

1 Friday, 16 November 2018

2 (10.01 am)

3 MR CHANG: Good morning, Mr Chairman and Professor.

4 The next witness is Mr Joe Leung.

5 Again, to put him on site, if we can have bundle C7,
6 page 5536. The reference point will be somewhere in the
7 middle, with Gary Chow, who gave evidence yesterday.

8 Joe Leung is underneath "Area C", "Site agent".

9 Incidentally, Andy Ip, who will be the next in line,
10 is the sub-agent underneath Mr Joe Leung.

11 CHAIRMAN: Thank you.

12 MR CHANG: Mr Leung, good morning.

13 WITNESS: 早晨。

14 MR LEUNG KWOK CHEONG, JOE (sworn in Puntì)

15 Examination-in-chief by MR CHANG

16 MR CHANG: Can the witness be shown bundle C27, page 20679.

17 Mr Leung, before you is a document titled, "First
18 witness statement of Joe Leung".

19 If the witness can be shown the last page of this
20 document, 20684, we can see a signature. Is that your
21 signature?

22 A. 係。

23 Q. Do you confirm this to be your witness statement for the
24 purpose of this Inquiry?

25 A. 係。

26 Q. Do you confirm the contents to be true and accurate?

1 A. 確認，真確。

2 Q. Do you wish the Commission to accept this witness
3 statement as part of your evidence for this Inquiry?

4 A. 想。

5 MR CHANG: Please remain seated. Lawyers around the room
6 will have questions for you, starting from the gentleman
7 next to me, Mr Pennicott.

8 Examination by MR PENNICOTT

9 MR PENNICOTT: Good morning, Mr Leung.

10 A. 早晨。

11 Q. My name is Pennicott, I'm one of the counsel to the
12 Commission, and I get to ask you some questions first.
13 As has been indicated to you already, others may have
14 some questions for you afterwards as well, and at any
15 time the chairman and the professor may also have some
16 questions.

17 Thank you very much for coming along this morning to
18 give evidence to the Commission.

19 Mr Leung, my understanding is that you were the site
20 agent, and we've seen the organisation chart, for area C
21 on the project. Is that correct?

22 A. 係。

23 Q. You say, in paragraph 3 of your witness statement, that
24 you joined Leighton as a site agent in May 2013.

25 When did you actually start working on the

1 particular project, SCL1112, that we're concerned with?

2 A. 我一加入禮頓，第一個工程就係1112呢單工程。

3 Q. Right. So you've been the site agent from May 2013; is
4 that right?

5 A. 冇錯。

6 Q. So you saw the project right through, essentially, from
7 commencement, that is with the diaphragm walls and so
8 forth, right the way through until you left Leighton on
9 19 July 2018, that is earlier this year; is that
10 correct?

11 A. 我一加入禮頓，2013年5月就係呢個project，但係我離開呢一個project
12 就並不是今年7月嘅，我...

13 Q. When did you leave?

14 A. 我應該離開1112 project應該係今年農曆新年前，2018年嘅2月嘅，跟住
15 我調咗去機場另一個project嘅，之後直至到7月就離開禮頓。

16 Q. So you were working on the project right up until
17 Chinese New Year in 2018, approximately?

18 A. 冇錯。

19 Q. Mr Leung, are you familiar with or have you heard of
20 a document called the site supervision plan?

21 A. 知有SSP呢樣嘢。

22 Q. Is it a document you have read and considered in the
23 past?

24 A. 有。

25 Q. Could we please have a look at it. It's at H10, and if

1 you go, please, to page 4543, this is the cover sheet of
2 the site supervision plan, submitted to the government
3 in August 2015, Mr Leung, take it from me, because there
4 were a number of these.

5 A. Okay.

6 Q. If you would be good enough, please, to go to page 4548.
7 This is the part of the supervision plan that sets out
8 the supervision plan of the registered contractor, that
9 is Leighton; do you see that at the top of the page?

10 A. 見到。

11 Q. At item 13 it says:

12 "The technically competent persons for site
13 supervision under the registered geotechnical engineer's
14 stream required for the specified type of works are ..."

15 And there's a list of positions and names.

16 Am I right in thinking that your name appears there as
17 the sixth name down from the top?

18 A. 啱。

19 Q. You are there described as "T3 and T2 (alternative)"; do
20 you see that?

21 A. 睇到。

22 Q. You will see, on the right-hand side, there's a heading
23 at the top of the table, "Frequency level of site
24 [supervision]"; do you see that?

25 A. 睇到，睇到。

1 Q. Under or against your name, what it says is "4 (one
2 visit every week)"; do you see that?

3 A. 睇到。

4 Q. Does that statement for one visit every week reflect,
5 Mr Leung, in fact what you did by way of supervision;
6 that is, you visited the site approximately one visit
7 every week? Is that correct?

8 A. 喺。

9 Q. On your one visit every week, to what extent, if at all,
10 did you look, starting in 2015 -- so two years into the
11 project -- at the rebar fixing being done by
12 Fang Sheung?

13 A. 泛迅唔係我其中一個淨係要睇嘅判頭或者工序，基本上落去地盤做巡視，就
14 全部都會睇嘅，泛迅係其中一個判頭喺地盤入面工作。同埋呢度見到就係我
15 係alternative嘅，即係話係一個替補或者如果正式嗰位係有放假或者唔
16 舒服、冇返工，就一路做替補咁嘅角色嘅，以我嘅認知就係。

17 Q. In this instance, am I right in thinking that you were
18 the alternative to Andy Ip, that is the name -- the
19 person that appears above you, two above you, in this
20 table?

21 A. 係呀，根據呢個表嘅表達就係咁。

22 Q. Okay.

23 Are you familiar with and have you heard of the
24 quality supervision plan in relation to the fixing and
25 installation of couplers?

1 A. 冇印象。

2 Q. Could I ask you, please, to be shown H9, page 4265.

3 You will see, Mr Leung, at page 4265, a document
4 headed, "Quality supervision plan on enhanced site
5 supervision & independent audit checking by MTRC
6 & registered contractor for installation of couplers";
7 do you see that?

8 A. 睇到。

9 Q. Is this a document you've seen before?

10 A. 冇見過。

11 Q. If you go, please, to page 4267 in this document -- it
12 will be on the screen or you can take it in hard copy if
13 you wish, Mr Leung -- at the bottom there, of that
14 page 4267, it says:

15 "The quality supervision" -- that is in relation to
16 the installation of couplers -- "is in addition to ...
17 the site supervision plan", that we've just been looking
18 at in the other file.

19 So were you unaware, throughout your time on this
20 site, that there was a document that required additional
21 or enhanced supervision of the coupler installation
22 work?

23 A. 唔知。

24 Q. You were unaware of this document?

25 A. 唔知，唔知有呢份文件。

1 Q. And you were unaware, therefore, of the enhanced
2 supervision that was required by this document
3 throughout your time working on project SCL1112?

4 A. 唔知，因為我有睇過呢份嘢，所以唔知。

5 Q. Right.

6 I'm not sure I can take that very much further then.
7 We will see how Mr Ip gets on later.

8 Can I ask you this question, Mr Leung. We've heard
9 a lot of evidence, an increasing amount of evidence,
10 about the inspections that took place of the rebar
11 installed by Fang Sheung. My understanding of what you
12 said a moment ago is that Fang Sheung and the
13 installation of the rebar was not something with which
14 you were concerned; is that correct?

15 A. 又唔可以咁講嘞，即係佢係其中一個工序，呢個工序當然好細節嘅，我就未
16 必會睇得咁清楚嘅，但係佢嘅工序或者佢做嘅嘢會影響嗰個進度、流程之類
17 嘍嘛，所以我都有參與過嘅。同埋我亦都提過，喺之前嗰份證供嗰度，佢--
18 泛迅準備埋去開工之前，即係最早期嗰陣時，我都有同佢傾一啲方法或者啲
19 圖則有啲咩嘢問題嗰啲過程，所以都唔可以話冇關注嘅。

20 Q. All right. Let me put it slightly differently. You
21 were not involved personally in the supervision and
22 inspection of the Fang Sheung work as the various layers
23 of rebar were installed; would that be fair?

24 A. 個人係冇參與嗰個監督嘅。

25 Q. Or inspection?

1 A. 冇，冇。

2 Q. Could you please be shown an email at C12/8127.

3 Do you have that, Mr Leung?

4 A. 睇到。

5 Q. This is an email that was sent by Mr Kobe Wong of the
6 MTR to, amongst other people, yourself; do you see that?

7 A. 見到。

8 Q. Do you recall receiving this email?

9 A. 冇印象。

10 Q. So you took no action upon this email; would that be
11 right?

12 A. 可以咁講，我印象中對於呢件事我冇乜特別嘅行動做過嘅。

13 Q. All right. We know this email was sent with a number of
14 attachments, a number of photographs. They are in the
15 following pages in the file or on the screen. Have
16 a look at 8128, please. Do you have any recollection of
17 seeing this photograph attached to the email?

18 A. 係呢件事報道咗之後，喺新聞度見過啫，之前冇印象。

19 Q. When you say "in the news", you're talking about this
20 year, are you, Mr Leung?

21 A. 即係呢件調查--係呀，即係調查之後，喺新聞上面都見過呢啲相。

22 Q. Right. But you have no independent recollection of
23 having seen this back in 2015?

24 A. 我有印象。

25 MR PENNICOTT: In that case, I have no further questions for

1 My last question is: are you familiar with
2 a gentleman called Stephen Lumb, L-U-M-B?

3 A. 我知道佢係邊個，係公司工程設計部嗰啲高層。

4 Q. Are you aware that he compiled two reports relating to
5 these incidents?

6 A. 唔知，但係佢--我見佢間唔中有上過site office。

7 Q. Were you involved in any way or form with assisting
8 Mr Lumb in any way relating to these matters?

9 A. 冇，因為我喺呢個範圍做，唔係做到最冠嘅，我2016年第一季嘅，我印象中，
10 但係正確時間我唔記得，就被調離去其他區域做其他嘢，所以我唔知佢幾時
11 嚟過或者做過呢啲調查。

12 Q. So you were not involved with the investigation?

13 A. 我都唔知有呢個調查，根本。

14 MR TO: Mr Leung, I don't have any further questions.

15 Thank you, Chairman and Commissioner.

16 MR PENNICOTT: Sir, before anybody else stands up -- perhaps

17 I should have mentioned this earlier, given Mr To's
18 questions to the witness -- last evening, we received
19 from Leightons two further witness statements, which
20 I think you're aware of.

21 CHAIRMAN: Yes.

22 MR PENNICOTT: One was from Andy Ip, who we are about to
23 hear from after Mr Leung is finished, and the other was
24 the fourth witness statement of Stephen Lumb.

25 I don't know whether that's managed to filter

1 through to all my learned friends, but Mr Lumb sets out
2 some further detail of the background to the preparation
3 of his report, and indeed lists out the people he
4 understands that were spoken to for the purposes of his
5 review and investigation.

6 Cross-examination by MR CHOW

7 MR CHOW: Good morning, Mr Chairman and Professor. I have
8 a few questions for Mr Leung.

9 Good morning, Mr Leung. I am acting for the
10 government and I have a few questions for you.

11 Mr Leung, according to the organisation chart dated
12 December 2015 that we have just looked at earlier, it
13 appears that your engineering team is the only
14 engineering team taking care of area C of the EWL slab.
15 Is that correct?

16 A. 喺。

17 Q. So any inspection, be it a routine inspection or the
18 formal inspection for the steel fixing work, would have
19 been conducted by members of your engineering team; is
20 that correct?

21 A. 正確。

22 Q. What I further gather from your statement is that among
23 various members of your team, the inspection of the
24 steel fixing work was carried out by the engineers of
25 your team, namely Mr Edward Mok, Man Sze Ho or
26 Sasa Leung; is that correct?

1 A. 啱。

2 Q. And your sub-agent, Mr Andy Ip, did not carry out any --
3 perhaps I should put it -- did not carry out full-time
4 and continuous inspection for the installation of the
5 coupling works on site; is that correct?

6 A. 都啱嘅，以我所知，佢Andy Ip都並不是會full-time喺地盤做呢啲巡查。

7 Q. Can you also confirm that none of your engineers that
8 I mentioned earlier was, at the time of the construction
9 of the EWL slab, qualified as a grade T3 technically
10 competent person?

11 A. 你意思即係頭先我見到嗰個表係冇佢嘅名？

12 CHAIRMAN: I think three names were mentioned, is it?

13 MR CHOW: That is correct: Edward Mok, Man Sze Ho and
14 Sasa Leung.

15 The organisation chart is still on the screen.
16 Under your name, Joe Leung, we can see a sub-agent,
17 Andy Ip?

18 A. 係，見到。

19 Q. Then three other engineers which I have named. My
20 question earlier is that: can you confirm that none of
21 the three engineers were at that time qualified as
22 a grade T3 TCP?

23 A. 應該唔係。

24 Q. Thank you.

25 The last area I would like to explore with you --

1 well, we can see from this organisation chart which is
2 still on the screen, it is dated December 2015; do you
3 see that?

4 A. 睇唔到。

5 Q. Perhaps we can move the chart to the upper left-hand
6 corner -- I believe it's marked on the upper left-hand
7 corner.

8 A. 見到。

9 Q. From the document, it is clear now, on three separate
10 occasions, between September and December 2015, one of
11 your engineers, Mr Edward Mok, discovered three
12 incidents where threaded bars had been cut. Presumably,
13 during that period, he was already one of the members of
14 your team taking care of the EWL slab; is that correct?

15 A. 係。

16 Q. From your witness statement, paragraph 22, you, however,
17 said:

18 "At no time did I ever see anyone cutting off or
19 shortening the threaded ends of a reinforcement bar.
20 I also did not hear of this being done."

21 Can we take it that Mr Edward Mok, after having
22 discovered the cut reinforcement, he has not informed
23 you about any of those incidents?

24 A. 我唔記得佢--係咪佢同我講嘅，因為我喺呢個供詞上面我都曾經提過，我有
25 印象係有人同我講過扭唔入去嘅，即係啲螺絲扭入去螺絲頭嗰度，但係就有

1 人同我講過話被剪短之類嘅嘢，就係咁樣，所以我就咁樣嘅陳述。佢有冇同
2 我講，我就唔記得，但係我記得有人同我講話扭唔入，有講過嘅，有人同我
3 講過。

4 MR CHOW: Thank you, Mr Leung.

5 Mr Chairman, I have no more questions.

6 CHAIRMAN: Thank you.

7 MR BOULDING: No questions from MTR.

8 CHAIRMAN: Thank you.

9 MS CHONG: No questions from Fang Sheung.

10 CHAIRMAN: Peter, any questions?

11 COMMISSIONER HANSFORD: No questions.

12 CHAIRMAN: No questions.

13 MR CHANG: No re-examination.

14 CHAIRMAN: Thank you very much. Thank you for attending
15 this morning. Your evidence is now complete. Thank
16 you.

17 WITNESS: 唔該。

18 (The witness was released)

19 MR CHANG: Mr Chairman and Professor, the next witness will
20 be Mr Andy Ip.

21 Good morning, Mr Ip.

22 WITNESS: 早晨。

23 MR IP WAI MING, ANDY (affirmed in Puntì)

24 Examination-in-chief by MR CHANG

25 MR CHANG: May the witness be shown bundle C12, page 8158.

1 Before you is a document titled, "First witness
2 statement of Andy Ip".

3 If the witness may be shown page 8162.

4 There is a signature. Mr Ip, can you confirm that
5 to be your signature?

6 A. 冇錯，係。

7 Q. Do you confirm this is your first witness statement
8 prepared for this Inquiry?

9 A. 係，冇錯。

10 Q. Can the witness be shown bundle C32, page 24074. This
11 is a document titled, "Second witness statement of
12 Andy Ip". If we go to page 24077, there is a signature.
13 Can you confirm that to be your signature?

14 A. 係，確認。

15 Q. Is this your second witness statement prepared for the
16 purpose of this Inquiry?

17 A. 係。

18 Q. There's a third witness statement from you. Bundle C35,
19 page 26678. The document is titled, "Third witness
20 statement of Andy Ip".

21 Over the page, 26679, there is a signature. Again,
22 can you confirm that to be your signature?

23 A. 係，冇錯。

24 Q. Is this your third witness statement for the purpose of
25 this Inquiry?

1 A. 係。

2 Q. For all these three witness statements, do you confirm
3 the contents to be true and accurate?

4 A. 冇錯，真確無誤。

5 Q. Do you wish the Commission to accept the three witness
6 statements as part of your evidence in this Inquiry?

7 A. 想。

8 MR CHANG: Please remain seated. Lawyers around the room
9 may have questions for you, starting from Mr Pennicott.

10 Examination by MR PENNICOTT

11 MR PENNICOTT: Good morning, Mr Ip.

12 A. 早晨。

13 Q. As has been indicated, I'm one of the counsel to the
14 Commission; I get to ask you some questions first, then
15 others may follow, and the Chairman and the Commissioner
16 may also ask you questions at any time.

17 Thank you very much for coming along to give
18 evidence this morning, and I apologise for my voice.

19 Now, Mr Ip, my understanding is that you are still
20 employed by Leighton; is that correct?

21 A. 冇錯，係。

22 Q. And you were a sub-agent between May 2015 up to some
23 point in 2017, when you were promoted to a site agent;
24 is that right?

25 A. 啱。

1 Q. Approximately when in 2017 were you promoted?

2 A. 4月。

3 Q. And when you were promoted to a site agent in April
4 2017, did you remain on project SCL1112?

5 A. 係，冇錯。

6 Q. Are you still working on that project?

7 A. 9月，今年嘅9月我調咗去第二個地盤，第二個project。

8 Q. So just a couple of months ago?

9 A. 係。

10 Q. Okay. That's helpful.

11 Could I ask you, please, to go to paragraph 16 of
12 your witness statement. You say there:

13 "I recall in late 2015 (I do not remember exactly
14 when), Edward Mok informed me that he and the MTRCL
15 inspector had identified rebar with the threaded end cut
16 off (I do not remember the exact number he identified).
17 He explained that the rebar had been rectified
18 immediately by the sub-contractor and that the MTR
19 approved the inspection."

20 Do you see that, Mr Ip?

21 A. 睇到。

22 Q. My understanding is that that was the first occasion
23 upon which Edward Mok had identified cut threaded rebar.
24 Is that also your understanding, Mr Ip?

25 A. 莫生話發現三次，但係我唔記得佢邊一次，係佢嘅第一次定第二次講畀我聽。

1 Q. Right. Well, in paragraph 30 of Mr Mok's statement, he
2 says he told you about this first incident, and I assume
3 that you would accept that that's correct?

4 A. 可以咁講。

5 Q. All right. Now, this is the first -- let's assume that
6 this is the first incident, on that basis. You've been
7 told, as the sub-agent, about somebody cutting threaded
8 rebar. Did that not strike you as slightly curious at
9 the time you were told it?

10 A. 都有嘅，但係都因為即時跟進咗，所以就冇乜去再理會過佢。

11 Q. It's not just curious, is it, Mr Ip? It's also quite
12 a serious matter, don't you agree?

13 A. 係，但係都可能係啲個別嘅工人可能貪方便咁樣做，所以都好快解決番，即係
14 更正番呢件事，所以都有乜再去跟進。

15 Q. All right. You didn't follow it up at all, not "much",
16 you didn't follow it up at all; is that the case, Mr Ip?

17 A. 係。

18 Q. Did you not think at the time that given a fairly
19 serious issue of cut threaded rebar had occurred, that
20 it was worthy of further investigation?

21 A. 嗰時冇考慮過。

22 Q. All right.

23 Then, going over the page in your witness statement
24 to 8161 and paragraph 17, you deal with what Mr Mok
25 describes as the third incident, which gave rise to the

1 issue of NCR157, and I assume you recall that incident
2 and the issue of NCR157, Mr Ip?

3 A. 係。

4 Q. You received an email from Kobe Wong, with a series of
5 photographs attached to it, and you took action by
6 discussing the matter with Mr Mok and issuing
7 a non-conformance report; is that right?

8 A. 喺。

9 Q. So was it you, in combination with Mr Mok, that
10 decided -- who decided, rather -- this NCR should be
11 issued to Fang Sheung?

12 A. 當時可能同咗莫生，因為嗰個email裏面都有我哋個QA manager Kevin
13 Harman involve喺裏面嘅，佢哋都--可能Kevin Harman都有提議我哋
14 要出個NCR記錄呢件事。

15 Q. Well, that's what I'm trying to get at, Mr Ip. Whose
16 ultimate decision was it to issue this NCR?

17 A. 呢個唔記得，可能我哋大家一齊同意。

18 Q. All right. There's no doubt that you prepared the NCR;
19 that's right, isn't it?

20 A. 係。

21 Q. Could I ask you, please, to be shown the NCR, at
22 C12/8134.

23 If we go down to the bottom, please, we can see,
24 right underneath the copyright sign, "Prepared by:
25 [you]"; do you see that?

1 A. 係。

2 Q. And we know that it was signed by Mr Rawsthorne on
3 18 December 2015, we see that from the centre of the
4 page; do you see that?

5 A. 係。

6 Q. Then, over the page at 8135, we see your name again
7 under the copyright sign, this time together with
8 Mr Gary Chow's name; do you see that?

9 A. 見到。

10 Q. Why was Gary Chow's name put on this NCR?

11 A. 首先澄清番先，嗰個簽名我唔肯定係咪佢，但係呢一張form通常都係我哋
12 電腦有個system就係有個table，我哋打啲資料落去，就會create咗呢
13 張form出嚟嘅，我哋做呢張form，都要有--佢有個格要填番邊個係我哋
14 嘅line嘅manager，Gary Chow係我當時嗰個construction manager，
15 所以有佢個名喺度。

16 Q. Mr Ip, can I ask you this: what was the primary reason
17 for issuing this NCR? Was it because of the number of
18 rebar, that is the five rebar that had been identified
19 as having been cut, or was it because this was the third
20 time, according to Mr Mok, that such an incident had
21 occurred, or was it perhaps a combination of both of
22 those reasons? Can you explain what you were thinking
23 about, your thought processes, when you decided to issue
24 this NCR?

25 A. 當時可能都係同番個QA manager Kevin Harman傾過，佢都建議我哋要

1 出番個NCR係畀泛迅，就其他原因都有乜考慮過。

2 Q. Right. It's perhaps an unfair question, but I'll ask
3 you anyway, Mr Ip: have you any idea whether Mr Harman
4 was aware of the two previous incidents?

5 A. 我唔肯定。

6 Q. Okay.

7 A. 唔肯定佢知唔知。

8 Q. All right.

9 COMMISSIONER HANSFORD: Sorry, can I ask a question at this
10 point?

11 MR PENNICOTT: Of course.

12 COMMISSIONER HANSFORD: Was Mr Harman regularly on site?

13 A. 喺個寫字樓，就好少出地盤。

14 COMMISSIONER HANSFORD: Right, but he was full-time in the
15 site office, was he, or pretty much full-time in the
16 site office?

17 A. 全時間喺個地盤寫字樓。

18 COMMISSIONER HANSFORD: So you had regular access to
19 Mr Harman if you needed it?

20 A. 係。

21 COMMISSIONER HANSFORD: Okay. I understand. Thank you.

22 MR PENNICOTT: Thank you, sir.

23 If you go, please, to page 8141, we can see there,
24 Mr Ip, that the non-conformance report, which we can see
25 on the following pages, was forwarded or sent to the

1 MTR; do you see that?

2 A. 見到。

3 Q. If you go to page 8143, you will see that the box in the
4 middle of the page, "Details of required rectification",
5 is blank; do you see that?

6 A. 見到。

7 Q. Save for somebody has typed in the word "Minor" against
8 "Approximate rectification cost"; do you see that?

9 A. 見到。

10 Q. Now, if you could go, please, to C27/20358. This is
11 another version, another copy, rather, of the
12 non-conformance report. You will see that at 359.

13 Then if you go to 20364, this time we see the box,
14 "Details of required rectification", filled in, in
15 manuscript; do you see that, Mr Ip?

16 A. 見到。

17 Q. And, Mr Ip, this page is the subject matter,
18 essentially, of the witness statement that you served
19 last night?

20 A. 係。

21 Q. As I understand it, you explain that the manuscript that
22 we now see in "Details of required rectification" was,
23 firstly, written by Mr Harman; is that right?

24 A. 相信係。

25 Q. And written by him in January 2017; is that right?

1 A. 係。

2 Q. And you signed against that manuscript also, as
3 I understand it, in January 2017; is that correct?

4 A. 係。

5 Q. Who wrote in the date of 15 December 2015 against the
6 "Target re-inspection date"?

7 A. 應該都係Kevin Harman。

8 Q. Right. Who wrote in the date of 15 December 2015 in the
9 box entitled, "Project manager's approval", where
10 Mr Rawsthorne has signed?

11 A. 呢個我唔肯定。

12 Q. Okay.

13 You make reference in your third witness statement
14 to the writing at the bottom, the manuscript at the
15 bottom of the page. You say:

16 "Closed out on Friday 13 January 2017 using
17 RISC/11266 as close out evidence."

18 Do you see that?

19 A. 見到。

20 Q. And that's signed by Mr Harman on 16 January 2017, and
21 you've also signed against that annotation; do you see
22 that?

23 A. 係。

24 Q. In your third witness statement you say, in paragraph 7,
25 the last sentence -- sorry, that's C35/26679:

1 "I do not know who prompted Kevin [that's Mr Harman]
2 to ask me to close out NCR157 in January 2017."

3 Is that right, Mr Ip?

4 A. 啱。

5 Q. Can I suggest to you what prompted him to do that, and
6 it's this. You will recall -- and we will be coming to
7 it in a moment -- that Mr Lumb and a design manager
8 carried out a review and investigation into the cut
9 threaded rebar in January 2017; do you recall that?

10 A. 唔記得。

11 Q. We'll be coming to it shortly.

12 That investigation specifically took place, in terms
13 of interviewing various members of Leighton's staff,
14 including you, according to Mr Lumb, on 9, 10 and
15 11 January 2017. Were you aware of that?

16 A. 都唔記得。

17 Q. Right. So what I'm going to suggest to you, Mr Ip, is
18 that during the course of that investigation, Mr Lumb
19 and his team discovered that this NCR had not been
20 closed out, and it is not coincidental that it was
21 closed out on 13 January 2017, during the course of that
22 review and investigation. Does that make sense to you,
23 Mr Ip?

24 A. 你可唔可以再講個問題?

25 Q. Not all of it. What I'm suggesting to you, Mr Ip, is

1 that Mr Lumb and his team carried out an investigation
2 into the cut threaded rebar in mid-January 2017.

3 A. 嗰段時間，我有見過佢團隊有個design manager Guntung有嚟過，我
4 都有畀啲圖、相嘅資料佢，但係我就唔知關唔關於呢個調查嘅事嘅。

5 Q. All right. All I'm suggesting to you, as a matter of
6 logic and non-coincidence, Mr Ip, is that Mr Lumb and
7 his team realised when they were doing this
8 investigation that this important NCR had not been
9 closed out, and therefore decided that it should be
10 closed out, and the document we're looking at is the one
11 that's attached to his report.

12 A. 係。

13 Q. All right. Well, we can ask Mr Lumb about all that in
14 due course as well.

15 Before we move on to look at some parts of Mr Lumb's
16 report, can I ask you this --

17 CHAIRMAN: Sorry to interrupt. Could we just have a look at
18 that NCR just a second?

19 MR PENNICOTT: Of course, sir. Any particular part of it?
20 The page we've just been looking at?

21 CHAIRMAN: Yes.

22 MR PENNICOTT: 20364.

23 CHAIRMAN: There we go.

24 Then if we go down a bit.

25 Okay. Good. I just wanted to check the date:

26 Friday, 13 January 2017.

1 MR PENNICOTT: Yes, sir.

2 CHAIRMAN: Thank you.

3 MR PENNICOTT: Mr Ip, can I change tack, a different topic.

4 Have you ever heard of the site supervision plan?

5 A. 有。

6 Q. Are you familiar with the site supervision plan, Mr Ip?

7 A. 唔係太過清楚。

8 Q. Have you read it at any time during the course of your
9 duties on this project?

10 A. 冇。

11 Q. Can I show it to you, please. Could we please, once
12 again, go to H10/4543. That's the covering letter.

13 That's the front sheet of the site supervision plan,
14 sent to the government in August 2015, just to put it in
15 context of the time, Mr Ip; okay?

16 A. (Nodded head).

17 Q. Then if we could go over to the increasingly familiar
18 page at 4548, we see the supervision plan of the
19 registered contractor, that's Leighton, and I think
20 I see your name, is that right, the fourth one down in
21 the box?

22 A. 喺。

23 Q. You were the T3 and T2 technically competent person; is
24 that right?

25 A. 喺。

1 Q. And on the right-hand side, under the heading,
2 "Frequency level of site inspection", it says "4 (one
3 visit every week)"; do you see that?

4 A. 睇到。

5 Q. Mr Ip, does that one visit every week reflect, properly
6 reflect, accurately reflect, the number of times that
7 you visited the site when you were the sub-agent?

8 A. 唔係嘅，我每日都差唔多朝頭早花一至兩個鐘喺個地盤度，跟住下晝就會喺
9 個寫字樓度做文件嘢多

10 Q. All right. So this doesn't reflect the factual
11 position. You were there, you say, at least a few hours
12 every day; is that right?

13 A. 大約一至兩個鐘喺個地盤。

14 Q. Okay. Can I ask you this, Mr Ip: have you heard of the
15 quality supervision plan, specifically in relation to
16 the installation of couplers?

17 A. 喺呢個施工嗰個期間，我有聽過，都係近期我先再聽過QSP呢樣嘢。

18 Q. All right. Let's have a look at that. That's in H9.

19 When you say "recently", that you've recently heard
20 of this document, what do you mean by "recently", Mr Ip?

21 A. 即係有呢件事發生之後，即係呢個六--即係如果講個實質嘅時間，就應該係
22 2018年6月開始我會知道。

23 Q. All right. If you go, please, to H9/4265. Mr Ip, you
24 say you heard about this document recently. Did you
25 take an opportunity to read it?

1 A. 冇。

2 Q. So is this the first time you've seen it?

3 A. 頭先梁生作供嗰時都有望過。

4 Q. That's a very accurate answer, if you were sat outside.

5 It's the second time you've seen it then?

6 A. Yes.

7 Q. Was the first time you saw it this morning?

8 A. 係，可以咁講。

9 Q. Mr Ip, without taking you to any of the details, what
10 this document seeks to do is to enhance or improve the
11 supervision and the inspection of the installation of
12 couplers and also the installation of steel reinforcing
13 bars into the couplers. Do you follow?

14 A. 跟到。

15 Q. Whilst you say you were not aware of this particular
16 document at the time, let's say back in 2015, was it
17 your understanding that particular care and attention
18 needed to be paid to the installation of the rebar,
19 threaded rebar, into the couplers?

20 A. 根據我嘅經驗，我覺得呢樣嘢都重要嘅，所以我經過行地盤嘅時候，我都
21 會留意呢一樣嘢。

22 Q. Okay. Did you yourself take part in any, let's say,
23 informal, routine inspections of the connections between
24 the threaded rebar and the couplers?

25 A. 冇，都係經過嗰陣時會睇下嗰啲接駁位有冇啲螺絲牙凸咗出嚟、扭得實唔實咁

1 樣，但係你話睇住佢哋真係扭入去就好少。

2 Q. Right. So there might have been occasions that on
3 an informal basis you would walk along where the rebar
4 was being fixed and you would just look at and observe
5 the connections?

6 A. 有機會。

7 Q. Mr Ip, on one reading of this quality supervision plan
8 for the couplers and the rebar, documentation -- records
9 ought to have been kept in relation to the inspection of
10 each and every coupler connection. Are you aware of any
11 such records?

12 A. 唔知。

13 Q. We have heard evidence that the inspection of the
14 connections of the threaded rebar to the couplers would
15 take place on a layer-by-layer basis. Were you aware of
16 that?

17 A. 都唔知。

18 Q. Right. My understanding is that the routine and formal
19 inspections of the connections of the rebar to the
20 couplers was carried out by your engineering team,
21 comprising Edward Mok, Man Sze Ho and Sasa Leung; is
22 that correct?

23 A. 喎。

24 Q. And, as has been pointed out, none of them appear on the
25 site supervision plan as a T3, a T2, or a T1 for that

1 matter; is that right?

2 A. 喺。

3 Q. Whose decision was it that those three engineers -- and
4 we know that Mr Mok was a graduate engineer at the
5 time -- whose decision was it that the responsibility
6 for inspecting the connections should be put upon them?

7 A. 都唔知道，但係嗰陣時如果嗰啲inspection，我都唔清楚話需要T1、T3嚟
8 收貨。

9 Q. All right.

10 Can I ask you, please, to be shown bundle --

11 CHAIRMAN: Sorry, one question.

12 MR PENNICOTT: Of course, sir.

13 CHAIRMAN: Just for my information. Were you aware at the
14 time, if in fact this is the case, that officers of
15 certain levels of experience were required to inspect
16 different aspects of the construction works, if that was
17 in fact the case?

18 A. 唔知道。

19 CHAIRMAN: Okay.

20 MR PENNICOTT: Now, you made reference a short while ago
21 to -- I made reference and you made reference a short
22 while ago -- to the investigation and review that
23 Mr Lumb carried out in January 2017; yes?

24 A. 係。

25 Q. I think you said that you spoke to one of Mr Lumb's team

1 when that investigation was carried out; is that
2 correct?

3 A. 係。

4 Q. And that accords with what Mr Lumb has told us. Do you
5 remember the name of the person to whom you spoke at
6 that time?

7 A. Guntung.

8 Q. And Guntung was, as I understand it, a design manager
9 working with Mr Lumb; is that right?

10 A. 係。

11 Q. Do you recall what information you gave him?

12 A. 畀咗一啲關於EWL，即係東西行線嘅落石屎嘅日期，畀咗一啲相關於我哋做
13 EWL slab嗰個工序，關於勾泥、繫鐵、釘板、落石屎嗰啲工序，畀啲相佢。

14 Q. All right. Could I ask you, before I move on to ask you
15 some more questions about his report, just to be shown
16 page C35/26681, which is the second page of Mr Lumb's
17 fourth witness statement that we received last evening.

18 Do you see that on the screen there, Mr Ip?

19 A. 見到。

20 Q. So what Mr Lumb says is:

21 "My understanding is Guntung discussed the
22 allegation with at least the following site team
23 members".

24 Firstly, Mr Harman, and he, we know, was the quality
25 and environmental manager, spending, as you said to

1 Prof Hansford a short while ago, the majority of his
2 time in the site office; is that right?

3 A. 啱。

4 Q. Then there is Betty Ng, also, as I understand it,
5 a design manager; is that correct?

6 A. 冇錯。

7 Q. Then we have a new name, Kian Law, K-I-A-N Law, who we
8 think we've worked out was also a member of the in-house
9 design team, a senior design engineer in the in-house
10 design team; is that correct?

11 A. 啱。

12 Q. Then there was Mr Holden, William Holden, who, perhaps
13 we should have picked up earlier, was a T2 and T3
14 alternative in the site supervision plan. How much of
15 his time was spent on site, Mr Ip; do you know?

16 A. 唔清楚。

17 COMMISSIONER HANSFORD: Sorry, Mr Ip, do you know what
18 Mr William Holden's role was and to whom he reported?
19 I could probably find it on an organisation chart if
20 I looked for it, but do you know?

21 A. 開頭，如果我哋做呢個EWL slab嗰陣時候，佢應該係都係under Gary
22 Chow嘅，但係就之後都轉咗幾個位置，最後佢係做啲咩嘢，我唔係咁清楚，
23 即係有部分--有段時間係跟--即係都我哋一齊做呢個EWL slab嘅，佢係
24 senior site agent嚟，嗰陣時係。

25 COMMISSIONER HANSFORD: Thank you.

1 MR PENNICOTT: All right.

2 Then the next name on the list is Joe Tam, from whom
3 we heard yesterday, and he told us -- transcript Day 19,
4 page 95; no need to put it up -- that he had no
5 recollection of being interviewed. All right? So park
6 that.

7 Then we come to you, Mr Ip, as the sixth name on the
8 list, and you accept that you were spoken to by Guntung,
9 and also we have Man Sze Ho, who we'll be hearing from
10 in due course as well.

11 Now, in terms of information that could have been
12 given to Mr Lumb or Guntung about what happened on
13 a day-to-day basis on site, would you accept that really
14 it is only you and Man Sze Ho who could provide that
15 information?

16 A. 如果喺2017年1月嘅時候，應該係得我同文思浩（譯音）可以畀到啲資料。

17 Q. Could I then ask you, please, to go to -- I hesitate to
18 call it the Lumb report -- but the report prepared by
19 Mr Lumb and Guntung, at C27/20242.

20 I should start by asking you this, Mr Ip. Is
21 this -- we see the front sheet of the "Review of EWL
22 slab, rebar installation and checking procedure". We
23 can see that it's signed by Mr Lumb in the bottom
24 right-hand corner on 10 February 2017, revision 1.

25 Is this a document you have seen before?

26 A. 冇。

1 Q. Could I ask you, please, to be shown page 20250. This
2 is part of the report, headed "Construction
3 process/workflow"; do you see that, Mr Ip?

4 A. 見到。

5 Q. In the second paragraph, it says this:

6 "After forming the shear key via hydro-demolition
7 and installation of the soffit formwork, it was advised
8 that a survey of the diaphragm wall couplers was
9 undertaken, and checks on the couplers carried out for
10 number, setting out and orientation against the approved
11 diaphragm wall rebar shop drawings. No formal record of
12 the survey or coupler checks are in place recording this
13 process."

14 Do you see that?

15 A. 見到。

16 Q. And I think that is confirmatory of an answer you gave
17 me earlier, that there were no records of that sort of
18 inspection?

19 A. 係。

20 Q. The report goes on:

21 "In cases where the couplers were found to be
22 missing, or installed at the incorrect level, or the
23 connected starter bars tilted, it was advised that
24 remedial works were carried out, as described in
25 section 8. There is no formal record of any submission
26 or approval for any remedial measures."

1 Do you see that?

2 A. 見到。

3 Q. And so you, when you spoke to Guntung, were unable to
4 provide him with any records of remedial measures?

5 A. 當時應該Guntung冇問過我攞呢啲紀錄，我答唔到你呢個問題。

6 Q. Are you aware of there being any records, formal or
7 otherwise, of the submission or approval for any
8 remedial measures when couplers were found to be missing
9 or installed at an incorrect level, or the bars were
10 tilted?

11 A. 冇。

12 Q. Okay.

13 Then if you could go over the page, please, to
14 page 20251, where the report sets out a table,
15 table 5.1, "Actual workflow of EWL slab rebar
16 installation and checking hold point"; do you see that?

17 A. 見到。

18 Q. If you cast your eye down, please, to number 5 or
19 step 5, it says, "Survey couplers for bottom rebar
20 connection", and then the scope of Leighton's checking,
21 "Check number and level of couplers against D-wall rebar
22 drawing", and then the supervision staff are given:
23 "Supervisor, engineer, site agent (as required)".

24 Then number 6: "Connect starter bars to lowest layer
25 of bottom bar cast-in coupler", and then the scope of

1 checking, "Check direction of starter bar", and then
2 again the same supervision staff listed.

3 Do you see that, Mr Ip?

4 A. 見到。

5 Q. Then it says, 7, "Install lowest layer of bottom
6 reinforcement bar", and then, "Check rebar against ...
7 rebar drawing", the same supervisory staff indicated.
8 Then in brackets, back at the second column, "(Repeat
9 step 5 to 7 for the subsequent layers)"; do you see
10 that?

11 A. 睇到。

12 Q. So, as I said earlier, this must have been information
13 that either you or Man Sze Ho gave to Guntung; do you
14 agree?

15 A. 我有畀過，應該我相信係我engineer文思浩畀嘅，呢啲資料。

16 Q. All right. But what it's describing is something
17 I discussed with you earlier, that is the layer-by-layer
18 approach; do you see that?

19 A. 睇到。

20 Q. I won't read it all out, but 8, 9 and 10 repeats the
21 process in respect of the top rebar; do you see that?

22 A. 睇到。

23 Q. All right. I can ask Man Sze Ho more if I need to.

24 Could I then ask you, please, to go to 20254, the
25 same report. There's a section headed, "Remedial

1 [works]", number 8; do you see that?

2 A. 睇到。

3 Q. What it says here is:

4 "During the investigation, it was advised that
5 remedial works were required to the coupled starter bars
6 in several conditions:

7 1. Coupler misaligned in level (resulting starter
8 bar with inadequate cover).

9 2. Coupler misaligned in level (resulting in
10 starter bar clashing with other rebar).

11 To address the above conditions, it was advised that
12 the following remedial measures were implemented:

13 1. When the starter bar was at the correct level
14 but installed in the incorrect direction (ie not
15 perpendicular to the face of the diaphragm wall), the
16 starter bar was mechanically bent to the intended
17 alignment."

18 Mr Ip, do you personally have any knowledge of that
19 form of remedial measure?

20 A. 唔知道。

21 Q. All right.

22 Then 2:

23 "When the starter bar was at the correct level but
24 installed in the incorrect direction (ie not
25 perpendicular to the face of the diaphragm wall), in
26 some instances the starter bar (T40) was bent to the

1 intended alignment and one additional T25 starter bar
2 drilled and fixed using Hilti chemical resin HIT-RE500
3 adjacent to the existing T40 starter bar."

4 Again, Mr Ip, are you aware of that type of remedial
5 work measure having been carried out?

6 A. 呢個有，嗰陣時應該我哋都有入過一啲修復嘅，即係簡稱叫做“TQ”，即係我哋
7 engineering department入畀顧問公司問過可唔可以咁樣做嘅，最後都
8 用呢個鑽窿插鐵加番呢個T25嘅方法嚟修補番嘅。

9 Q. Right. Were you aware of that type of remedial measure
10 having been carried out without the submission of a TQ,
11 that's a technical query?

12 A. 呢個我唔知，但係我記得之前有做過咁嘅方法，係應該入咗TQ問過嘅應該。

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. 係。

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

23 A. 呢個唔知，但係以我認知，應該呢個唔係發生喺area C嗰個位置嘅，應該
24 係發生喺其他可能area A、HKC嗰啲位置。

25 Q. And why do you say that?

1 A. 因為佢哋嗰面唔似我哋area C咁樣嗰個石屎嘅level係平嘅，佢哋係
2 慢慢斜斜咁樣ramp咁樣上去嘅，所以佢哋可能會有啲咁嘅問題出現。

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

4 COMMISSIONER HANSFORD: Sorry, do you have appendix K there?
5 Can we just be taken to it, or is that an inconvenient
6 point?

7 MR PENNICOTT: Not at all, sir. Appendix K is at
8 page 20371. When you look at it I will make the
9 following observations.

10 COMMISSIONER HANSFORD: Okay. Good.

11 MR PENNICOTT: The first observation, sir, is that we don't
12 understand it. The second observation is, insofar as we
13 could understand it, we can't work out why it's
14 relevant. Insofar as our research so far is concerned,
15 we believe that it's a drawing that was copied, in
16 essence, from TQ12 and TQ13, where specific dowel bars
17 were used to deal with particular issues that had
18 arisen.

19 COMMISSIONER HANSFORD: Okay. I will study it offline.
20 Thank you.

21 MR PENNICOTT: Yes.

22 Just to pick up the last sentence -- sorry, the
23 drawing appears to have something to do with the tremie
24 pipe and the dowel bars in relation to that.

25 COMMISSIONER HANSFORD: I understand that.

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

1 of slots into the question of damaged couplers and so
2 forth. That's our confusion at the moment.

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

4 MR PENNICOTT: No doubt somebody will be able to explain it
5 to us in due course, but unfortunately not me.

6 COMMISSIONER HANSFORD: Maybe Mr Man Sze Ho, when we get to
7 him.

8 MR PENNICOTT: Quite possibly, sir.

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

10 "It was advised that these remedial methods were
11 agreed with MTR's inspector of work."

12 Do you see that?

13 COMMISSIONER HANSFORD: Sorry --

14 MR PENNICOTT: I'm very sorry. We need to go back to 20254.
15 My fault, sorry.

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

17 Mr Ip:

18 "It was advised that these remedial methods were
19 agreed with MTR's inspector of work."

20 Do you see that?

21 A. 睇到。

22 Q. Are you able to say -- and I think you accepted that you
23 were aware of the second type of remedial work, that's
24 in number 2 -- are you able to say, from your own
25 knowledge, that that type of remedial work -- method was
26 agreed with MTR?

1 A. 相信應該係同意咗嘅，因為我記得就應該出咗TQ問咗consultant，佢都
2 agree咗嗰個方法，跟住就我哋都應該設計部嗰面應該會入番呢個TQ畀番
3 通知番地鐵我哋有啲咁嘅解決方法嘅。

4 Q. Right. So you limit your answer to this, as
5 I understand it, that MTR would have agreed insofar as
6 the remedial work was recorded in a TQ, but not
7 otherwise?

8 A. 你嘅意思即係係咪局限一定要入咗TQ，港鐵同意咗，我哋先會做個修補方法
9 呢？都唔係㗎，有啲可能現場agree咗，都--即係未必一定入到TQ，即係可
10 能同番嗰面嘅工程--地鐵嘅工程師agree咗個method，我哋都會去做。

11 Q. All right. I don't want to put words in your mouth and
12 press you too much on all this, Mr Ip. Is the position
13 that Man Sze Ho is likely to know more about this, the
14 remedial measures, and so forth?

15 A. 我相信呢啲資料都應該係文思浩畀Guntung嘅，所以我諗佢應該可能會知道
16 多啲。

17 Q. All right. Can I just ask you a few questions about one
18 last topic, for which purpose could we please be shown
19 bundle C13 or go to bundle C13.

20 COURT REPORTER: Is this a short topic?

21 MR PENNICOTT: I'm sorry, yes, you are quite right. Perhaps
22 it would be appropriate to have a break before I deal
23 with this topic. It won't last long but it will be
24 a few minutes.

25 CHAIRMAN: All right. 15 minutes.

1 (11.42 am)

2 (A short adjournment)

3 (12.02 pm)

4 MR PENNICOTT: Thank you, sir. The break was useful because
5 I had omitted to ask you one question regarding the
6 report that we were looking at.

7 Just in case we come on to it, can I ask you to be
8 shown C27/20593.

9 Mr Ip, the report we were looking at -- we looked at
10 some of the text earlier -- has a series of appendices
11 attached to it. I'm just explaining to you that that's
12 the position. One of the appendices starts just so we
13 can put it in context -- appendix P, which is at 20583,
14 just to show you.

15 It's called, "Inspection record of technically
16 competent person under RGBC (for period September to
17 October 2015)"; do you see that?

18 A. 睇到。

19 Q. Then if you could please be taken to 20593, we see there
20 a CoP for site supervision, form A, and various details
21 are given, and your name appears; do you see that?

22 A. 係。

23 Q. Can you just explain, Mr Ip, what these documents are or
24 this document is? There are a whole series of them.

25 A. 當時我嘅理解就係一啲--SSP就係一啲關於--關乎安全嘅事項嘅檢查嘅點，

1 我都每次出地盤都會check番一啲關於安全嘅嘢，會睇番一啲關於安全嘅部
2 分，我就簽咗呢個名落去。

3 Q. All right. We can see that this sheet at 20593 is for
4 the week commencing 31 August 2015; do you see that?

5 A. 睇到。

6 Q. Is this a document that you would have -- and we can see
7 your signature along the bottom -- signed every day, or
8 at the end of the week or the end of the month; what's
9 the position?

10 A. 通常就一記得就簽，可能隔幾日或者隔一個禮拜嘅。

11 Q. Okay. As I understand it, Mr Ip, these forms -- you may
12 or may not know this -- were required under the site
13 supervision plan and, as it happens, the Code of
14 Practice as well. Were you aware of that?

15 A. 唔知。

16 Q. Okay.

17 Let's move on. You told us earlier, Mr Ip, that it
18 was in September of this year that you were moved to
19 another project?

20 A. 唔好意思，應該講錯咗，應該係10月，10月，啱啱上個月。

21 Q. That's fine for my purposes.

22 So when the events that have given rise to this
23 Inquiry first hit the media at the end of May and the
24 beginning of June this year, you were still working for
25 Leighton on the project; is that right?

1 A. 其實我就5月調咗返去總寫字樓就落標嘅，就因為呢件事發生咗之後，我就
2 6月又調番去呢個紅磡嘅project。

3 Q. Right. When that transfer took place, Mr Ip, were you
4 involved, on behalf of Leighton, with the collection and
5 the compilation of the documentation that various
6 people -- the MTR, the government, then ultimately the
7 Inquiry -- was asking for?

8 A. 有。

9 Q. And under whose supervision did you carry out those sort
10 of duties, the collation and compilation of the
11 documents? Who was heading up that process, internally
12 to Leighton, I mean?

13 A. 都有幾位嘅，一個就Justin Taylor，一個就William Holden，最主要
14 呢兩個問我收集啲資料。

15 Q. Right. So they were heading up the task of compiling
16 all the material, and you and perhaps others were
17 helping them?

18 A. 係。

19 Q. Who else was helping you; apart from Mr Holden and
20 Mr Taylor who else was involved in the process of
21 collating the documentation?

22 A. 佢會搵番啲--即係以前有involve過啲呢個EWL slab嘅工程師，總之有
23 involve過啲--做過呢樣嘢嘅人都有叫過返嚟，即係可能part-time形式
24 返嚟做。

25 Q. Such as Mr Mok, for example?

1 A. 係。

2 Q. Anybody else you can think of?

3 A. 文思浩，文思浩都有返嚟幫手。

4 Q. All right.

5 Could I ask you to go or be taken to bundle C13, and
6 if you would be good enough to be shown, please,
7 page 8581.

8 Mr Ip, on this page, you will see, top middle,
9 "Area C1-1"; do you see that?

10 A. 睇到。

11 Q. So an area which, back in 2015, you were responsible
12 for?

13 A. 係，我係其中一人。

14 Q. And we can see a list of dates on the right-hand side,
15 all in 2015; do you see that?

16 A. 睇到。

17 Q. If you could be shown, please, page 8648 in the same
18 file. You can see that this is a document -- the top
19 right-hand corner is headed "C1-1 (East)"; do you see
20 that?

21 A. 睇到。

22 Q. On the left-hand side the heading is, "As-built for
23 on site assembly of EWL slab to D-wall/slab couplers";
24 do you see that?

25 A. 睇到。

1 Q. And the slab area is C1, and the D-wall panels that are
2 listed are EH75, EH74 and EH73; do you see that?

3 A. 睇到。

4 Q. Is this a document that you've seen before, Mr Ip?

5 A. 6月，今年嘅6月之後見過。

6 Q. Who prepared it, Mr Ip?

7 A. 嗰陣時叫過好多工程師返嚟一齊做嘅，呢一個。

8 Q. Do you know who was responsible for preparing this
9 document or similar documents that are spread amongst
10 this file and subsequent files? Do you know who
11 prepared -- who was involved in the preparation of these
12 documents?

13 A. 我有份參與嘅，但係都有幾個工程師一齊做，因為嗰陣時係講緊係成個EWL
14 嘅slab嘅，唔係淨係齋--唔係淨係只係呢個area C咁一個位置。

15 Q. Do you accept, Mr Ip, that this document that we're
16 looking at here was prepared this year, in or about June
17 2018?

18 A. 接納。

19 Q. What is the document seeking to show, Mr Ip?

20 A. 嗰陣時公司都係叫我哋計番用咗幾多coupler喺呢個接駁呢個D-wall嗰度。

21 Q. When you say "the company asked", who gave you
22 instructions to put together this document?

23 A. 都記憶中，應該都係Justin Taylor。

24 Q. Okay. And what you were seeking to do, as I understand
25 it, Mr Ip, was retrospectively create records that ought

1 to have been in place in 2015, contemporaneously with
2 the work having been carried out. Do you accept that?

3 A. 唔接受，因為佢叫我哋做嗰陣時，我哋其實都唔知公司嘅目的係乜嘢，我哋
4 就算做咗出嚟，都係做咗個表啫，但係就裏面填寫啲嘢，我哋係冇做過任何
5 填寫啲--圈啲“S”啲嘢，冇填過呢份form囉我哋就。

6 Q. Who do you say, if you know, filled in the form and
7 circled the "S"s?

8 A. 唔清楚。

9 Q. Not you?

10 A. 唔係。

11 Q. So what part of the diagram did you have a hand in
12 preparing?

13 A. 計啲coupler嘅數目。

14 Q. What about the manuscript we see there, "23 July 2015";
15 who wrote that on there?

16 A. 唔知道。

17 Q. You see, above that table, it says, "EWL slab top bars:
18 T1, T3, T5"; do you see that?

19 A. 見到。

20 Q. Who put that information on this sheet?

21 A. 你講提供個coupler數目?

22 Q. Yes. I think that's --

23 A. 我都係...

24 Q. Sorry, go on.

1 A. 應該都係我哋一班工程師或者我一齊計嘅囉。

2 Q. All right.

3 Could I ask you then to be shown, two pages on,
4 8650. On this page, Mr Ip, we find, top right-hand side
5 corner, "C1-1 (East)" again, "R1"; do you see that?

6 A. 見到。

7 Q. "Revised on 31 July 2018", that is this year; do you see
8 that?

9 A. 見到。

10 Q. Do you know why the drawing that we were just looking at
11 was revised to the one we're now looking at?

12 A. 相信應該係之前個版本有啲出入，所以佢先再更正過。

13 Q. There are a number of differences. Obviously, the
14 diagrams are different. The quantity of T1, T3 and T5
15 are different. The OTE is added. The only thing that's
16 constant is the B5, B3 and B1 figures; do you see that?

17 A. 見到。

18 Q. What's also added to the diagrams on the left-hand side
19 is something called "Additional T25 drill-in bars"; do
20 you see that?

21 A. 見到。

22 Q. Do you know where that came from, where that piece of
23 information came from?

24 A. 呢個就係正正頭先我講嗰個話嗰個TQ要鑽窿--T25鑽窿插鐵呢一個
25 remedial嘅方法，呢個T25嗰個。

1 Q. So you think we will find, do you, a TQ somewhere --

2 A. 冇錯。

3 Q. -- that deals with a T25 drill-in bar at panel EH75?

4 A. 係。

5 Q. One of the reasons, can I suggest to you, that there had
6 to be a revised drawing/diagram that we've got here is
7 that when you did the original one, it had been
8 overlooked that there had been changes of design detail
9 to the top of the east diaphragm wall?

10 A. 同意。

11 Q. What you were seeking to do here -- whether you were
12 aware of the ultimate purpose, Mr Ip, park on one side
13 because I've heard what you've said about that -- you
14 were trying to create retrospectively records that
15 sought to show that each connection of rebar to
16 a coupler had been inspected and was said to be
17 satisfactory. That's what this document seeks to show,
18 isn't it?

19 A. 因為公司都係叫我哋做嘅啫，我哋就唔知佢嘅目的係點樣。

20 CHAIRMAN: So you are saying you were just asked by the
21 company to put all this information together, were you?
22 You don't know the reason?

23 A. 係，冇錯，因為嗰時都係叫我哋做一個summary咁嘅形式咁樣，叫我哋計
24 番個啲coupler個數目出嚟嘅啫。

25 MR PENNICOTT: So would this be fair, Mr Ip: that the

1 diagrams and the words and figures that we can see typed
2 onto these sheets was prepared by you and some of your
3 colleagues, but the manuscript was put on by somebody
4 else; is that what it comes to?

5 A. 應該係咁講，個表格都唔係我哋做嘅，我哋就係可能擺嗰啲圖同埋計番個
6 coupler嘅數目喺呢一張表裏面。

7 Q. All right. Let me just show you one more example,
8 before I sit down. Could you please be shown C13, the
9 same file, 8954.

10 It's a similar diagram, Mr Ip, but we're now in
11 "C1-3 (East)", do you see that, as opposed to C1-1?

12 A. 見到。

13 Q. So we're concerned with panels EM68, EH67 and EM66; do
14 you see that?

15 A. 見到。

16 Q. We've got the date of 4 September 2015, which happens to
17 be the RISC date for this area, for pre-pour check, and
18 do you see the various details in relation to the EWL
19 slab top bars and EWL slab bottom bars?

20 A. 見到。

21 Q. And in particular, do you see in the box the top bars,
22 "T1", "T3", "T5", and various numbers of bars, and then
23 the "S" and the "NS"; do you see that?

24 A. 見到。

25 Q. Now, compare that with 8956. What has happened -- and

1 this is illustrative of the point I put to you just
2 a moment ago -- is that in fact, on the revision sheet,
3 all the top bars -- T1, T3, T5, and so forth -- have
4 disappeared; do you see that?

5 A. 見到。

6 Q. That is because there was a realisation, presumably,
7 between the preparation of the first diagram and the
8 revision, that this area had through-bars and there were
9 no couplers involved; is that right?

10 A. 係。

11 Q. This also shows an additional T25 drill-in bar as well;
12 do you see that?

13 A. 見到。

14 Q. And that should also, in this area, be covered by a TQ;
15 is that right?

16 A. 應該係關於個TQ，冇錯。

17 Q. Again, is your evidence the same in relation to this
18 document as the previous one, that the manuscript that
19 we see on this was put on by somebody else, not you?

20 A. 喎。

21 Q. Were you aware, Mr Ip, that these documents, amongst
22 others, were submitted to the MTR by Leighton?

23 A. 事後佢交咗份報告，我知道佢有提交呢啲咁嘅紀錄。

24 Q. To the MTR?

25 A. 係。

1 Q. Were you also aware that these documents, amongst
2 others, were supplied to the government?

3 A. 唔知道。

4 MR PENNICOTT: Okay.

5 Sir, thank you very much. I have no further
6 questions.

7 CHAIRMAN: Thank you.

8 Cross-examination by MR SO

9 MR SO: Sir, there will be questions from China Technology,
10 if I may.

11 Mr Ip, can I bring you to bundle C1, page C43.

12 Mr Ip, this is the NCR157, and if you pay attention to,
13 at the top of the document, where there is a number,
14 a series of numbers, next to "Project/contract no.",
15 there is a small initial "A". Is that your signature?

16 A. 係。

17 Q. When you signed this initial there, have you read the
18 next page of the document, which is C44; have you read
19 it?

20 A. 有。

21 Q. Of course you would pay attention to the details of the
22 defective work where it writes that there were five
23 number of threaded steel bar heads being cut; correct?

24 A. 睇到。

25 Q. At the time when you signed it, you also did see that;

1 correct?

2 A. 係。

3 Q. When you signed this NCR157, were you given the
4 photographs at C45, C46, C47 and C48?

5 A. 有。

6 Q. Can I ask you to pay attention to C48, and can I ask
7 those operating the computer to turn the photograph
8 clockwise.

9 Correct me if I am wrong, Mr Ip, if you look at the
10 photograph, at the back of -- the part -- the inner
11 layer, I can see there were three bars being cut; is
12 that correct? Two on the left and one in the middle; is
13 that correct?

14 A. 唔肯定左面係咪兩支，左面好似一支，跟住中間一支。

15 Q. I tell you what I see, and you can disagree with me.
16 There is one with half of the threads there, one without
17 any thread, on the left, and one in the middle with some
18 of the threads; is that correct? So there were three?

19 A. 應該唔係，左面嗰支有螺絲紋，再右面再有一支，嗰支應該係lap鐵嚟嘅，我
20 相信就。

21 Q. So you say there were only one on the left and one in
22 the middle; correct?

23 A. 係，係。

24 Q. Then can I cast your mind to also the layer behind but
25 to the right of the monitor. That's the third bar,

1 correct, being cut?

2 A. 唔知你指邊支，可唔可以...

3 Q. The one behind, on the right of the monitor, above
4 a coupler but without any threads, that is the one being
5 cut; is that correct?

6 A. 答唔到你，我睇唔到，睇--認...

7 Q. Maybe I -- please continue.

8 A. 睇唔出，睇唔出呀我，唔肯定。

9 Q. Maybe I will deal with it another way. Can we not zoom
10 into the photograph? Can you count to us which five
11 bars you saw those were the bars being cut?

12 A. 未必睇到喎，因為佢張相未必影晒嗰五支鐵出嚟㗎嘛，我答唔到你，呢個問題。

13 Q. All right. Can I cast your mind to photo C45 then. Can
14 this assist you to tell us, together with C48 -- C45 and
15 C48, these two photographs -- can you tell us how can
16 you confirm there were five bars being cut?

17 A. 睇相未必確認到，我最多都--因為都係我工程師匯報畀我係五支，所以咪
18 寫五支，相片有一定話要去影晒嗰五支出嚟㗎嘛。

19 Q. You would agree with me, would you not, that the
20 photographs appended behind the NCR is to record what
21 were the defects being found out from the NCR; correct?

22 A. 唔明你嘅問題，可唔可以再問一次？唔好意思。

23 Q. The purpose of appending photographs behind an NCR is
24 that we can know what are the details and what are the
25 particulars the NCR is referring to; correct?

1 A. 係。

2 MR SO: Thank you. No further questions.

3 Cross-examination by MR KHAW

4 MR KHAW: Mr Leung, I am acting for the government.

5 In view of the very detailed discussion that
6 Mr Pennicott had with you, I only have a few questions
7 for you.

8 Do you remember your evidence given earlier this
9 morning that you agree or you accept that you did not
10 carry out full-time and continuous inspection on the
11 site; do you remember that?

12 A. 記得。

13 Q. On this note, if I can just ask you to take a look at
14 one document, at C27/20593.

15 This is a record attached to Mr Lumb's investigation
16 report. The title of this document, it's called,
17 "Record of specific tasks performed by TCP under RC
18 stream"; do you see that?

19 A. 睇到。

20 Q. Now, your name apparently appears on this document; do
21 you see that?

22 A. 睇到。

23 Q. You confirm that the signature or the signatures put at
24 the bottom of the table on this particular document are
25 your signature?

1 A. 係。

2 Q. Can you tell us who prepared this document?

3 A. 嗰陣時都係我工程師跟住問番QA嗰面印番呢一張form出嚟。

4 CHAIRMAN: Sorry, what does QA mean in this context?

5 MR KHAW: Quality assurance.

6 CHAIRMAN: Thank you.

7 COMMISSIONER HANSFORD: Sorry, when you say "they asked QA",

8 you mean a central function, a quality assurance

9 department or something like that, do you? Who is "QA"?

10 A. 我哋有個質量部門會統籌呢樣嘢。

11 COMMISSIONER HANSFORD: Yes. Okay. Thank you.

12 MR KHAW: Now, am I right that at that time the person in

13 charge of the QA department was Mr Harman?

14 A. 喎。

15 Q. So his team apparently prepared this document; is that

16 correct?

17 A. 唔肯定係咪佢哋做，但係係佢哋提供畀我。

18 Q. We can see from this document that the date started from

19 31 August 2015; can you see that?

20 A. 睇到。

21 Q. All the way up to 6 September, but that is a Sunday, so

22 there is really no particular record showing anything

23 for that particular day; do you see that?

24 A. 睇到。

25 Q. So this document shows the activities from 31 August up

1 to 5 September?

2 A. 係。

3 Q. It's not the only document. If we can then go to the
4 next page, 20594, a similar document covering another
5 period, from 7 September to 12 September; do you see
6 that?

7 A. 睇到。

8 Q. Those are also your signatures; do you confirm?

9 A. 係。

10 Q. I believe the same situation would apply to the
11 following documents, from 20595 all the way to 20601?
12 You can have a look. So covering the period until
13 31 October 2015 at 20601; do you see that?

14 A. 睇到。

15 Q. Now, in all of those documents, in relation to frequency
16 of inspection, you put "Full time"; do you see that?

17 A. 我睇到呢張表上面寫住“Full time”。

18 Q. But obviously, according to your evidence, you could not
19 have possibly conducted full-time inspection; is that
20 right?

21 A. 或者我對呢個“full time”嘅--有啲誤會，因為我都--通常我都會--
22 每日出去，我都會有啲巡查嗰啲嘢我有做到，所以我先會簽呢個名。

23 Q. So your evidence is that -- I'll see whether I put this
24 fairly to you -- you did not pay much attention to this
25 description, "Full time", as stated in this record; is

1 that correct?

2 A. 啱。

3 Q. Your evidence is that you endorsed and signed on this
4 record so long as you believed that you spent some time
5 on the site, is that correct, even though it was not
6 full-time?

7 A. 啱。

8 Q. Thank you.

9 You remember your evidence that before the NCR
10 incident, you were told by Mr Edward Mok of a previous
11 one incident regarding threaded rebar cutting; do you
12 remember that?

13 A. 記得。

14 Q. I would only want to confirm with you whether, in
15 relation to that previous incident, ie when Edward Mok
16 told you about that previous incident, before the NCR
17 incident, were you shown any photographs regarding that
18 particular incident?

19 A. 即係你講第一次? 冇。

20 Q. You remember this morning, when Mr Pennicott asked you
21 about that first incident that you knew from
22 Mr Edward Mok, you told us about the possible cause of
23 that incident. According to what you said, you told us
24 that perhaps the individual workers did it out of
25 expediency; do you remember that?

1 A. 記得。

2 Q. From whom did you gather the information that perhaps
3 the individual workers did it out of expediency?

4 A. 自己猜測。

5 Q. Or did you have any ideas as to why the workers made
6 such decisions for themselves instead of asking Leighton
7 to help? Do you have any idea?

8 A. 諗唔到原因。

9 Q. Back to the NCR incident. We understand from your
10 evidence that when you were first told about the NCR
11 incident, in fact you were informed by Kobe Wong of MTR;
12 right?

13 A. 喎。

14 Q. If we can just take a look at the email that we see from
15 him, at C12/8127. There, his description of the problem
16 identified is -- you can see from the first sentence:

17 "... threaded bars at 3m thickness EWL slab at area
18 C3 bay C3-2/C3-3, was found 5 number of threaded steel
19 bars heads -- Y40 at bottom layer which were wire cut
20 and hadn't screwed into couplers face to bay
21 C3-1/C3-4/eastern D-wall."

22 Do you see that?

23 A. 見到。

24 Q. Am I correct in saying that you copied, you simply
25 copied, his description into your NCR -- into the NCR

1 that you prepared; is that correct?

2 A. 可唔可以睇番我個NCR?

3 Q. Sure. If we can just let this page stay on the screen
4 and then we can have a look at the NCR. C12/8143. If
5 we can blow it up a little bit.

6 I believe it's the exact wording.

7 A. 係，有少少改動，關於相嗰度。

8 Q. The difference, I believe it's -- according to Kobe
9 Wong's email, the last bit of the first paragraph, it's
10 "(Please see attached pictures)", and you changed it to
11 "(Please refer E1 to E4)"; right?

12 A. 係。

13 Q. My question to you is apart from Kobe Wong's email, the
14 photographs that he attached to his email, and then what
15 you put in this NCR, did Leighton have any independent
16 record in relation to the details of the defects found
17 regarding this particular incident?

18 A. 唔知道。

19 Q. Okay. If you take a look at C8142.

20 I believe you were shown this document before, and
21 you can see that from the box there is a particular row
22 in relation to "Instruction"; can you see that?

23 A. 見到。

24 Q. There, the NCR said:

25 "Please review the evidence and investigate the root

1 cause of the problem then propose your corrective
2 actions ..."

3 Do you see that?

4 A. 見到。

5 Q. Now, after this NCR was issued, did you or anyone in
6 your team liaise with Fang Sheung in order to
7 investigate the root cause of the problem?

8 A. 冇。

9 CHAIRMAN: Sorry, did you receive from Fang Sheung any
10 statement as to their investigations and what they
11 ascertained to be the root cause?

12 A. 冇，都。

13 CHAIRMAN: So would it be correct to say the instruction,
14 "Please review the evidence and investigate the root
15 cause", that was never done, that you know of?

16 A. 係。

17 COMMISSIONER HANSFORD: Can I just follow up on that?

18 Are those your words, "Please review the evidence
19 and investigate the root cause"? Was that from you, or
20 did that come from your QA manager?

21 A. 應該係真係--即係個QA嗰個經理講嘅，因為我就負責出其實係下一張
22 non-conformance report嘅，而呢一張就係一個external嘅
23 transmittal嘅，佢應該就再自己出咗呢張external嘅transmittal，
24 再attach我個non-conformance report，就出畀泛迅，佢上面寫住咗
25 "document transmittal -- external"。

1 COMMISSIONER HANSFORD: So the instruction was written by
2 the QA manager; is that what you are saying?

3 A. 我相信係，就唔係我寫嘅係。

4 COMMISSIONER HANSFORD: Okay. Thank you.

5 MR KHAW: Mr Ip, at the time when you were preparing the
6 contents of the NCR, at that time did you and your team
7 consider the threaded rebar cutting found in relation to
8 this NCR a serious matter?

9 A. 覺得。

10 Q. During the period between December 2015 and January
11 2017 -- you can take it from me that January 2017 was
12 the time when Mr Lumb published his draft report of his
13 investigation; okay? Now, during this period, did your
14 team or any team in Leighton issue any direction or
15 instruction telling staff to tighten or strengthen the
16 inspection for coupling works?

17 A. 冇，但係我都會同番我啲工程師講番要留意多啲紮鐵工人做嘅嘢。

18 Q. If I can take you to your third witness statement,
19 paragraph 6 -- now, you said:

20 "The version of NCR ... that was issued to
21 Fang Sheung on 18 December ... did not include anything
22 in the section titled 'Details of required
23 rectification'. I recall that I left this section blank
24 because it is usually completed by the sub-contractor
25 who receives the NCR."

26 Do you see that?

1 A. 見到。

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. 修正嘅工作應該係泛迅同埋我哋都有嘅工人幫我哋手，即係兩個都--即係我--
7 泛迅嘅工人都有幫手拆或者再搵啲新嘅螺絲頭嚟裝番，我哋啲--我哋都有搵
8 番我哋啲工人一路幫手嘅。

9 CHAIRMAN: Sorry, I'm a bit confused as to that. Could you
10 repeat that, perhaps a little more clearly, for me? So
11 you say --

12 A. 即係嗰一日發現咗有五支螺絲頭有問題之後，應該我知道就係泛迅都會有人
13 去幫手搞呢個rectification work，即係可能扭番個螺絲--扭番有問題
14 嘅螺絲出嚟，跟住再扭番個新嘅有thread嘅螺絲頭，再扭番入去。當中嘅
15 過程，應該我哋都有工人幫手一齊做嘅，即係我指係禮頓嘅工人。

16 MR KHAW: Do you agree that the methods regarding
17 rectification works were determined by Leighton?

18 A. 同意。

19 Q. In that case, are you aware of any reason why it was
20 necessary to ask the sub-contractor to suggest remedial
21 works?

22 A. 因為呢個錯誤係佢哋做出嚟嘍嘛，所以都要佢哋提議番個rectification
23 嘅detail畀我哋。

24 Q. Finally, I would like to just ask you something about

1 the closing out of the NCR.

2 Can you just tell us, in general terms, what you
3 mean by "closing out" regarding an NCR?

4 A. 結案就係我哋首先個rectification work嘅detail approve咗，跟住
5 我哋就真係去做咗呢個rectification work，跟住再要--通常我哋嘅正
6 常程序都會畀地鐵做咗inspection，approve咗，而我哋又入咗risk
7 form畀佢，到佢--即係喺張risk form度approve番我哋，我哋就攞呢個
8 evidence嚟close out呢一個NCR。

9 CHAIRMAN: Does it normally take a long time to do this, to
10 get this process done?

11 A. 你指一般嘅NCR㗎，抑或係搞呢個coupler嘅問題？

12 CHAIRMAN: Well, in this case, by way of an example, it
13 seems that the problem was spotted, the rectification
14 work was done almost immediately --

15 A. 係。

16 CHAIRMAN: -- and was, because of its limited nature,
17 approved at that time. So it was all done in one short
18 period of time, a matter of hours.

19 I'm just wondering why it wasn't closed out for
20 another two years almost, or something.

21 MR PENNICOTT: 14 months.

22 CHAIRMAN: 14 months.

23 A. 因為可能個NCR出咗之後，我哋冇繼續去跟進呢樣嘢，個問題都解決咗喇嘛，
24 所以都唔係話好心急去跟進。

25 CHAIRMAN: Thank you.

1 MR KHAW: If you can take a look at another document,
2 C12/8149. According to paragraph 8 of your third
3 witness statement -- you can take it from me that I'm
4 quoting from your statement -- that you received this
5 RISC from Edward Mok, and this is an RISC dated
6 18 August 2016.

7 Do you remember that?

8 A. 記得。

9 Q. Is it a normal practice to prepare an RISC before an NCR
10 is closed out?

11 A. 通常係正常做法，因為QA嘅要求，都我哋有呢個證明係有地鐵approve咗個
12 紀錄去交界佢哋。

13 Q. According to this document, the RISC was prepared in
14 August 2016, so about eight months after the
15 rectification works were completed in December. Is it
16 normal?

17 A. 唔係，都太長時間。

18 Q. Do you mean that you considered eight months quite
19 an unusually long period?

20 A. 係。

21 Q. Are you aware of any reasons why it took so long for
22 this particular NCR?

23 A. 都好似我頭先咁講，因為件事已經即時跟進咗，就冇人再去好心急去跟進，
24 可能呢件事都擺低咗好耐，再去到可能8月有人提過要出番張risk form
25 record番呢樣嘢，所以我哋出番呢張form。

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

2 COMMISSIONER HANSFORD: Sorry, I'm rather confused on this
3 last point, and it's not helped by not being able to
4 read this form very clearly on my screen. I imagine the
5 hard copy is as difficult to read as this would be.

6 MR PENNICOTT: Even worse.

7 COMMISSIONER HANSFORD: Because if I'm understanding this
8 correctly, this is a request for inspection which then
9 is followed by the inspection taking place on site, and
10 the inspection takes place on site at a hold point and
11 works do not continue until that's completed.

12 If I understand it correctly, what's being shown
13 here is evidence that in order to close out the NCR
14 form, the fact that an inspection took place is being
15 shown as evidence of that.

16 Now, I don't understand what these dates relate to.
17 I think it would help if I could see this form a lot
18 clearer than I can. So could it be explained to me what
19 we're being told at this point?

20 MR PENNICOTT: Sir, my understanding is that it's simply
21 something that is being done retrospectively. It's just
22 endorsing the fact that this was an inspection back
23 on -- that the remedial works were carried out on the
24 15th, in the presence of both Leighton and the MTRC.

25 COMMISSIONER HANSFORD: Right.

26 MR PENNICOTT: And somebody woke up to the fact, I think it

1 was in April 2016 -- we saw with a witness yesterday, he
2 referred to an email in April 2016. Attached to that
3 email was a list of NCRs that had not been closed out,
4 this being one of them. This I think then triggered
5 this document.

6 COMMISSIONER HANSFORD: Right.

7 MR PENNICOTT: So it's basically been done retrospectively.

8 I'm not suggesting there's any misfeasance going on
9 here.

10 COMMISSIONER HANSFORD: No, no, no.

11 MR PENNICOTT: It's just that the paperwork wasn't filled in
12 and it took a while. Quite what then happened when this
13 document dated 18 August was filled in, quite what then
14 happened between then and January 2017, I'm not entirely
15 sure.

16 COMMISSIONER HANSFORD: No, but perhaps I am missing
17 something. I assumed that concrete could not be poured
18 until a hold point had been satisfactorily passed and
19 an RISC form would be completed to allow that hold point
20 to be passed.

21 MR PENNICOTT: Yes.

22 COMMISSIONER HANSFORD: Am I being told that this is
23 a separate RISC --

24 MR PENNICOTT: You are, sir.

25 COMMISSIONER HANSFORD: -- specifically related to the
26 satisfactory work, satisfactory remedial work, of

1 an NCR?

2 MR PENNICOTT: Yes, sir.

3 COMMISSIONER HANSFORD: I wasn't aware that those were
4 separate inspections.

5 MR PENNICOTT: I believe, sir. Quite why, I don't
6 understand why -- you've got the RISC that was issued
7 for the purposes of the concrete pour, why that couldn't
8 be used as a mechanism for saying, "Well, all of this
9 can now be closed out."

10 COMMISSIONER HANSFORD: Yes.

11 MR PENNICOTT: I'm not sure why a separate RISC form had to
12 be issued. I'm not sure.

13 COMMISSIONER HANSFORD: Okay.

14 MR PENNICOTT: In theory, I suppose, the RISC form in
15 relation to the final checking of the rebar and then the
16 pre-concrete pour checking could have been used to
17 indicate that this had been closed out.

18 COMMISSIONER HANSFORD: Yes.

19 MR PENNICOTT: But it wasn't.

20 COMMISSIONER HANSFORD: Okay. Perhaps we can come back to
21 that when we get to Edward Mok.

22 MR PENNICOTT: Possible, sir. Yes.

23 COMMISSIONER HANSFORD: Thank you.

24 MR CHANG: Professor, on this matter, I don't want to
25 pre-empt MTR's evidence, but in fact Mr Kobe Wong in his
26 witness statement covered part of what led to the

1 issuance of this RISC. If I may assist the
2 Commissioner, it's just a quick reference to his
3 paragraph 84 of his witness statement, if it can be
4 shown on the screen quickly.

5 CHAIRMAN: Please, yes.

6 MR CHANG: Bundle B1, page 441, paragraph 84. Mr Kobe Wong
7 says:

8 "Subsequently, I was informed by Leighton ... that
9 NCR no. 157 could not be closed out without a proper
10 RISC form being endorsed by MTR, so Leighton submitted
11 a RISC form on 18 August ... to put everything on
12 record. This was formally endorsed and closed out on
13 11 September 2016."

14 COMMISSIONER HANSFORD: Okay. So Mr Kobe Wong is telling us
15 this was a matter of proper record-keeping as opposed to
16 a physical inspection being carried out at that time?

17 MR CHANG: This is how we understand from Mr Wong's
18 evidence.

19 COMMISSIONER HANSFORD: Okay. We will speak to Mr Wong at
20 a later date. Thank you very much. That's very
21 helpful.

22 MR BOULDING: Sir, my learned friends have stolen most of my
23 thunder, but I have just one or two questions and you
24 might want me to put them to the witness before the
25 luncheon adjournment because I anticipate we might be
26 able to --

1 CHAIRMAN: I'm wondering about that.

2 Ms Chong, do you have any --

3 MS CHONG: I have no questions.

4 CHAIRMAN: All right. Then we may well be able to deal with
5 the matter and then adjourn for the day.

6 MR PENNICOTT: Yes, sir.

7 MR WILKEN: Sir, before that happens, there's one thing
8 I must mention. There has been some work going on
9 behind the scenes and there's a document we would wish
10 to show the Commission today so it can take it away for
11 the break. It's a question whether, when Mr Boulding
12 has finished, we break for five minutes so the document
13 can be read by the Commission and we then come back and
14 discuss it, so we can then end for the day, or whether
15 we have lunch. I don't think it will take very long
16 because the document speaks for itself but I mention it
17 now so you can plan accordingly, sir.

18 CHAIRMAN: Subject to what Prof Hansford says, I am inclined
19 to the view that most of us have come some distance to
20 do the work today and if we are able then to actually
21 adjourn for the day sooner rather than later then we can
22 either have lunch here or have lunch wherever you wish
23 to go back to and get on with other work for the rest of
24 the day.

25 That's a long-winded way of saying I think we'll
26 deal with your matter as soon as Mr Boulding has

1 finished his.

2 MR WILKEN: I'm grateful, sir.

3 COMMISSIONER HANSFORD: I'm very happy to have a late lunch.

4 MR WILKEN: A later longer lunch, perhaps.

5 Cross-examination by MR BOULDING

6 MR BOULDING: Thank you very much, sir and professor.

7 Good afternoon, Mr Ip. I appear on behalf of MTR
8 and I have just a couple of questions for you and it's
9 on the question of NCR157.

10 I wonder if you could be shown Mr Kobe Wong's
11 statement, which is at B417.

12 Presumably, Mr Kobe Wong was known to you, was he,
13 Mr Ip?

14 A. 冇錯，識。

15 Q. If we could go on, please, to paragraph 83, which is on
16 B441. You can take it from me that here Mr Kobe Wong is
17 talking about the threaded rebar cutting which occurred
18 on 15 December 2015, and for the record we can pick that
19 up at paragraph 77.

20 Then if you would be kind enough to look at
21 paragraph 83, and here Mr Kobe Wong says:

22 "Mr Andy Wong did not report any problems with
23 resolving the incident, so my understanding was that the
24 non-compliant threaded rebars/couplers had been
25 rectified."

26 It's right, is it not, that so far as your evidence

1 is concerned, you agree that it was rectified; correct?

2 A. 啱。

3 Q. Then Mr Kobe Wong goes on:

4 "I learned about Leighton's non-conformance report
5 to Fang Sheung when Leighton's Mr Andy Ip asked me for
6 more information for the purposes of preparing the NCR."

7 Now, it's correct, is it not, as Mr Kobe Wong states
8 there, that you informed him about NCR157; that's
9 correct, is it not?

10 A. 呢個冇印象。

11 Q. Well, you will probably not be able to answer my next
12 question, but I'll try it in any event, because Mr Kobe
13 Wong says:

14 "I learned about Leighton's non-conformance report
15 to Fang Sheung when Leighton's Mr Andy Ip asked me for
16 more information for the purposes of preparing the NCR."

17 Do you see that statement there, Mr Ip?

18 A. 見到, 見到。

19 Q. I was going to ask you what further information you
20 asked Mr Kobe Wong for. Can you remember asking him for
21 further information?

22 A. 唔記得。

23 MR BOULDING: Thank you. No further questions, sir.

24 CHAIRMAN: Good. And Ms Chong, no questions?

25 MS CHONG: No questions from Fang Sheung.

1 CHAIRMAN: Yes?

2 MR CHANG: Being the only person standing between lunch and
3 the hearing, I have a few questions for clarification.

4 CHAIRMAN: Yes.

5 Re-examination by MR CHANG

6 MR CHANG: Mr Ip, can you be shown bundle C27/20364. This
7 is the NCR. You have been asked many questions about
8 this, but first of all can you look at the bottom-left
9 corner.

10 You were asked this morning as to why we see Mr Gary
11 Chow's name here, and you said you were not sure whether
12 it was his signature.

13 Can I ask you this. We can see two initials at the
14 bottom-left corner. Can you identify these two initials
15 for us?

16 A. A字嗰個係我，另外一個我唔肯定係邊個簽嘅。

17 Q. Can I remind you, in your third witness statement which
18 you filed yesterday -- it's bundle C35/26678,
19 paragraph 5 -- can I read it out to you so that it can
20 be translated. You said this: 1

21 "I recall that I assisted Kevin Harman (Leighton's
22 quality assurance manager at the time) to prepare NCR157
23 to be issued to Fang Sheung in December 2015. NCR157
24 was approved by Kevin Harman and issued to Fang Sheung
25 on 18 December 2015. Both Kevin and I signed our
26 initials at the bottom left-hand corner of NCR157 ..."

1 So does this bring back your memory as to who
2 initialled the other initial that we can see at 20364?

3 A. 可唔可以我睇埋B4121嗰頁個頂嗰度嗰個簽名呀？

4 Q. Yes. The same bundle, 20358. It's the same document.
5 It's the document transmittal sheet.

6 A. 因為呢個右邊嗰個簽名我相信係Kevin Harman，因為喺個“KH”個上面簽名嘅，...

7 Q. Yes.

8 A. ...咁可以對番下面嗰張，即係...

9 Q. 20364, bottom left.

10 A. 相信係喇，有啲--因為個initial都有啲似。

11 Q. Still on this page, you were asked by Mr Khaw for the
12 government who did the rectification work under this
13 NCR157, and your evidence is you recall both Leighton
14 and Fang Sheung took part.

15 Now, can I draw your attention to the details of
16 required rectification. You can see some handwritten
17 scripts here. If I can read it out to you so that it
18 can be interpreted to you. It reads:

19 "Sub-contractor Fang Sheung will be requested to
20 remove all rebars with shortened threads. LCAL [that's
21 Leighton] and MTR will verify the condition of couplers
22 and the length of thread for each rebar. The new rebar
23 will be screwed with the help of LCAL direct labour.
24 MTR IoW [inspector of works] team and LCAL site engineer
25 team will inspect the whole process for replacing all

1 the new threaded rebars."

2 Now, we see a signature next to these words. Can
3 you tell us whose signature is it?

4 A. 我。

5 Q. By signing against it, do you confirm -- or do you have
6 any comments on whether the details of required
7 rectification did take place?

8 A. 冇呀，呢個內容都係Kevin Harman問咗我再用佢嘅字嚟寫咗出嚟，跟住我
9 再確認番嘅啫。

10 I just put them down in his words and confirmed it.

11 Q. Do you confirm the details as set out here to be correct
12 or not?

13 A. 係。

14 Q. One final question. Mr Khaw asked you questions about
15 whether you were full-time, you were engaged in
16 full-time and continuous site supervision, and he
17 referred you to a document.

18 Now, can we have that document, C27/20595.

19 Specifically, Mr Khaw asked you about this item,
20 "Frequency of inspection", and it stated "Full time",
21 and your answer to Mr Khaw's question is perhaps your
22 understanding of the word "full time" is different. You
23 go out to site every day and did the inspection. That's
24 [draft] page 64, line 3.

25 Can I ask you this. If you did not go to site every

1 day, would you agree to this description, "Full time"?

2 A. 全時間喺呢個project裏面，地盤嘅寫字樓其實都係地盤嘅一部分。

3 Q. My question is, your evidence is you attended site every
4 day. If you did not attend site every day, would you
5 agree to this description "Full time"?

6 A. 唔好意思，可唔可以講多一次？

7 Q. Your evidence is that you went to site every day to do
8 site inspection for one to two hours. That's your
9 evidence.

10 A. 係。

11 Q. My question is this. If you did not go to site every
12 day for one to two hours, would you agree with this
13 description "Full time" as we can see from this form?

14 CHAIRMAN: I think there may perhaps be -- in terms of
15 syntax, it's quite a difficult question. I see what
16 you're saying. I wonder how far that would help us.
17 I think we understand.

18 MR CHANG: We believe it could be addressed by way of
19 submissions.

20 CHAIRMAN: I think so, yes, thank you.

21 MR PENNICOTT: The Commission has our point.

22 CHAIRMAN: Absolutely we do. Thank you very much.

23 Good. Nothing further.

24 MR WILKEN: Can the witness be released?

25 CHAIRMAN: I do apologise.

26 Thank you very much, Mr Ip. It's been very good of

1 you to come. Your evidence is now completed. Thank
2 you. You may be excused now. Thank you very much.

3 WITNESS: 好，唔該主席。

4 (The witness was released)

5 MR WILKEN: Sir, I am in the enviable position of both
6 stealing Mr Boulding's thunder and giving Mr Pennicott
7 something he asked for.

8 Taking the Commission back to the heady days of
9 Day 1, Mr Pennicott asked MTR and ourselves to agree
10 amongst themselves what is at the top of the diaphragm
11 wall in areas B and C and provide the Commission with
12 the as-built information.

13 We now have that, and hopefully logistics will catch
14 up with me. Mr Pennicott has a hard copy. What we have
15 produced is a joint statement which annexes drawings and
16 photographs and plans which show you what is as-built so
17 far, as best as we know, at the top of the diaphragm
18 wall.

19 COMMISSIONER HANSFORD: Joint between whom?

20 MR WILKEN: MTR and ourselves.

21 COMMISSIONER HANSFORD: Thank you.

22 MR WILKEN: We then have individual statements which are
23 short which set out our particular perspective. For
24 Leighton, ours is this shows it was a minor change and
25 therefore did not need notification. I'll leave MTR to
26 explain its position.

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.

26 MR BOULDING: I don't know whether Mr Pennicott would be

1 prepared to allow the original to go to the
2 Commissioner.

3 MR PENNICOTT: Of course.

4 MR BOULDING: Oh, there's another copy. Splendid.

5 CHAIRMAN: Thank you.

6 MR BOULDING: It's taken a lot of work, sir, but we trust
7 that the signed joint statement at the front, which runs
8 to some three pages, is self-explanatory. It appends
9 two annexes, as my learned friend Mr Wilken has
10 explained, and he has dealt with his additional remarks,
11 which are important. He says, firstly, that the
12 relevant works represent a minor change to the drawings.
13 I of course opened on that basis, but we do not want to
14 anticipate the expert evidence but reserve our right to
15 make submissions to that effect as and when the
16 Commission has concluded and we have heard that
17 evidence.

18 Similarly, I opened on the basis that so far as we
19 were concerned, it was indeed a safer and better
20 connection detail than the original, and again I make
21 the point that I'm not anticipating the expert evidence
22 but I will make submissions in due course depending on
23 what that evidence is.

24 We have set out certain additional remarks. I'd be
25 happy to take you through them, but it does seem to me
26 that they are self-explanatory.

1 Perhaps I just ought to point out that in
2 paragraph 3.4, this will be important and obviously of
3 interest to you, Commissioners: we have "agreed to
4 a request from the government to open up locations at",
5 amongst other places, "locations along the diaphragm
6 wall and the EWL track slab (east side), to verify the
7 state of the as-constructed works. The details of the
8 opening up are being considered and finalised."

9 I understand that we are doing quite well in that
10 regard, and of course:

11 "The as-constructed works will be subject to
12 verification upon [this] opening up."

13 Then finally, the formal design amendment submission
14 will be submitted to the Buildings Department in due
15 course.

16 I hope the Commissioners regard that as helpful, and
17 to the extent that you have any questions, we'll
18 endeavour to deal with them, but you can imagine there's
19 been a lot of backroom working going on to produce this
20 sort of material.

21 CHAIRMAN: Yes, absolutely. Thank you very much indeed.

22 That's of great assistance. Thank you.

23 MR BOULDING: Unless I can assist you further, sir.

24 CHAIRMAN: No. Obviously these are matters we will have to
25 look at and consider.

26 Mr Pennicott?

1 MR PENNICOTT: Yes, sir. Obviously I've had a very brief
2 opportunity of reading the front-end
3 three-page document. Mr Boulding is absolutely right
4 that it's paragraph 3.4 that perhaps interests us the
5 most and is of immediate concern.

6 CHAIRMAN: Yes, of course.

7 MR PENNICOTT: Clearly it would be extremely helpful to have
8 some indication as to precisely when that opening-up
9 proposal is going to be available, if for no other
10 reason that I think it likely that we would want to run
11 that proposal past the Commission's own structural
12 engineering expert for any views that he may have.

13 But obviously, sir, this is a huge step in the right
14 direction by the sounds of it and I'm grateful to the
15 MTRC and Leighton for taking this matter forward.

16 CHAIRMAN: Yes.

17 MR BOULDING: Sir, if I can just say that I fully agree with
18 my learned friend Mr Pennicott's concerns. I don't
19 consider it appropriate at this stage to put it on the
20 transcript, but if we could have a word outside the room
21 I think I'll be able to give him further information
22 which would benefit him and, in due course, you, sir.

23 CHAIRMAN: Good. Thank you very much indeed.

24 Anything further?

25 MR WILKEN: No, sir, nothing from me.

26 CHAIRMAN: Good. Thank you. We'll adjourn for the day.

1 I'm aware of the fact that there has been, and is,
2 some media attention and interest to the public on this
3 Inquiry, and I just wish to say that we are adjourning
4 not just for today but for one week. We will return on
5 Monday week.

6 Prof Hansford had to turn upside down most of his
7 professional and domestic life in order to take on this
8 Commission, and there were several dates which were
9 simply not possible to move or to which he had
10 commitments, and this one week is one of those dates to
11 which he was committed. So that is the purpose of the
12 adjournment for the one week.

13 Thank you very much.

14 (1.33 pm)

15 (The hearing adjourned until 10.00 am
16 on Monday, 26 November 2018)

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21

22

	INDEX	
		PAGE
1		
2		
3	MR LEUNG KWOK CHEONG, JOE (sworn in Puntì)	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	11
8	(The witness was released)	14
9	MR IP WAI MING, ANDY (affirmed in Puntì)	14
10	Examination-in-chief by MR CHANG	14
11	Examination by MR PENNICOTT	16
12	Cross-examination by MR SO	52
13	Cross-examination by MR KHAW	55
14	Cross-examination by MR BOULDING	71
15	Re-examination by MR CHANG	73
16	(The witness was released)	77
17		
18		
19		
20		
21		
22		
23		
24		
25		