;

7 Blue hats indicated riggers;

8 Pink hats indicated scaffolders;

9 Grey hats indicated electricians;

10 Yellow hats indicated general labourers and/or  
11 carpenters and steel fixers; and

12 White hats generally indicated foremen and other  
13 supervisory staff."

14 I assume, Mr Cheung, you would, in general terms,  
15 agree with what Mr Rodgers says there, to your  
16 understanding?

17 A. 同意，明白。

18 Q. So the workers that we see in the photograph at 227 are  
19 wearing red hats, and at least by definition, by  
20 Mr Rodgers' definition, they are banksmen?

21 A. 冇錯。

22 Q. What's your understanding of a banksmen's usual or  
23 normal duties?

24 A. 信號員就係喺地盤幫機械做一個信號嘅訊息，譬如呢個運輸同埋架車行駛  
25 嘅時候需要佢哋帶車咁囉。

1 Q. Yes, that's my understanding as well. So in relation to  
2 cranes or large vehicles that are moving materials  
3 around the site, banksmen would be there to ensure that  
4 all that was done safely?

5 A. 係，冇錯。

6 Q. As I understand it, Fang Sheung would not have or need  
7 any banksmen?

8 A. 都需要㗎。

9 Q. You did need them?

10 A. 要，係呀，要禮頓--我哋需要信號員嘅，因為我哋吊鐵嘅時候、運輸嘅時候，  
11 都要有信號員嘅。

12 Q. Perhaps my question wasn't quite phrased correctly. Did  
13 Fang Sheung have themselves, did they employ, banksmen?

14 A. 有。

15 Q. You did? Okay. So these gentlemen, these banksmen  
16 here, could be Fang Sheung workers, could they?

17 A. 係。

18 Q. All right. So why were you so adamant yesterday that  
19 they were not Fang Sheung workers?

20 A. 邊度？呢度？

21 Q. Yes.

22 A. 圖片？

23 Q. Yes, in the photograph. In the photo, yes.

24 A. 我哋泛迅嘅工人嘅話，如果需要吊運嘅話，有需要嘅話，就係要上禮頓  
25 嘅堂，配番頂藍帽，嗰啲信號員我哋係比較少，而相片嘅話，嗰兩位係

1 紅帽，泛迅係冇紅帽嘅工人。

2 Q. Right. I'm slightly confused now. I thought it was  
3 going to be clear but it's not.

4 CHAIRMAN: So you employed banksmen but in fact they didn't  
5 wear red hats; they wore blue hats?

6 A. 冇錯，個banksmen係藍帽嘅，信號員係紅帽嘅。

7 MR PENNICOTT: Red hat.

8 A. 我哋個負責嘅話，係冇紅帽嘅。

9 COMMISSIONER HANSFORD: Sorry, I'm confused now as to who  
10 has red hats and who has blue hats. Sorry.

11 A. 我簡單講一講解個地盤嘅運作，藍帽嘅吊運嘅信號員，佢係可以去帶動機  
12 械呢個安全去做嘢嘅；而紅帽嘅話，好似圖片嗰兩張咁，佢哋係唔可以帶  
13 動機--佢哋只係可以去帶動車去行走嘅工作嘅啫。

14 MR PENNICOTT: All right.

15 COMMISSIONER HANSFORD: Sorry, it's really important that  
16 I understand this. So, Mr Cheung, you are telling us  
17 that Fang Sheung had some blue-hat people but didn't  
18 have any of its own red-hat people; is that correct?

19 A. 冇錯。

20 COMMISSIONER HANSFORD: Okay. Thank you.

21 CHAIRMAN: Even though you may have employed people, their  
22 main responsibility being a banksman's job?

23 A. 冇錯。

24 COMMISSIONER HANSFORD: I understand.

25 MR PENNICOTT: All right.

1 CHAIRMAN: So the fact that these two men are wearing red  
2 helmets to you is an indication that they could not have  
3 been employees of Fang Sheung?

4 A. 絕對唔係泛迅嘅僱員。

5 COMMISSIONER HANSFORD: And you know that, do you, because  
6 of their red hats?

7 A. 紅帽同埋衣著。

8 MR PENNICOTT: All right. Let's move on, Mr Cheung. Can  
9 I just discuss with you and focus on fixing of the  
10 threaded rebar to the couplers in the diaphragm wall.  
11 Okay? That's the topic.

12 A. (Nodded head).

13 Q. We've heard about how the couplers in the diaphragm wall  
14 had exposed, that is through some hydro-jetting or  
15 high-water-pressure jetting. And presumably, Mr Cheung,  
16 you witnessed that operation going on on the site?

17 A. 有。

18 Q. Right. Can you tell us -- we've heard that when that  
19 operation happened, an area would essentially be  
20 cordoned off and the hydro-jetting would take place, and  
21 if you were just, let's say, doing an area, let's say  
22 four or five panels, so perhaps 18, 19 or 20 metres in  
23 width, how long would that process of hydro-jetting  
24 take? Can you help?

25 A. 長度係18至19米，係咪？

1 Q. Approximately, yes.

2 A. 如果大概，都要需要一星期。

3 Q. All right. Is that one week to expose just the bottom  
4 layer of couplers, or the bottom and the top?

5 A. 喺我印象嘅話，係上、下都有暴露㗎喇，因為部機係大部嘅，佢個運作係  
6 一路係咁樣、咁樣、咁樣、咁樣 (demonstrating) 一層層去打過去嘅。

7 Q. I don't want to mislead you, Mr Cheung, but are you sure  
8 that top couplers are exposed by the water-jetting  
9 device and not just the bottom couplers? Were they both  
10 exposed by that method, to your recollection?

11 A. 上層嘅意思，呢個為之上層，而我嘅形容就係，我印象，嗰部機係只係打呢  
12 一面嘅啫 (demonstrating)，呢面同埋呢個位置，部水機係打唔到嘅。

13 Q. Yes. We're inside the diaphragm wall, Mr Cheung, and  
14 we're preparing to expose the couplers for the purposes  
15 of putting in the threaded rebar, and we've got couplers  
16 along the bottom and we've got couplers at the top,  
17 because we've got two layers of rebar, yes, top and  
18 bottom?

19 A. 喺，喺，冇錯。

20 Q. Now, forget about the bottom layer for the moment. The  
21 top layer of couplers, were they exposed by the  
22 water-jetting process, to your recollection?

23 A. 嗰部係水槍嘅機械去暴露嘅，去打石屎暴露嘅。

24 Q. Right. As I understand it, Mr Cheung -- we may discuss  
25 this a little bit later in a bit more detail -- that

1 process may have happened for the early bays that were  
2 done, but then what happened was Leighton altered the  
3 detail at the top of the east diaphragm wall whereby the  
4 concrete level was reduced. Are you following me? And  
5 therefore, once they had started --

6 A. 跟到。

7 Q. Once they had started doing that, there would have been  
8 no need, presumably, to expose the top level of couplers  
9 by the water-jet method; is that right?

10 A. 喺。

11 Q. So the water-jetting, so far as the bottom and top are  
12 concerned, was just confined to the first few bays where  
13 the couplers were installed, both top and bottom?

14 A. 我唔明白，個意思係頭嗰幾倉？

15 Q. We know that the first ones that were done were I think  
16 C1-1 and I think C1-2. They've got couplers both top  
17 and bottom.

18 COMMISSIONER HANSFORD: Sorry, we are on the East West slab?

19 MR PENNICOTT: We are on the EWL slab, yes.

20 COMMISSIONER HANSFORD: Because obviously for the North  
21 South, all you have is a vertical face to expose.

22 MR PENNICOTT: You do, that's right.

23 COMMISSIONER HANSFORD: Okay.

24 MR PENNICOTT: So my questions were in relation to C1-1 and  
25 C1-2 specifically, Mr Cheung, those being the first  
26 areas that were concreted so far as the slab is



1 concerned?

2 A. 係。

3 Q. And whether it's bottom or whether it's top, so far as  
4 the couplers are concerned, if they are exposed and  
5 there's no damage to any of the couplers, there's no  
6 concrete residue in the couplers, then presumably it's  
7 a relatively straightforward operation for you and your  
8 bar fixers to use the threaded rebar and just screw them  
9 into the couplers?

10 A. 如果打咗出嚟嘅coupler係好完整同埋冇呢個石屎漿或者崩--即係損毀嘅話，  
11 紮鐵工人係好容易將有螺紋嘅螺絲鐵扭上個coupler杯度。

12 Q. Yes. And that would take, I think you tell us, 20 to 30  
13 seconds to screw, say, a 4 metre threaded rebar into  
14 a coupler; would that be right?

15 A. 如果一個完整嘅螺絲帽，就可以二、三十秒，好順咁樣，4米長嘅螺絲鐵可以  
16 扭入去。

17 Q. Now, that's an assumption -- sorry, you were going to  
18 add something, Mr Cheung?

19 Okay, I'll go next. Mr Cheung, that's the scenario  
20 where there's no damage to the couplers, no concrete  
21 residue and so forth.

22 Now can we look at a situation where the couplers  
23 are not in perfect condition, because if they are  
24 damaged in some way or deformed in some way, there's  
25 a different story; do you agree?

1 A. 同意。

2 Q. My understanding is that once the couplers have been  
3 exposed, you as the senior supervisor at Fang Sheung  
4 would inspect the state of the couplers before your bar  
5 fixers started their work; is that right?

6 A. 冇錯。

7 Q. So it seems to me, Mr Cheung, that you are the person  
8 who can best help us with the types of damage or  
9 deformation that you witnessed when you were doing those  
10 inspections, and I would like you to tell us, please,  
11 the sort of problems that you encountered when you  
12 inspected those couplers.

13 A. 當我施工時嘅時候，我會去現場檢查呢個螺絲帽究竟完唔完善、可唔可以  
14 裝上螺絲鐵，有時候會見到啲螺絲帽喺個cut-off嗰個cover會唔啱，螺  
15 絲帽有時會見到有受損同埋會有泥漿、石屎漿同埋有啲會係唔見咗個保護  
16 帽，個情形會咁。

17 Q. All right. Let's just take this in stages. Let's focus  
18 first of all on concrete residue. Now, presumably, when  
19 the couplers were exposed, some of them would still have  
20 their caps or tape, protective caps and protective tape,  
21 still on the couplers; yes?

22 A. 會有嘅。

23 Q. So would you, for the purposes of inspecting the  
24 coupler, be the person that went up to the coupler and  
25 actually took off the red cap and took off the red tape

1 in order to properly inspect it?

2 A. 檢查啲啲螺絲帽，我如果見到真係會有破損、做唔到呢個螺絲鐵，我會通知  
3 禮頓，由禮頓去更換新嘅杯，同埋通知禮頓去清洗乾淨嘅杯，然後我先至  
4 施工。

5 Q. Mr Cheung, just concentrate, please, on my question.  
6 You accept, you agree with me, that certain of the  
7 couplers, when they have been exposed, would still have  
8 their protective red cap or red tape on; yes?

9 A. 係。

10 Q. Who removed the red cap and the red tape?

11 A. 如果紅色蓋係完整嘅話，我哋會去開咗呢個蓋去裝coupler。

12 Q. Right. So you would do that or you would instruct one  
13 of your workers to do that, is that right; you  
14 personally, or you would get one of your workers to do  
15 it?

16 A. 我哋會叫番我哋嘅員工去做。

17 Q. Right.

18 CHAIRMAN: And this included not just the red cap but the  
19 styrofoam and taping that protected the coupler as  
20 a whole?

21 COMMISSIONER HANSFORD: No.

22 A. 唔係。

23 COMMISSIONER HANSFORD: I think we're hearing that the  
24 styrofoam's already been removed by the hydro-jetting.

25 MR PENNICOTT: Yes, that's blasted away, we understand.

1 COMMISSIONER HANSFORD: It's all gone.

2 CHAIRMAN: Okay. Good. Thank you.

3 MR PENNICOTT: Okay. So in order, obviously, to be able to  
4 properly inspect and certainly to thread -- to install  
5 the threaded rebar, you need to remove any protection  
6 that's there, and so your workers would do that  
7 operation. All right.

8 Now, presumably -- going back to my concrete residue  
9 point -- as you indicated, the blasting process  
10 presumably took off some of the caps and some of the red  
11 tape, perhaps, and so there would be couplers exposed  
12 with no protection on them, when you first looked at  
13 them?

14 A. 係，冇錯。

15 Q. So you would go up to those and you would make sure,  
16 presumably, that there was no concrete residue inside  
17 that would hamper the process of installing the threaded  
18 rebar?

19 A. 喎。

20 Q. Now, if there was concrete residue inside the coupler,  
21 what would you do; what steps would you take?

22 A. 我通知禮頓，搵番禮頓嘅工人去更正。

23 Q. Right. First of all, how often, how frequent was there  
24 a concrete residue problem or issue?

25 A. 呢個我唔會太過用時間去睇嘅，我會用雙眼略略咁睇㗎，然後我就會通知

1           禮頓，叫禮頓去修正番有損毀或者係有垃圾、有石屎漿嘅coupler，我先至  
2           去施工，去扭coupler。

3           Q. How frequently would that happen, Mr Cheung?

4           A. 其實呢一個係步驟，如果搵水槍機打完嘅話，點都好，一幅牆都係唔完整、  
5           唔乾淨嘅，呢個步驟我會通知禮頓做乾淨、做完整，我先埋位，呢個係步  
6           驟，唔會話幾時見嘅。即係等如屋企間屋好多垃圾，清潔完，我先至入去，  
7           就係咁簡單。

8           Q. I understand that, Mr Cheung, but what I was trying to  
9           get you to help us on was how frequent the problem was.  
10          Was the concrete residue issue something that happened  
11          all the time, very occasionally, or some other  
12          classification?

13          A. 我見嘅話，好少部分嘅啫。

14          Q. Okay. Thank you. Who at Leighton would you notify, if  
15          there was concrete residue?

16          A. 當區個科文、工程師，負責嗰區嘅工程師同埋科文。

17          Q. So is it right that Leighton had designated foremen and  
18          engineers for specific areas; is that what you're  
19          saying?

20          A. 冇錯。

21          Q. So you would know who they were and you would speak to  
22          either the foreman or the engineer for that particular  
23          area where you had a problem?

24          A. 冇錯。

25          Q. Once you had notified them, how quickly would they be

1           able to clear the concrete residue?

2       A.   佢哋都會好快嘅，一日呀都得嚟喇。

3       Q.   Okay.  The picture I've got, Mr Cheung, is that if  
4           you've inspected -- if you have a long line of couplers  
5           in a number of different rows of couplers, you would say  
6           to Leighton or the foreman or the engineer, "Look, in  
7           this area, along this stretch, I think there are just  
8           two or three couplers with concrete residue; could you  
9           come and fix it"?

10      A.   唔會有兩支或三支。

11      Q.   How many?  Just one?

12      A.   應該點講？都--因為水機打開咗coupler個帽之後，冇咗個保護蓋，多數  
13           都會有水、有垃圾嘅，如果你話破損嘅coupler有幾多，破損嘅coupler  
14           嘅話，就係好少嘅啫，大概兩支、三支嘅啫。

15      Q.   All right.  I'll come back to that question in a moment.  
16           Let's just move on to damage.

17           So we've dealt with concrete residue.  Now, in terms  
18           of damage to the couplers, what type of damage did you  
19           witness?

20      A.   點講？崩咗、扁咗，即係咁樣，崩咗，咁樣有少少扁咗，類似呢啲  
21           (demonstrating)，或者係歪咗，傾斜咗。

22      Q.   Let's take it in stages.  So there are some that were  
23           slightly squashed; right?

24      A.   Mmm.

25      Q.   And presumably there's only one remedy for that and that

1 is to replace the coupler?

2 A. 冇錯。

3 Q. And so you would presumably ask the foreman or the  
4 engineer from Leighton to replace the coupler?

5 A. 係，冇錯。

6 Q. Okay. So that's the squashed coupler. What other  
7 categories of damage were there, apart from that  
8 phenomenon that you've described; what other types of  
9 damage? I think you said tilting, I'm not sure -- did  
10 I pick that up properly?

11 CHAIRMAN: Yes, you are correct.

12 MR PENNICOTT: You mentioned tilting. Could you explain  
13 what that problem was?

14 A. 如果coupler咁嘅，咁咪叫傾斜㗎，個杯，coupler咁 (demonstrating  
15 with headset)，咁咪傾斜，咁咪傾斜。

16 Q. So it could go up or to the side?

17 A. 係。

18 Q. So you would call Leighton --

19 A. 係，up，down.

20 Q. Up, down, side to side?

21 A. 會，right。

22 Q. Got it. So again that's a problem that you would notify  
23 to Leighton?

24 A. 冇錯。

25 Q. And what was the remedial measure that Leighton would

1 take for that problem?

2 A. 禮頓會搵禮頓嘅工人去更換佢個新嘅螺絲杯同埋用佢哋嘅方法去移正個杯，  
3 移番，矯正番個coupler。

4 Q. Okay.

5 COMMISSIONER HANSFORD: Sorry, can I just understand how  
6 they would do that, because if a coupler is at an angle,  
7 it's fixed to a bar behind, so the bar must be at that  
8 angle as well. How would they then -- they take the  
9 coupler off, but then how would they bend the bar back  
10 to the right alignment? I don't quite understand how it  
11 would be done. Could you explain?

12 A. 博士，我就唔知禮頓係會點樣做，如果你問下我係點樣做，我可以同你分享，  
13 okay。如果我哋紮鐵嘅話，個coupler，佢係歪咗嘅(demonstrating  
14 with headset)，okay，我個coupler嘅rebar裝上去，個rebar咪斜嘅，  
15 我哋會用力，power，同錘仔、工具或用剪--唔係，油--唔係，壓--點樣呢？  
16 油積，積，跟住用人手去將佢舂舂舂(demonstrating)，佢就會直番。

17 COMMISSIONER HANSFORD: Thank you. I understand. That  
18 takes quite a long time, doesn't it?

19 A. 唔需要。

20 COMMISSIONER HANSFORD: Okay. Thank you.

21 CHAIRMAN: Sorry, are you saying you never did it so you  
22 don't know how long it would take?

23 A. 因為我唔夠膽答你幾耐時間，就係，主席，我唔知道個coupler傾斜幾多，  
24 有幾傾斜，如果少少傾斜嘅話，我用十五分鐘或者半小時，我就可以做到。

25 CHAIRMAN: And could I ask this: were there regular



1 occasions when you would look at something that had  
2 concrete residue or was chipped or was tilted in some  
3 way and think, "Well, it's a very small problem; I can  
4 do it myself rather than waiting a day for Leightons"?

5 A. 因為喺我哋合約裏面嘅話，修補coupler同埋更換coupler唔係泛迅嘅責  
6 任，泛迅只係將coupler嘅鐵裝上coupler杯上。

7 CHAIRMAN: I appreciate that, but surely there must be  
8 occasions where if you report something like concrete  
9 residue, the man from Leightons is going to say, "Don't  
10 be silly, there's only just a bit of dust in here; why  
11 are you bothering me?" So there must be occasions when  
12 you think, "I'll just fix this myself", are there, or  
13 not

14 A. 唔會，因為清潔coupler、更換coupler唔係泛迅嘅責任，因為一個地盤  
15 嘅話，我可以選擇唔在嗰個位置工作，去另外一個位置工作先，都可以嘅。

16 CHAIRMAN: All right. Thank you.

17 MR PENNICOTT: Just going back to your previous answer to  
18 Prof Hansford, Mr Cheung, just so that I understand  
19 this. You are saying that one way, as it were, of  
20 sorting out the tilting coupler is to actually screw in  
21 the threaded rebar into the coupler and then literally  
22 physically manhandle it to get it straight? That's  
23 really what it comes to, whether you do it just with  
24 brute force or whether you use an equipment, a hammer or  
25 something; that's what you are doing, is that right, or

1           you might do?

2       A.    啱，係。

3       Q.    Is that what Leighton did? Did you ever see Leighton do  
4           that operation?

5       A.    冇睇過佢，冇見過禮頓，呢個係我哋自己嘅方法。

6       Q.    All right.

7       A.    可能佢會有工具，我哋可能係用人手係愚蠢嘅方法，冇工具。

8       Q.    Can I ask you, please, to be shown E5/1359. Now,  
9           Mr Cheung, this is one of your photographs, as we can  
10          see. I accept that it looks to be, from your  
11          annotation, it's at the NSL slab; do you see that?

12      A.    睇到，NSL slab。

13      Q.    It's 12 January 2016. Everything seems to come back to  
14          that date. You say:

15                 "After switching to use type B couplers, completed  
16                 steel fixing work smoothly."

17                 Now, we can see, can we not, some rather large  
18                 threaded rebar going into the couplers?

19      COMMISSIONER HANSFORD: Can we blow the picture up a little?

20      MR PENNICOTT: Sorry, sir, yes.

21      COMMISSIONER HANSFORD: Right. Thank you.

22      MR PENNICOTT: Is that okay?

23      COMMISSIONER HANSFORD: Yes.

24      MR PENNICOTT: These are type B couplers?

25      A.    冇錯。

1 Q. What we can see there, is that completed or still in the  
2 process of being fixed?

3 A. 安裝嘅T2鐵完成咗。

4 Q. Right. So the T1 would be going above?

5 A. 冇錯。

6 Q. And the bars, certain of the bars, don't appear to be  
7 absolutely straight; do you see that?

8 A. 冇錯。

9 Q. Why is that?

10 A. 因為B2同埋呢個B3，一、二--B2同埋B3嗰個coupler做唔到，所以要將B2  
11 嗰個coupler打出，然後要將B2嘅coupler鐵bend成「之」字裝上。原因  
12 係coupler杯同呢個coupler杯對咗，做唔到，教授，你明唔明白？

13 COMMISSIONER HANSFORD: I think so. So the line of concrete  
14 that we see on the left-hand side of the photo, has that  
15 been broken back to expose the whole couplers; is that  
16 correct? Has the concrete been broken back to expose  
17 the coupler?

18 A. 喎。

19 COMMISSIONER HANSFORD: Okay.

20 A. 簡單講，應該係B3嘅螺絲帽，如果完成咗B3嘅鐵，會遮住咗B2嘅鐵，所以  
21 一定要bend個「之」字。

22 COMMISSIONER HANSFORD: So am I right that the concrete is  
23 broken back, the couplers are removed, then a B-type  
24 threaded bar with a coupler already fixed to it is  
25 placed next to it, and then the coupler is screwed back

1 to the threaded bar that's sticking out of the concrete;  
2 is that correct?

3 That is correct?

4 A. 啱，係。

5 COMMISSIONER HANSFORD: So who broke back the concrete? Was  
6 that you or Leighton?

7 A. 禮頓。

8 COMMISSIONER HANSFORD: Right. Thank you. I understand how  
9 that connection is made now.

10 Sorry, Mr Pennicott.

11 MR PENNICOTT: Not at all.

12 COMMISSIONER HANSFORD: So do I understand that the type B  
13 connector is used as a remedial measure, is used to  
14 replace the type A connectors that have been broken off;  
15 is that correct?

16 A. 冇錯。

17 COMMISSIONER HANSFORD: Thank you. I understand.

18 MR PENNICOTT: Right. And these, the rebar that we can see  
19 here, going across the page, that's the B2; is that  
20 right?

21 A. T2, T, 面鐵, T。

22 Q. T, top?

23 A. Top.

24 Q. But it's 2, so it's the even number?

25 A. Yes.

1 Q. So this is the one that's going north to south? The  
2 concrete there is not --

3 A. 冇錯。

4 Q. The concrete we see there on the left is not the  
5 diaphragm wall, is it? It's the bay -- a bay that's  
6 already been concreted?

7 A. 冇錯，嗰個係CJ。

8 Q. The diaphragm wall is what we can see at the back of the  
9 photograph?

10 COMMISSIONER HANSFORD: The concrete is not a diaphragm  
11 wall, it's a construction joint, it's a CJ; is that  
12 correct?

13 A. 喺。

14 MR PENNICOTT: Right. And the diaphragm wall is at the back  
15 of the photograph; is that right?

16 A. 冇錯，T1嘅鐵。

17 Q. T1, indeed. And we can see, I think, some couplers,  
18 just about, in the photograph, at the bottom of that  
19 section of the diaphragm wall; do you see those?

20 A. 係。

21 Q. So the next thing that's got to happen, once the T2 is  
22 finished, is you've then got to put the T1 bars in to  
23 complete this operation in this area?

24 A. 冇錯。

25 Q. Going back to the discussion we were having just

1 a moment ago, the remedial works to put in the type B  
2 couplers, that would have been done by Leighton, as  
3 I understand it?

4 A. 呢個係禮頓要求泛迅幫手做嘅，有份SCI，叫禮頓去--唔係，由禮頓叫  
5 泛迅幫手去做嘅。

6 Q. Right. So this was a special case, a bit of a one-off?

7 A. 喺，冇錯。

8 Q. I understand. And so far as the slight bending of  
9 certain of the bars, that would have been done by  
10 Fang Sheung; is that right?

11 A. 係。

12 MR PENNICOTT: All right. How are we doing for time? All  
13 right.

14 CHAIRMAN: Would you like to finish now?

15 MR PENNICOTT: Yes.

16 CHAIRMAN: Good. We will return at 2.15.

17 You are reminded that you are still giving evidence.

18 Thank you.

19 WITNESS: 明白。

20 (1.00 pm)

21 (The luncheon adjournment)

22 (2.15 pm)

23 MR PENNICOTT: Sir, good afternoon. Professor, good  
24 afternoon.

25 Mr Cheung, good afternoon. Just before lunch, we

1           were discussing the various types of damage that might  
2           be caused to the couplers, and we had discussed debris  
3           or concrete residue within the couplers. You had  
4           explained to us the phenomenon of the coupler being  
5           slightly squeezed. We discussed the tilting of the  
6           couplers and how that might be fixed, and I think also  
7           you said that another type of damage would be the  
8           couplers might be chipped; is that right?

9           A. 鑿個螺絲帽--係咪我理解係螺絲帽碎咗? 個coupler碎咗?

10          Q. Yes.

11          A. 我未見過, 冇, 唔會。

12          Q. Of the squeezed and tilted, I understand those. Any  
13          other types of damage you can think of that might have  
14          been caused to the couplers?

15          A. 如果人手用風炮去打coupler或打CJ嘅時候, 會令到呢個螺絲帽會有損毀。

16          Q. All right. We will look at that in a moment, Mr Cheung,  
17          when we look at some photographs. Okay? So damage  
18          caused by a breaker?

19          A. 冇錯。

20          Q. All right. Can I just ask you, please, to clarify one  
21          point in your police statement. It's page 1579 in  
22          bundle E5, in the Chinese version, and 1584.5 in the  
23          English version, and it's paragraph 10.

24                 I'm coming back, Mr Cheung, to other parts of this  
25          paragraph later, but for present purposes, could I ask

1           you to pick it up, this paragraph 10, where it says,  
2           "Methods included: (1) replacing the couplers"; do you  
3           see that? It's about halfway down paragraph 10, where  
4           it's got (1), (2), (3)?

5       A.   睇到。

6       Q.   So you say that you would notify Leighton engineers, and  
7           then you say:

8           "... they would instruct their own workers to handle  
9           it. Methods included: (1) replacing the couplers", and  
10          we've discussed that to some extent; then "(2) cleaning  
11          the concrete residue inside the couplers", and we've  
12          discussed that; and then (3), you say this as another  
13          method: "digging holes in the D-wall, squeezing some  
14          sealant into the hole and then inserting the rebar  
15          directly."

16          Just focusing on that (3), Mr Cheung, in what  
17          circumstances would that happen, that Leighton's workers  
18          would come along, dig a hole into the D-wall, squeeze  
19          some sealant into the hole and then insert the rebar  
20          directly; what circumstances would necessitate that  
21          method of repair?

22       A.   第一個方法--應該第一個問題就係如果嗰個鋼筋少咗一條鐵，係咪呀？咁  
23           呢，就有需要去core窿，種番一條鐵支入番去，入去呢個，呢一個係一個  
24           係喺我哋建築係好正常嘅方法。第二個問題，如果個coupler令到損毀，  
25           做唔到，亦都換唔到，亦都可以進行呢個步驟，core窿，種鐵。



1 Q. Let's just see if I can understand that answer,  
2 Mr Cheung, because I'm struggling at the moment. What  
3 do you mean, "the first question is if the rebar has one  
4 bar less", missing?

5 A. 如果個位置係有十條鋼筋嘅，佢現在係得九條嘅話，要做番第十條嘅鐵，  
6 我哋就需要core窿，種番一條鐵入去，明白未？

7 Q. I think so. So there's one missing so you have to  
8 create the hole?

9 A. 係，有需要，就做呢個步驟。

10 Q. Right. Is that because there's a coupler missing or  
11 what's missing?

12 A. 如果或者少咗個螺絲帽，都可以去做呢個步驟。

13 Q. All right.

14 COMMISSIONER HANSFORD: Can I ask a question at this point?

15 MR PENNICOTT: Of course.

16 COMMISSIONER HANSFORD: Mr Cheung, you talk about sealant.  
17 What do you mean by "sealant"?

18 A. 膠係core完個窿，要貫呢個RE500嘅膠，連埋條鐵放入個窿裏面，膠係  
19 core窿之後嘅原料。

20 COMMISSIONER HANSFORD: And you say grout RE500. Is that  
21 a particular type of sealant?

22 A. 冇錯。

23 COMMISSIONER HANSFORD: Okay. Do you know what it is? Do  
24 you know what it's made of?

25 A. 佢嘅成分係有黏性，固體，然後，做完呢個動作之後，佢會乾硬。

1 COMMISSIONER HANSFORD: Okay. I can guess what it is, RE --  
2 okay. Thank you. Sorry, who does this work? If a hole  
3 has to be made for an additional bar, who makes the  
4 hole, who puts the bar in and who puts the sealant in?  
5 A. 如果有需要做嘅話，係由禮頓去做。

6 COMMISSIONER HANSFORD: Will all three things be done by  
7 Leighton? Would the hole, the bar and also the sealant,  
8 would all three things be done by Leighton?

9 A. 有可能。

10 COMMISSIONER HANSFORD: And possibly not? What do you mean  
11 by "possibly"?

12 A. 有可能嘅即係話係--我簡單，就像話禮頓會搵佢哋嘅工人去做。

13 COMMISSIONER HANSFORD: All three things?

14 A. 正常係。

15 COMMISSIONER HANSFORD: Thank you.

16 CHAIRMAN: I thought that there was a strict rule that you  
17 were there to fix, you weren't there to mend, and  
18 therefore anything at all that required mending, such as  
19 gouging out, putting in sealant or epoxy, all of these  
20 things were done by Leighton; that was the principle?

21 A. 冇錯。

22 COMMISSIONER HANSFORD: Sorry, just to follow that.

23 I understood that, but one of the things is fixing a bar  
24 in.

25 MR PENNICOTT: Yes.

1 COMMISSIONER HANSFORD: And I'm wondering if -- I can  
2 understand that the hole would be made by Leighton.  
3 I can understand that the epoxy resin -- I'm assuming  
4 that's what the RE500 is -- would be inserted by  
5 Leighton. But would the bar, the steel bar, also be  
6 inserted by Leighton, or Fang Sheung?

7 A. 禮頓，因為鋼筋--所有嘅鋼筋材料都係禮頓嘅，泛迅係冇鋼筋材料。

8 MR PENNICOTT: So, Mr Cheung, is this the one instance where  
9 in fact, because a repair is required and because it's  
10 essentially one whole operation -- gouging the hole out,  
11 putting the sealant in and the necessity to put the bar  
12 in -- presumably the epoxy is relatively quick-setting  
13 and --

14 A. 冇錯，清楚，係，係，冇錯。

15 Q. -- therefore, really as a practical measure, you need to  
16 put the bar in pretty swiftly after you've put the resin  
17 in; would that be right?

18 A. 冇錯。

19 COMMISSIONER HANSFORD: Okay.

20 MR PENNICOTT: All right. Good.

21 Could we then move on. I want to look at some  
22 photographs with you now, Mr Cheung, and as we look  
23 through the photographs I'll pick up one or two topics  
24 I want to ask you about. Before that, can I just  
25 clarify an answer you gave yesterday, before we look at  
26 those photographs. Can I ask you to look again at

1 paragraph 10 of your police witness statement or police  
2 statement, at 1584.5 in the English, and the Chinese is  
3 1579.

4 Right at the beginning of paragraph 10, you say:

5 "When Leighton handed over a bay to us, and before  
6 we would start work, I would first take photos with my  
7 own phone as proof of the condition of the site when we  
8 took over (but as I lost my phone, I needed to search  
9 for the photos and for now I am unable to provide them  
10 to the police) and visually inspect the couplers at the  
11 two diaphragm walls on the sides of the EWL slab."

12 So, in that passage, Mr Cheung, you seem to be  
13 saying to the police that you've lost your phone and you  
14 can't provide them with any photographs; do you see  
15 that?

16 A. 睇到。

17 Q. However, if we then go over the page to 1584.7 at  
18 paragraph 12, you say:

19 "On 28 August ... I through my legal representatives  
20 provided to the police a copy of my witness statement to  
21 the Commission of Inquiry ..."

22 Because your witness statement to the Inquiry  
23 preceded your statement to the police. And then you  
24 say:

25 "Appendix 3: on-site photo records during my time of  
26 working at the site".

1           So I'm just a bit confused, Mr Cheung. You told us  
2           yesterday that these were the photos you took, so what  
3           happened? Were you able to find your phone and retrieve  
4           the photographs? Can you just explain so I'm absolutely  
5           clear what the position is on these photographs before  
6           we look at them?

7       A. 好簡單，因為我有四部電話，而家我提供畀獨立委員會調查嘅相片係我最初  
8           嘅電話拎番出嚟嘅，所以圖片同埋時間嘅話，係唔一致嘅，我唔見咗嗰兩部電話  
9           嘅話，係成個地盤嘅運作係每一天都有工程嘅相同埋個進度嘅相，所以我有講  
10          錯，明唔明白？

11       Q. I do get it. So there is one phone where you lost it  
12          and all the photographs on that phone are gone?

13       A. 有兩部唔見咗，有兩部唔見咗，總之唔見咗電話。

14       Q. There are two phones with photographs that you've lost;  
15          there's one phone with photographs, and these are the  
16          ones we've got. Is that right?

17       A. 冇錯，矯正番。

18       Q. I wonder how many we would have had.

19       A. 而我唔見電話嘅話，我有報警㗎，有紀錄，真係寫咗兩部電話唔見咗㗎，因為  
20          佢個電話對我係好重要㗎。

21       Q. All right.

22       COMMISSIONER HANSFORD: Sorry, I don't understand that  
23          answer. You said if you lost your phones you would have  
24          reported it to the police.

25       MR SHIEH: He means he had reported it as a matter of fact.

1 COMMISSIONER HANSFORD: Oh, you had reported it?

2 A. 我有報到警，我希望可以攞番嘅。

3 COMMISSIONER HANSFORD: Thank you. I understand.

4 MR PENNICOTT: We are going to look at these photographs in  
5 a moment, but again back to paragraph 10 of your police  
6 statement, I just want to ask you to clarify this.

7 After the bit that I read out regarding the photographs  
8 or the photos, your phone, and so forth, it says:

9 "Under normal circumstances, if the couplers were  
10 and undamaged, our workers only needed around 20 to  
11 30 seconds to screw a rebar into a coupler."

12 We've discussed that already. It's the next bit.  
13 You say:

14 "Relatively more couplers at the west D-Wall were  
15 fragmented or damaged when they were being exposed by  
16 the water jet blaster ..."

17 Pausing there, do you mean the west D-wall and the  
18 water jet blaster or do you mean the east D-wall,  
19 Mr Cheung?

20 A. 東面嘅D-wall係用水炮機打，西面嘅D-wall係用人工手炮去--手風炮機  
21 去打。

22 Q. Right. So in this sentence that I've just referred to  
23 you, it says "relatively more couplers at the west  
24 D-wall were fragmented or damaged when they were being  
25 exposed by the water jet blaster" -- that can't be  
26 right, can it? You must be referring to the East Wall,

1 or you are referring to the West Wall and you meant to  
2 say the pneumatic breaker? One or the other.

3 A. 係，矯正番。

4 Q. Okay. So on the West Wall there were a greater number  
5 of fragmented or damaged couplers because they were  
6 being exposed by jackhammers, and less on the East Wall  
7 because they were being exposed by the water jet  
8 blaster; is that your evidence?

9 A. 冇錯。

10 Q. All right. So, to the photographs. Could we go,  
11 please, to E5/1259. Mr Cheung, you've got a couple of  
12 photographs here, in fact there's a run of a few  
13 photographs, all showing damaged couplers at the west  
14 D-wall. Do you see that?

15 A. 睇到，我影嘅。

16 Q. And these are vertical couplers at the D-wall?

17 A. 正確。

18 Q. And these are the ones that you say were damaged by the  
19 breaker?

20 A. 係。

21 Q. Just taking one of the photographs at random -- let's  
22 take the one at 1260, the next page; that's it -- this  
23 is not a criticism of anybody at all, you, Leightons or  
24 anybody, Mr Cheung, but it looks a bit of a mess to me,  
25 I have to say. Can you just describe -- you say,

1 "Discovered damaged couplers" -- is it all of them, some  
2 of them, one particular one? What were you referring to  
3 Leighton in relation to these -- what would you have  
4 referred to Leighton in respect of these couplers?

5 A. 嗰啲coupler因為用人手、用風炮去打，因為都係打嘅過程裏面嘅話，係  
6 都有啲困難嘅，所以如果風炮去打嘅話，係好難免會打到啲coupler，令  
7 到啲coupler有破損，coupler破損個情形嘅話，都係比較多嘅。喺我哋  
8 泛迅嘅工種裏面去做嘅話，呢啲coupler嘅話，我哋係唔會去扭番或者裝  
9 番條coupler鐵落去嘅，所以我會影呢啲平時嘅呢個地盤嘅相，就係要提番  
10 禮頓，應該佢哋要更換番新嘅coupler畀我，令我容易、方便我去施工。

11 Q. Okay. Then if we go to 1265 and 1266 -- 1265 first,  
12 please -- this is a photograph taken on 22 August 2015  
13 at area C2-3; do you see that, Mr Cheung?

14 A. 睇到。

15 Q. It's the east D-wall, you say, "Discovered damaged  
16 couplers", so these are couplers in the diaphragm wall,  
17 as I understand it, Mr Cheung; is that right?

18 A. 冇錯。

19 Q. "Unable to carry out steel bar fixing work, already  
20 informed Leighton to rectify."

21 Okay. Mr Cheung, just help me with a sequencing  
22 point. We know from other records that in area C2-3 you  
23 didn't start fixing the rebar until 7 October 2015, and  
24 this photograph was taken on 22 August, some six or  
25 seven weeks before that.



1           So is it the case that these areas would be exposed,  
2           you would take photographs of them, notify Leighton well  
3           in advance of the commencement of the rebar in  
4           a particular area? Because that seems to me what is  
5           happening here in this particular instance. Is that  
6           a possible scenario?

7       A. 冇錯，yes。

8       Q. So you would have expected, when you came back to do the  
9           rebar in this area, that the Leightons workers would  
10          have done the remedial works that were necessary to  
11          allow you to do your rebar work?

12      A. 係。

13      Q. Just looking at 1265, can you pinpoint the type of  
14          damage to these couplers that you were referring to or  
15          are referring to? We can probably blow it up.

16      A. 呢張相片去睇嘅話，你會睇到個coupler嗰個圈會有少少嘅破損，仲有，喺  
17          塊板下面嘅coupler，我係扭唔到。

18      Q. That's the ones right at the bottom, is it?

19      A. 係呀，冇錯，底部紅色。

20      Q. Yes, understood.

21      A. (Indicating).

22      Q. All right. Yes, understood. The three red-marked  
23          couplers at the bottom, yes.

24      COMMISSIONER HANSFORD: The red marking, is that the plastic  
25          cap?

1 A. 係，cap帽。

2 MR PENNICOTT: Okay.

3 Could I ask you then, please, to go to 1272.

4 A. 睇到。

5 Q. This is a photograph dated 17 July 2015. It's in the  
6 EWL and it's in area A. Do you see that?

7 A. 冇錯。

8 Q. What you say here -- and, sorry, are they again vertical  
9 couplers?

10 A. 係。

11 Q. This time, you say, with a degree of emphasis perhaps,  
12 Mr Cheung:

13 "Discovered faulty couplers every time before work,  
14 then informed Leighton to replace."

15 Going back to a point I mentioned to you this  
16 morning, were these faulty couplers, as you describe  
17 them here, a regular occurrence, Mr Cheung, or were they  
18 infrequent?

19 A. 點樣講？呢個位置係area A，呢個係個D-wall個cap ring beam (capping beam?)  
20 嘅coupler，佢係向上嘅，如果做cap ring beam (capping beam?)嘅話，  
21 呢啲coupler因為係保護緊嗰個螺絲鐵，所以佢--令到佢打石屎嘅時候做到  
22 有cut-off嗰個位嘅話，呢啲coupler係必然係會有損毀嘅，因為佢係保護緊  
23 下面嗰條螺絲鐵。

24 Q. What appears to happen to these couplers -- look at the  
25 one at the bottom of the page, on 1272 -- certainly the

1 first three, the red capping seems to have gone inside  
2 the coupler, and the first one appears to be sort of  
3 chipped on the left-hand side, at about 8 o'clock. Is  
4 that the type of damage that you were referring to?

5 A. 冇錯。

6 Q. All right.

7 A. 亦都係正常現象。

8 COMMISSIONER HANSFORD: Sorry, but I haven't heard the  
9 answer to Mr Pennicott's question as to whether this was  
10 frequent.

11 Sorry, Mr Pennicott, perhaps you could ask it again.

12 MR PENNICOTT: Yes.

13 The situation we see here, in this photograph at  
14 1272, Mr Cheung, you say it was typical. That's one  
15 word you used. Was it frequent, or occasional?

16 A. 一定係會發生, 可以講經常。

17 Q. Okay. Were there more problems with the vertical  
18 couplers than the ones on the face of the diaphragm  
19 wall?

20 A. 唔會, 因為呢啲--因為呢個cap ring beam (capping beam?)嘅coupler,  
21 佢上面係有層石屎包咗佢嘅, 所以一定要用風炮去打咗個石屎, 令到  
22 cut-off露番個coupler杯, 所以佢係一定會有破損嘅。

23 MR SHIEH: The witness has given his answer, but insofar as  
24 anything turns on the words "every time" in the red box,  
25 there could be an issue arising out of the nuances in

1 the Chinese language, because the Chinese equivalent to  
2 "every time" does appear in the Chinese text, but it  
3 could be equally consistent with saying that "whenever  
4 before work it is discovered that there are problematic  
5 couplers, Leighton would be notified", as opposed to the  
6 connotation that every time before they start work they  
7 will find defective couplers, if Mr Pennicott can see  
8 what I mean.

9 MR PENNICOTT: I can see what you mean, certainly.

10 I understand the distinction entirely.

11 COMMISSIONER HANSFORD: But which is it here?

12 MR PENNICOTT: Let's go back to the question. You've  
13 identified faulty couplers in this photograph. Forget  
14 about "every time"; park that on one side.

15 A. 係，冇錯，係。

16 Q. The question I'm trying to get you to answer is whether  
17 this type of situation, this type of faulty coupler, as  
18 you describe it, was a frequent occurrence or  
19 an occasional occurrence or something in between?

20 A. 經常發生。

21 Q. Frequent at any particular area? This is area A, for  
22 example. Was area A any more problematic than area B or  
23 area C?

24 A. A區，area A係經常。

25 Q. Was the East Wall more problematic than the West Wall in  
26 area A?

1 A. 東牆同西牆都係一樣。

2 MR JAT: Sir, I think there may also be an issue of  
3 translation, because I think in some of the answers, in  
4 the English, it said "cap edge". I believe the witness  
5 actually said the equivalent of "cap beam". "Beam" is  
6 pronounced quite like "邊" , as in "edge" in  
7 English.

8 MR PENNICOTT: We agree with that, apparently.

9 You refer to "capping beam", I think, Mr Cheung; is  
10 that right?

11 A. 係。

12 Q. All right.

13 If we go, please, to 1284, it's a photograph dated  
14 15 November 2015, in the EWL slab, in area C2-1; do you  
15 see that, Mr Cheung?

16 A. 睇到。

17 Q. You caption this or annotate this "bottom layer steel  
18 fixing work"; yes?

19 A. 係。

20 Q. I assume that the two workmen we can see in the  
21 photograph are Fang Sheung workers?

22 A. 係。

23 Q. And they are in the process, as I understand it, of  
24 screwing the threaded bars into the couplers; would I be  
25 right?

1 A. 係。

2 Q. Now, the reason I have taken you to this photograph,  
3 Mr Cheung, is this. This is the bottom layer in area  
4 C2-1, as I understand it, if your annotations are  
5 correct; all right?

6 A. 係。

7 Q. We know from other records that the rebar, that is both  
8 the bottom rebar and the top rebar, were inspected three  
9 days later, on 18 November, and this area, C2-1, was  
10 concreted on 23 November.

11 That suggests to me, Mr Cheung, that certainly in  
12 this area putting in the rebar, both the bottom and top  
13 layers, was a very quick and rapid operation,  
14 accomplished in the space of just three or four days.  
15 Would I be right?

16 A. 冇錯。

17 Q. Then could I ask you, please, to go to the next one,  
18 1285. Similarly, Mr Cheung, a photograph taken on  
19 13 December 2015, in area east slab, EWL, area C1-5; do  
20 you see that?

21 A. 睇到。

22 Q. Again, the records we have from elsewhere suggest that  
23 the rebar both top and bottom -- sorry, bottom and  
24 top -- was completed by about 15 December, so just  
25 a couple of days later, and the concrete was poured in

1 C1-5 on 22 December, again, Mr Cheung, suggesting that  
2 this operation can be done very quickly; is that right?

3 A. 啱。

4 Q. All right.

5 Then 1287, please. 4 August 2015, area C1-2. You  
6 say that what we can see is the carrying out of the  
7 bottom layer of steel fixing work; right?

8 A. 係。

9 Q. What we can see, and I think what you are telling us, is  
10 that is what is going on in the foreground of this  
11 photograph, but as I understand it, what we can see --  
12 the concrete wall that we can see at the back is  
13 area C1-1; do you agree with that?

14 A. 同意。

15 Q. So that had been concreted on 27 July, so you were  
16 moving from there to C1-2 in early August?

17 A. 冇錯。

18 Q. Okay.

19 Now 1288. Actually, we don't need to go there. We  
20 looked at that yesterday. I don't think I need to go  
21 over those questions again.

22 1290. Again, this is 8 August 2015, in area C1-3.  
23 I think, Mr Cheung, what we can see in this  
24 photograph -- we can see couplers on the end of steel  
25 bars, the red; yes?

1 A. 冇錯。

2 Q. And this is not the steel bars going east to west but  
3 going north to south, the even numbers?

4 A. 冇錯。

5 Q. Okay. All right.

6 Now can I ask you to go to 1295, please.

7 COMMISSIONER HANSFORD: Sorry, can we go back to just that  
8 photo?

9 MR PENNICOTT: Of course. I can't remember which one it  
10 was.

11 COMMISSIONER HANSFORD: That one. The vertical bars with  
12 the hooks on, are they "sifu" bars?

13 MR PENNICOTT: No.

14 COMMISSIONER HANSFORD: They're not?

15 MR PENNICOTT: I don't think so. No, they're not. Sorry,  
16 sir, it's a very good question.

17 COMMISSIONER HANSFORD: Mr Cheung, the vertical bars we can  
18 see going from the lower level, going up to what will  
19 eventually be the top level, what are those bars, the  
20 vertical ones? Are they the "sifu" bars?

21 A. 係呀，教授，冇錯。係我哋做完底鐵，然後呢啲我哋叫「師傅鐵」，一個  
22 支架形式，然後再擺放上面top slap嘅鐵。

23 COMMISSIONER HANSFORD: Okay. That's really useful because  
24 I'm now seeing the size of the "sifu" bars. Previously,  
25 I thought they were just supporting bars within



1 a particular layer. But you are saying the vertical  
2 ones between the low level and the top level are also  
3 "sifu" bars, which are bars that you cut on site; is  
4 that correct?

5 A. 喺工地度做嘅，啱。

6 COMMISSIONER HANSFORD: Thank you.

7 MR PENNICOTT: All right. And we all form, as you say in  
8 the caption -- perhaps I went too quickly over that --  
9 as you say in the annotation, in the box that we've got  
10 here in English, you say "then constructed support  
11 frame".

12 COMMISSIONER HANSFORD: Yes.

13 MR PENNICOTT: So what happens is, is this right, Mr Cheung,  
14 that once you have completed the bottom layer or bottom  
15 layers of rebar, you then, as we can see in this  
16 photograph, construct this supporting frame with  
17 vertical "sifu" bars -- I will call them hanging bars,  
18 whatever you want to call them -- and also with some  
19 horizontal bars as well, to construct a frame in order  
20 to enable you to easily construct the top rebars?

21 A. 係。

22 COMMISSIONER HANSFORD: Thank you.

23 MR PENNICOTT: Sorry, I was going to go to -- let's just  
24 look at 1293, just as a matter of interest. You've got  
25 there a photograph, 26 August 2015, area C2-3. You've  
26 got a large group of workers, and your caption reads:

1            "If Leighton supervisor discovered any failed matter  
2            during work, work would be paused immediately and  
3            workers would be gathered for briefing."

4            Presumably this is showing one of these types of  
5            incidents in this photograph; is that right, Mr Cheung?

6            A. 我相片就得一張嘅啫，應該我記憶嘅所知嘅話，應該都有兩、三次。

7            Q. All right. And is the Leighton supervisor the gentleman  
8            who looks as though he's wearing mostly black with  
9            a white helmet and seems to be taller than everybody  
10           else? Is that him?

11           A. 係，白帽嗰位，外籍人士。

12           Q. Right. Do you know who he was?

13           A. 個地盤嘅總管。

14           Q. Do you remember his name?

15           A. 花名，藝名我就知，正名我真係唔知，我哋叫佢做「聖誕老人」。

16           Q. Santa Claus, apparently.

17           A. 因為佢係好肥。

18           Q. Right.

19           COMMISSIONER HANSFORD: Did he have a white beard?

20           A. 佢未變白，但係好多黑色鬍鬚。

21           MR PENNICOTT: All right. There's a challenge for  
22           Leightons, to see if they can find him.

23           On to more serious issues. 1295, please. We're in  
24           area C2-1, and this is a photograph dated 22 November  
25           2015. Do you see that?

1 A. 係，係。

2 Q. Your caption here is:

3 "Steel fixing work completed, MTRCL and Leighton  
4 supervisors conducting quality check."

5 Do you see that?

6 A. 係。

7 Q. We know from other records that we have, Mr Cheung, that  
8 a form -- you don't need to worry about it but a form  
9 RISC for checking the rebar was issued on 18 November  
10 2015 for this particular area. And we know that the  
11 concrete was poured in this particular area on the day  
12 after you took this photograph, on 23 November.

13 So can you just explain to us what the MTRC and the  
14 Leighton supervisors doing the quality check actually  
15 did? You must have seen this going on. What were they  
16 checking for? What were they looking at? Can you tell  
17 us?

18 A. 我哋紮完鐵之後，然後地鐵同埋禮頓嘅人員就會檢查我哋紮嘅鐵合唔合乎  
19 呢個標準，同埋睇下我哋有冇紮漏咗鐵，仲有就係我哋紮得啲鐵穩唔穩固，  
20 然後先至可以落石屎。

21 Q. When these checks took place, which you have managed to  
22 capture in this photograph, Mr Cheung, would there  
23 always be one inspector from Leighton and one inspector  
24 from MTRC and they would do the check essentially  
25 together?

1 A. 呢樣我就唔清楚，但係我每次都見到會有港鐵同埋禮頓嘅人員一齊。

2 Q. Okay. So, from what you observe, your impression was  
3 that normally they would do the quality check or the  
4 inspection together?

5 A. 係。

6 Q. Okay. Can I ask you, since we've got this photograph  
7 here, some rather more general questions about the  
8 supervision by Leightons.

9 There appear to me, Mr Cheung, to be, broadly  
10 speaking, three possibilities with regard to the  
11 supervision that Leighton applied to Fang Sheung's work,  
12 and I am focusing on Leighton; we will come to MTR in  
13 a moment.

14 Firstly, they could have a foreman or a supervisor  
15 or an engineer from Leighton constantly in attendance in  
16 an area where you were working. That is one  
17 possibility.

18 The second possibility is that they could have had  
19 a foreman, a supervisor or an engineer whose  
20 responsibilities were to walk around the site, patrol  
21 the site, come to an area where you, Fang Sheung, were  
22 working, spend some time there, half an hour, an hour,  
23 whatever it needed, and then they would move on and go  
24 to a different area. That's the second possibility.

25 The third possibility is neither of those two things  
26 happened, neither of my one or two possibilities

1           happened, but they would just turn up when you had  
2           completed one layer of rebar, inspect it, approve it,  
3           and go away again, until you had got to the next level  
4           or the next row.

5           Which of those three scenarios do you think more  
6           accurately, most accurately, describes the supervision  
7           that Leighton gave to your work? Or if you want to put  
8           it in some other way, please do.

9       A. 我個描述就係當我進行施工前，即係簡單，紮鐵，咁嘅話，地鐵嘅監督人員  
10       同埋禮頓嘅監督人員都會喺現場度視察我哋個施工前嘅工作，佢會離開一段  
11       時間，跟住然後又會再出現，睇下我哋嘅進度，同埋睇下我哋做嘅質量合  
12       唔合格，做完我哋嘅B1底層嘅鐵之後，我哋嘅步驟就會通知禮頓安排驗收；  
13       然後我哋先至做第二個步驟，就係起師傅鐵個支架，因為做完底鐵嘅話，  
14       可能圖則上嘅話，我哋係唔可以有錯漏或者擺少咗鐵，唔--即係話做少咗  
15       鋼筋，所以確保收貨--收咗我哋個B1底鐵，我哋先至可以做第二層嘅師傅  
16       鐵支架；跟住然後第三步驟，我哋就進行面鐵嘅工作，做完面鐵嘅工作，  
17       然後亦都要通知番禮頓同埋地鐵去驗收合唔合格；跟住然後我哋先至  
18       最後一個步驟就話links去鞏固上層同下層嘅鐵。

19           所有步驟收好晒之後，我哋泛迅紮鐵就會離場，然後就會交番畀釘板  
20       嘅步驟，然後落石屎，嗰個過程就係咁。

21       Q. All right. So I think what you're telling us is that --  
22       I understand the point you make about right at the start  
23       of your works and getting approval and making sure that  
24       all the preparation work is done properly and so forth;

1 I understand that. I think what you're saying is that  
2 both Leighton and MTRC would come and inspect at each  
3 layer, whether it's bottom or top; is that right?

4 A. 冇錯。

5 Q. What I'm not quite sure about is in between inspecting  
6 each layer, what form of supervision/inspection, if any,  
7 took place?

8 A. 睇下我哋做鐵嘅時候個步驟標唔標準，同埋睇下我哋嘅--監察我哋嘅安全，  
9 然後如果有coupler嘅時候，佢會留意下我哋啲coupler裝得好唔好，  
10 然後我哋會做第二層嘅鐵，即係B2。

11 CHAIRMAN: So these inspections were done at the time when  
12 they were inspecting each layer, or would there be  
13 inspections in between that as well?

14 A. 有時候會--即係有時候會逐層檢查。

15 MR PENNICOTT: Let me try to put it another way. You have  
16 done a layer of rebar. MTRC and Leighton have come,  
17 they've inspected, they've approved it.

18 A. 係。

19 Q. Would you ever see an inspector again before you reached  
20 the end of the next layer? Was there any intermediate  
21 inspection or supervision?

22 A. 會。

23 Q. Okay. And, on those intermediate inspections or  
24 supervision or supervisory visits, what would they be  
25 looking at? Anything in particular?

1 A. 睇下coupler裝得穩唔穩固。

2 Q. So they would do that intermediate stage and then, when  
3 you had finished the layer, they would essentially  
4 inspect again? Is that what you're telling us?

5 A. 有,係。

6 Q. All right. We can put the photographs away for now,  
7 Mr Cheung.

8 Mr Cheung, I am going to move on now to ask you  
9 a series of questions about bar cutting, that is rebar  
10 thread cutting.

11 Could I ask you first of all, please, to look in  
12 your police statement at page 1584.8 in the English, and  
13 I think it's 1582 in the Chinese. It's Q4 and A4. Do  
14 you have that, Mr Cheung, Q4 and A4?

15 A. 睇到。

16 Q. What is said here is, question 4:

17 "When Fang Sheung was carrying out the works for SCL  
18 Hung Hom Station, did you witness or hear of anyone  
19 cutting short the threaded sections of rebars with  
20 machinery, in order to pretend that the rebars were  
21 already screwed into couplers?"

22 Your answer was:

23 "I have not witnessed or heard of it."

24 However, you went on to say:

25 "But in reality, sometimes there were not enough  
26 rebars of type A threads. Workers might then use rebars

1 with type B threads as substitute. Perhaps workers were  
2 afraid that MTRC's and Leighton's engineers would  
3 misunderstand that the rebars were not fully screwed  
4 into the couplers, and hence they would first cut short  
5 the rebars with type B threads before screwing those  
6 rebars. But I have never seen this happen before."

7 Now, Mr Cheung, a straight question and hopefully  
8 a straight answer, please: to your knowledge, on this  
9 site, on this project, did Fang Sheung's workers cut  
10 type B threads to convert that type B thread into  
11 a type A thread; "yes" or "no"?

12 A. 可唔可以講多次?

13 Q. Yes, I can.

14 A. 唔該。

15 Q. To your knowledge, on this project that we're concerned  
16 with, did Fang Sheung's workers cut the thread of type B  
17 rebar to convert that rebar essentially into a type A  
18 piece of rebar; "yes" or "no"?

19 A. 我有見過。

20 Q. Why did you raise this possibility of this happening in  
21 your police statement?

22 A. 因為喺地盤裏面常常都有啲不同嘅事會發生，如果真係冇咗呢個A嘅coupler  
23 嘅鋼筋，我哋地盤有B嘅coupler鋼筋，可能會有呢種事情發生。

24 Q. I understand, Mr Cheung, that it could happen. The  
25 question is: did it happen, "yes" or "no"?



1 A. 我有見過發生。

2 Q. Right. Have you seen it -- have you heard about it from  
3 anybody, any of your workers, at the time, back in 2015  
4 and 2016?

5 A. 我有聽見工人提過，但係我唔知咩嘢工人。

6 CHAIRMAN: Well, wouldn't they be steel fitting workers?

7 A. 我就係聽我嘅紮鐵工人。

8 CHAIRMAN: And you heard them saying, "We have cut the  
9 type B in order to make type As"; yes?

10 A. 係呀，主席。

11 MR PENNICOTT: So you heard your workers talking about that  
12 scenario, did you?

13 A. 係。

14 CHAIRMAN: And, when they spoke about it, were they  
15 recounting to each other, to the best of your hearing,  
16 what one or other of them had actually done, or were  
17 they merely talking about the possibility?

18 A. 佢哋講緊呢個可能性。

19 MR PENNICOTT: All right.

20 Mr Cheung, if this type of cutting had occurred,  
21 that is cutting the type B thread, do you think you  
22 would have known about it?

23 A. 如果真係有發生過嘅話，我唔知，除非有工人同我提及，有講過咁樣做過，  
24 但係我必定會阻止我嘅工人，因為唔夠材料，我哋可以等待材料先至再做，  
25 係無需要去將呢個B杯去改成A杯嘅鋼筋。

1 Q. I don't know whether you're able to answer this  
2 question, Mr Cheung, but in broad terms, what was the  
3 percentage of type B threaded rebar compared to type A  
4 threaded rebar on this project?

5 A. B款嘅鋼筋用於西面，如果計百分比，應該都係好少，二、三個per cent  
6 嘍--唔係，即係點樣講？係西面嘅D-wall，先至有用呢個B杯嘅coupler，  
7 百分比，三萬--10%嘍--5至10%嘍。

8 Q. Right. So are you telling us that on the East Wall it  
9 was all type A, or the vast majority was type A?

10 A. 大部分都係A款，冇錯。

11 Q. On the East Wall?

12 A. 冇錯。

13 Q. So the vast majority of threaded rebar that you had to  
14 install was type A rebar, looking at the position as  
15 a whole?

16 A. 係。

17 Q. Okay.

18 Now, could I just pursue the cutting point a little  
19 further by reference to part of the transcript of your  
20 interview with MTRC, for which purpose you will need  
21 bundle B5. In the English, it's B5/3082.30, and in the  
22 Chinese it's 3082.19.

23 Let's rewind. Mr Cheung, you were interviewed by  
24 representatives of the MTR on 13 June this year; is that  
25 right?

1 A. 冇錯，下晝。

2 Q. Right. That interview was recorded, tape-recorded.

3 A. 睇到，okay。

4 Q. We have a transcript of parts of that interview. It's  
5 not all there but we've got quite a bit of it.

6 I'm reading, first of all, from the passage at  
7 13:06-15:45; do you see that? Do you have that?

8 A. 睇到。

9 Q. The question was this:

10 "Is it that they [Leighton] would make good the  
11 problem eventually and then you would go back and handle  
12 the one or two rebars left?"

13 Your answer was:

14 "We wouldn't care if they had made good the problem.  
15 We would just hand it back to them ... unless they asked  
16 us to 'just cut it and connect them', 'just finish it  
17 off and we will have rectification measures. Just  
18 continue working', then we would continue.

19 Question: Has it happened before ... with Leighton  
20 asking your workers to just cut them and connect them  
21 for now and they would rectify it afterwards?

22 Answer: ... asked us to do it. We couldn't fix the  
23 couplers and they would have rectification measures.  
24 Yes ... just do it and leave it there ... and they would  
25 drill a hole and all that. Yes, it happened."

26 Now, I don't entirely follow all of that, Mr Cheung,

1 but can I just ask you to focus on the words "unless  
2 they asked us to 'just cut it and connect them'". What  
3 did you mean by that? What were you referring to, "just  
4 cut it and connect them"?

5 A. 我個內容意思係如果因為我哋公司係出工人嘅啫，我哋亦都要聽從禮頓嘅  
6 工程師嘅說話去工作，我嘅意思係如果公司有一個補救嘅措施，譬如一個  
7 coupler唔得嘅話，係損壞嘅話，不能去裝上一支鋼筋鐵，佢哋可以喺  
8 coupler邊core窿、種鐵，甚至乎如果個杯可以嘅話，就換咗個杯嘅，  
9 我意思就係內容係咁樣。如果佢有一個補救，一個好嘅措施，core咗窿，  
10 種鐵，咁有需要一個coupler嘅杯個窿，唔可以空咗佢嘅話，如果我哋有  
11 工程師叫伙記嘅話去cut咗條鐵塞番個窿，我覺得都係好理所當然嘅，但  
12 係要一定要有呢個補救嘅措施，先至可以做。

13 Q. All right. When you say "if an engineer", that  
14 presumably is a Leightons engineer, is it?

15 A. 一定係，或者係我。

16 Q. So, if I've understood that answer correctly, what  
17 you're trying to tell us is that if there were  
18 rectification measures that involved the coring into the  
19 wall, is this going back to the sealant point that we  
20 were discussing earlier, put sealant in, you might be  
21 asked to cut the bar in those circumstances, and then  
22 put the bar in, as a remedial measure? Is that the  
23 effect of your evidence?

24 A. 係。

25 Q. Why, in those circumstances, would there be any need to

1 cut the thread, or to cut the bar at all?

2 A. 唔係，因為我覺得就係話如果嗰個窿吉咗嘅話，應該要裝番條鐵，擺番去，  
3 等佢係美觀化咗佢，因為得番個窿，擺番條鐵係--我認為係好難看嘅事係  
4 接受。

5 Q. I understand that, but what I don't understand,  
6 Mr Cheung, is the rectification measure is being done,  
7 you've got the hole, the sealant, you're putting rebar  
8 into the hole. What needs cutting?

9 A. 因為我自己個人認為，就係話嗰個窿可能就係話未必禮頓咁快喺隔離就鑽番  
10 個core窿，可能我擺晒鐵先至喺上面core番個窿，種番一支鐵，所以嗰個  
11 窿有可能，如果係准許嘅話，有呢種補救措施，同埋可以做得咁呢一樣嘢嘅  
12 話，禮頓係有權可以叫我啲伙記cut咗個螺絲頭窿，塞番嗰個coupler杯，  
13 我嘅意思係咁樣。

14 COMMISSIONER HANSFORD: 1 Can I just --

15 MR PENNICOTT: Please, sir.

16 COMMISSIONER HANSFORD: Mr Cheung, you talked just now about  
17 one of the reasons for cutting it was to make it look  
18 pretty so that it wasn't unsightly. But it's all going  
19 to be covered in concrete, isn't it, so why does it need  
20 to look pretty?

21 A. 因為我覺得囉，因為怕誤會咗一個coupler係冇扭到，冇裝上鐵囉，我個意思  
22 係咁樣，但係我有見過。

23 MR PENNICOTT: All right. Then if you go back to the  
24 transcript of the MTRC interview and go further down  
25 from the passage we looked at just a moment ago, and

1 it's the question a bit further down beginning, "In  
2 these circumstances"; do you see that? It's at 3082.30,  
3 the English version. "In these circumstances,  
4 usually" -- do you have that? We're still in the same  
5 passage.

6 Have you got that now, Mr Cheung? It says:

7 "In these circumstances, usually when they ask you,  
8 you would adopt the method to cut the threaded heads  
9 slightly, put them there first, and then leaving it for  
10 them rectify later? Did it happen?

11 Answer: Yes, very few. Yes, they would take  
12 rectification measures.

13 Question: What's the quantity roughly?

14 Answer: Very few."

15 So there you seem to be accepting, if I've  
16 understood it correctly, Mr Cheung, that the threaded  
17 heads of certain rebar would be cut? Do you accept  
18 that?

19 A. 同意。

20 Q. All right. And the reason -- I'm still slightly  
21 troubled by it -- the reason for cutting the threaded  
22 heads slightly -- I know that was the question rather  
23 than the answer -- but why would the threaded heads need  
24 to be cut slightly?

25 A. 我頭先經已講過，就係我講嘅，就係認為如果真係有鑽窿、插鐵，我講嘅  
26 形容嘅話，係將一條鐵補救人番個個壞嘅couple窿度--coupler杯度嘅

1           情形之下，會有咁樣。

2           Q. So you accept, as I understand it, in the context, you  
3           say, of rectification measures being carried out,  
4           certain threaded rebar would indeed be cut?

5           A. 唔同意，如果係有鑽窿插鐵之下嘅話，會有咁樣去將啲扭紋螺絲剪短少少，  
6           擺番個破壞嘅杯度，我個意思係咁樣。

7           Q. Well, you've just said the threaded bars might be cut  
8           a little bit. Do you mean the thread of the threaded  
9           bars might be cut a little bit, or do you mean something  
10          else?

11          A. 我講多次，我一直講緊就係如果嗰個壞嘅螺絲杯有一個補救措施就係鑽窿  
12          插鐵嘅情況之下嘅話，可以剪短嗰個鋼筋嘅螺絲頭，放番一個壞嘅杯上，  
13          安裝上，呢個係我嘅意思。

14          CHAIRMAN: And that happened, to your memory, from time to  
15          time, on very few occasions but from time to time?

16          A. 我認為如果有呢種情形，就係會發生嘅。

17          MR PENNICOTT: "From time to time", I think the Chairman  
18          asked you, Mr Cheung. It did occur from time to time?

19          A. 好少，好少，好少。

20          Q. All right.

21          COMMISSIONER HANSFORD: Sorry, Mr Cheung, I'm still  
22          struggling with this. I think you're telling me and the  
23          Chairman that in all cases -- are you telling me that  
24          bars were only cut when a dowel was installed as  
25          a remedial measure to replace a damaged coupler? Are

1           you telling me that's the only time that a bar would be  
2           cut, that a threaded bar would be cut, when next to  
3           a dowel that had been inserted to replace a coupler? Is  
4           that what your evidence is?

5           Sorry, maybe I've misunderstood.

6           MR PENNICOTT: Can you answer the question, Mr Cheung?

7           COMMISSIONER HANSFORD: The cutting of the thread, would  
8           that only happen when a dowel had been inserted to  
9           replace a damaged coupler?

10          A. 冇錯，有情形嘅話，可--先至會咁做嘅啫，冇錯。

11          COMMISSIONER HANSFORD: So my next question is if a dowel  
12          had been installed to replace a damaged coupler, why do  
13          you need to cut the thread? That's the point I don't  
14          understand. Because you've put the dowel in, which has  
15          replaced the coupler, so why do you need to cut the  
16          damaged thread -- sorry, why do you need to cut the  
17          threaded bar? That I don't understand.

18          A. 教授，我嘅意思係嗰個coupler，如果佢core窿種鐵，佢唔係旁邊嘅話，或者  
19          喺第二啲位置佢先至可以core窿，咁呢條鐵你咪覺得係好難睇，咁呢個螺絲頭，  
20          呢個杯都係破損壞嘅，咁剪少少鋼筋，扭番佢，然後呢度係種番鐵，我覺得  
21          呢度係冇問題嘅事，同埋...

22          COMMISSIONER HANSFORD: I understand what you are saying,  
23          but I don't understand why you are worried about it  
24          being unsightly, because it's going to be covered in  
25          concrete. So why does it matter if it's unsightly?



1 A. 呢個唔係我親眼見嘅，係我自己講出嚟畀你聽，就係如果你唔再補救、做番  
2 少少嘢嘅話，少少牙都唔擰番個杯嘅話，唔美觀番佢嘅話，一，會--人會  
3 產生好多問題，就係話你見到，可能佢就會話你有將呢條鋼筋裝上，又引申  
4 另外一個問題出嚟，有好多人係唔知情嘅，即係話我哋如果見到有咁樣嘅話，  
5 有可能就係話佢會cut咗少少鋼筋頭，扭番上去，因為亦都有補救措施，係  
6 core窿種鐵情況之下，先至可以做呢一樣嘢。

7 CHAIRMAN: All right. So what you're saying is -- I'm  
8 sorry, carry on.

9 COMMISSIONER HANSFORD: Is that okay?

10 CHAIRMAN: Of course.

11 COMMISSIONER HANSFORD: Sorry, I still don't understand,  
12 because -- I don't understand why it needs to be  
13 cosmetically acceptable, because surely the answer is,  
14 "But that coupler is not needed because there's a dowel  
15 in there now, and that dowel is replacing the coupler."  
16 That would be the answer to anybody that asked  
17 a question about it. So why are we worried about  
18 cosmetics?

19 A. 因為呢個問題，佢問我嘅問題係，佢問「有咩嘢情形之下，會有啲咁嘅情形會  
20 cut個coupler，會裝番上個杯度呢？」呢個係我認為會有咁嘅動作會出現。

21 COMMISSIONER HANSFORD: Okay, I think I'll leave it there.  
22 Thank you.

23 CHAIRMAN: But by "pretty" or "looking right" what you mean  
24 is an inspector might see the threads and say this  
25 hasn't been put in properly, and then you have a lot of

1 explaining to do and delay; is that what you are saying?

2 A. 係呀，主席。

3 COMMISSIONER HANSFORD: Sorry to labour my point, but the  
4 explaining would be there is a dowel there, replacing  
5 the coupler. Is that not an easy explanation?

6 A. 我形容係會有咁嘅做法，有咁嘅做法。

7 COMMISSIONER HANSFORD: Okay.

8 MR PENNICOTT: But if all that happened, Mr Cheung, Leighton  
9 would know about it anyway, because they would be doing  
10 the remedial works, so you would only have to worry  
11 about the MTRC, presumably?

12 A. 如果做呢樣嘢，我--一定會有通知我添，我一定要必須要知道。

13 CHAIRMAN: All right. Shall we have the break?

14 MR PENNICOTT: Ten minutes?

15 CHAIRMAN: Ten minutes. Thank you.

16 (3.43 pm)

17 (A short adjournment)

18 (4.00 pm)

19 CHAIRMAN: Sorry, I wonder if you could assist me to just  
20 help me to understand the process that you have  
21 described earlier; okay?

22 A. 好呀，主席。

23 CHAIRMAN: As I understand it, an instance may arise when  
24 you find on the wall a coupler which has been damaged,  
25 and the rebar will not thread into it; correct?

1 A. (Nodded head).

2 CHAIRMAN: So what you then do, on the basis that the matter  
3 will be remedied later by Leightons, is that you cut  
4 some of the thread off the reinforcing bar and put it  
5 against the damaged coupler; "yes" or "no"?

6 A. 係。

7 CHAIRMAN: And you do this on the basis that Leightons are  
8 going to come along later and they are going to, to use  
9 a technical term, shove a piece of metal into the wall  
10 and put some resin around it, which we call technically  
11 a dowel; right?

12 A. 係。

13 CHAIRMAN: Now, you will have to forgive me, but I have  
14 a couple of questions that arise from this. Firstly,  
15 would you discuss the matter with Leightons prior to  
16 doing anything at all, that is prior to taking any  
17 measures?

18 A. 會。

19 CHAIRMAN: So you would then, once you had discussed it,  
20 trim some of the thread, put it in partially against the  
21 damaged coupler, so that it would look good?

22 A. 如果佢有補救措施做好咗嘅話，佢叫我哋去做嘅話，我相信會有工人去咁樣做。

23 CHAIRMAN: No. I'm just discussing the process which you  
24 described. You would then, once you had discussed  
25 matters with Leightons, cut some thread off this bar,

1 put it in against the damaged coupler so that it looked  
2 as if it was connected, it looked neat, it looked okay?

3 A. 主席，個意思你係咁嘅，但係我喺獨立委員會嗰度，委員會問我有咩嘢情形  
4 之下會有咁嘅情形去將個鋼筋頭剪咗，我就係形容嘅意思就係話如果禮頓有  
5 一個補救措施，譬如鑽窿、插鐵，然後之後嘅話，佢可以嗌我工人做呢個動作，  
6 質番個窿，補番個coupler，唔係我去嗌工人去做呢個動作。

7 CHAIRMAN: No, no, I'm just trying to understand the process  
8 that you had earlier described.

9 Now, once you have put it in there so that it looks  
10 neat, so that an inspector will not query it and cause  
11 trouble, your expectation is that Leighton are going to  
12 come along and put in the dowel next to it; is that  
13 right?

14 A. 係，主席。

15 CHAIRMAN: Leaving aside the question of military style,  
16 everything must be in a straight line, how are Leighton  
17 going to know where to come back and do the remedial  
18 work later? Do you spray a red spray around the area or  
19 something similar to that?

20 A. 如果有呢個問題嘅話，我係會咁樣去做呢個。

21 CHAIRMAN: Are you saying -- because you've said earlier  
22 that there were a few occasions when this happened -- on  
23 those few occasions did you put some sort of spray paint  
24 around so that the Leighton people could recognise it  
25 and come back and put the dowel in next to it?

1 A. 因為如果真係有coupler做唔到嘅話，我會通知番禮頓，通知番佢嘅工程師，  
2 由佢哋去做番。

3 CHAIRMAN: Are you saying then that they would cut the  
4 thread and they would put the thread against the  
5 coupler, and then thereafter they would also put in the  
6 dowel?

7 A. 唔係，我嘅意思就係話，話番畀佢哋知道邊個位置有coupler係做唔到嘅。

8 CHAIRMAN: And then you and your people would go ahead, trim  
9 the bar, put it against the coupler, it looked good,  
10 inspectors aren't going to ask any questions, they are  
11 not going to delay the work, and your understanding was  
12 that Leighton would then come back and make good with  
13 a dowel? "Yes" or "no"? It's a reasonably simple  
14 question.

15 A. 你嘅意思係咁嘅。

16 CHAIRMAN: Thank you.

17 MR PENNICOTT: Mr Cheung, let's just examine part of that,  
18 because one of the reasons I was asking you about the  
19 inspections earlier, or one of the reasons I was getting  
20 you to confirm how quickly this rebar was installed, was  
21 for the potential of you giving the sort of answers that  
22 you've given to us.

23 Now, let's take that in stages. If, as you say,  
24 you've trimmed the threaded bar and you've put it up  
25 against or slightly into the defective coupler, in

1 anticipation of Leighton coming along to then do the  
2 dowel bar work, that's got to be done very quickly,  
3 because you can't move on to the next layer until the  
4 inspection has taken place. Once you've gone on to the  
5 next layer, there's no way the dowel can be put in, is  
6 there, because you've got the next layer of rebar on  
7 top; how are you going to get the dowel in after that?  
8 So it's all got to be done by the joint inspection by  
9 Leighton and MTRC; isn't that right?

10 A. 呢樣我唔清楚，我嘅認知就係話如果core窿種鐵嘅話，未必一定喺旁邊嘅  
11 位置，可以喺上、下、左、右，都可以做呢個修補嘅工作。

12 Q. So the remedial work then relates to a different layer,  
13 effectively. Surely the dowel has got to be on the same  
14 layer as the defective coupler with the shortened thread  
15 of the rebar. It's got to be at the same level, surely?

16 A. 我嘅理解就係石屎裏面都仲有鋼筋嘅，因為佢哋嘅core窿步驟會影響裏面嘅  
17 鋼筋，所以佢會選擇適合嘅位置，可能係上、下、左、右。

18 Q. All right. Now, just picking up on one of the points  
19 the Chairman mentioned to you there: this whole  
20 operation you've described, as I understand it you're  
21 telling us that that would not happen, on the infrequent  
22 occasions that it did, without instructions from  
23 Leighton; is that right?

24 A. 冇錯。

25 Q. Now, can I ask you this. In relation to the infrequent

1 occasions upon which this happened, do you recall  
2 whether it happened at the bottom layers of the rebar or  
3 at the top layers of the rebar?

4 A. 上、下層都會有，要搵一個適合嘅位置，先至可以做呢個鑽core窿種鐵嘅動作。

5 Q. All right. So the answer to my question is it could  
6 have -- albeit infrequently, it occurred both in the top  
7 and the bottom layers?

8 A. 冇錯。

9 Q. All right.

10 Mr Cheung, could I ask you, please, to go to  
11 paragraph 7 of your witness statement, that is the  
12 witness statement for the Commission. That's at  
13 E5/879.2 in the English, and E876 in the Chinese.

14 In paragraph 7 of your witness statement, Mr Cheung,  
15 you say this:

16 "Concerning the media reported that screw heads of  
17 the steel bars were cut off to make fake news, I do not  
18 understand. I have never seen anyone cutting the screw  
19 heads of the steel bars due to fraud. I made inquiries  
20 to the staff of Fang Sheung and had never heard of  
21 anyone cutting off the screw heads of the steel bars for  
22 fraud."

23 Then you go on to explain why that's logically  
24 impossible. Then going down to subparagraph (C) in that  
25 paragraph, you say:

26 "I know all bar workers of Fang Sheung had never

1           seen or heard of anyone cutting short the steel bars due  
2           to fraud."

3           Now, the cutting of the steel bars for the remedial  
4           purposes that we were discussing just a moment ago, you  
5           don't regard that as fraud; is that right?

6           A.  如果嗰個修補工作嘅話，由我專業水平嚟講，嗰個唔係造假，嗰個只係一個  
7           修補嘅工作。

8           Q.  Okay.  If I could ask you to go to paragraph 8 of your  
9           witness statement, at 8(f), the second sentence, you  
10          say:

11          "According to my knowledge, circumstance of cutting  
12          the screw iron short did not happened."

13          At 8(j):

14          "The head of steel bars screws for threaded steel  
15          bars were not cut short."

16          8(k):

17          "The screws for threaded steel bars were not cut  
18          short."

19          And 8(l):

20          "According to my knowledge, the steel bars screws  
21          were not cut short."

22          Presumably, Mr Cheung, you now qualify those  
23          statements by the evidence that you've given to us this  
24          afternoon that they were cut short in the remedial  
25          scenario that you have described?

26          A.  唔係。



1 Q. Why do you not qualify your statements in that way?

2 A. 係獨立委員會佢問我嘅時候，「會有咩嘢情形係會剪短咗個鋼筋？」我嗰  
3 陣時係形容畀佢聽。

4 Q. Mr Cheung, you have, in answer to my questions, to the  
5 Chairman's questions and to Prof Hansford's questions,  
6 accepted that on -- basically, your evidence -- a few  
7 occasions the threaded rebar was cut for the purposes of  
8 putting the rebar up against or slightly into damaged  
9 couplers. So, with respect, that's why I'm suggesting  
10 to you that your evidence in your statement that cutting  
11 short the iron did not happen is not entirely correct  
12 and must be qualified by the evidence that you have  
13 given to us in the last hour or so.

14 A. 我係一路講緊個意思都係講緊獨立委員會佢問我「咩嘢情形之下將個鋼筋剪  
15 短咗佢？」我嘅意思係如果有呢個修補嘅工作之下，禮頓有需要，可以叫我  
16 哋嘅工人cut短咗個鋼筋，質番個壞嘅coupler杯，因為壞嘅coupler杯  
17 仲有少少鋼筋嘅話，我覺得嘅話--即係我譬如就話可以再扭多少少鋼筋，點  
18 解唔可以做呢個動作？我一路都係嗰個意思。

19 Q. I understand that, Mr Cheung, but you could have said in  
20 your witness statement to the Commission, or indeed your  
21 statement to the police words to this effect: "Well,  
22 yes, I am aware that in circumstances where particular  
23 remedial works had to be carried out, the threaded bar  
24 was trimmed", and you could have gone on to explain to  
25 us the position that you've explained to us this

1           afternoon, and that's only come out, Mr Cheung, by me  
2           asking you questions by reference to the MTRC interview  
3           and other material, that you now tell us that that is  
4           the situation. You could have explained that to us  
5           earlier, and this may have not taken so long as it has.

6           A. 對唔住，其實我一路都係講緊嗰個解釋，可能我自己演繹唔好。

7           Q. You certainly didn't elaborate in your witness  
8           statement, but at least you have elaborated this  
9           afternoon.

10           The other point is this, Mr Cheung. Am I right in  
11           suggesting to you that during the course of the carrying  
12           out of your rebar fixing works, between September and  
13           December 2015 you were advised on at least three  
14           occasions that there were incidents of threaded rebar  
15           having been cut short?

16           A. 喺我印象之中，係啱嘅，有事發生。

17           Q. Can I ask you, please, to be shown the witness statement  
18           of Mr Mok, Edward Mok, from Leightons, which is at  
19           C12/8107.

20           Do you have that, Mr Cheung?

21           A. 有，我有。

22           Q. Is this witness statement from Mr Mok a document that  
23           you have been shown, and have you read it before today?

24           A. 冇。

25           Q. Okay. I ask you, please, to go to page 8114,

1 paragraph 29.

2 In paragraph 29 through to paragraph 48 or so,  
3 Mr Mok deals with three incidents, three occasions,  
4 where, when he was carrying out his inspections, he  
5 noticed threaded rebar having been cut short; okay?

6 A. 得。

7 Q. In paragraph 29 he says:

8 "I recall that the first occasion was around  
9 September 2015. I cannot recall precisely, but  
10 I believe it was during a formal inspection for rebar  
11 fixing with MTRC's engineer."

12 I'm not going to read the rest of it out.

13 In paragraph 30 he says:

14 "I reported the incident to one of my supervisors,  
15 Andy Ip, at the end of the day. I explained that it had  
16 been rectified immediately. I also mentioned the  
17 incident to Fang Sheung's supervisor, Joe Cheung.  
18 I said I had discovered a cut threaded rebar on site and  
19 please ensure his workers checked the threaded rebars  
20 were in good condition and being screwed into the  
21 couplers. I do not recall his exact response, but  
22 I believe it was along the lines of 'Yes, I will remind  
23 my workers'."

24 Do you recollect that conversation with Mr Mok back  
25 in or around September 2015, Mr Cheung?

26 A. 喺我印象中嘅話，係有呢一件事發生嘅，莫先生佢好快就叫番我嘅工人就去

1           做番呢個更換個coupler，做番呢個措施，然後佢第二日通知我，話聲畀  
2           我聽。

3           Q. So you're saying he spoke to you after the remedial  
4           measures had been done?

5           A. 係，佢經已完成咗，做好咗，佢先至話番畀我聽，叫我留意嘅。

6           COMMISSIONER HANSFORD: Sorry, can I just ask -- you said to  
7           Mr Pennicott just now, Mr Cheung:

8                     "Mr Mok very quickly asked my workers to replace the  
9           coupler ..."

10                    Do you mean the coupler or the threaded bar?

11           A. 清楚我就唔知，佢應該係換番支鋼筋。

12           MR PENNICOTT: Yes. I should have probably read it all out  
13           to you.

14           COMMISSIONER HANSFORD: It must have been.

15           MR PENNICOTT: Indeed, what Mr Mok says, if we go back to  
16           paragraph 29 -- it's my fault for trying to get through  
17           this. It says:

18                    "As Fang Sheung's workers were still on site,  
19           I immediately asked them to replace the defective bar by  
20           taking it away and replacing it with a new bar."

21           COMMISSIONER HANSFORD: I understand that, but Mr Cheung's  
22           answer was "replace the coupler".

23           MR PENNICOTT: Right. And I think he is now saying he  
24           accepts it was the rebar that was replaced.

25           COMMISSIONER HANSFORD: Thank you.

1 MR PENNICOTT: Is that right, Mr Cheung?

2 A. 鋼筋，係。

3 Q. Thank you.

4 Then if we go to paragraph 32 of Mr Mok's statement,  
5 he says this:

6 "The second occasion was around one month later in  
7 October or November. Again, it was discovered during  
8 a formal inspection with a MTRC engineer."

9 And so forth. A bit further down, he says:

10 "I recall that I and MTRC's engineer identified one  
11 or two (I cannot remember exactly, but it was no more  
12 than two) defective rebars during the inspection.  
13 Again, the threaded ends of the rebar(s) had been cut  
14 off and there was an obvious gap between the rebar(s)  
15 and the coupler(s).

16 Similar to the first occasion, I asked the Fang  
17 Sheung's workers to remove the defective bar(s) and  
18 replace them with new bar(s). I recall it was necessary  
19 to replace the coupler for one of the bars. The  
20 rectification work was done immediately, and  
21 I personally supervised the entire process. It would  
22 have taken between 15 and 30 minutes, depending on  
23 whether it was one or two rebars. Once again, the  
24 MTRC's engineer approved the inspection and the  
25 rectification.

26 After the inspection, I mentioned the matter to one

1 of my supervisors (either Joe Leung or Andy Ip). I also  
2 told Joe Cheung, Fang Sheung's supervisor about the  
3 matter. I told him to ensure his workers checked the  
4 threaded bars were in good condition and being screwed  
5 into the couplers. I recall Joe Cheung being a little  
6 surprised that the same issue had arisen again, and he  
7 said he would take appropriate steps to ensure it would  
8 not happen."

9 Do you recall that conversation with Mr Mok,  
10 Mr Cheung?

11 A. 有，有咁嘅事發生過。

12 Q. Do you recall being surprised that this was the second  
13 time that this had happened?

14 A. 有，第二次嘅時候，我有詫異，因為佢話畀我聽係有工人去cut個螺絲頭，  
15 所以第二次我係極度詫異，因為第一次發生咁嘅事之後，莫先生佢就搵我嘅  
16 工人，搵我哋嘅員工去做番好，我唔清楚第一次嗰個情形，所以佢第二次話  
17 番畀我知道嘅時候，原來有工人去cut咗個coupler，所以我立刻訓示我嘅  
18 工人，叫佢哋小心去工作，唔好有呢啲事情發生。

19 Q. Did you actually take steps to find out which of your  
20 workers was responsible for doing this cutting?

21 A. 我嘗試去問番我哋嘅工人，冇人一個工人去答我，然後我嚴厲訓示咗我工  
22 人，同時間我亦都搵番我認為適合去做coupler嘅員工去負責去做coupler，  
23 同時我亦都同所有工人訓示過，同時間我亦都加強咗巡查，因為呢件事我覺得  
24 係冇可能接受。

25 Q. All right. Can I ask you this: with regard to the first

1 occasion and/or the second occasion, did you report  
2 either of those occasions to Mr Pun, your boss?

3 A. 第一次嘅事件，我認為我嘅能力可以處理得到，所以，我亦都唔清楚第一次  
4 嘅事件係咩嘢問題，所以我係冇匯報，第二次，我覺得咁嚴重嘅話，我去嘗  
5 試問番啲員工究竟係咩嘢問題，點解要去cut一個coupler，呢件事，我非常  
6 覺得相當之嚴重，我都有去跟進，所以呢件事我亦都有同我個公司嘅負責人潘  
7 先生提過。

8 Q. You notified him presumably in a discussion? I don't  
9 think there's any -- there's no document or anything --  
10 just discussion, was it, Mr Cheung?

11 A. 我哋平時都喺地盤用說話去講解。

12 Q. Then, unfortunately, it didn't stop there. Go back to  
13 Mr Mok's statement, paragraph 37. He says:

14 "The third occasion when defective rebars were  
15 identified was on 15 December 2015. The defective  
16 rebars were identified during an informal inspection of  
17 bay C3-2 and C3-3 of the EWL slab that I conducted with  
18 MTRC's inspector of works, Andy Wong. As explained  
19 above, I often conducted informal inspections with  
20 MTRC's engineer or IoWs during our rounds. It was  
21 a normal practice.

22 During the informal inspection, both I and the  
23 MTRC's IoW noticed five defective rebars with the  
24 threaded ends cut off. At that time, installation of  
25 the bottom rebar layers was still in progress."

1           Now, Mr Cheung, to be fair to you, although you did  
2           not mention either of the first two incidents that we've  
3           looked at to the police, nor do you mention them in your  
4           witness statement, you did in fact mention this third  
5           incident, I believe, to the police, see Q8 and A8 at  
6           E1584.9 in the English and 1582 I think in the Chinese.

7           At Q8, it says:

8           "Have MTR and Leighton ever suggested to Fang Sheung  
9           that they found bar fixing works that did not conform to  
10          the required standards?"

11          You say:

12          "My impression is that in around 2016 (cannot recall  
13          the exact date), Leighton suggested to us that there  
14          were rebars at the D-wall (exact position forgotten)  
15          which were not screwed tightly into 5 couplers, such  
16          that threads were exposed", and so forth.

17          Is this the incident that Mr Mok is referring to and  
18          that you've remembered and told the police? It was the  
19          same one, five couplers; yes?

20          A. 係。

21          Q. All right. So back to Mr Mok's statement. Going on to  
22          paragraph 39 at 8116, he says:

23          "As before, I had Fang Sheung's workers (in this  
24          occasion with the help of Leighton's direct labourers)  
25          immediately replace the defective bars. I believe on  
26          that occasion that at least one of the couplers had to



1 be replaced. Both MTRC's IoW and I personally  
2 supervised the rectification of the work which took  
3 around one to two hours. Both the IoW and I attended  
4 the entire rectification process. We were both  
5 satisfied with the rectification work."

6 Going down to paragraph 43, Mr Mok says this:

7 "I spoke to Joe Cheung, Fang Sheung's supervisor, to  
8 explain that it was completely unacceptable that the  
9 same issue had arisen three times and that, on this  
10 occasion, there were five defective bars within the same  
11 area. I informed him that a NCR would be issued.  
12 I understand that Joe Cheung gave a briefing to his  
13 workers about the issue afterwards, but I did not attend  
14 and had not seen any record of this briefing."

15 Now, is Mr Mok's evidence there, in paragraph 43,  
16 Mr Cheung, accurate?

17 A. 係啱嘅。

18 Q. Thank you. Could we look, please, at the NCR.

19 Actually, why don't we just stick with the same  
20 bundle that we've got here, to save going elsewhere. If  
21 we go to 8134, the same bundle.

22 Sir, I'm afraid this non-conformance report appears  
23 in numerous different places in the bundle.  
24 Unfortunately, the documents aren't always the same,  
25 there's always the odd different page.

26 Anyway, let's look -- sorry, 8134 in C12. This is

1 non-conformance report no. 157; do you see that,  
2 Mr Cheung?

3 A. 睇到。

4 Q. I suppose I should ask you this: have you seen this  
5 non-conformance report before?

6 A. 我未。

7 Q. I had a feeling you were going to say that.

8 Now, it's a non-conformance report. I accept that  
9 your name, there's a typo, it says "Cheng" instead of  
10 "Cheung", but my understanding is that this was sent to  
11 Fang Sheung for your attention, but you're telling us  
12 that you've never seen it before; is that correct?

13 A. 係呀。

14 Q. So are you actually telling me and the Chairman that  
15 this is the first time, this afternoon, that you've ever  
16 seen this document?

17 A. 唔係，呢份文件係委員會嗰陣時我先至見過，我點解話冇見過呢？因為我好  
18 少返到寫字樓會收到信嘅，但係我知道有呢件事發生過。

19 Q. Sorry, Mr Cheung, when was the first time you saw this  
20 non-conformance report?

21 A. 呢份不合格報告，我係喺呢個6月13號地鐵嘅時候我見過嘅。

22 Q. Right. So you were shown it by the MTR when you were  
23 interviewed on 13 June?

24 A. 有。

25 Q. And that was the first time you saw it?

1 A. 係呀。

2 Q. So you did not see it back in December 2015; is that  
3 correct?

4 A. 我有見過。

5 Q. What I'd like you to do, however, Mr Cheung, is just --

6 COMMISSIONER HANSFORD: Sorry, can we just scroll down  
7 a little bit, where it says "Received by", there's  
8 nothing there.

9 MR PENNICOTT: No, sir, there isn't. That's a point I was  
10 going to raise with some of the witnesses a bit later  
11 on.

12 COMMISSIONER HANSFORD: Thank you.

13 MR PENNICOTT: Mr Cheung, I wonder if you can help us with  
14 this. If you go to C8135, so one page further on, and  
15 look at the details towards the top of the page,  
16 "Details of defective work". It says:

17 "Threaded bars at 3m thickness EWL slab at area C3  
18 bay C3-2/C3-3, was found 5 number of threaded steel bars  
19 heads -- Y40 at bottom layer which were wire cut ..."

20 By that phrase, "wire cut", Mr Cheung, I understand  
21 that to mean by the cutter, the hand-held cutter. Would  
22 you agree with that?

23 A. 應該係。

24 Q. Okay.

25 "... and hadn't screwed into couplers face to bay  
26 C3-1/C3-4/eastern D-wall."

1           And then there are some photographs referred to, E1  
2           to E4.

3           Could I ask you, please, just to read those two  
4           lines to yourself again, because I want to ask you this,  
5           Mr Cheung, as to whether you can actually identify for  
6           us precisely where this happened. We can get out the  
7           drawing again and get you to mark on it. I'd like to  
8           know whether you can assist us with telling us precisely  
9           the location at which these photographs took place. It  
10          does bear a bit of thinking about, Mr Cheung.

11          I don't know whether the photographs will help you,  
12          Mr Cheung, but please do look at them.

13          A. 好。

14                 係咪呢一個位置? (Indicating).

15          Q. Yes. Can you pinpoint the precise place it was taken or  
16          not?

17          A. 因為我指出唔到呢個正確位置，我只係憑相或者係呢度，我先係知道呢度應該  
18          係C3-2，因為莫先生佢經已係做好咗，搵我哋工人做好咗，然後再通知我嘅，  
19          正確位置我真係唔清楚，唔知個位置喺邊度。但係個倉個位置應該就係呢度。

20          Q. All right. I just thought you might be able to hone it  
21          down for us, but never mind. That's fine.

22                 So, Mr Cheung, just to go back to your witness  
23          statement, where you repeated on four or five occasions  
24          that, to your knowledge, the rebar, threaded rebar, had  
25          not been cut. Presumably, you would also now need to

1           qualify that statement or those statements by reason of  
2           the three occasions, the three incidents, that I've just  
3           looked at with you. Do you agree?

4       A.   同意。

5       Q.   Apart from those three incidents and the cutting for the  
6           purposes of the remedial works that we discussed  
7           earlier, Mr Cheung, are you aware of any other cutting  
8           of threaded rebar by Fang Sheung, or anybody else, on  
9           this project?

10      A.   我亦都有睇到我工人去剪短鋼筋，但係我亦都好清楚呢件事，呢八支coupler  
11         剪短鋼筋嘅事。

12      Q.   The eight arising from those three occasions, three  
13         incidents?

14      A.   係，冇錯，相當之遺憾，呢八支。

15      Q.   Right. And, in relation to that last incident -- and  
16           I acknowledge that you said you never saw the NCR -- did  
17           you discuss that third incident, the December incident,  
18           with Mr Pun, your boss?

19      A.   我有提及過。

20      Q.   Okay. What was his reaction?

21      A.   佢好憤怒，點解會有咁嘅事發生，我亦都好慚愧，因為我知道EW track初初  
22         開工嘅時候，佢個工序係相當之困難，同埋係好多coupler，所以我有掉以  
23         輕心，我由2015年呢個3月、4月份，我已經係留意到coupler係個裝嵌係有  
24         一定嘅難度，所以我由1875嘅slab，我見到coupler有移位、唔同或者係  
25         損毀，嗰陣時候，我已經係好有心留意，因為嗰啲coupler係條呔邊係做唔

1 到，所以我亦都有通知到禮頓嘅工程師去core窿，去種鐵。

2 我對呢三次嘅事件嘅話，第五次--第二次事件，我亦都疏忽咗，我亦都  
3 做咗好多措施，譬如我會換咗唔同嘅工人，換番啲適合、信得過嘅工人去監察  
4 住去扭coupler，因為原來第二次我所知發生嘅話，係原來有鋼筋畀我哋嘅  
5 魯莽嘅工人貪快去造成嘅。

6 好喇，第三次之後，莫先生完成咗補救措施，叫我哋嘅工人做番好，然之  
7 後再通知我，我先至知道原來有工人--惡劣嘅工人，佢自把自為將嗰五支鋼筋  
8 裁短咗，我極之憤怒，所以我對呢件事係最遺憾，我已經係即時召集晒我哋嘅  
9 員工去訓示，係嚴加訓示，因為我覺得呢件事係相當之嚴重，因為莫生佢同我  
10 講一定會出NCR畀我，即係話會出警告信畀我。

11 我對呢件事，我相信之憤怒，我同我哋嘅所有嘅員工講解，遇到任何事情  
12 嘅時候，coupler，我哋嘅鐵扭唔到唔係我哋嘅責任，應該放低，通知禮頓，  
13 因為佢可以換杯，係唔可以有個人嘅魯莽去cut咗coupler，去做啲唔啱嘅工  
14 序，嗰次嘅訓示嘅話，我亦都好嚴厲咁督促我哋嘅工人，如果再有呢件事情發  
15 生嘅話，將會係會開除佢哋，唔可以喺度工作，我係唔容許有呢件事情再發生。

16 跟住然後，我亦都好有心，做好多嘅措施，我自己亦都加強咗去監察，  
17 亦都提醒我哋前線嘅資深嘅工人更加要留意，唔好再有同樣嘅事情發生，就此  
18 呢五支之後，我哋已經係有改善到，亦都有收到第二封嘅警告信，亦同樣地鐵  
19 同埋禮頓對我哋監察亦都好嚴謹咗，我相信跟住然後嘅話，唔會再有發生同  
20 樣嘅事情。

21 MR PENNICOTT: Thank you, Mr Cheung.

22 Sir, I have no further questions. It's eight  
23 minutes to; perhaps that would be a convenient moment.

1 CHAIRMAN: Yes.

2 MR PENNICOTT: A meeting is taking place this evening as  
3 well.

4 CHAIRMAN: Who would be the next counsel?

5 MR PENNICOTT: I'm not sure whether there's been any  
6 agreement. It may be China Technology first.

7 MR SO: China Technology is happy to go first.

8 CHAIRMAN: All right.

9 Questioning by THE COMMISSIONERS

10 CHAIRMAN: Can I ask one very quick question? It concerns  
11 the photographs which we had a look at yesterday.

12 Mr Cheung, I think they are the photographs taken on  
13 22 September.

14 MR PENNICOTT: Six of them are, sir. One was on the 4th.

15 CHAIRMAN: That's right.

16 Could we have a look at those photographs, please.

17 MR PENNICOTT: D1/227, starting at 226.

18 CHAIRMAN: There we go. That was the first one.

19 MR PENNICOTT: If you want the closer-up, it's 228.

20 CHAIRMAN: There we go. That was the photograph we had  
21 a look at, and I'm not sure of the gist of your  
22 evidence, finally. Was it to the effect that whoever  
23 was doing this did not appear to you to be a Fang Sheung  
24 worker, from looking at the photograph?

25 A. 係,冇錯,主席。

26 CHAIRMAN: Okay. I think what you said was that if you had

1           seen this happening, you would definitely have gone  
2           across and done something about it, stopped him?

3       A.    如果呢個係我泛迅嘅工人，我估計佢如果係做緊一個動作，係有做coupler  
4           嘅話，我絕對唔容許，我一定會阻止佢。

5       CHAIRMAN: All right. But you're looking at the photograph  
6           there, and although it's a moment in time only,  
7           certainly the blade appears to be very close to the  
8           thread; would you agree? I think yesterday you didn't  
9           have a great deal of trouble saying that it appeared to  
10          be cutting the thread.

11       A.    係。

12       CHAIRMAN: That looks to you as if somebody is cutting the  
13          thread?

14       A.    係。

15       CHAIRMAN: And yesterday -- I may have it wrong and if so,  
16          please forgive me -- you appeared to suggest that if you  
17          had been there and seen it, you would have done  
18          something, but unfortunately you were not there.

19       A.    我唔清楚嗰日究竟係發生咩嘢事，或者我都唔在場嘅，因為...

20       CHAIRMAN: All right. Now, again, subject to this being  
21          correct, that photographs bears a time on it, and  
22          I think the time is 18:18, which basically means  
23          18 minutes past 6, in old-fashioned language; okay?

24       A.    Yes.

25       CHAIRMAN: Then there's another photograph, if we can move



1 on, which shows -- that one there, 229 -- you, right,  
2 very blurred.

3 MR PENNICOTT: And the next one.

4 CHAIRMAN: And the next one. And this one. In fact the  
5 reason why the blurred one shows you, we can see, is  
6 because you are carrying a bundle of sketches or plans;  
7 do you see? And that photograph was taken at 18:19,  
8 which on my poor mathematics means one minute later. Do  
9 you see that?

10 A. 睇到。

11 CHAIRMAN: In fact both those -- and in addition there's  
12 another photograph of two men working and we had  
13 a discussion about that. There we go. You weren't  
14 sure, I think, whether they were your workers or not; is  
15 that right?

16 A. 係, 冇錯。

17 CHAIRMAN: But they appear to be involved either in placing  
18 a bar or threading it into a wall or taking it away from  
19 a wall; right?

20 A. 係。

21 CHAIRMAN: In fact, there's a wrench there right next to  
22 them. That photograph was taken at 18:19 also. So that  
23 if one looks just at the times -- and I appreciate they  
24 can be misleading -- within a minute, there's  
25 a photograph of somebody cutting a thread, there's  
26 a photograph of you, and there's a photograph of two men

1           who may be your workers doing something in the corner  
2           with rebars. Do you agree that would suggest that you  
3           were in the vicinity, unless the photographer was very  
4           agile and very fast?

5           Do you agree, on this evidence, it would appear that  
6           you were in the nearby vicinity that evening when that  
7           threaded rebar was either being cut or something was  
8           being done to it?

9           A. 有可能我喺現--我同意，我同意。

10          CHAIRMAN: Are you able to say why that particular person  
11          would feel free or uninhibited, as appears to be the  
12          case -- and I appreciate that only appears to be the  
13          case -- to apparently cut a threaded rebar while  
14          workers, namely your workers and you, are in the  
15          immediate vicinity?

16          A. 主席，做緊嘅位置嘅話，不單只係有我哋嘅工人，仲有其他工人，因為紮鐵  
17          嗰個地方係好多工人喺度，佢哋有裝螺絲，有裝喉，有釘呢個風槽板模，亦  
18          都有去打呢個石屎，如果嗰個係我嘅紮鐵工人，我亦都一樣係會阻止佢做呢  
19          個動作，我會了解清楚佢究竟係做乜嘢，因為嗰樣相，我亦睇唔到係我哋嘅  
20          工人，我亦都唔清楚佢究竟係做緊個乜嘢。

21          CHAIRMAN: All right. But you would agree that it appears  
22          that this worker, whoever he was affiliated to, appears  
23          to be going about his business, not in a hidden sort of  
24          way; he's out there in an open work space, and you are  
25          very close by, and he's apparently -- it's open to

1 discussion and no decision has been made on it -- but  
2 he's apparently cutting the thread on a reinforced steel  
3 bar, something which you say you had never seen, really?

4 A. 嗰張相?

5 CHAIRMAN: Yes.

6 A. 係呢張相?

7 MR PENNICOTT: 228.

8 CHAIRMAN: No, 228. There we go.

9 A. 228呢張相我係報章度見過咁嘛, 228呢張相係我係媒體度...

10 CHAIRMAN: What I'm saying is it appears -- and I put it no  
11 higher than that -- that he is in an open area of the  
12 workspace, in close vicinity to yourself and your  
13 workmen. It appears that he is cutting the threads on  
14 a reinforced bar, and again "appears". No decision has  
15 been made about that and we will hear full evidence in  
16 due course of time. But would you agree that that is  
17 the appearance, at least?

18 I'm just wondering why somebody would feel they  
19 could do it openly, in close vicinity to you, if it was  
20 something which really shouldn't be done and something  
21 which you yourself would appreciate really shouldn't be  
22 done.

23 A. 你呢一張相片嘅話, 我就唔清楚佢用意, 個動作係想做啲乜。

24 CHAIRMAN: I'm just talking about the cutting itself.

25 A. 個切割係咪做乜? 我形容唔到佢做乜呀, 佢有可能係切割螺絲頭, 可能係做啲

1 補救嘅方法，...

2 CHAIRMAN: All right.

3 A. ...可能啲鐵係唔啱，佢要cut短佢。如果我單相片嗰度，我睇，我就只  
4 可以咁形容。

5 CHAIRMAN: All right. And I think your evidence is that you  
6 couldn't be sure that he was your man anyway, and you  
7 didn't know what he was doing?

8 A. 係，主席，我好清楚我今日坐喺度個位置係做啲乜嘢，我係好認真去在堂上  
9 講任何一句說話，我唔敢肯定或唔的確肯定嘅話，我係唔可以任意亂咁答問  
10 題，我亦都好清楚我今日坐喺度係為咗呢個獨立委員會調查沙中線嘅非法剪  
11 鋼筋，係大規模嘅剪鋼筋，我好清楚，所以我嘅NCR嘅錯處喺邊度，我知道  
12 嘅話，實情，我係一句一句話畀大家聽嘅，主席，如果我有錯，希望你指引  
13 我。

14 CHAIRMAN: All right. Thank you very much.

15 MR PENNICOTT: Sir, sorry, we are coming to have another  
16 timetable conversation for the same reasons we had last  
17 night, if you recall. Poor Mr Cheung is going to suffer  
18 from the same problem he did this morning --

19 CHAIRMAN: Of course.

20 MR PENNICOTT: -- because we've got Mr Rodgers from Sydney  
21 tomorrow morning. As I understand it, we will be  
22 starting at 10 o'clock again, with Mr Rodgers three  
23 hours ahead in Sydney. Again, perhaps -- I don't think  
24 I'm going to be very long with Mr Rodgers, 15 or  
25 20 minutes. Perhaps we need to take some soundings from

1 other counsel as to who may wish to cross-examine  
2 Mr Rodgers and see how long we are going to be in the  
3 morning, so we can indicate to Mr Cheung when he needs  
4 to come back.

5 MR SO: Around 30 minutes for China Technology.

6 MR BOULDING: Sir, at the moment we don't anticipate we've  
7 got any questions at all.

8 CHAIRMAN: Thank you.

9 MR KHAW: I underestimated when I said half an hour  
10 yesterday, so I will try to say one hour.

11 CHAIRMAN: Good.

12 Mr Wilken?

13 MR WILKEN: Obviously in terms of evidence-in-chief, he's  
14 done his witness statement so that will be minimal, and  
15 as to re-examination, the usual points apply.

16 CHAIRMAN: Of course.

17 MS CHONG: I will have no questions.

18 MR PENNICOTT: So it looks about another two hours again, so  
19 maybe midday again, if that's okay.

20 CHAIRMAN: Mr Cheung, we are having more evidence tomorrow  
21 by way of a videolink, and so we will not require your  
22 presence here until 12 noon; okay?

23 WITNESS: 我樂意。

24 CHAIRMAN: Good. So we look forward to seeing you then.

25 And let me remind you, as I did yesterday, that while  
26 you are still in the process of your evidence, you are

1 not permitted to discuss that evidence with anybody;

2 okay?

3 WITNESS: 清楚。

4 CHAIRMAN: Thank you.

5 (5.06 pm)

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

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