

Page 1	Page 3
<p>1 Friday, 16 November 2018</p> <p>2 (10.01 am)</p> <p>3 MR CHANG: Good morning, Mr Chairman and Professor.</p> <p>4 The next witness is Mr Joe Leung.</p> <p>5 Again, to put him on site, if we can have bundle C7,</p> <p>6 page 5536. The reference point will be somewhere in the</p> <p>7 middle, with Gary Chow, who gave evidence yesterday.</p> <p>8 Joe Leung is underneath "Area C", "Site agent".</p> <p>9 Incidentally, Andy Ip, who will be the next in line,</p> <p>10 is the sub-agent underneath Mr Joe Leung.</p> <p>11 CHAIRMAN: Thank you.</p> <p>12 MR CHANG: Mr Leung, good morning.</p> <p>13 WITNESS: (Via interpreter) Good morning.</p> <p>14 MR LEUNG KWOK CHEONG, JOE (sworn in Punti)</p> <p>15 (All answers given via simultaneous interpreter</p> <p>16 except where otherwise specified)</p> <p>17 Examination-in-chief by MR CHANG</p> <p>18 MR CHANG: Can the witness be shown bundle C27, page 20679</p> <p>19 Mr Leung, before you is a document titled, "First</p> <p>20 witness statement of Joe Leung".</p> <p>21 If the witness can be shown the last page of this</p> <p>22 document, 20684, we can see a signature. Is that your</p> <p>23 signature?</p> <p>24 A. Yes.</p> <p>25 Q. Do you confirm this to be your witness statement for the</p>	<p>1 Q. You say, in paragraph 3 of your witness statement, that</p> <p>2 you joined Leighton as a site agent in May 2013.</p> <p>3 When did you actually start working on the</p> <p>4 particular project, SCL1112, that we're concerned with?</p> <p>5 A. After I joined Leighton, the first project was 1112.</p> <p>6 Q. Right. So you've been the site agent from May 2013; is</p> <p>7 that right?</p> <p>8 A. Correct.</p> <p>9 Q. So you saw the project right through, essentially, from</p> <p>10 commencement, that is with the diaphragm walls and so</p> <p>11 forth, right the way through until you left Leighton on</p> <p>12 19 July 2018, that is earlier this year; is that</p> <p>13 correct?</p> <p>14 A. Well, when I first joined Leighton in May 2013, I worked</p> <p>15 on this project, but I left this project not this year,</p> <p>16 in July. When I left contract 1112, it should be</p> <p>17 Chinese New Year, before Chinese New Year this year, in</p> <p>18 2018, that means about February 2018. And then I was</p> <p>19 transferred to another project at the airport, and then</p> <p>20 in July I left Leighton.</p> <p>21 Q. So you were working on the project right up until</p> <p>22 Chinese New Year in 2018, approximately?</p> <p>23 A. Correct.</p> <p>24 Q. Mr Leung, are you familiar with or have you heard of</p> <p>25 a document called the site supervision plan?</p>
Page 2	Page 4
<p>1 purpose of this Inquiry?</p> <p>2 A. Yes.</p> <p>3 Q. Do you confirm the contents to be true and accurate?</p> <p>4 A. Yes, I confirm it's true.</p> <p>5 Q. Do you wish the Commission to accept this witness</p> <p>6 statement as part of your evidence for this Inquiry?</p> <p>7 A. Yes, I do.</p> <p>8 MR CHANG: Please remain seated. Lawyers around the room</p> <p>9 will have questions for you, starting from the gentleman</p> <p>10 next to me, Mr Pennicott.</p> <p>11 Examination by MR PENNICOTT</p> <p>12 MR PENNICOTT: Good morning, Mr Leung.</p> <p>13 A. Good morning.</p> <p>14 Q. My name is Pennicott, I'm one of the counsel to the</p> <p>15 Commission, and I get to ask you some questions first.</p> <p>16 As has been indicated to you already, others may have</p> <p>17 some questions for you afterwards as well, and at any</p> <p>18 time the chairman and the professor may also have some</p> <p>19 questions.</p> <p>20 Thank you very much for coming along this morning to</p> <p>21 give evidence to the Commission.</p> <p>22 Mr Leung, my understanding is that you were the site</p> <p>23 agent, and we've seen the organisation chart, for area C</p> <p>24 on the project. Is that correct?</p> <p>25 A. Yes.</p>	<p>1 A. I know about SSP, yes.</p> <p>2 Q. Is it a document you have read and considered in the</p> <p>3 past?</p> <p>4 A. Yes, I did.</p> <p>5 Q. Could we please have a look at it. It's at H10, and if</p> <p>6 you go, please, to page 4543, this is the cover sheet of</p> <p>7 the site supervision plan, submitted to the government</p> <p>8 in August 2015, Mr Leung, take it from me, because there</p> <p>9 were a number of these.</p> <p>10 A. (In English) Okay.</p> <p>11 Q. If you would be good enough, please, to go to page 4548.</p> <p>12 This is the part of the supervision plan that sets out</p> <p>13 the supervision plan of the registered contractor, that</p> <p>14 is Leighton; do you see that at the top of the page?</p> <p>15 A. Yes, I see it.</p> <p>16 Q. At item 13 it says:</p> <p>17 "The technically competent persons for site</p> <p>18 supervision under the registered geotechnical engineer's</p> <p>19 stream required for the specified type of works are ..."</p> <p>20 And there's a list of positions and names.</p> <p>21 Am I right in thinking that your name appears there as</p> <p>22 the sixth name down from the top?</p> <p>23 A. Yes, correct.</p> <p>24 Q. You are there described as "T3 and T2 (alternative)"; do</p> <p>25 you see that?</p>

Page 5	Page 7
<p>1 A. Yes, I see it.</p> <p>2 Q. You will see, on the right-hand side, there's a heading</p> <p>3 at the top of the table, "Frequency level of site</p> <p>4 [supervision]"; do you see that?</p> <p>5 A. I see it, yes.</p> <p>6 Q. Under or against your name, what it says is "4 (one</p> <p>7 visit every week)"; do you see that?</p> <p>8 A. Yes, I see it.</p> <p>9 Q. Does that statement for one visit every week reflect,</p> <p>10 Mr Leung, in fact what you did by way of supervision;</p> <p>11 that is, you visited the site approximately one visit</p> <p>12 every week? Is that correct?</p> <p>13 A. Yes, correct.</p> <p>14 Q. On your one visit every week, to what extent, if at all,</p> <p>15 did you look, starting in 2015 -- so two years into the</p> <p>16 project -- at the rebar fixing being done by</p> <p>17 Fang Sheung?</p> <p>18 A. Fang Sheung was not one of the sub-contractors that</p> <p>19 I had to supervise or was not one of the work processes</p> <p>20 I had to supervise. Now, when I visited the site,</p> <p>21 I would actually look at everything. Fang Sheung was</p> <p>22 one of the sub-contractors working on site, and also</p> <p>23 here you can see I am an alternative. That means if the</p> <p>24 actual person, say, is on leave, on sick leave, and so</p> <p>25 on, then I would stand in as the alternative.</p>	<p>1 the installation of couplers -- "is in addition to ...</p> <p>2 the site supervision plan", that we've just been looking</p> <p>3 at in the other file.</p> <p>4 So were you unaware, throughout your time on this</p> <p>5 site, that there was a document that required additional</p> <p>6 or enhanced supervision of the coupler installation</p> <p>7 work?</p> <p>8 A. No.</p> <p>9 Q. You were unaware of this document?</p> <p>10 A. No, I wasn't aware of this document.</p> <p>11 Q. And you were unaware, therefore, of the enhanced</p> <p>12 supervision that was required by this document</p> <p>13 throughout your time working on project SCL1112?</p> <p>14 A. No idea, because I've never read this document before.</p> <p>15 I've no idea.</p> <p>16 Q. Right.</p> <p>17 I'm not sure I can take that very much further then.</p> <p>18 We will see how Mr Ip gets on later.</p> <p>19 Can I ask you this question, Mr Leung. We've heard</p> <p>20 a lot of evidence, an increasing amount of evidence,</p> <p>21 about the inspections that took place of the rebar</p> <p>22 installed by Fang Sheung. My understanding of what you</p> <p>23 said a moment ago is that Fang Sheung and the</p> <p>24 installation of the rebar was not something with which</p> <p>25 you were concerned; is that correct?</p>
Page 6	Page 8
<p>1 Q. In this instance, am I right in thinking that you were</p> <p>2 the alternative to Andy Ip, that is the name -- the</p> <p>3 person that appears above you, two above you, in this</p> <p>4 table?</p> <p>5 A. Yes, correct, according to this table. That's how it's</p> <p>6 represented.</p> <p>7 Q. Okay.</p> <p>8 Are you familiar with and have you heard of the</p> <p>9 quality supervision plan in relation to the fixing and</p> <p>10 installation of couplers?</p> <p>11 A. I have no recollection of that.</p> <p>12 Q. Could I ask you, please, to be shown H9, page 4265.</p> <p>13 You will see, Mr Leung, at page 4265, a document</p> <p>14 headed, "Quality supervision plan on enhanced site</p> <p>15 supervision & independent audit checking by MTRC</p> <p>16 & registered contractor for installation of couplers";</p> <p>17 do you see that?</p> <p>18 A. Yes, I see it.</p> <p>19 Q. Is this a document you've seen before?</p> <p>20 A. I have not seen it before.</p> <p>21 Q. If you go, please, to page 4267 in this document -- it</p> <p>22 will be on the screen or you can take it in hard copy if</p> <p>23 you wish, Mr Leung -- at the bottom there, of that</p> <p>24 page 4267, it says:</p> <p>25 "The quality supervision" -- that is in relation to</p>	<p>1 A. Well, you can't put it this way. It's one of the</p> <p>2 procedures. Of course, if you talk about details,</p> <p>3 I might not oversee very clearly, but in terms of their</p> <p>4 actual work and the procedure, and how they would affect</p> <p>5 the progress and the flow of work, I did take part in</p> <p>6 it.</p> <p>7 I also mentioned in my previous statement that</p> <p>8 before Fang Sheung started their work at the site, at</p> <p>9 the initial stage I discussed with them the methods, the</p> <p>10 drawings, the problems. So I wouldn't say that I was</p> <p>11 not concerned at all.</p> <p>12 Q. All right. Let me put it slightly differently. You</p> <p>13 were not involved personally in the supervision and</p> <p>14 inspection of the Fang Sheung work as the various layers</p> <p>15 of rebar were installed; would that be fair?</p> <p>16 A. Right, I personally did not involve in the supervision.</p> <p>17 Q. Or inspection?</p> <p>18 A. Correct, I did not.</p> <p>19 Q. Could you please be shown an email at C12/8127.</p> <p>20 Do you have that, Mr Leung?</p> <p>21 A. Yes.</p> <p>22 Q. This is an email that was sent by Mr Kobe Wong of the</p> <p>23 MTR to, amongst other people, yourself; do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Do you recall receiving this email?</p>

Page 9	Page 11
<p>1 A. No recollection.</p> <p>2 Q. So you took no action upon this email; would that be</p> <p>3 right?</p> <p>4 A. You can put it this way. In my recollection, about this</p> <p>5 thing, I did not take any particular action.</p> <p>6 Q. All right. We know this email was sent with a number of</p> <p>7 attachments, a number of photographs. They are in the</p> <p>8 following pages in the file or on the screen. Have</p> <p>9 a look at 8128, please. Do you have any recollection of</p> <p>10 seeing this photograph attached to the email?</p> <p>11 A. It was only after the reporting of this incident that</p> <p>12 I saw that in the news. Previously, I had no</p> <p>13 recollection.</p> <p>14 Q. When you say "in the news", you're talking about this</p> <p>15 year, are you, Mr Leung?</p> <p>16 A. Yes. Yes. After the inquiry began, I saw those in the</p> <p>17 news.</p> <p>18 Q. Right. But you have no independent recollection of</p> <p>19 having seen this back in 2015?</p> <p>20 A. Correct, no recollection.</p> <p>21 MR PENNICOTT: In that case, I have no further questions for</p> <p>22 you, Mr Leung.</p> <p>23 Cross-examination by MR TO</p> <p>24 MR TO: Chairman and Professor, good morning.</p> <p>25 Mr Leung, I represent China Technology, my name is</p>	<p>1 A. I know who he is. He is the senior staff of the project</p> <p>2 design team.</p> <p>3 Q. Are you aware that he compiled two reports relating to</p> <p>4 these incidents?</p> <p>5 A. No, I don't know. But, I mean, I saw him from time to</p> <p>6 time at our site office.</p> <p>7 Q. Were you involved in any way or form with assisting</p> <p>8 Mr Lumb in any way relating to these matters?</p> <p>9 A. No, because when I worked in this area, I did not stay</p> <p>10 all the way to the end. It was in 2016, the first</p> <p>11 quarter, in my recollection, I do not recall the exact</p> <p>12 time, that I got transferred to other areas for other</p> <p>13 works, so I had no idea when he had come or when he had</p> <p>14 conducted some investigation.</p> <p>15 Q. So you were not involved with the investigation?</p> <p>16 A. I was not involved. I don't even know about the</p> <p>17 investigation.</p> <p>18 MR TO: Mr Leung, I don't have any further questions.</p> <p>19 Thank you, Chairman and Commissioner.</p> <p>20 MR PENNICOTT: Sir, before anybody else stands up -- perhaps</p> <p>21 I should have mentioned this earlier, given Mr To's</p> <p>22 questions to the witness -- last evening, we received</p> <p>23 from Leightons two further witness statements, which</p> <p>24 I think you're aware of.</p> <p>25 CHAIRMAN: Yes.</p>
Page 10	Page 12
<p>1 Christopher To, and I basically have two or three</p> <p>2 questions to ask you.</p> <p>3 Mr Leung, I won't take you to your witness statement</p> <p>4 but you mention this in paragraph 21, that someone</p> <p>5 informed you about, for example, there was an issue</p> <p>6 about the bars not being screwed in properly.</p> <p>7 Can I just ask you maybe a question leading on to</p> <p>8 that. Are you familiar with this term called</p> <p>9 "non-conformance reports"?</p> <p>10 A. Yes, I know this.</p> <p>11 Q. Usually short term "NCR"?</p> <p>12 A. Yes, NCR, yes, I've heard that.</p> <p>13 Q. Can I ask you how many NCRs were issued during your time</p> <p>14 when you were actually handling this project?</p> <p>15 A. I personally did not issue any.</p> <p>16 Q. But how many have you seen?</p> <p>17 A. In this project, at the later stage -- I mean, I was</p> <p>18 later transferred to another area. I worked in several</p> <p>19 areas, and at a later stage I saw one or two, but</p> <p>20 previously I did not see.</p> <p>21 Q. Are you familiar with one called NCR157?</p> <p>22 A. No recollection. I don't recall the number.</p> <p>23 Q. Thank you.</p> <p>24 My last question is: are you familiar with</p> <p>25 a gentleman called Stephen Lumb, L-U-M-B?</p>	<p>1 MR PENNICOTT: One was from Andy Ip, who we are about to</p> <p>2 hear from after Mr Leung is finished, and the other was</p> <p>3 the fourth witness statement of Stephen Lumb.</p> <p>4 I don't know whether that's managed to filter</p> <p>5 through to all my learned friends, but Mr Lumb sets out</p> <p>6 some further detail of the background to the preparation</p> <p>7 of his report, and indeed lists out the people he</p> <p>8 understands that were spoken to for the purposes of his</p> <p>9 review and investigation.</p> <p>10 Cross-examination by MR CHOW</p> <p>11 MR CHOW: Good morning, Mr Chairman and Professor. I have</p> <p>12 a few questions for Mr Leung.</p> <p>13 Good morning, Mr Leung. I am acting for the</p> <p>14 government and I have a few questions for you.</p> <p>15 Mr Leung, according to the organisation chart dated</p> <p>16 December 2015 that we have just looked at earlier, it</p> <p>17 appears that your engineering team is the only</p> <p>18 engineering team taking care of area C of the EWL slab.</p> <p>19 Is that correct?</p> <p>20 A. Correct.</p> <p>21 Q. So any inspection, be it a routine inspection or the</p> <p>22 formal inspection for the steel fixing work, would have</p> <p>23 been conducted by members of your engineering team; is</p> <p>24 that correct?</p> <p>25 A. Correct.</p>

Page 13	Page 15
<p>1 Q. What I further gather from your statement is that among 2 various members of your team, the inspection of the 3 steel fixing work was carried out by the engineers of 4 your team, namely Mr Edward Mok, Man Sze Ho or 5 Sasa Leung; is that correct? 6 A. Correct. 7 Q. And your sub-agent, Mr Andy Ip, did not carry out any -- 8 perhaps I should put it -- did not carry out full-time 9 and continuous inspection for the installation of the 10 coupling works on site; is that correct? 11 A. Correct. As far as I know, Andy Ip did not stay 12 full-time on site for the purpose of inspections. 13 Q. Can you also confirm that none of your engineers that 14 I mentioned earlier was, at the time of the construction 15 of the EWL slab, qualified as a grade T3 technically 16 competent person? 17 A. You mean the chart I saw just now or the table I saw 18 just now, his name was not on it; is that what you mean? 19 CHAIRMAN: I think three names were mentioned, is it? 20 MR CHOW: That is correct: Edward Mok, Man Sze Ho and 21 Sasa Leung. 22 The organisation chart is still on the screen. 23 Under your name, Joe Leung, we can see a sub-agent, 24 Andy Ip? 25 A. Yes, I see it.</p>	<p>1 shortening the threaded ends of a reinforcement bar. 2 I also did not hear of this being done." 3 Can we take it that Mr Edward Mok, after having 4 discovered the cut reinforcement, he has not informed 5 you about any of those incidents? 6 A. I don't recall whether it was him who told me, because 7 in the witness statement I mentioned that I had 8 recollection that someone told me that the bars could 9 not be screwed into the couplers, but no one told me 10 that the bars were cut or cut short, something like 11 that. So that's why I made this statement. 12 As to whether he told me or not, I couldn't 13 remember, but I recall someone telling me that the bars 14 could not be screwed in. 15 MR CHOW: Thank you, Mr Leung. 16 Mr Chairman, I have no more questions. 17 CHAIRMAN: Thank you. 18 MR BOULDING: No questions from MTR. 19 CHAIRMAN: Thank you. 20 MS CHONG: No questions from Fang Sheung. 21 CHAIRMAN: Peter, any questions? 22 COMMISSIONER HANSFORD: No questions. 23 CHAIRMAN: No questions. 24 MR CHANG: No re-examination. 25 CHAIRMAN: Thank you very much. Thank you for attending</p>
Page 14	Page 16
<p>1 Q. Then three other engineers which I have named. My 2 question earlier is that: can you confirm that none of 3 the three engineers were at that time qualified as 4 a grade T3 TCP? 5 A. Probably no, they were not. 6 Q. Thank you. 7 The last area I would like to explore with you -- 8 well, we can see from this organisation chart which is 9 still on the screen, it is dated December 2015; do you 10 see that? 11 A. No, I don't see the date. 12 Q. Perhaps we can move the chart to the upper left-hand 13 corner -- I believe it's marked on the upper left-hand 14 corner. 15 A. Yes, I see it. 16 Q. From the document, it is clear now, on three separate 17 occasions, between September and December 2015, one of 18 your engineers, Mr Edward Mok, discovered three 19 incidents where threaded bars had been cut. Presumably, 20 during that period, he was already one of the members of 21 your team taking care of the EWL slab; is that correct? 22 A. Yes, correct. 23 Q. From your witness statement, paragraph 22, you, however, 24 said: 25 "At no time did I ever see anyone cutting off or</p>	<p>1 this morning. Your evidence is now complete. Thank 2 you. 3 WITNESS: Thank you. 4 (The witness was released) 5 MR CHANG: Mr Chairman and Professor, the next witness will 6 be Mr Andy Ip. 7 Good morning, Mr Ip. 8 WITNESS: (Via interpreter) Good morning. 9 MR IP WAI MING, ANDY (affirmed in Punt) (All answers given via simultaneous interpreter 10 except where otherwise specified) 11 Examination-in-chief by MR CHANG 12 MR CHANG: May the witness be shown bundle C12, page 8158. 13 Before you is a document titled, "First witness 14 statement of Andy Ip". 15 If the witness may be shown page 8162. 16 There is a signature. Mr Ip, can you confirm that 17 to be your signature? 18 A. Correct, yes, it's mine. 19 Q. Do you confirm this is your first witness statement 20 prepared for this Inquiry? 21 A. Yes, correct. 22 Q. Can the witness be shown bundle C32, page 24074. This 23 is a document titled, "Second witness statement of 24 Andy Ip". If we go to page 24077, there is a signature. 25</p>

Page 17	1 Can you confirm that to be your signature? 2 A. Yes, I confirm that. 3 Q. Is this your second witness statement prepared for the 4 purpose of this Inquiry? 5 A. Yes, correct. 6 Q. There's a third witness statement from you. Bundle C35, 7 page 26678. The document is titled, "Third witness 8 statement of Andy Ip". 9 Over the page, 26679, there is a signature. Again, 10 can you confirm that to be your signature? 11 A. Yes, correct. 12 Q. Is this your third witness statement for the purpose of 13 this Inquiry? 14 A. Yes. 15 Q. For all these three witness statements, do you confirm 16 the contents to be true and accurate? 17 A. Yes, correct, true and correct. 18 Q. Do you wish the Commission to accept the three witness 19 statements as part of your evidence in this Inquiry? 20 A. Yes, I do. 21 MR CHANG: Please remain seated. Lawyers around the room 22 may have questions for you, starting from Mr Pennicott. 23 Examination by MR PENNICOTT 24 MR PENNICOTT: Good morning, Mr Ip. 25 A. Good morning.	Page 19
Page 18	1 your witness statement. You say there: 2 "I recall in late 2015 (I do not remember exactly 3 when), Edward Mok informed me that he and the MTRCL 4 inspector had identified rebar with the threaded end cut 5 off (I do not remember the exact number he identified). 6 He explained that the rebar had been rectified 7 immediately by the sub-contractor and that the MTR 8 approved the inspection." 9 Do you see that, Mr Ip? 10 A. Yes, I see it. 11 Q. My understanding is that that was the first occasion 12 upon which Edward Mok had identified cut threaded rebar. 13 Is that also your understanding, Mr Ip? 14 A. Mr Mok identified three incidents, but I couldn't recall 15 whether this was his first or second time that he told 16 me about it. 17 Q. Right. Well, in paragraph 30 of Mr Mok's statement, he 18 says he told you about this first incident, and I assume 19 that you would accept that that's correct? 20 A. Yes, you could put it that way. 21 Q. All right. Now, this is the first -- let's assume that 22 this is the first incident, on that basis. You've been 23 told, as the sub-agent, about somebody cutting threaded 24 rebar. Did that not strike you as slightly curious at 25 the time you were told it?	Page 20
Page 18	1 Q. As has been indicated, I'm one of the counsel to the 2 Commission; I get to ask you some questions first, then 3 others may follow, and the Chairman and the Commissioner 4 may also ask you questions at any time. 5 Thank you very much for coming along to give 6 evidence this morning, and I apologise for my voice. 7 Now, Mr Ip, my understanding is that you are still 8 employed by Leighton; is that correct? 9 A. Correct. 10 Q. And you were a sub-agent between May 2015 up to some 11 point in 2017, when you were promoted to a site agent; 12 is that right? 13 A. Correct. 14 Q. Approximately when in 2017 were you promoted? 15 A. April. 16 Q. And when you were promoted to a site agent in April 17 2017, did you remain on project SCL1112? 18 A. Yes, correct. 19 Q. Are you still working on that project? 20 A. This year, in September, I was transferred to another 21 project. 22 Q. So just a couple of months ago? 23 A. Yes, correct. 24 Q. Okay. That's helpful. 25 Could I ask you, please, to go to paragraph 16 of	Page 20

Page 21	Page 23
<p>1 a non-conformance report; is that right?</p> <p>2 A. Correct.</p> <p>3 Q. So was it you, in combination with Mr Mok, that</p> <p>4 decided -- who decided, rather -- this NCR should be</p> <p>5 issued to Fang Sheung?</p> <p>6 A. At that time, I probably discussed with Mr Mok in</p> <p>7 an email. The QA manager, Kevin Harman, was also</p> <p>8 included in the list of recipients. Perhaps Kevin</p> <p>9 Harman also reminded us to issue the NCR to record this</p> <p>10 incident.</p> <p>11 Q. Well, that's what I'm trying to get at, Mr Ip. Whose</p> <p>12 ultimate decision was it to issue this NCR?</p> <p>13 A. I don't remember. Perhaps we jointly agreed.</p> <p>14 Q. All right. There's no doubt that you prepared the NCR;</p> <p>15 that's right, isn't it?</p> <p>16 A. Correct.</p> <p>17 Q. Could I ask you, please, to be shown the NCR, at</p> <p>18 C12/8134.</p> <p>19 If we go down to the bottom, please, we can see,</p> <p>20 right underneath the copyright sign, "Prepared by:</p> <p>21 [you]"; do you see that?</p> <p>22 A. Correct.</p> <p>23 Q. And we know that it was signed by Mr Rawsthorne on</p> <p>24 18 December 2015, we see that from the centre of the</p> <p>25 page; do you see that?</p>	<p>1 there wasn't much consideration.</p> <p>2 Q. Right. It's perhaps an unfair question, but I'll ask</p> <p>3 you anyway, Mr Ip: have you any idea whether Mr Harman</p> <p>4 was aware of the two previous incidents?</p> <p>5 A. I'm not sure.</p> <p>6 Q. Okay.</p> <p>7 A. I'm not sure whether he was aware.</p> <p>8 Q. All right.</p> <p>9 COMMISSIONER HANSFORD: Sorry, can I ask a question at this</p> <p>10 point?</p> <p>11 MR PENNICOTT: Of course.</p> <p>12 COMMISSIONER HANSFORD: Was Mr Harman regularly on site?</p> <p>13 A. At the site office. He rarely went out to the site.</p> <p>14 COMMISSIONER HANSFORD: Right, but he was full-time in the</p> <p>15 site office, was he, or pretty much full-time in the</p> <p>16 site office?</p> <p>17 A. Full-time in the site office.</p> <p>18 COMMISSIONER HANSFORD: So you had regular access to</p> <p>19 Mr Harman if you needed it?</p> <p>20 A. Correct.</p> <p>21 COMMISSIONER HANSFORD: Okay. I understand. Thank you.</p> <p>22 MR PENNICOTT: Thank you, sir.</p> <p>23 If you go, please, to page 8141, we can see there,</p> <p>24 Mr Ip, that the non-conformance report, which we can see</p> <p>25 on the following pages, was forwarded or sent to the</p>
Page 22	Page 24
<p>1 A. Yes.</p> <p>2 Q. Then, over the page at 8135, we see your name again</p> <p>3 under the copyright sign, this time together with</p> <p>4 Mr Gary Chow's name; do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Why was Gary Chow's name put on this NCR?</p> <p>7 A. First of all, let me clarify. I'm not sure whether the</p> <p>8 signature belonged to him. For this form, usually,</p> <p>9 according to our computer system, we type in information</p> <p>10 to create this form. As we prepared the form, there was</p> <p>11 a box for us to fill in the line of manager and then the</p> <p>12 construction manager of mine at the time was Gary Chow.</p> <p>13 That's why his name appeared.</p> <p>14 Q. Mr Ip, can I ask you this: what was the primary reason</p> <p>15 for issuing this NCR? Was it because of the number of</p> <p>16 rebar, that is the five rebar that had been identified</p> <p>17 as having been cut, or was it because this was the third</p> <p>18 time, according to Mr Mok, that such an incident had</p> <p>19 occurred, or was it perhaps a combination of both of</p> <p>20 those reasons? Can you explain what you were thinking</p> <p>21 about, your thought processes, when you decided to issue</p> <p>22 this NCR?</p> <p>23 A. At the time, probably discussion was made with the QA</p> <p>24 manager, Kevin Harman, and he recommended that we issue</p> <p>25 an NCR to Fang Sheung. As for other reasons, well,</p>	<p>1 MTR; do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. If you go to page 8143, you will see that the box in the</p> <p>4 middle of the page, "Details of required rectification",</p> <p>5 is blank; do you see that?</p> <p>6 A. Yes, I see that.</p> <p>7 Q. Save for somebody has typed in the word "Minor" against</p> <p>8 "Approximate rectification cost"; do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Now, if you could go, please, to C27/20358. This is</p> <p>11 another version, another copy, rather, of the</p> <p>12 non-conformance report. You will see that at 359.</p> <p>13 Then if you go to 20364, this time we see the box,</p> <p>14 "Details of required rectification", filled in, in</p> <p>15 manuscript; do you see that, Mr Ip?</p> <p>16 A. Yes, I see that.</p> <p>17 Q. And, Mr Ip, this page is the subject matter,</p> <p>18 essentially, of the witness statement that you served</p> <p>19 last night?</p> <p>20 A. Correct.</p> <p>21 Q. As I understand it, you explain that the manuscript that</p> <p>22 we now see in "Details of required rectification" was,</p> <p>23 firstly, written by Mr Harman; is that right?</p> <p>24 A. I believe so.</p> <p>25 Q. And written by him in January 2017; is that right?</p>

Page 25	Page 27
<p>1 A. Correct.</p> <p>2 Q. And you signed against that manuscript also, as</p> <p>3 I understand it, in January 2017; is that correct?</p> <p>4 A. Correct.</p> <p>5 Q. Who wrote in the date of 15 December 2015 against the</p> <p>6 "Target re-inspection date"?</p> <p>7 A. I suppose Kevin Harman.</p> <p>8 Q. Right. Who wrote in the date of 15 December 2015 in the</p> <p>9 box entitled, "Project manager's approval", where</p> <p>10 Mr Rawsthorne has signed?</p> <p>11 A. I'm not sure about this.</p> <p>12 Q. Okay.</p> <p>13 You make reference in your third witness statement</p> <p>14 to the writing at the bottom, the manuscript at the</p> <p>15 bottom of the page. You say:</p> <p>16 "Closed out on Friday 13 January 2017 using</p> <p>17 RISC/11266 as close out evidence."</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. And that's signed by Mr Harman on 16 January 2017, and</p> <p>21 you've also signed against that annotation; do you see</p> <p>22 that?</p> <p>23 A. Yes.</p> <p>24 Q. In your third witness statement you say, in paragraph 7,</p> <p>25 the last sentence -- sorry, that's C35/26679:</p>	<p>1 that Mr Lumb and his team carried out an investigation</p> <p>2 into the cut threaded rebar in mid-January 2017.</p> <p>3 A. During that period, I saw that the design manager of his</p> <p>4 team came. I provided him with photos and information,</p> <p>5 but I don't know whether it was related to the</p> <p>6 investigation.</p> <p>7 Q. All right. All I'm suggesting to you, as a matter of</p> <p>8 logic and non-coincidence, Mr Ip, is that Mr Lumb and</p> <p>9 his team realised when they were doing this</p> <p>10 investigation that this important NCR had not been</p> <p>11 closed out, and therefore decided that it should be</p> <p>12 closed out, and the document we're looking at is the one</p> <p>13 that's attached to his report.</p> <p>14 A. Yes.</p> <p>15 Q. All right. Well, we can ask Mr Lumb about all that in</p> <p>16 due course as well.</p> <p>17 Before we move on to look at some parts of Mr Lumb's</p> <p>18 report, can I ask you this --</p> <p>19 CHAIRMAN: Sorry to interrupt. Could we just have a look at</p> <p>20 that NCR just a second?</p> <p>21 MR PENNICOTT: Of course, sir. Any particular part of it?</p> <p>22 The page we've just been looking at?</p> <p>23 CHAIRMAN: Yes.</p> <p>24 MR PENNICOTT: 20364.</p> <p>25 CHAIRMAN: There we go.</p>
Page 26	Page 28
<p>1 "I do not know who prompted Kevin [that's Mr Harman]</p> <p>2 to ask me to close out NCR157 in January 2017."</p> <p>3 Is that right, Mr Ip?</p> <p>4 A. Correct.</p> <p>5 Q. Can I suggest to you what prompted him to do that, and</p> <p>6 it's this. You will recall -- and we will be coming to</p> <p>7 it in a moment -- that Mr Lumb and a design manager</p> <p>8 carried out a review and investigation into the cut</p> <p>9 threaded rebar in January 2017; do you recall that?</p> <p>10 A. No, I don't.</p> <p>11 Q. We'll be coming to it shortly.</p> <p>12 That investigation specifically took place, in terms</p> <p>13 of interviewing various members of Leighton's staff,</p> <p>14 including you, according to Mr Lumb, on 9, 10 and</p> <p>15 11 January 2017. Were you aware of that?</p> <p>16 A. No, I don't remember.</p> <p>17 Q. Right. So what I'm going to suggest to you, Mr Ip, is</p> <p>18 that during the course of that investigation, Mr Lumb</p> <p>19 and his team discovered that this NCR had not been</p> <p>20 closed out, and it is not coincidental that it was</p> <p>21 closed out on 13 January 2017, during the course of that</p> <p>22 review and investigation. Does that make sense to you,</p> <p>23 Mr Ip?</p> <p>24 A. Can you repeat the question?</p> <p>25 Q. Not all of it. What I'm suggesting to you, Mr Ip, is</p>	<p>1 Then if we go down a bit.</p> <p>2 Okay. Good. I just wanted to check the date:</p> <p>3 Friday, 13 January 2017.</p> <p>4 MR PENNICOTT: Yes, sir.</p> <p>5 CHAIRMAN: Thank you.</p> <p>6 MR PENNICOTT: Mr Ip, can I change tack, a different topic.</p> <p>7 Have you ever heard of the site supervision plan?</p> <p>8 A. Yes, I have.</p> <p>9 Q. Are you familiar with the site supervision plan, Mr Ip?</p> <p>10 A. I don't know it that well.</p> <p>11 Q. Have you read it at any time during the course of your</p> <p>12 duties on this project?</p> <p>13 A. No.</p> <p>14 Q. Can I show it to you, please. Could we please, once</p> <p>15 again, go to H10/4543. That's the covering letter.</p> <p>16 That's the front sheet of the site supervision plan,</p> <p>17 sent to the government in August 2015, just to put it in</p> <p>18 context of the time, Mr Ip; okay?</p> <p>19 A. (Nodded head).</p> <p>20 Q. Then if we could go over to the increasingly familiar</p> <p>21 page at 4548, we see the supervision plan of the</p> <p>22 registered contractor, that's Leighton, and I think</p> <p>23 I see your name, is that right, the fourth one down in</p> <p>24 the box?</p> <p>25 A. Correct.</p>

Page 29	Page 31
<p>1 Q. You were the T3 and T2 technically competent person; is 2 that right? 3 A. Correct. 4 Q. And on the right-hand side, under the heading, 5 "Frequency level of site inspection", it says "4 (one 6 visit every week)"; do you see that? 7 A. Yes, I see it. 8 Q. Mr Ip, does that one visit every week reflect, properly 9 reflect, accurately reflect, the number of times that 10 you visited the site when you were the sub-agent? 11 A. No. Every day, almost, I would spend an hour or two in 12 the morning on site, and then in the afternoon I would 13 be at the office doing paperwork. 14 Q. All right. So this doesn't reflect the factual 15 position. You were there, you say, at least a few hours 16 every day; is that right? 17 A. About one to two hours at the site. 18 Q. Okay. Can I ask you this, Mr Ip: have you heard of the 19 quality supervision plan, specifically in relation to 20 the installation of couplers? 21 A. During the works period, I have not heard of it. It's 22 only recently that I heard about QSP. 23 Q. All right. Let's have a look at that. That's in H9. 24 When you say "recently", that you've recently heard 25 of this document, what do you mean by "recently", Mr Ip?</p>	<p>1 threaded rebar, into the couplers? 2 A. From my experience, yes, I think that's important. So, 3 when I walked on the site, I would pay attention to 4 that. 5 Q. Okay. Did you yourself take part in any, let's say, 6 informal, routine inspections of the connections between 7 the threaded rebar and the couplers? 8 A. No. It's just that when I walked past, I would check 9 whether there were any threads exposed and whether the 10 bars were screwed tightly. But watching them screw in 11 the bars, rarely did I do that. 12 Q. Right. So there might have been occasions that on 13 an informal basis you would walk along where the rebar 14 was being fixed and you would just look at and observe 15 the connections? 16 A. Yes, there's a chance of that. 17 Q. Mr Ip, on one reading of this quality supervision plan 18 for the couplers and the rebar, documentation -- records 19 ought to have been kept in relation to the inspection of 20 each and every coupler connection. Are you aware of any 21 such records? 22 A. I'm not aware of that. 23 Q. We have heard evidence that the inspection of the 24 connections of the threaded rebar to the couplers would 25 take place on a layer-by-layer basis. Were you aware of</p>
Page 30	Page 32
<p>1 A. That is after this incident took place. If it's the 2 exact time, then it should be June 2018. It's starting 3 from then that I heard about this. 4 Q. All right. If you go, please, to H9/4265. Mr Ip, you 5 say you heard about this document recently. Did you 6 take an opportunity to read it? 7 A. No. 8 Q. So is this the first time you've seen it? 9 A. Just now, when Mr Leung was giving evidence, I also saw 10 this document. 11 Q. That's a very accurate answer, if you were sat outside. 12 It's the second time you've seen it then? 13 A. (In English) Yes. 14 Q. Was the first time you saw it this morning? 15 A. Yes, you can put it that way. 16 Q. Mr Ip, without taking you to any of the details, what 17 this document seeks to do is to enhance or improve the 18 supervision and the inspection of the installation of 19 couplers and also the installation of steel reinforcing 20 bars into the couplers. Do you follow? 21 A. Yes, I follow that. 22 Q. Whilst you say you were not aware of this particular 23 document at the time, let's say back in 2015, was it 24 your understanding that particular care and attention 25 needed to be paid to the installation of the rebar,</p>	<p>1 that? 2 A. I am not aware of that. 3 Q. Right. My understanding is that the routine and formal 4 inspections of the connections of the rebar to the 5 couplers was carried out by your engineering team, 6 comprising Edward Mok, Man Sze Ho and Sasa Leung; is 7 that correct? 8 A. Correct. 9 Q. And, as has been pointed out, none of them appear on the 10 site supervision plan as a T3, a T2, or a T1 for that 11 matter; is that right? 12 A. Correct. 13 Q. Whose decision was it that those three engineers -- and 14 we know that Mr Mok was a graduate engineer at the 15 time -- whose decision was it that the responsibility 16 for inspecting the connections should be put upon them? 17 A. Well, I don't know. At the time, for these inspections, 18 I did not know that we needed to have T1, T2 or T3 to 19 accept the works. 20 Q. All right. 21 Can I ask you, please, to be shown bundle -- 22 CHAIRMAN: Sorry, one question. 23 MR PENNICOTT: Of course, sir. 24 CHAIRMAN: Just for my information. Were you aware at the 25 time, if in fact this is the case, that officers of</p>

Page 33	1 certain levels of experience were required to inspect 2 different aspects of the construction works, if that was 3 in fact the case? 4 A. No, I wasn't aware. 5 CHAIRMAN: Okay. 6 MR PENNICOTT: Now, you made reference a short while ago 7 to -- I made reference and you made reference a short 8 while ago -- to the investigation and review that 9 Mr Lumb carried out in January 2017; yes? 10 A. Yes. 11 Q. I think you said that you spoke to one of Mr Lumb's team 12 when that investigation was carried out; is that 13 correct? 14 A. Correct. 15 Q. And that accords with what Mr Lumb has told us. Do you 16 remember the name of the person to whom you spoke at 17 that time? 18 A. Guntung. 19 Q. And Guntung was, as I understand it, a design manager 20 working with Mr Lumb; is that right? 21 A. Right. 22 Q. Do you recall what information you gave him? 23 A. I gave him information about EWL concrete pouring dates, 24 some photos, about the construction of EWL slab, 25 formwork, bar fixing, the relevant procedures. I gave	Page 35	1 we should have picked up earlier, was a T2 and T3 2 alternative in the site supervision plan. How much of 3 his time was spent on site, Mr Ip; do you know? 4 A. I'm not sure. 5 COMMISSIONER HANSFORD: Sorry, Mr Ip, do you know what 6 Mr William Holden's role was and to whom he reported? 7 I could probably find it on an organisation chart if 8 I looked for it, but do you know? 9 A. In the beginning, for EWL slab, I suppose he was under 10 Gary Chow. Later, he was reassigned to different 11 positions or areas. As for the final stage, I'm not 12 sure. 13 At some point, he worked with us as a senior site 14 agent, sometimes for the EWL slab. 15 COMMISSIONER HANSFORD: Thank you. 16 MR PENNICOTT: All right. 17 Then the next name on the list is Joe Tam, from whom 18 we heard yesterday, and he told us -- transcript Day 19, 19 page 95; no need to put it up -- that he had no 20 recollection of being interviewed. All right? So park 21 that. 22 Then we come to you, Mr Ip, as the sixth name on the 23 list, and you accept that you were spoken to by Guntung, 24 and also we have Man Sze Ho, who we'll be hearing from 25 in due course as well.
Page 34	1 him those photos. 2 Q. All right. Could I ask you, before I move on to ask you 3 some more questions about his report, just to be shown 4 page C35/26681, which is the second page of Mr Lumb's 5 fourth witness statement that we received last evening. 6 Do you see that on the screen there, Mr Ip? 7 A. Yes, I see that. 8 Q. So what Mr Lumb says is: 9 "My understanding is Guntung discussed the 10 allegation with at least the following site team 11 members". 12 Firstly, Mr Harman, and he, we know, was the quality 13 and environmental manager, spending, as you said to 14 Prof Hansford a short while ago, the majority of his 15 time in the site office; is that right? 16 A. Correct. 17 Q. Then there is Betty Ng, also, as I understand it, 18 a design manager; is that correct? 19 A. Correct. 20 Q. Then we have a new name, Kian Law, K-I-A-N Law, who we 21 think we've worked out was also a member of the in-house 22 design team, a senior design engineer in the in-house 23 design team; is that correct? 24 A. Correct. 25 Q. Then there was Mr Holden, William Holden, who, perhaps	Page 36	1 Now, in terms of information that could have been 2 given to Mr Lumb or Guntung about what happened on 3 a day-to-day basis on site, would you accept that really 4 it is only you and Man Sze Ho who could provide that 5 information? 6 A. In January 2017, right, it was only I and Man Sze Ho who 7 could provide information. 8 Q. Could I then ask you, please, to go to -- I hesitate to 9 call it the Lumb report -- but the report prepared by 10 Mr Lumb and Guntung, at C27/20242. 11 I should start by asking you this, Mr Ip. Is 12 this -- we see the front sheet of the "Review of EWL 13 slab, rebar installation and checking procedure". We 14 can see that it's signed by Mr Lumb in the bottom 15 right-hand corner on 10 February 2017, revision 1. 16 Is this a document you have seen before? 17 A. No. 18 Q. Could I ask you, please, to be shown page 20250. This 19 is part of the report, headed "Construction 20 process/workflow"; do you see that, Mr Ip? 21 A. Yes. 22 Q. In the second paragraph, it says this: 23 "After forming the shear key via hydro-demolition 24 and installation of the soffit formwork, it was advised 25 that a survey of the diaphragm wall couplers was

Page 37	Page 39
<p>1 undertaken, and checks on the couplers carried out for 2 number, setting out and orientation against the approved 3 diaphragm wall rebar shop drawings. No formal record of 4 the survey or coupler checks are in place recording this 5 process." 6 Do you see that? 7 A. Yes. 8 Q. And I think that is confirmatory of an answer you gave 9 me earlier, that there were no records of that sort of 10 inspection? 11 A. Correct. 12 Q. The report goes on: 13 "In cases where the couplers were found to be 14 missing, or installed at the incorrect level, or the 15 connected starter bars tilted, it was advised that 16 remedial works were carried out, as described in 17 section 8. There is no formal record of any submission 18 or approval for any remedial measures." 19 Do you see that? 20 A. Yes. 21 Q. And so you, when you spoke to Guntung, were unable to 22 provide him with any records of remedial measures? 23 A. Well, at the time, Guntung didn't ask me for any such 24 record. I can't answer you this question. 25 Q. Are you aware of there being any records, formal or</p>	<p>1 rebar drawing", the same supervisory staff indicated. 2 Then in brackets, back at the second column, "(Repeat 3 step 5 to 7 for the subsequent layers)"; do you see 4 that? 5 A. Yes, I see it. 6 Q. So, as I said earlier, this must have been information 7 that either you or Man Sze Ho gave to Guntung; do you 8 agree? 9 A. I did not give the information. I believe it would be 10 my engineer, Man Sze Ho, who gave the information. 11 Q. All right. But what it's describing is something 12 I discussed with you earlier, that is the layer-by-layer 13 approach; do you see that? 14 A. Yes, I see that. 15 Q. I won't read it all out, but 8, 9 and 10 repeats the 16 process in respect of the top rebar; do you see that? 17 A. Yes, I see it. 18 Q. All right. I can ask Man Sze Ho more if I need to. 19 Could I then ask you, please, to go to 20254, the 20 same report. There's a section headed, "Remedial 21 [works]", number 8; do you see that? 22 A. Yes, I see it. 23 Q. What it says here is: 24 "During the investigation, it was advised that 25 remedial works were required to the coupled starter bars</p>
Page 38	Page 40
<p>1 otherwise, of the submission or approval for any 2 remedial measures when couplers were found to be missing 3 or installed at an incorrect level, or the bars were 4 tilted? 5 A. Not aware. 6 Q. Okay. 7 Then if you could go over the page, please, to 8 page 20251, where the report sets out a table, 9 table 5.1, "Actual workflow of EWL slab rebar 10 installation and checking hold point"; do you see that? 11 A. Yes. 12 Q. If you cast your eye down, please, to number 5 or 13 step 5, it says, "Survey couplers for bottom rebar 14 connection", and then the scope of Leighton's checking, 15 "Check number and level of couplers against D-wall rebar 16 drawing", and then the supervision staff are given: 17 "Supervisor, engineer, site agent (as required)". 18 Then number 6: "Connect starter bars to lowest layer 19 of bottom bar cast-in coupler", and then the scope of 20 checking, "Check direction of starter bar", and then 21 again the same supervision staff listed. 22 Do you see that, Mr Ip? 23 A. Yes. 24 Q. Then it says, 7, "Install lowest layer of bottom 25 reinforcement bar", and then, "Check rebar against ...</p>	<p>1 in several conditions: 2 1. Coupler misaligned in level (resulting starter 3 bar with inadequate cover). 4 2. Coupler misaligned in level (resulting in 5 starter bar clashing with other rebar). 6 To address the above conditions, it was advised that 7 the following remedial measures were implemented: 8 1. When the starter bar was at the correct level 9 but installed in the incorrect direction (ie not 10 perpendicular to the face of the diaphragm wall), the 11 starter bar was mechanically bent to the intended 12 alignment." 13 Mr Ip, do you personally have any knowledge of that 14 form of remedial measure? 15 A. No, I don't know about it. 16 Q. All right. 17 Then 2: 18 "When the starter bar was at the correct level but 19 installed in the incorrect direction (ie not 20 perpendicular to the face of the diaphragm wall), in 21 some instances the starter bar (T40) was bent to the 22 intended alignment and one additional T25 starter bar 23 drilled and fixed using Hilti chemical resin HIT-RE500 24 adjacent to the existing T40 starter bar." 25 Again, Mr Ip, are you aware of that type of remedial</p>

Page 41

1 work measure having been carried out?

2 A. This one, yes, I think at the time we did submit what we

3 call TQ, that is the engineering department submitted

4 that to the consultant company and asked whether it

5 could be done this way. At the end, drilling was done

6 to add the T25 bar. That's the remedial measure that

7 was taken at the end.

8 Q. Right. Were you aware of that type of remedial measure

9 having been carried out without the submission of a TQ,

10 that's a technical query?

11 A. That I am not aware of, but I recall we have done that

12 before and we should have submitted TQ, I believe.

13 Q. All right.

14 Then 3:

15 "When the starter bar was installed at the incorrect

16 level (ie installed too high or too low) and therefore

17 needed to be abandoned, one additional T25 starter bar

18 was drilled and fixed using Hilti chemical resin

19 HIT-RE500 adjacent to the abandoned T40 coupler, making

20 reference to [a drawing]", that's at appendix K.

21 A. Yes.

22 Q. Were you aware of that type of remedial measure?

23 A. This one, I am not aware of it, but from what I know,

24 this shouldn't have taken place at area C. It should be

25 at other locations, such as area A or HKC.

Page 42

1 Q. And why do you say that?

2 A. Because over there it's not the same as area C. The

3 concrete level was even at area C, but over there, the

4 concrete was ramped, at a ramping level, so that's why

5 this could happen there.

6 Q. All right. I'll have to reflect on that answer.

7 COMMISSIONER HANSFORD: Sorry, do you have appendix K there?

8 Can we just be taken to it, or is that an inconvenient

9 point?

10 MR PENNICOTT: Not at all, sir. Appendix K is at

11 page 20371. When you look at it I will make the

12 following observations.

13 COMMISSIONER HANSFORD: Okay. Good.

14 MR PENNICOTT: The first observation, sir, is that we don't

15 understand it. The second observation is, insofar as we

16 could understand it, we can't work out why it's

17 relevant. Insofar as our research so far is concerned,

18 we believe that it's a drawing that was copied, in

19 essence, from TQ12 and TQ13, where specific dowel bars

20 were used to deal with particular issues that had

21 arisen.

22 COMMISSIONER HANSFORD: Okay. I will study it offline.

23 Thank you.

24 MR PENNICOTT: Yes.

25 Just to pick up the last sentence -- sorry, the

Page 43

1 drawing appears to have something to do with the tremie

2 pipe and the dowel bars in relation to that.

3 COMMISSIONER HANSFORD: I understand that.

4 MR PENNICOTT: So we are a bit confused as to how this sort

5 of slots into the question of damaged couplers and so

6 forth. That's our confusion at the moment.

7 COMMISSIONER HANSFORD: Thank you. That's helpful.

8 MR PENNICOTT: No doubt somebody will be able to explain it

9 to us in due course, but unfortunately not me.

10 COMMISSIONER HANSFORD: Maybe Mr Man Sze Ho, when we get to

11 him.

12 MR PENNICOTT: Quite possibly, sir.

13 Then just the last line here, Mr Ip, it says this:

14 "It was advised that these remedial methods were

15 agreed with MTR's inspector of work."

16 Do you see that?

17 COMMISSIONER HANSFORD: Sorry --

18 MR PENNICOTT: I'm very sorry. We need to go back to 20254.

19 My fault, sorry.

20 I'm just looking at the last line on this page,

21 Mr Ip:

22 "It was advised that these remedial methods were

23 agreed with MTR's inspector of work."

24 Do you see that?

25 A. Yes, I see it.

Page 44

1 Q. Are you able to say -- and I think you accepted that you

2 were aware of the second type of remedial work, that's

3 in number 2 -- are you able to say, from your own

4 knowledge, that that type of remedial work -- method was

5 agreed with MTR?

6 A. I believe it's been agreed upon, because I remember TQ

7 was issued to ask the consultant, and the consultant

8 agreed to their method, and then I think our design

9 department should have submitted the TQ and informed MTR

10 about this remedial measure.

11 Q. Right. So you limit your answer to this, as

12 I understand it, that MTR would have agreed insofar as

13 the remedial work was recorded in a TQ, but not

14 otherwise?

15 A. You mean it's limited to the fact that TQ must be

16 submitted, MTR must have agreed to it before we could

17 carry out the remedial works? No, not necessarily the

18 case. Sometimes there could be agreement on site, so

19 maybe there's no need to submit TQ. Maybe we've agreed

20 with the MTRCL's engineer on the method and then we

21 could still do it.

22 Q. All right. I don't want to put words in your mouth and

23 press you too much on all this, Mr Ip. Is the position

24 that Man Sze Ho is likely to know more about this, the

25 remedial measures, and so forth?

Page 45	Page 47
<p>1 A. I believe, for such information, it was provided by Man 2 Sze Ho to Guntung. Probably he would know more. 3 Q. All right. Can I just ask you a few questions about one 4 last topic, for which purpose could we please be shown 5 bundle C13 or go to bundle C13. 6 COURT REPORTER: Is this a short topic? 7 MR PENNICOTT: I'm sorry, yes, you are quite right. Perhaps 8 it would be appropriate to have a break before I deal 9 with this topic. It won't last long but it will be 10 a few minutes. 11 CHAIRMAN: All right. 15 minutes. 12 (11.42 am) 13 (A short adjournment) 14 (12.02 pm) 15 MR PENNICOTT: Thank you, sir. The break was useful because 16 I had omitted to ask you one question regarding the 17 report that we were looking at. 18 Just in case we come on to it, can I ask you to be 19 shown C27/20593. 20 Mr Ip, the report we were looking at -- we looked at 21 some of the text earlier -- has a series of appendices 22 attached to it. I'm just explaining to you that that's 23 the position. One of the appendices starts just so we 24 can put it in context -- appendix P, which is at 20583, 25 just to show you.</p>	<p>1 or may not know this -- were required under the site 2 supervision plan and, as it happens, the Code of 3 Practice as well. Were you aware of that? 4 A. No, I'm not aware of that. 5 Q. Okay. 6 Let's move on. You told us earlier, Mr Ip, that it 7 was in September of this year that you were moved to 8 another project? 9 A. Sorry, I said it wrong. It should be October, just last 10 month. 11 Q. That's fine for my purposes. 12 So when the events that have given rise to this 13 Inquiry first hit the media at the end of May and the 14 beginning of June this year, you were still working for 15 Leighton on the project; is that right? 16 A. Actually, in May I was transferred back to the head 17 office for tendering exercise, but after this incident 18 happened, then in June I was again transferred to the 19 Hung Hom project. 20 Q. Right. When that transfer took place, Mr Ip, were you 21 involved, on behalf of Leighton, with the collection and 22 the compilation of the documentation that various 23 people -- the MTR, the government, then ultimately the 24 Inquiry -- was asking for? 25 A. Yes, I was.</p>
Page 46	Page 48
<p>1 It's called, "Inspection record of technically 2 competent person under RGBC (for period September to 3 October 2015)"; do you see that? 4 A. Yes, I see it. 5 Q. Then if you could please be taken to 20593, we see there 6 a CoP for site supervision, form A, and various details 7 are given, and your name appears; do you see that? 8 A. Yes. 9 Q. Can you just explain, Mr Ip, what these documents are or 10 this document is? There are a whole series of them. 11 A. At the time, my understanding was for SSP, these were 12 matters about safety, and so the forms were about the 13 inspection points. Every time I went on site, I would 14 check safety matters, I would check the safety aspects, 15 and then I would sign my name here. 16 Q. All right. We can see that this sheet at 20593 is for 17 the week commencing 31 August 2015; do you see that? 18 A. Yes, I see it. 19 Q. Is this a document that you would have -- and we can see 20 your signature along the bottom -- signed every day, or 21 at the end of the week or the end of the month; what's 22 the position? 23 A. Usually, I would sign as soon as I remember, maybe a few 24 days later or a week later. 25 Q. Okay. As I understand it, Mr Ip, these forms -- you may</p>	<p>1 Q. And under whose supervision did you carry out those sort 2 of duties, the collation and compilation of the 3 documents? Who was heading up that process, internally 4 to Leighton, I mean? 5 A. There were several persons. One was Justin Taylor. 6 There was also William Holden. So mostly it was these 7 two gentlemen who asked me to collect the information. 8 Q. Right. So they were heading up the task of compiling 9 all the material, and you and perhaps others were 10 helping them? 11 A. Yes. 12 Q. Who else was helping you; apart from Mr Holden and 13 Mr Taylor who else was involved in the process of 14 collating the documentation? 15 A. They would find people who were involved in the EWL slab 16 works, engineers and others, who were involved. They 17 would be asked to come back, some probably on 18 a part-time basis. 19 Q. Such as Mr Mok, for example? 20 A. Yes. 21 Q. Anybody else you can think of? 22 A. Man Sze Ho. I think he came back too, to help. 23 Q. All right. 24 Could I ask you to go or be taken to bundle C13, and 25 if you would be good enough to be shown, please,</p>

Page 49	Page 51
<p>1 page 8581. 2 Mr Ip, on this page, you will see, top middle, 3 "Area C1-1"; do you see that? 4 A. Yes, I see it. 5 Q. So an area which, back in 2015, you were responsible 6 for? 7 A. Yes, I was one of them. 8 Q. And we can see a list of dates on the right-hand side, 9 all in 2015; do you see that? 10 A. Yes, I see it. 11 Q. If you could be shown, please, page 8648 in the same 12 file. You can see that this is a document -- the top 13 right-hand corner is headed "C1-1 (East)"; do you see 14 that? 15 A. Yes, I see it. 16 Q. On the left-hand side the heading is, "As-built for 17 on site assembly of EWL slab to D-wall/slab couplers"; 18 do you see that? 19 A. Yes, I see it. 20 Q. And the slab area is C1, and the D-wall panels that are 21 listed are EH75, EH74 and EH73; do you see that? 22 A. Yes, I see it. 23 Q. Is this a document that you've seen before, Mr Ip? 24 A. This year, in June, I saw it, or after June I saw it. 25 Q. Who prepared it, Mr Ip?</p>	<p>1 A. No, I don't accept it, because when I was asked to do 2 it, we did not know the purpose of doing so, and after 3 we prepared it we have come up with a table, but we have 4 not put anything in the table such as circling the S. 5 We ourselves did not fill in the form. 6 Q. Who do you say, if you know, filled in the form and 7 circled the "S"s? 8 A. Not sure. 9 Q. Not you? 10 A. Not me. 11 Q. So what part of the diagram did you have a hand in 12 preparing? 13 A. Working out the number of couplers. 14 Q. What about the manuscript we see there, "23 July 2015"; 15 who wrote that on there? 16 A. I don't know. 17 Q. You see, above that table, it says, "EWL slab top bars: 18 T1, T3, T5"; do you see that? 19 A. Yes. 20 Q. Who put that information on this sheet? 21 A. You mean put the information in relation to number of 22 couplers? 23 Q. Yes. I think that's -- 24 A. (Chinese spoken). 25 Q. Sorry, go on.</p>
Page 50	Page 52
<p>1 A. At that time, many engineers were asked to come back to 2 do this together. 3 Q. Do you know who was responsible for preparing this 4 document or similar documents that are spread amongst 5 this file and subsequent files? Do you know who 6 prepared -- who was involved in the preparation of these 7 documents? 8 A. I was involved, but there were several other engineers 9 working together, because at the time we were talking 10 about the entire EWL slab, not just area C. So it's not 11 just one location. 12 Q. Do you accept, Mr Ip, that this document that we're 13 looking at here was prepared this year, in or about June 14 2018? 15 A. I accept that. 16 Q. What is the document seeking to show, Mr Ip? 17 A. At the time, the company asked us to work out how many 18 couplers were used for the D-wall connection. 19 Q. When you say "the company asked", who gave you 20 instructions to put together this document? 21 A. In my recollection, it was Justin Taylor. 22 Q. Okay. And what you were seeking to do, as I understand 23 it, Mr Ip, was retrospectively create records that ought 24 to have been in place in 2015, contemporaneously with 25 the work having been carried out. Do you accept that?</p>	<p>1 A. I suppose it was the team of engineers or myself who 2 worked that out. 3 Q. All right. 4 Could I ask you then to be shown, two pages on, 5 8650. On this page, Mr Ip, we find, top right-hand side 6 corner, "C1-1 (East)" again, "R1"; do you see that? 7 A. Yes. 8 Q. "Revised on 31 July 2018", that is this year; do you see 9 that? 10 A. Yes. 11 Q. Do you know why the drawing that we were just looking at 12 was revised to the one we're now looking at? 13 A. I believe it was because of the discrepancies in the 14 previous version that the revision was made. 15 Q. There are a number of differences. Obviously, the 16 diagrams are different. The quantity of T1, T3 and T5 17 are different. The OTE is added. The only thing that's 18 constant is the B5, B3 and B1 figures; do you see that? 19 A. Yes, I see that. 20 Q. What's also added to the diagrams on the left-hand side 21 is something called "Additional T25 drill-in bars"; do 22 you see that? 23 A. Yes. 24 Q. Do you know where that came from, where that piece of 25 information came from?</p>

Page 53	Page 55
<p>1 A. Well, that's exactly what I mentioned just now. For the 2 TQ requirement, drill-in bars, T25 process as a remedial 3 measure, the T25. 4 Q. So you think we will find, do you, a TQ somewhere -- 5 A. Correct. 6 Q. -- that deals with a T25 drill-in bar at panel EH75? 7 A. Correct. 8 Q. One of the reasons, can I suggest to you, that there had 9 to be a revised drawing/diagram that we've got here is 10 that when you did the original one, it had been 11 overlooked that there had been changes of design detail 12 to the top of the east diaphragm wall? 13 A. Agree. 14 Q. What you were seeking to do here -- whether you were 15 aware of the ultimate purpose, Mr Ip, park on one side 16 because I've heard what you've said about that -- you 17 were trying to create retrospectively records that 18 sought to show that each connection of rebar to 19 a coupler had been inspected and was said to be 20 satisfactory. That's what this document seeks to show, 21 isn't it? 22 A. Because the company only asked us to do it. We had no 23 idea of what the company wanted to use it for. 24 CHAIRMAN: So you are saying you were just asked by the 25 company to put all this information together, were you?</p>	<p>1 A. Yes. 2 Q. And in particular, do you see in the box the top bars, 3 "T1", "T3", "T5", and various numbers of bars, and then 4 the "S" and the "NS"; do you see that? 5 A. Yes, I see that. 6 Q. Now, compare that with 8956. What has happened -- and 7 this is illustrative of the point I put to you just 8 a moment ago -- is that in fact, on the revision sheet, 9 all the top bars -- T1, T3, T5, and so forth -- have 10 disappeared; do you see that? 11 A. Yes, I see that. 12 Q. That is because there was a realisation, presumably, 13 between the preparation of the first diagram and the 14 revision, that this area had through-bars and there were 15 no couplers involved; is that right? 16 A. Correct. 17 Q. This also shows an additional T25 drill-in bar as well; 18 do you see that? 19 A. Yes, I see that. 20 Q. And that should also, in this area, be covered by a TQ; 21 is that right? 22 A. I suppose it's related to the TQ, yes. 23 Q. Again, is your evidence the same in relation to this 24 document as the previous one, that the manuscript that 25 we see on this was put on by somebody else, not you?</p>
Page 54	Page 56
<p>1 You don't know the reason? 2 A. Correct, because at that time we were only asked to 3 prepare a summary of the number of couplers. 4 MR PENNICOTT: So would this be fair, Mr Ip: that the 5 diagrams and the words and figures that we can see typed 6 onto these sheets was prepared by you and some of your 7 colleagues, but the manuscript was put on by somebody 8 else; is that what it comes to? 9 A. Yes, I suppose you can put it this way. In fact, the 10 form wasn't even prepared by us. We just put in the 11 diagrams and worked out the number of couplers on this 12 sheet. 13 Q. All right. Let me just show you one more example, 14 before I sit down. Could you please be shown C13, the 15 same file, 8954. 16 It's a similar diagram, Mr Ip, but we're now in 17 "C1-3 (East)", do you see that, as opposed to C1-1? 18 A. Yes. 19 Q. So we're concerned with panels EM68, EH67 and EM66; do 20 you see that? 21 A. Yes. 22 Q. We've got the date of 4 September 2015, which happens to 23 be the RISC date for this area, for pre-pour check, and 24 do you see the various details in relation to the EWL 25 slab top bars and EWL slab bottom bars?</p>	<p>1 A. Correct. 2 Q. Were you aware, Mr Ip, that these documents, amongst 3 others, were submitted to the MTR by Leighton? 4 A. Subsequently, when the report was submitted, I was aware 5 that these records were also provided. 6 Q. To the MTR? 7 A. Correct. 8 Q. Were you also aware that these documents, amongst 9 others, were supplied to the government? 10 A. No, I'm not aware of that. 11 MR PENNICOTT: Okay. 12 Sir, thank you very much. I have no further 13 questions. 14 CHAIRMAN: Thank you. 15 Cross-examination by MR SO 16 MR SO: Sir, there will be questions from China Technology, 17 if I may. 18 Mr Ip, can I bring you to bundle C1, page C43. 19 Mr Ip, this is the NCR157, and if you pay attention to, 20 at the top of the document, where there is a number, 21 a series of numbers, next to "Project/contract no.", 22 there is a small initial "A". Is that your signature? 23 A. Yes. 24 Q. When you signed this initial there, have you read the 25 next page of the document, which is C44; have you read</p>

Page 57	1 it? 2 A. Yes, I did. 3 Q. Of course you would pay attention to the details of the 4 defective work where it writes that there were five 5 number of threaded steel bar heads being cut; correct? 6 A. Yes. 7 Q. At the time when you signed it, you also did see that; 8 correct? 9 A. Yes. 10 Q. When you signed this NCR157, were you given the 11 photographs at C45, C46, C47 and C48? 12 A. Yes, they were given to me. 13 Q. Can I ask you to pay attention to C48, and can I ask 14 those operating the computer to turn the photograph 15 clockwise. 16 Correct me if I am wrong, Mr Ip, if you look at the 17 photograph, at the back of -- the part -- the inner 18 layer, I can see there were three bars being cut; is 19 that correct? Two on the left and one in the middle; is 20 that correct? 21 A. I'm not sure whether there were two on the left. On the 22 left there was just one, and in the middle there was 23 one. 24 Q. I tell you what I see, and you can disagree with me. 25 There is one with half of the threads there, one without	Page 59	1 this assist you to tell us, together with C48 -- C45 and 2 C48, these two photographs -- can you tell us how can 3 you confirm there were five bars being cut? 4 A. Maybe we can't confirm just from the photos, because the 5 engineers reported to me five bars, so I put down five 6 bars. It's not the case that the photos must show all 7 five bars. 8 Q. You would agree with me, would you not, that the 9 photographs appended behind the NCR is to record what 10 were the defects being found out from the NCR; correct? 11 A. I don't get your question; can you ask it again, please? 12 Sorry. 13 Q. The purpose of appending photographs behind an NCR is 14 that we can know what are the details and what are the 15 particulars the NCR is referring to; correct? 16 A. Yes. 17 MR SO: Thank you. No further questions. 18 Cross-examination by MR KHAW 19 MR KHAW: Mr Leung, I am acting for the government. 20 In view of the very detailed discussion that 21 Mr Pennicott had with you, I only have a few questions 22 for you. 23 Do you remember your evidence given earlier this 24 morning that you agree or you accept that you did not 25 carry out full-time and continuous inspection on the
Page 58	1 any thread, on the left, and one in the middle with some 2 of the threads; is that correct? So there were three? 3 A. No, it's not that. To the left, there's one with 4 threads, and then to the right there's another bar, that 5 should be the lapping bar, I believe. 6 Q. So you say there were only one on the left and one in 7 the middle; correct? 8 A. Correct. Correct. 9 Q. Then can I cast your mind to also the layer behind but 10 to the right of the monitor. That's the third bar, 11 correct, being cut? 12 A. I don't know which one you are referring to. 13 Q. The one behind, on the right of the monitor, above 14 a coupler but without any threads, that is the one being 15 cut; is that correct? 16 A. I can't answer you. I can't see it. 17 Q. Maybe I -- please continue. 18 A. I can't really tell. I'm not sure. 19 Q. Maybe I will deal with it another way. Can we not zoom 20 into the photograph? Can you count to us which five 21 bars you saw those were the bars being cut? 22 A. I may not be able to see that, because that photo may 23 not have captured all five bars; right? So I can't 24 answer your question. 25 Q. All right. Can I cast your mind to photo C45 then. Can	Page 60	1 site; do you remember that? 2 A. I remember that. 3 Q. On this note, if I can just ask you to take a look at 4 one document, at C27/20593. 5 This is a record attached to Mr Lumb's investigation 6 report. The title of this document, it's called, 7 "Record of specific tasks performed by TCP under RC 8 stream"; do you see that? 9 A. Yes, I see it. 10 Q. Now, your name apparently appears on this document; do 11 you see that? 12 A. I see it. 13 Q. You confirm that the signature or the signatures put at 14 the bottom of the table on this particular document are 15 your signature? 16 A. Yes, correct. 17 Q. Can you tell us who prepared this document? 18 A. At the time, it was the engineers, they asked QA and 19 then they printed out this form. 20 CHAIRMAN: Sorry, what does QA mean in this context? 21 MR KHAW: Quality assurance. 22 CHAIRMAN: Thank you. 23 COMMISSIONER HANSFORD: Sorry, when you say "they asked QA", 24 you mean a central function, a quality assurance 25 department or something like that, do you? Who is "QA"?

Page 61	Page 63
<p>1 A. We have a quality department that would coordinate this.</p> <p>2 COMMISSIONER HANSFORD: Yes. Okay. Thank you.</p> <p>3 MR KHAW: Now, am I right that at that time the person in</p> <p>4 charge of the QA department was Mr Harman?</p> <p>5 A. Right.</p> <p>6 Q. So his team apparently prepared this document; is that</p> <p>7 correct?</p> <p>8 A. I'm not sure whether it's them who did it, but they</p> <p>9 provided it to me.</p> <p>10 Q. We can see from this document that the date started from</p> <p>11 31 August 2015; can you see that?</p> <p>12 A. I see it.</p> <p>13 Q. All the way up to 6 September, but that is a Sunday, so</p> <p>14 there is really no particular record showing anything</p> <p>15 for that particular day; do you see that?</p> <p>16 A. I see it.</p> <p>17 Q. So this document shows the activities from 31 August up</p> <p>18 to 5 September?</p> <p>19 A. Yes.</p> <p>20 Q. It's not the only document. If we can then go to the</p> <p>21 next page, 20594, a similar document covering another</p> <p>22 period, from 7 September to 12 September; do you see</p> <p>23 that?</p> <p>24 A. I see it.</p> <p>25 Q. Those are also your signatures; do you confirm?</p>	<p>1 A. Correct.</p> <p>2 Q. Thank you.</p> <p>3 You remember your evidence that before the NCR</p> <p>4 incident, you were told by Mr Edward Mok of a previous</p> <p>5 one incident regarding threaded rebar cutting; do you</p> <p>6 remember that?</p> <p>7 A. Yes.</p> <p>8 Q. I would only want to confirm with you whether, in</p> <p>9 relation to that previous incident, ie when Edward Mok</p> <p>10 told you about that previous incident, before the NCR</p> <p>11 incident, were you shown any photographs regarding that</p> <p>12 particular incident?</p> <p>13 A. Are you referring to the first incident? No, I wasn't</p> <p>14 shown.</p> <p>15 Q. You remember this morning, when Mr Pennicott asked you</p> <p>16 about that first incident that you knew from</p> <p>17 Mr Edward Mok, you told us about the possible cause of</p> <p>18 that incident. According to what you said, you told us</p> <p>19 that perhaps the individual workers did it out of</p> <p>20 expediency; do you remember that?</p> <p>21 A. Yes.</p> <p>22 Q. From whom did you gather the information that perhaps</p> <p>23 the individual workers did it out of expediency?</p> <p>24 A. My own speculation.</p> <p>25 Q. Or did you have any ideas as to why the workers made</p>
Page 62	Page 64
<p>1 A. Yes.</p> <p>2 Q. I believe the same situation would apply to the</p> <p>3 following documents, from 20595 all the way to 20601?</p> <p>4 You can have a look. So covering the period until</p> <p>5 31 October 2015 at 20601; do you see that?</p> <p>6 A. Yes, I see it.</p> <p>7 Q. Now, in all of those documents, in relation to frequency</p> <p>8 of inspection, you put "Full time"; do you see that?</p> <p>9 A. Yes, I see that it's written "Full time" on this table.</p> <p>10 Q. But obviously, according to your evidence, you could not</p> <p>11 have possibly conducted full-time inspection; is that</p> <p>12 right?</p> <p>13 A. Perhaps I had some misunderstanding about this term</p> <p>14 "full time". Usually, I would go out every day and</p> <p>15 I did conduct inspections. That's why I signed my name</p> <p>16 here.</p> <p>17 Q. So your evidence is that -- I'll see whether I put this</p> <p>18 fairly to you -- you did not pay much attention to this</p> <p>19 description, "Full time", as stated in this record; is</p> <p>20 that correct?</p> <p>21 A. Correct.</p> <p>22 Q. Your evidence is that you endorsed and signed on this</p> <p>23 record so long as you believed that you spent some time</p> <p>24 on the site, is that correct, even though it was not</p> <p>25 full-time?</p>	<p>1 such decisions for themselves instead of asking Leighton</p> <p>2 to help? Do you have any idea?</p> <p>3 A. I can't think of any reason.</p> <p>4 Q. Back to the NCR incident. We understand from your</p> <p>5 evidence that when you were first told about the NCR</p> <p>6 incident, in fact you were informed by Kobe Wong of MTR;</p> <p>7 right?</p> <p>8 A. Correct.</p> <p>9 Q. If we can just take a look at the email that we see from</p> <p>10 him, at C12/8127. There, his description of the problem</p> <p>11 identified is -- you can see from the first sentence:</p> <p>12 "... threaded bars at 3m thickness EWL slab at area</p> <p>13 C3 bay C3-2/C3-3, was found 5 number of threaded steel</p> <p>14 bars heads -- Y40 at bottom layer which were wire cut</p> <p>15 and hadn't screwed into couplers face to bay</p> <p>16 C3-1/C3-4/eastern D-wall."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Am I correct in saying that you copied, you simply</p> <p>20 copied, his description into your NCR -- into the NCR</p> <p>21 that you prepared; is that correct?</p> <p>22 A. Can I read my own NCR?</p> <p>23 Q. Sure. If we can just let this page stay on the screen</p> <p>24 and then we can have a look at the NCR. C12/8143. If</p> <p>25 we can blow it up a little bit.</p>

Page 65	Page 67
<p>1 I believe it's the exact wording. 2 A. Correct, with some slight changes regarding photographs. 3 Q. The difference, I believe it's -- according to Kobe 4 Wong's email, the last bit of the first paragraph, it's 5 "(Please see attached pictures)", and you changed it to 6 "(Please refer E1 to E4)"; right? 7 A. Correct. 8 Q. My question to you is apart from Kobe Wong's email, the 9 photographs that he attached to his email, and then what 10 you put in this NCR, did Leighton have any independent 11 record in relation to the details of the defects found 12 regarding this particular incident? 13 A. I have no idea. 14 Q. Okay. If you take a look at C8142. 15 I believe you were shown this document before, and 16 you can see that from the box there is a particular row 17 in relation to "Instruction"; can you see that? 18 A. Yes. 19 Q. There, the NCR said: 20 "Please review the evidence and investigate the root 21 cause of the problem then propose your corrective 22 actions ..." 23 Do you see that? 24 A. Yes. 25 Q. Now, after this NCR was issued, did you or anyone in</p>	<p>1 COMMISSIONER HANSFORD: Okay. Thank you. 2 MR KHAW: Mr Ip, at the time when you were preparing the 3 contents of the NCR, at that time did you and your team 4 consider the threaded rebar cutting found in relation to 5 this NCR a serious matter? 6 A. I considered so. 7 Q. During the period between December 2015 and January 8 2017 -- you can take it from me that January 2017 was 9 the time when Mr Lumb published his draft report of his 10 investigation; okay? Now, during this period, did your 11 team or any team in Leighton issue any direction or 12 instruction telling staff to tighten or strengthen the 13 inspection for coupling works? 14 A. No. However, I would also tell my engineers that they 15 should pay more attention to the works of the bar fixing 16 workers. 17 Q. If I can take you to your third witness statement, 18 paragraph 6 -- now, you said: 19 "The version of NCR ... that was issued to 20 Fang Sheung on 18 December ... did not include anything 21 in the section titled 'Details of required 22 rectification'. I recall that I left this section blank 23 because it is usually completed by the sub-contractor 24 who receives the NCR." 25 Do you see that?</p>
Page 66	Page 68
<p>1 your team liaise with Fang Sheung in order to 2 investigate the root cause of the problem? 3 A. No. 4 CHAIRMAN: Sorry, did you receive from Fang Sheung any 5 statement as to their investigations and what they 6 ascertained to be the root cause? 7 A. No. No. I did not. 8 CHAIRMAN: So would it be correct to say the instruction, 9 "Please review the evidence and investigate the root 10 cause", that was never done, that you know of? 11 A. That's right. 12 COMMISSIONER HANSFORD: Can I just follow up on that? 13 Are those your words, "Please review the evidence 14 and investigate the root cause"? Was that from you, or 15 did that come from your QA manager? 16 A. I suppose the QA manager who said it, because I was 17 responsible for issuing the next non-conformance report, 18 whereas for this one, it was an external transmittal. 19 So I suppose this external transmittal was issued, 20 again, with my non-conformance report attached for 21 Fang Sheung. As it was written here, "Document 22 transmittal -- external". 23 COMMISSIONER HANSFORD: So the instruction was written by 24 the QA manager; is that what you are saying? 25 A. I believe so. It was not written by me.</p>	<p>1 A. Yes. 2 Q. Now, we have all heard evidence that it was Leighton and 3 not the sub-contractor, ie Fang Sheung, who eventually 4 was responsible for carrying out the rectification 5 works. You know about that? 6 A. Rectification works should be carried out by Fang Sheung 7 and some workers who assisted us. I mean Fang Sheung 8 workers also helped in, say, looking for new couplers 9 for replacement, and we also engaged our own workers to 10 help. 11 CHAIRMAN: Sorry, I'm a bit confused as to that. Could you 12 repeat that, perhaps a little more clearly, for me? So 13 you say -- 14 A. That day, when five threaded bars were found to be 15 defective, as I understand, Fang Sheung also had their 16 people take part in the rectification, say by taking out 17 the problematic threads and replace them with new bars 18 with threads. In the process, our workers probably also 19 took part in the process, and I am referring to Leighton 20 workers. 21 MR KHAW: Do you agree that the methods regarding 22 rectification works were determined by Leighton? 23 A. Yes, I agree. 24 Q. In that case, are you aware of any reason why it was 25 necessary to ask the sub-contractor to suggest remedial</p>

<p style="text-align: right;">Page 69</p> <p>1 works?</p> <p>2 A. Because they committed the error, so we asked them to</p> <p>3 suggest the rectification details to us.</p> <p>4 Q. Finally, I would like to just ask you something about</p> <p>5 the closing out of the NCR.</p> <p>6 Can you just tell us, in general terms, what you</p> <p>7 mean by "closing out" regarding an NCR?</p> <p>8 A. Closing out, that means, first of all, the rectification</p> <p>9 works details would be approved and then we would have</p> <p>10 actually carried out the rectification works, and then</p> <p>11 usually the normal procedure is for MTRC to carry out</p> <p>12 inspection, and they would approve it and then we would</p> <p>13 submit a RISC form to them, and then on the RISC form</p> <p>14 they would approve the works and then we would use that</p> <p>15 as evidence to close out the NCR.</p> <p>16 CHAIRMAN: Does it normally take a long time to do this, to</p> <p>17 get this process done?</p> <p>18 A. You mean the usual NCR or this coupler case?</p> <p>19 CHAIRMAN: Well, in this case, by way of an example, it</p> <p>20 seems that the problem was spotted, the rectification</p> <p>21 work was done almost immediately --</p> <p>22 A. Yes.</p> <p>23 CHAIRMAN: -- and was, because of its limited nature,</p> <p>24 approved at that time. So it was all done in one short</p> <p>25 period of time, a matter of hours.</p>	<p style="text-align: right;">Page 71</p> <p>1 normal?</p> <p>2 A. No. It was too long ago.</p> <p>3 Q. Do you mean that you considered eight months quite</p> <p>4 an unusually long period?</p> <p>5 A. Yes.</p> <p>6 Q. Are you aware of any reasons why it took so long for</p> <p>7 this particular NCR?</p> <p>8 A. As I said before, the case was immediately followed up</p> <p>9 on, so no one was anxious to follow up on it. That's</p> <p>10 why this was left aside for a long time. Maybe in</p> <p>11 August someone mentioned there's need to issue an RISC,</p> <p>12 that's why we then issued the form.</p> <p>13 MR KHAW: Thank you. I have no further questions.</p> <p>14 COMMISSIONER HANSFORD: Sorry, I'm rather confused on this</p> <p>15 last point, and it's not helped by not being able to</p> <p>16 read this form very clearly on my screen. I imagine the</p> <p>17 hard copy is as difficult to read as this would be.</p> <p>18 MR PENNICOTT: Even worse.</p> <p>19 COMMISSIONER HANSFORD: Because if I'm understanding this</p> <p>20 correctly, this is a request for inspection which then</p> <p>21 is followed by the inspection taking place on site, and</p> <p>22 the inspection takes place on site at a hold point and</p> <p>23 works do not continue until that's completed.</p> <p>24 If I understand it correctly, what's being shown</p> <p>25 here is evidence that in order to close out the NCR</p>
<p style="text-align: right;">Page 70</p> <p>1 I'm just wondering why it wasn't closed out for</p> <p>2 another two years almost, or something.</p> <p>3 MR PENNICOTT: 14 months.</p> <p>4 CHAIRMAN: 14 months.</p> <p>5 A. That's probably because after the NCR was issued, we did</p> <p>6 not follow up on this further. But the problem was</p> <p>7 already resolved, so we therefore were not anxious to</p> <p>8 follow up on it.</p> <p>9 CHAIRMAN: Thank you.</p> <p>10 MR KHAW: If you can take a look at another document,</p> <p>11 C12/8149. According to paragraph 8 of your third</p> <p>12 witness statement -- you can take it from me that I'm</p> <p>13 quoting from your statement -- that you received this</p> <p>14 RISC from Edward Mok, and this is an RISC dated</p> <p>15 18 August 2016.</p> <p>16 Do you remember that?</p> <p>17 A. Yes, I remember it.</p> <p>18 Q. Is it a normal practice to prepare an RISC before an NCR</p> <p>19 is closed out?</p> <p>20 A. Usually, this is the normal approach, because QA would</p> <p>21 ask us to produce the proof that there was approval from</p> <p>22 MTRCL, so we had to submit the records to them.</p> <p>23 Q. According to this document, the RISC was prepared in</p> <p>24 August 2016, so about eight months after the</p> <p>25 rectification works were completed in December. Is it</p>	<p style="text-align: right;">Page 72</p> <p>1 form, the fact that an inspection took place is being</p> <p>2 shown as evidence of that.</p> <p>3 Now, I don't understand what these dates relate to.</p> <p>4 I think it would help if I could see this form a lot</p> <p>5 clearer than I can. So could it be explained to me what</p> <p>6 we're being told at this point?</p> <p>7 MR PENNICOTT: Sir, my understanding is that it's simply</p> <p>8 something that is being done retrospectively. It's just</p> <p>9 endorsing the fact that this was an inspection back</p> <p>10 on -- that the remedial works were carried out on the</p> <p>11 15th, in the presence of both Leighton and the MTRC.</p> <p>12 COMMISSIONER HANSFORD: Right.</p> <p>13 MR PENNICOTT: And somebody woke up to the fact, I think it</p> <p>14 was in April 2016 -- we saw with a witness yesterday, he</p> <p>15 referred to an email in April 2016. Attached to that</p> <p>16 email was a list of NCRs that had not been closed out,</p> <p>17 this being one of them. This I think then triggered</p> <p>18 this document.</p> <p>19 COMMISSIONER HANSFORD: Right.</p> <p>20 MR PENNICOTT: So it's basically been done retrospectively.</p> <p>21 I'm not suggesting there's any misfeasance going on</p> <p>22 here.</p> <p>23 COMMISSIONER HANSFORD: No, no, no.</p> <p>24 MR PENNICOTT: It's just that the paperwork wasn't filled in</p> <p>25 and it took a while. Quite what then happened when this</p>

Page 73	Page 75
<p>1 document dated 18 August was filled in, quite what then 2 happened between then and January 2017, I'm not entirely 3 sure. 4 COMMISSIONER HANSFORD: No, but perhaps I am missing 5 something. I assumed that concrete could not be poured 6 until a hold point had been satisfactorily passed and 7 an RISC form would be completed to allow that hold point 8 to be passed. 9 MR PENNICOTT: Yes. 10 COMMISSIONER HANSFORD: Am I being told that this is 11 a separate RISC -- 12 MR PENNICOTT: You are, sir. 13 COMMISSIONER HANSFORD: -- specifically related to the 14 satisfactory work, satisfactory remedial work, of 15 an NCR? 16 MR PENNICOTT: Yes, sir. 17 COMMISSIONER HANSFORD: I wasn't aware that those were 18 separate inspections. 19 MR PENNICOTT: I believe, sir. Quite why, I don't 20 understand why -- you've got the RISC that was issued 21 for the purposes of the concrete pour, why that couldn't 22 be used as a mechanism for saying, "Well, all of this 23 can now be closed out." 24 COMMISSIONER HANSFORD: Yes. 25 MR PENNICOTT: I'm not sure why a separate RISC form had to</p>	<p>1 a RISC form on 18 August ... to put everything on 2 record. This was formally endorsed and closed out on 3 11 September 2016." 4 COMMISSIONER HANSFORD: Okay. So Mr Kobe Wong is telling us 5 this was a matter of proper record-keeping as opposed to 6 a physical inspection being carried out at that time? 7 MR CHANG: This is how we understand from Mr Wong's 8 evidence. 9 COMMISSIONER HANSFORD: Okay. We will speak to Mr Wong at 10 a later date. Thank you very much. That's very 11 helpful. 12 MR BOULDING: Sir, my learned friends have stolen most of my 13 thunder, but I have just one or two questions and you 14 might want me to put them to the witness before the 15 luncheon adjournment because I anticipate we might be 16 able to -- 17 CHAIRMAN: I'm wondering about that. 18 Ms Chong, do you have any -- 19 MS CHONG: I have no questions. 20 CHAIRMAN: All right. Then we may well be able to deal with 21 the matter and then adjourn for the day. 22 MR PENNICOTT: Yes, sir. 23 MR WILKEN: Sir, before that happens, there's one thing 24 I must mention. There has been some work going on 25 behind the scenes and there's a document we would wish</p>
Page 74	Page 76
<p>1 be issued. I'm not sure. 2 COMMISSIONER HANSFORD: Okay. 3 MR PENNICOTT: In theory, I suppose, the RISC form in 4 relation to the final checking of the rebar and then the 5 pre-concrete pour checking could have been used to 6 indicate that this had been closed out. 7 COMMISSIONER HANSFORD: Yes. 8 MR PENNICOTT: But it wasn't. 9 COMMISSIONER HANSFORD: Okay. Perhaps we can come back to 10 that when we get to Edward Mok. 11 MR PENNICOTT: Possible, sir. Yes. 12 COMMISSIONER HANSFORD: Thank you. 13 MR CHANG: Professor, on this matter, I don't want to 14 pre-empt MTR's evidence, but in fact Mr Kobe Wong in his 15 witness statement covered part of what led to the 16 issuance of this RISC. If I may assist the 17 Commissioner, it's just a quick reference to his 18 paragraph 84 of his witness statement, if it can be 19 shown on the screen quickly. 20 CHAIRMAN: Please, yes. 21 MR CHANG: Bundle B1, page 441, paragraph 84. Mr Kobe Wong 22 says: 23 "Subsequently, I was informed by Leighton ... that 24 NCR no. 157 could not be closed out without a proper 25 RISC form being endorsed by MTR, so Leighton submitted</p>	<p>1 to show the Commission today so it can take it away for 2 the break. It's a question whether, when Mr Boulding 3 has finished, we break for five minutes so the document 4 can be read by the Commission and we then come back and 5 discuss it, so we can then end for the day, or whether 6 we have lunch. I don't think it will take very long 7 because the document speaks for itself but I mention it 8 now so you can plan accordingly, sir. 9 CHAIRMAN: Subject to what Prof Hansford says, I am inclined 10 to the view that most of us have come some distance to 11 do the work today and if we are able then to actually 12 adjourn for the day sooner rather than later then we can 13 either have lunch here or have lunch wherever you wish 14 to go back to and get on with other work for the rest of 15 the day. 16 That's a long-winded way of saying I think we'll 17 deal with your matter as soon as Mr Boulding has 18 finished his. 19 MR WILKEN: I'm grateful, sir. 20 COMMISSIONER HANSFORD: I'm very happy to have a late lunch. 21 MR WILKEN: A later longer lunch, perhaps. 22 Cross-examination by MR BOULDING 23 MR BOULDING: Thank you very much, sir and professor. 24 Good afternoon, Mr Ip. I appear on behalf of MTR 25 and I have just a couple of questions for you and it's</p>

Page 77	Page 79
<p>1 on the question of NCR157.</p> <p>2 I wonder if you could be shown Mr Kobe Wong's</p> <p>3 statement, which is at B417.</p> <p>4 Presumably, Mr Kobe Wong was known to you, was he,</p> <p>5 Mr Ip?</p> <p>6 A. Yes, correct. I know him.</p> <p>7 Q. If we could go on, please, to paragraph 83, which is on</p> <p>8 B441. You can take it from me that here Mr Kobe Wong is</p> <p>9 talking about the threaded rebar cutting which occurred</p> <p>10 on 15 December 2015, and for the record we can pick that</p> <p>11 up at paragraph 77.</p> <p>12 Then if you would be kind enough to look at</p> <p>13 paragraph 83, and here Mr Kobe Wong says:</p> <p>14 "Mr Andy Wong did not report any problems with</p> <p>15 resolving the incident, so my understanding was that the</p> <p>16 non-compliant threaded rebars/couplers had been</p> <p>17 rectified."</p> <p>18 It's right, is it not, that so far as your evidence</p> <p>19 is concerned, you agree that it was rectified; correct?</p> <p>20 A. Correct.</p> <p>21 Q. Then Mr Kobe Wong goes on:</p> <p>22 "I learned about Leighton's non-conformance report</p> <p>23 to Fang Sheung when Leighton's Mr Andy Ip asked me for</p> <p>24 more information for the purposes of preparing the NCR."</p> <p>25 Now, it's correct, is it not, as Mr Kobe Wong states</p>	<p>1 this, but first of all can you look at the bottom-left</p> <p>2 corner.</p> <p>3 You were asked this morning as to why we see Mr Gary</p> <p>4 Chow's name here, and you said you were not sure whether</p> <p>5 it was his signature.</p> <p>6 Can I ask you this. We can see two initials at the</p> <p>7 bottom-left corner. Can you identify these two initials</p> <p>8 for us?</p> <p>9 A. The one resembling A was mine. The other one, I'm not</p> <p>10 sure who added it.</p> <p>11 Q. Can I remind you, in your third witness statement which</p> <p>12 you filed yesterday -- it's bundle C35/26678,</p> <p>13 paragraph 5 -- can I read it out to you so that it can</p> <p>14 be translated. You said this:</p> <p>15 "I recall that I assisted Kevin Harman (Leighton's</p> <p>16 quality assurance manager at the time) to prepare NCR157</p> <p>17 to be issued to Fang Sheung in December 2015. NCR157</p> <p>18 was approved by Kevin Harman and issued to Fang Sheung</p> <p>19 on 18 December 2015. Both Kevin and I signed our</p> <p>20 initials at the bottom left-hand corner of NCR157 ..."</p> <p>21 So does this bring back your memory as to who</p> <p>22 initialled the other initial that we can see at 20364?</p> <p>23 A. Can I also check B4121, the top part of the document</p> <p>24 with the signature?</p> <p>25 Q. Yes. The same bundle, 20358. It's the same document.</p>
<p>Page 78</p> <p>1 there, that you informed him about NCR157; that's</p> <p>2 correct, is it not?</p> <p>3 A. That I have no recollection of.</p> <p>4 Q. Well, you will probably not be able to answer my next</p> <p>5 question, but I'll try it in any event, because Mr Kobe</p> <p>6 Wong says:</p> <p>7 "I learned about Leighton's non-conformance report</p> <p>8 to Fang Sheung when Leighton's Mr Andy Ip asked me for</p> <p>9 more information for the purposes of preparing the NCR."</p> <p>10 Do you see that statement there, Mr Ip?</p> <p>11 A. Yes, I see that.</p> <p>12 Q. I was going to ask you what further information you</p> <p>13 asked Mr Kobe Wong for. Can you remember asking him for</p> <p>14 further information?</p> <p>15 A. No, I don't remember.</p> <p>16 MR BOULDING: Thank you. No further questions, sir.</p> <p>17 CHAIRMAN: Good. And Ms Chong, no questions?</p> <p>18 MS CHONG: No questions from Fang Sheung.</p> <p>19 CHAIRMAN: Yes?</p> <p>20 MR CHANG: Being the only person standing between lunch and</p> <p>21 the hearing, I have a few questions for clarification.</p> <p>22 CHAIRMAN: Yes.</p> <p>23 Re-examination by MR CHANG</p> <p>24 MR CHANG: Mr Ip, can you be shown bundle C27/20364. This</p> <p>25 is the NCR. You have been asked many questions about</p>	<p>Page 80</p> <p>1 It's the document transmittal sheet.</p> <p>2 A. Because for the initial on the right, I believe it's</p> <p>3 Kevin Harman.</p> <p>4 Q. Yes.</p> <p>5 A. It's signed above "KH", so I think it can be checked</p> <p>6 against the other sheet at the bottom.</p> <p>7 Q. 20364, bottom left.</p> <p>8 A. I believe so, because the initials look similar.</p> <p>9 Q. Still on this page, you were asked by Mr Khaw for the</p> <p>10 government who did the rectification work under this</p> <p>11 NCR157, and your evidence is you recall both Leighton</p> <p>12 and Fang Sheung took part.</p> <p>13 Now, can I draw your attention to the details of</p> <p>14 required rectification. You can see some handwritten</p> <p>15 scripts here. If I can read it out to you so that it</p> <p>16 can be interpreted to you. It reads:</p> <p>17 "Sub-contractor Fang Sheung will be requested to</p> <p>18 remove all rebars with shortened threads. LCAL [that's</p> <p>19 Leighton] and MTR will verify the condition of couplers</p> <p>20 and the length of thread for each rebar. The new rebar</p> <p>21 will be screwed with the help of LCAL direct labour.</p> <p>22 MTR IoW [inspector of works] team and LCAL site engineer</p> <p>23 team will inspect the whole process for replacing all</p> <p>24 the new threaded rebars."</p> <p>25 Now, we see a signature next to these words. Can</p>

Page 81	1 you tell us whose signature is it? 2 A. My signature. 3 Q. By signing against it, do you confirm -- or do you have 4 any comments on whether the details of required 5 rectification did take place? 6 A. Well, nothing. Well, Kevin Harman asked me, and then 7 I just put them down in his words and confirmed it. 8 Q. Do you confirm the details as set out here to be correct 9 or not? 10 A. Yes, I confirm that. 11 Q. One final question. Mr Khaw asked you questions about 12 whether you were full-time, you were engaged in 13 full-time and continuous site supervision, and he 14 referred you to a document. 15 Now, can we have that document, C27/20595. 16 Specifically, Mr Khaw asked you about this item, 17 "Frequency of inspection", and it stated "Full time", 18 and your answer to Mr Khaw's question is perhaps your 19 understanding of the word "full time" is different. You 20 go out to site every day and did the inspection. That's 21 [draft] page 64, line 3. 22 Can I ask you this. If you did not go to site every 23 day, would you agree to this description, "Full time"? 24 A. For full-time in this project -- for site office, it's 25 also part of the site.	Page 83	1 you. You may be excused now. Thank you very much. 2 WITNESS: Thank you, Chairman. 3 (The witness was released) 4 MR WILKEN: Sir, I am in the enviable position of both 5 stealing Mr Boulding's thunder and giving Mr Pennicott 6 something he asked for. 7 Taking the Commission back to the heady days of 8 Day 1, Mr Pennicott asked MTR and ourselves to agree 9 amongst themselves what is at the top of the diaphragm 10 wall in areas B and C and provide the Commission with 11 the as-built information. 12 We now have that, and hopefully logistics will catch 13 up with me. Mr Pennicott has a hard copy. What we have 14 produced is a joint statement which annexes drawings and 15 photographs and plans which show you what is as-built so 16 far, as best as we know, at the top of the diaphragm 17 wall. 18 COMMISSIONER HANSFORD: Joint between whom? 19 MR WILKEN: MTR and ourselves. 20 COMMISSIONER HANSFORD: Thank you. 21 MR WILKEN: We then have individual statements which are 22 short which set out our particular perspective. For 23 Leighton, ours is this shows it was a minor change and 24 therefore did not need notification. I'll leave MTR to 25 explain its position.
Page 82	1 Q. My question is, your evidence is you attended site every 2 day. If you did not attend site every day, would you 3 agree to this description "Full time"? 4 A. I'm sorry, can you repeat? 5 Q. Your evidence is that you went to site every day to do 6 site inspection for one to two hours. That's your 7 evidence. 8 A. Yes. 9 Q. My question is this. If you did not go to site every 10 day for one to two hours, would you agree with this 11 description "Full time" as we can see from this form? 12 CHAIRMAN: I think there may perhaps be -- in terms of 13 syntax, it's quite a difficult question. I see what 14 you're saying. I wonder how far that would help us. 15 I think we understand. 16 MR CHANG: We believe it could be addressed by way of 17 submissions. 18 CHAIRMAN: I think so, yes, thank you. 19 MR PENNICOTT: The Commission has our point. 20 CHAIRMAN: Absolutely we do. Thank you very much. 21 Good. Nothing further. 22 MR WILKEN: Can the witness be released? 23 CHAIRMAN: I do apologise. 24 Thank you very much, Mr Ip. It's been very good of 25 you to come. Your evidence is now completed. Thank	Page 84	1 Then annexed we have -- and depending how one wishes 2 to get into the detail -- two plans which I found 3 immensely helpful. One is a plan which cross-references 4 to the photographs and the photographs are annexed, and 5 one cross-references to the drawings and the drawings 6 are annexed. 7 Then behind there one also has a couple of pieces of 8 correspondence that have passed between the parties. 9 So, in terms of getting into the detail, it's the 10 two plans that are the best for the macro, and then if 11 you want to cross-reference to the micro, the drawings 12 as they now stand, and the photographs, are there. 13 Sir, we will provide that to everyone as soon as the 14 logistics have caught up with what we have been doing, 15 and I will leave it to Mr Boulding to explain his 16 position on their section of the joint statement. 17 CHAIRMAN: Thank you. 18 MR BOULDING: Yes. Thank you very much, Mr Wilken, and sir 19 and professor. 20 If you've been given the original, there is at the 21 front -- 22 COMMISSIONER HANSFORD: No, we haven't as yet. No, we 23 haven't. 24 MR WILKEN: Mr Pennicott has. You haven't. 25 COMMISSIONER HANSFORD: Okay.

Page 85	Page 87
<p>1 MR BOULDING: I don't know whether Mr Pennicott would be 2 prepared to allow the original to go to the 3 Commissioner. 4 MR PENNICOTT: Of course. 5 MR BOULDING: Oh, there's another copy. Splendid. 6 CHAIRMAN: Thank you. 7 MR BOULDING: It's taken a lot of work, sir, but we trust 8 that the signed joint statement at the front, which runs 9 to some three pages, is self-explanatory. It appends 10 two annexes, as my learned friend Mr Wilken has 11 explained, and he has dealt with his additional remarks, 12 which are important. He says, firstly, that the 13 relevant works represent a minor change to the drawings. 14 I of course opened on that basis, but we do not want to 15 anticipate the expert evidence but reserve our right to 16 make submissions to that effect as and when the 17 Commission has concluded and we have heard that 18 evidence. 19 Similarly, I opened on the basis that so far as we 20 were concerned, it was indeed a safer and better 21 connection detail than the original, and again I make 22 the point that I'm not anticipating the expert evidence 23 but I will make submissions in due course depending on 24 what that evidence is. 25 We have set out certain additional remarks. I'd be</p>	<p>1 CHAIRMAN: No. Obviously these are matters we will have to 2 look at and consider. 3 Mr Pennicott? 4 MR PENNICOTT: Yes, sir. Obviously I've had a very brief 5 opportunity of reading the front-end 6 three-page document. Mr Boulding is absolutely right 7 that it's paragraph 3.4 that perhaps interests us the 8 most and is of immediate concern. 9 CHAIRMAN: Yes, of course. 10 MR PENNICOTT: Clearly it would be extremely helpful to have 11 some indication as to precisely when that opening-up 12 proposal is going to be available, if for no other 13 reason that I think it likely that we would want to run 14 that proposal past the Commission's own structural 15 engineering expert for any views that he may have. 16 But obviously, sir, this is a huge step in the right 17 direction by the sounds of it and I'm grateful to the 18 MTRC and Leighton for taking this matter forward. 19 CHAIRMAN: Yes. 20 MR BOULDING: Sir, if I can just say that I fully agree with 21 my learned friend Mr Pennicott's concerns. I don't 22 consider it appropriate at this stage to put it on the 23 transcript, but if we could have a word outside the room 24 I think I'll be able to give him further information 25 which would benefit him and, in due course, you, sir.</p>
Page 86	Page 88
<p>1 happy to take you through them, but it does seem to me 2 that they are self-explanatory. 3 Perhaps I just ought to point out that in 4 paragraph 3.4, this will be important and obviously of 5 interest to you, Commissioners: we have "agreed to 6 a request from the government to open up locations at", 7 amongst other places, "locations along the diaphragm 8 wall and the EWL track slab (east side), to verify the 9 state of the as-constructed works. The details of the 10 opening up are being considered and finalised." 11 I understand that we are doing quite well in that 12 regard, and of course: 13 "The as-constructed works will be subject to 14 verification upon [this] opening up." 15 Then finally, the formal design amendment submission 16 will be submitted to the Buildings Department in due 17 course. 18 I hope the Commissioners regard that as helpful, and 19 to the extent that you have any questions, we'll 20 endeavour to deal with them, but you can imagine there's 21 been a lot of backroom working going on to produce this 22 sort of material. 23 CHAIRMAN: Yes, absolutely. Thank you very much indeed. 24 That's of great assistance. Thank you. 25 MR BOULDING: Unless I can assist you further, sir.</p>	<p>1 CHAIRMAN: Good. Thank you very much indeed. 2 Anything further? 3 MR WILKEN: No, sir, nothing from me. 4 CHAIRMAN: Good. Thank you. We'll adjourn for the day. 5 I'm aware of the fact that there has been, and is, 6 some media attention and interest to the public on this 7 Inquiry, and I just wish to say that we are adjourning 8 not just for today but for one week. We will return on 9 Monday week. 10 Prof Hansford had to turn upside down most of his 11 professional and domestic life in order to take on this 12 Commission, and there were several dates which were 13 simply not possible to move or to which he had 14 commitments, and this one week is one of those dates to 15 which he was committed. So that is the purpose of the 16 adjournment for the one week. 17 Thank you very much. 18 (1.33 pm) 19 (The hearing adjourned until 10.00 am 20 on Monday, 26 November 2018) 21 22 23 24 25</p>

	INDEX	PAGE
1		
2		
3	MR LEUNG KWOK CHEONG, JOE (sworn in Punti)	1
4	Examination-in-chief by MR CHANG	1
5	Examination by MR PENNICOTT	2
6	Cross-examination by MR TO	9
7	Cross-examination by MR CHOW	12
8	(The witness was released)	16
9	MR IP WAI MING, ANDY (affirmed in Punti)	16
10	Examination-in-chief by MR CHANG	16
11	Examination by MR PENNICOTT	17
12	Cross-examination by MR SO	56
13	Cross-examination by MR KHAW	59
14	Cross-examination by MR BOULDING	76
15	Re-examination by MR CHANG	78
16	(The witness was released)	83
17		
18		
19		
20		
21		
22		
23		
24		
25		