Page 1

Monday, 26 November 2018

(10.02 am)

CHAIRMAN: Thank you. Sorry for keeping you waiting. There were, at the beginning of the week and after the break, a number of administrative matters that we had to deal with, so thank you for your patience.

MR PENNICOTT: Good morning, sir.

CHAIRMAN: Good morning.

MR PENNICOTT: Welcome back. Sir, I think I've got no housekeeping or other matters to deal with, so we will just continue with Leighton witnesses, and I think the next witness is Mr Edward Mok.

CHAIRMAN: Thank you.

MR SHIEH: Good morning, Mr Chairman. Good morning, Professor.

COMMISSIONER HANSFORD: Good morning.

MR SHIEH: Mr Mok is now in the witness box. Mr Mok, good morning.

WITNESS: Good morning.

MR SHIEH: If you want to listen to the translation, you can put on the headphones.

When you give an answer, could I ask you to speak out in words, rather than just nod, otherwise the shorthand writers will not be able to capture what you say and put it in writing. Do you understand?

Page 2

WITNESS: (Via interpreter) Yes, I understand.

MR EDWARD MOK (affirmed in Punti)

(All answers given via simultaneous interpreter except where otherwise specified)

Examination-in-chief by MR SHIEH

MR SHIEH: Can you look at bundle C12, page 8107.

A. Yes.

Q. You can see this is a document entitled, "First witness statement of Edward Mok"; do you see that?

A. Yes, I see it.

Q. Can you then turn to page 8118.

A. Yes.

Q. Is that your signature on that page?

A. Yes, correct.

Q. Can I then ask you to look at C24086.

A. Yes, I see it.

Q. Do you see that is your second witness statement?

A. Yes, correct.

Q. And your signature appears at 24095?

A. Yes, I see it.

Q. Finally, can you look at C34, page 26521.

A. Yes, I see it.

Q. Do you see that is your third witness statement?

A. Yes, correct.

Q. Turn to 26524.

Page 3

A. Yes, I see it.

Q. That is your signature?

A. Yes, correct.

Q. Do you confirm the truth and accuracy of the contents of these three witness statements?

A. Yes, I confirm that.

Q. You are prepared to put them forward as your evidence in this Commission of Inquiry?

A. Yes, no problem with that.

MR SHIEH: There is something I forgot to do for the benefit of the Commission. For Mr Mok's positioning in the corporate chart, can I ask the Commission to look at bundle C7.

MR PENNICOTT: There's a fourth witness statement, C35/26693.

MR SHIEH: There's a fourth witness statement, I'm sorry, and the signature page is at C35 -- well, the first page is 26693; do you see that?

A. Yes, I see it.

Q. And the signature is over the page.

A. Yes, correct.

Q. Do you confirm that as well?

A. Yes.

Q. Thank you.

Can you look at bundle C7 at 5535. That's for the

Page 4

benefit of the Commission.

To put you in this corporate chart, you see underneath the blue box with the word "MTRC" --

A. Yes.

Q. -- there's Mr Malcolm Plummer?

A. Yes.

Q. If you move down, you can see "Gary Chow", do you see that, "Construction manager"?

A. Yes.

Q. If you move slightly to the left of Gary Chow, you see "HUH N", and you move down, under "William Holden", further down, you see your name, "Graduate engineer, Edward Mok".

A. Yes.

Q. Do you see that?

A. Yes.

Q. That is the organisation structure as of 14 May 2015. We can see that on the top --

A. Yes.

Q. -- left-hand corner; do you see that? Do you confirm that is your position, line of reporting, at around that time?

A. Yes. In May I moved from the D-wall team to the EWL slab team, so there's a transition there. At that time, my director/supervisor was Andy Ip and Joe Leung. So

Page 5

perhaps this was in transition, so that's why they didn't update it in time because we had just started work on the slab at that time. But it's right here, more or less.
Q. Thank you. So what you mean is that some time subsequent to what is shown in this corporate chart you were moved to the EWL slab team?
A. Yes, correct.
Q. If you look at the next page, which is 5536 -- could I have that blown up -- for this one, you can actually see -- can you see Andy Ip here?
A. Yes, correct.
Q. There, you were actually under Andy Ip. And you can see Joe Leung, Andy Ip, and then further down, Sasa Leung, and then your name?
A. Yes.
Q. This is the position as of December, if you look at the top left-hand corner; do you see that?
A. Yes.
Q. Do you confirm that this correctly puts you in the corporate chart in terms of your line of reporting and position?
A. Yes, correct.
Q. Mr Mok, can you remain in the witness box because counsel for the Commission and also counsel for other

Page 6

parties may have some questions for you. The Commission may also ask you questions. After all this, I may have some follow-up questions to ask you. So please remain seated and answer those questions. Do you understand?
A. Yes, I understand.
MR SHIEH: Thank you.
Examination by MR PENNICOTT
MR PENNICOTT: Good morning, Mr Mok.
A. (In English) good morning.
Q. My name is Pennicott, I am one of the counsel for the Commission, and as Mr Shieh has just indicated, I get to go first and then others may follow.
Mr Mok, first of all, can we just sort out the dates when you were carrying out your various duties and responsibilities on this project. My understanding is that from about August 2013 to about August 2015, approximately, your duties and responsibilities were in respect of the diaphragm wall works. Is that correct?
A. Yes, correct.
Q. As you indicated to Mr Shieh just a moment ago when he was showing you the organisation charts, there may have been a transition period from about May to August 2015 where you were switching from the diaphragm wall works to the EWL and the NSL works; is that correct?
A. Yes, correct.

Page 7

Q. Right. Just a few questions on the first period, that is when you were carrying out duties and responsibilities on the diaphragm wall works.
What were the nature of your duties in relation to the diaphragm wall works?
A. Well, when I was working on the diaphragm wall, I was mainly responsible for site daily records. Apart from daily records I was also responsible for some routine inspections -- because before the start of every process there was a method statement, and in the method statement there would be an inspection test plan, that is the ITP, and then it would list out all the inspection hold points. I was responsible for following the hold points, and there was also some routine inspection. That means every day I would go and do the inspection on site and then I would go by the hold points to arrange inspection together with MTRCL's inspector and engineers, and then I would arrange inspections. Also, there would be coordination with sub-contractors.
So those were mainly my duties in relation to the diaphragm wall.
Q. That's very helpful. Could I ask you, please, just to help us with a couple of documents. First of all, please, could you be shown F19/13272.

Page 8

Mr Mok, you will see there a document, it's headed top left-hand corner "Intrafor", and it's a panel record for panel EM76; do you see that?
A. Yes, I see that.
Q. Is this a document you're familiar with, this type of document?
A. Yes.
Q. If you would be good enough, please, to be shown page 13279. This is what I understand to be a cage-by-cage inspection record. Do you see that, Mr Mok, and do you agree with the description that I've just given?
A. Yes, I see that.
Q. We see that in the bottom left-hand corner your signature is on this document; do you see that?
A. Yes, this is one of the connections.
Q. Right. So you were, as I understand it, signing off that you had inspected the connection between the 7th and 6th cages; is that correct?
A. That's right.
Q. So, when you were doing that inspection, what exactly were you inspecting and what were you looking at?
A. In relation to this cage, that is this panel, there are altogether seven cages. You can see the wording "7th cage and 6th years of age inspected at steelyard", which

Page 9

means it was before the connection we had to inspect the condition of the cages before we put them into the trench. We had to inspect the condition before we did so.

So, in relation to this inspection, what we did was in accordance with this shop drawing, that is to check the number of the main bars, the shear lengths and the bar sizes, that is to check everything against the drawings, spacing size and other things. After we have done so, we would sign off with MTR, Intrafor, as well as our representative, to indicate that we have inspected it and accepted it.

Q. Yes, and that's why we see all the different signatures on the sheet?

A. (In English) Yes.

Q. At this stage, were you inspecting the couplers?

A. I just mentioned that this was before they were taken to the trench for the connection. However, we paid attention to that because it was an inspection at the steelyard, we would check the couplers to see if there was any damages. It was a visual inspection for any irregularities, say for example any omissions, whether there was a missing coupler of the reinforcement bar; these were the things that we paid attention to.

Q. Can I then ask you, please, to be shown G17.

Page 10

Sir, this bundle, together with G16, are two new bundles that have come in over the last week or so. They have documents that are elsewhere in the F run of files, but they just happen to be a very helpful collection of these documents all in one place and that's why I'm going there.

So if you go to G17/1266.1250, it should be the first page in the file, and that's why I've gone there, for no other reason.

Sir, I don't think this is a document we've looked at before, hence the reason for going to it.

Mr Mok, do you see the sheet at .250, I'll call it for the moment; do you see that?

A. Yes.

Q. Is this a document that you're familiar with?

A. Yes.

Q. You can see that as per the documents we were looking at just a moment ago, this also relates to panel EM76; do you see that, top left-hand corner?

A. Yes, that's right.

Q. You will see here, in manuscript, just to the left of the plan drawing, somebody has written "Cage 2 to cage 1", it looks like 1700 hours on 16 November 2013; do you see that?

A. Yes.

Page 11

Q. Can you explain to us, Mr Mok, what this document is?

A. This is to prove -- well, this is one of the checklists of the diaphragm wall. This form precisely listed out -- that is, as the top-right diagram, it is a section of the steel cage indicating that there are 24 main bars. This form precisely stated the cage 2 to the top cage, ie cage 1, and their connection. It has listed out many criteria to show that all couplers' connections have been inspected and accepted and in the end they were signed off.

Q. Where would this document be prepared, Mr Mok? In the steelyard, fabrication yard, or at the diaphragm wall site itself?

A. It was right at the D-wall location where connections of steel cages were done.

Q. Right. So, as the cages were being dropped down into the diaphragm wall, this document would be prepared contemporaneously with that process happening; is that correct?

A. That's right, correct.

Q. I think not necessarily on this particular sheet, Mr Mok, but on others, we find your signature on the document?

A. That's right.

Q. So you, as well as inspecting connections of the cages

Page 12

at the fabrication yard, were also involved in checking couplers as they were, as it were --

A. (In English) Lowering down.

Q. -- going down at the diaphragm wall site?

A. That's right.

Q. I think if you go on two pages to 12661.252, we do indeed see an example of your signature at the bottom; is that right?

A. That's right.

Q. Okay. Sorry, just help me with this, Mr Mok. I forgot to ask you one question. Go back to .250, please.

A. Yes.

Q. Whose are the signatures along the bottom of each of the rows that we can see, these along the bottom (indicating); whose signature is that, do you know, or which company if you don't know the individual?

A. It was from Intrafor, T3.

Q. Right. T3 from Intrafor? Right.

A. Yes, because there were a number of T3s at that time, I didn't know which is which, but it was T3 from Intrafor.

Q. Yes, I understand. And also then countersigned by somebody, Tommy, for MTRC, and then Ryan, that's Ryan Kow, I think, K-O-W, from Leighton; is that right?

A. That's right.

Page 13

Q. Thank you very much. You can put that document away now, thank you very much.
Mr Mok, back in 2013, when you were working on the diaphragm wall works and signing these documents, were you aware of a document called the site supervision plan?
A. Back in 2013? Yes, I was aware of this document.
Q. Were you shown it, back in 2013?
A. No. No, because there was no need for me to be one of the parties to TCPs, so I did not see the document at that time.
Q. Right. Did you see it subsequently?
A. Subsequently, no, not really, not the actual document.
Q. Okay. There's also something known as a quality supervision plan, QSP. Is that a document you were aware of back in 2013?
A. Back in 2013, I did not know what a QSP was referring to.
Q. Right. Were you aware that this document we were just looking at, the big schedule, is actually a table taken from an appendix to the QSP? Were you aware of that?
A. Yes. Well, after I have started the work, I was aware of that, but not at the very beginning, because back in 2013 I had just joined the trade. There was a list of necessary documents for submission. It was required

Page 14

under inspection. I think a few months later I came to know that this was actually a QSP.
Q. Right, or part of the QSP?
A. (In English) Yes.
Q. Okay. So you knew that when you were doing the diaphragm wall duties?
A. Right.
Q. Could we then, please, move on to the period from, let's call it mid-2015, when you then transferred over to the EWL and the NSL.
A. (In English) Yes.
Q. I understand you were responsible for area C on the EWL, and areas B and C on the NSL. Is that correct?
A. Right.
Q. As I understand it, those duties continued until about November 2016. Is that correct?
A. Right, because afterwards I was transferred back to the head office.
Q. Right. That was going to be my next question. So what happened in 2016? You went back to head office, did you say?
A. Yes, I said that. Yes, that's right.
Q. Were you assigned to any particular project back at head office, or more general duties? What was your role from November 2016 onwards?

Page 15

A. At that time, I was on scheme A training. I was transferred back to the head office on the design team. I wasn't specifically assigned to any jobs. When there was a design request from the site, I would be assigned there. So it was task by task. I wasn't specifically assigned to one particular task.
Q. Right. So you went to do some training within the design team?
A. That's right.
Q. Are you still working for Leightons? I couldn't work that out.
A. Yes, correct.
Q. Okay. As I understand it, we were told by Mr Ip two Fridays ago that both he and you, and others, assisted in the compilation and collation of documentation earlier this year, when the government, MTRC and ultimately the Inquiry were asking for materials to be supplied by Leighton, and you helped in that process, I understand; is that right?
A. Yes, correct.
Q. I'll come back to that a little bit later.
Now, as I understand it, Mr Mok, there was a small team of engineers responsible for areas C on the EWL and areas B and C on the NSL, comprising -- leaving aside Mr Ip and Joe Leung -- Man Sze Ho, Sasa Leung and

Page 16

yourself. Is that broadly correct?
A. Yes, correct.
Q. How did your role differ from the other two? What were the differences? Who was doing what?
A. Well, at the time, whether it's the EWL slab or the NSL slab, there were many different processes involved. You know, in terms of preparation work or in terms of the actual works there were many processes involved. At the time, my senior, Andy Ip or Joe Leung, they, you know, would divide the duties, and for the three of us, in some areas there may be overlapping. But for me, I was mainly responsible or I would focus more on rebar fixing.
Q. Right. So you saw your primary role as watching over/supervising/inspecting the rebar fixing works being done by Fang Sheung?
A. No, it's not just rebar fixing. Maybe, apart from Fang Sheung, I may also liaise with China Technology on concrete pouring. But perhaps more focus was put on rebar fixing.
Q. Right. You tell us in your witness statement that Mr Ip took you through working drawings in the site office and explained what needed to be done by way of inspections of the rebar and what you needed to check for. Then he took you to site, to guide you or supervise you through

Page 17

the different inspections, and you say that he went through that process with you a number of times, three or four times you say, until he had confidence that you knew exactly how to do it.

Have I summarised that accurately?

A. (In English) Yes.

Q. You say that for the rebar fixing you would check the layers of rebars, whether there were sufficient layers -- and presumably, what, you would do that by reference to a drawing; is that right?

A. Yes, correct.

Q. And you would check the spacing and the lap length, again presumably by reference to drawings?

A. Correct.

Q. And, you say, you would check the coupler connection in accordance with the working or agreed drawings.

Now, specifically in relation to the coupler connection, Mr Mok, precisely what was it that you were looking for and checking?

A. To check the coupler connection, primarily it's a visual inspection. I have to see how many threads are exposed. For normal connection, we shouldn't be able to see any threads.

Let me give some background. Why is it I would know what the criteria were? Because, when I first joined in

Page 18

2013, BOSA, the supplier of couplers, provided training. I attended the training. So that's why I know what the criteria were for acceptance. Now, it was mostly visual inspection, that we were told there could be an allowance of one to two threads that may be exposed. So that's about it.

COMMISSIONER HANSFORD: Can I ask a question at this point? So, Mr Mok, when you're inspecting a coupler, how close to the coupler would you be?

A. Take the EWL slab as an example. There would be coupler connections around the whole perimeter. So the person would physically follow each coupler and walk around. But if you ask what the distance is, it's about the height of a person. I wouldn't squat to look at it but I would look standing, look at the coupler standing. So it may be 1 metre to 1.5 metres, that is my distance from the coupler.

COMMISSIONER HANSFORD: Thank you.

MR PENNICOTT: Thank you, sir.

You have answered one of my other questions already, Mr Mok, which is that you were given some tuition by BOSA; is that right? I think that's what you said a moment ago.

A. Yes, correct.

Q. Was that in relation both to the manner in which the

Page 19

couplers were connected to the cages for the diaphragm wall and also the manner in which the rebar was to be connected to the couplers for the purposes of the slab?

A. I remember I went to two training sessions. The first one was in 2013. It was specifically on D-wall. Before we went to work on the slab, together with Fang Sheung's representative, we attended another training session. For the second training session, the content was more or less the same. It's just that they would use the slab as examples in the second training.

Q. That's very helpful, Mr Mok. Thank you very much.

My understanding of the position, Mr Mok -- and perhaps you could confirm this -- is that as Fang Sheung laid the rebar and fixed and installed the rebar, your inspection of the couplers, as you say, all around the perimeter, would take place on a layer-by-layer basis. Is that correct?

A. Yes, correct.

Q. Right. Am I right in thinking, Mr Mok, that there are no written records of those in layer-by-layer inspections?

A. Layer-by-layer, you mean let's say the bottom layer and then the layer above -- so you mean the whole bottom, or all of the box layers?

Q. I mean each single -- let's take the bottom layer.

Page 20

A. (In English) Yes.

Q. There may be five or six layers of rebar, three going one way, three going the other. So there's no documentation in relation to each of those layers, the inspection of the couplers?

A. For the rebar fixing RISC form, it would cover such things.

Q. Right. The only document that exists in relation to the inspection of the rebar is the RISC form, the R-I-S-C form, that was issued by Leighton when they were confident that the rebar had been -- a particular area of rebar had been installed, and that very shortly the concrete could be poured. That's the only documentary record, as I understand it. Is that correct?

A. Apart from RISC form, there is another one called pre-pour checklist. The name of the form should be cast in situ checklist.

Q. Right. So you have your rebar RISC form --

A. (In English) Yes.

Q. -- and your pre-pour RISC form; those are the only two documents?

A. Well, I should put it this way. For the concrete pouring, for each bay, there are many hold points, but the most critical forms would be the rebar fixing RISC form and then the pre-pour check RISC form. Apart from

Page 21

these two forms, RISC, then there would be Leighton's cast in situ checklist. Very often we would attach it to the pre-pour checklist RISC form, so we could then record the whole inspection for the EWL slab.

Q. Let's just take an example. There's a particular area in area C, let's call it C1-3, to take an example. Fang Sheung start by doing the bottom layer of the bottom mat of rebar; yes?

A. (Nodded head).

Q. Right. Once they have done that bottom layer or the bottom mat, you inspect the connections, the couplers, the connections?

A. Yes. Because at that time, I think in one day they could only complete one layer of bottom mat, so therefore every day I would have the opportunity to check that.

Q. Right. My point -- I think you're agreeing with me -- is that in relation to your inspection of that bottom layer of the bottom mat, there is no record of that inspection?

A. I did the routine inspection myself, so based on my routine inspections, then I was able to sign on the cast in situ checklist. So it's based on the inspections I had done, and that's why I was confident enough to sign on the cast in situ checklist, that is the pre-pour

Page 22

checklist.

Q. Okay. So, as I understand it, your evidence is yes, it's correct there are no specific records in relation to the individual layer-by-layer inspections, but you say that's all swept up when the RISC form is issued and then a formal inspection is carried out?

A. Correct.

Q. In your statement, you say that once the bottom mat of rebar -- so let's just concentrate on the bottom layers, five or six layers of rebar, the bottom mat -- does a formal -- I know there's no RISC in relation to inspecting that bottom mat, but you describe the inspection of those bottom layers, the bottom mat, as a formal inspection; is that right?

A. Actually, in relation to rebar fixing RISC form, it specified top and bottom layers.

For that RISC form -- let me put it this way. In relation to specific mention of formal inspection, it was done with the MTRC. It was one form, but there were two inspection dates. In order to simplify workload on documents, the two inspections were combined onto one form. When the bottom layer, all of the bottom layer, was completed, we would, together with engineers of the MTRCL, inspect it and accept the work.

Afterwards, Fang Sheung would work on the top layer.

Page 23

After all the top layers were completed, there would be another formal inspection focusing on the top layer, because at that time the bottom layer had already been checked. The top and bottom layers were inspected because the slab was 3 metres thick. If it was not done on two occasions, you would not have identified any problems, should there be any, at the bottom. So there was one rebar fixing RISC form but there were two dates.

Q. Right. That comes back to a point which I think Prof Hansford raised with a witness some time ago now, that once you've got the bottom mat of rebar in and you've got the top mat of rebar in, is it practical to actually inspect the bottom mat? I mean, can you get inside, as it were, underneath the top mat, and actually get in, with your torch no doubt and other equipment, to actually check the connections, or does it have to be done in this two-stage process that you've just described?

A. After we have completed the entire bottom mat rebar fixing, there was one inspection. After the inspection, there would be maybe some patch-up work. If MTRC agree that we could proceed, that means that the bottom mat was satisfactory, then we would allow Fang Sheung to start work towards the top.

And in relation to each bay, each of the bays, there

Page 24

would be some manhole openings. It was about 1.5 by 1.5 metres. At the end, China Technology would leave an opening, because apart from rebar fixing, before concrete pouring, there was a process under which there would be some general cleaning. We would inspect the general cleanliness of the area, and at that time China Tech staff could gain access through these openings to pick up rubbish.

In relation to whether we had to go with representatives of MTRCL and Leighton to inspect the condition of the rebars, I think there was no need because there was already one inspection.

Well, we wanted to get a close and detailed look before work could proceed towards the top.

CHAIRMAN: Could I ask --

MR PENNICOTT: Of course.

CHAIRMAN: -- thank you -- just one thing.

When the rebar laying began -- shall we take the bottom mat of rebars -- you would come, perhaps at the end of the day, when the work had been finished on that bottom mat or the beginning of the new day to check it; is that right?

A. In the morning, every day, and also in the afternoon, I would go to the site. In the morning, it was between 9 and 11. In the afternoon, it was about between 2 and

Page 25

4 pm. So I would spend about four hours in the construction site. So it wasn't necessarily at the completion of the entire bottom mat when I inspected the location.

As part of my routine inspection, I would walk past that loop, by the workfront.

CHAIRMAN: So you were there for about four hours a day, to the best of your memory, just keeping a general eye on how things were proceeding?

A. Let me put it this way. I would spend about four hours at the site. Apart from rebar fixing work, I was also responsible for other work, say for example a coordination of work with foremen of China Tech, and in relation to the time I spent, about 70 per cent of the four hours would be spent on rebar fixing because it was at a critical time.

CHAIRMAN: Yes. Then, when the bottom mat was completed, you and engineers from MTRC would come along and do a final formal inspection?

A. Right, that is after the bottom mat.

CHAIRMAN: Thank you. And if -- I may be wrong here; you can correct me -- if, shall we say, that bottom section required, shall we say, four levels of rebar fixing, you would check the bottom one formally and the top one formally. What would happen to the two in between? You

Page 26

may answer by saying there were never two in between, in which case I withdraw the question.

A. Right. Well, the bottom layer -- there were four layers. In relation to formal inspection, there was only one. In relation to the bottom mat, there was only one formal inspection. The first of the bottom layer, we had a chance to inspect it, because every day we would walk past it and we would look at it, look at the first layer, the second layer and the third layer. It was just that after the entire bottom mat was completed, there was a formal inspection with engineers of MTRC.

CHAIRMAN: Yes. I'm just interested -- because I'm a layperson, I need to be educated by you -- assuming that there are four, I understand that you inspect the bottom one and the top one formally. I'm just wondering about the two in the middle. There's no actual formal inspection there; is that right?

MR SHIEH: I suspect the issue could well arise out of a mismatch in terminology.

CHAIRMAN: Ah.

MR SHIEH: Because if we could distinguish clearly between layers, which is single bars across, one layer, and a mat, which is a combination of, let's say, four layers --

CHAIRMAN: Thank you very much.

Page 27

MR SHIEH: -- that would make it clearer.

I wouldn't want to put words into the witness's mouth. I know where this is going, that's why --

CHAIRMAN: That's good, otherwise we would have sparred with each other for the next 15 minutes.

MR SHIEH: That's why I jump up now, without actually pointing anything in any particular direction.

CHAIRMAN: Thank you very much.

COMMISSIONER HANSFORD: I think that's very helpful. So if we can use the terminology about "layers" for a single layer of bars and "mat" for a combination of layers of bars, and then we've got the "slab" comprising two mats?

MR SHIEH: That's correct.

COMMISSIONER HANSFORD: A bottom mat and a top mat?

MR SHIEH: Yes.

COMMISSIONER HANSFORD: And the RISC, which is the formal inspection for completion of reinforcement is for both mats together, the bottom mat with all of its layers and the top mat and all of its layers as one RISC?

I'm getting nods from the front bench.

MR SHIEH: I wouldn't want to put words into the witness's mouth. Perhaps the witness can be asked to confirm that understanding.

MR PENNICOTT: That is right, but as I understand it, and we can get Mr Mok to confirm it, what he's saying is that

Page 28

whilst that is correct, there was only one RISC form for the top mat and the bottom mat combined.

COMMISSIONER HANSFORD: Yes.

CHAIRMAN: Yes.

MR PENNICOTT: In practical terms, what actually happened was that the formal inspection of the bottom mat had to take place before the top mat was built, otherwise it was simply going to be impractical to carry out that inspection. I think that's what he's saying.

CHAIRMAN: Yes, and the one document took into account the top mat and the bottom mat.

MR PENNICOTT: Correct.

CHAIRMAN: My concern was simply let's look at the bottom mat, there are certain number of layers, and how were they checked?

MR PENNICOTT: Sir, that was the purpose of my earlier questions.

CHAIRMAN: Thank you.

MR PENNICOTT: I was trying to focus on the layers, one by one, forming a mat.

CHAIRMAN: Yes.

MR PENNICOTT: And my understanding -- again, Mr Mok can confirm this -- is that the layer-by-layer inspection would be seen as a routine inspection, when he was doing his rounds, as I think he describes --

Page 29

COMMISSIONER HANSFORD: Otherwise called informal inspections.
A. (In English) Informal, yes.
MR PENNICOTT: Otherwise called routine/informal inspections, that's right.
CHAIRMAN: I understand that, and thank you, that helps me a lot, thank you. Can I just ask, would there, in addition to yourself, be any other people from any other organisation conducting any form of informal checking or inspection of these individual layers as they went in?
A. Yes. Representatives of Leighton and I, Man Sze Ho -- well, actually, for frontline foremen/supervisors would be at the scene, we would see the work process of couplers. On and on, as part of my routine inspection, I would see inspectors of MTRC. That means I would see inspectors more. I would also see engineers but not as often. That is in relation to my informal routine inspection.
There were occasions when I saw them, when they were carrying out their own routine inspections. There were other occasions that I saw them that there were some minor problems and we were asked to immediately rectify them.
CHAIRMAN: All right. Just one final question -- and thank you so much -- this is purely a question, not a comment

Page 30

in any way whatsoever. Would it be correct to say that when you were there, conducting your professional duties, to your understanding there was not any routine whereby there was an inspection of each rebar being put into each and every coupler?
A. Could you please repeat your question?
CHAIRMAN: To your knowledge, it wasn't necessary to have either you or somebody else standing by, watching the rebar fixers put rebars into each and every coupler?
A. Right. It wasn't done 100 per cent, but on and off I would walk past the location but there was no one assigned to station at that location to watch every one being connected.
CHAIRMAN: Yes. Thank you.
Thank you, Mr Pennicott. Sorry I've kept you.
MR PENNICOTT: Not at all.
CHAIRMAN: That's actually helped us because I didn't really appreciate the difference between layers and mats. I now do. Thank you.
MR PENNICOTT: Yes.
One point that may arise, Mr Mok, is that it might be suggested that this form that we were looking at earlier, in bundle G17, 1261.250, which we were looking at in the context of the diaphragm wall, the couplers, is that a form similar to this, with perhaps slight

Page 31

modifications, could have been used -- could have been used -- to record the inspection of each connection of rebar to each coupler.
Do you follow?
A. You mean for EWL slab?
Q. For the slab, yes.
A. No, not at that time.
Q. I know it wasn't done, but in theory do you accept it could have been done? You could have identified each of the couplers by location on a drawing, which we know you had, and a form/sheet such this could have been produced whereby there would have been a contemporary record of each connection having been inspected by you or somebody else?
A. No, there's not an exactly identical form. For me, at the time, I looked at the RISC form combined with the cast in situ checklist. So together the forms would serve this purpose. But, you know, if it's exactly or similar to this format, no, there wasn't such one such form.
Q. I appreciate there wasn't. All right.
COMMISSIONER HANSFORD: Can I ask, Mr Mok -- you came from the diaphragm walls where there was a form of this nature, and every coupler was checked -- did it feel strange to you that on the slabs there was no such form?

Page 32

Was that surprising?
A. At the time, I had just about two years of experience. My personal view was that these were two separate tasks. For the D-wall, there was a list of documents. This form was included in that list. But when I moved on to the slab, it was like -- it was agreed with the MTRCL on the hold points and the formats. So it was agreed. And when I moved from the diaphragm wall to the EWL slab team, for the first pour of concrete, there was not a problem and there was no request for additional check forms. So I assumed, therefore, that was the requirement, so we worked like this for every bay thereafter.
We all focused on the coupler connection here. As I said before, it would be reflected in the RISC form, it would be recorded in the RISC form, that there was inspection together with the MTRCL engineers, and the cast in situ checklist would have recorded my routine inspection. So I would therefore sign the cast in situ checklist.
COMMISSIONER HANSFORD: I see.
MR PENNICOTT: Sir, that's the point that I was going to get to, but thank you very much for putting the question.
COMMISSIONER HANSFORD: Forgive me for accelerating.
MR PENNICOTT: Not at all. It's very helpful.

Page 33

Can I just ask you this, though, before we move on to a slightly different topic, Mr Mok. If you come to do the formal inspection of, let's say, the top mat, so we've got three or four individual layers of rebar in that top mat, if you -- I assume you're looking from above and you're looking down, you are standing on the top layer of rebar -- spot a problem, a connection problem, a connection defect, on the second or third layer down, does that pose difficulties in terms of rectification work?

A. Yes, there would be difficulties, but it could be done.

Q. Right. Did it ever happen?

A. Yes, there were one or two occasions, but it may not necessarily be what you are all very concerned about, that is, the cutting of threaded bars. There could be other incidents, for example some missing cast-in items. For every bay, there were cast-in items that needed to be reserved, maybe some were left out, therefore we need to remove those areas and leave in the cast-in items and we had to replace some of the bars, and so and so. This did happen.

Q. Right, because if you look at paragraph 21 of your witness statement, just to try to clarify that last answer -- that's in C12/8110 -- under the heading "Routine inspections", Mr Mok, you say:

Page 34

"In a complex project ... there are frequent minor issues that need to be addressed. In the case of rebar fixing, when I discovered a defect (for example missing layer for rebars) ..."

I don't think you really mean a missing layer, do you? Perhaps a missing rebar, but a layer might be regarded as rather more than "minor", I would have thought.

Sorry, what do you mean by that, Mr Mok?

A. Well, let's say for one bay of EWL slab, you might have the mindset that there may be just four layers of rebars, but actually, say right next to the opening, there may be the fifth layer of rebars. Maybe it's within 1 metre or 1.5 metres, there maybe ten or so rebars for the fifth layer.

It's not like the whole layer would be missing, it won't be that serious, but maybe there's a need to extend the area by 5 or 6 metres but they only provided bars for 4 metres -- I would have to check that -- and then they may have to put in another rebar to comply with the drawings.

So it's not as serious as a whole layer missing. It's not what I imagined.

Q. It wasn't what I imagined, actually, but I understand.

CHAIRMAN: We were just worried that you may have imagined it, yes.

MR PENNICOTT: So, when something like that happened -- and you've given an example -- you would just instruct Fang Sheung workers to get on with it and fix it and put it right?

A. Yes. Fang Sheung, yes.

Q. You go on to say in paragraph 21:

"On other occasions, they may call their supervisor, Joe Cheung [from whom we have heard], to come to the location for discussion. In that case, Joe Cheung and I (sometimes with MTRC's engineers) would discuss and agree the required rectification which would be done immediately."

You seem to be suggesting there, Mr Mok, that there were certain occasions where a rather more than minor problem occurred which required the input of Mr Cheung, MTRC's engineers and yourself. Can you give us an example of what that type of problem might be?

A. It's not that the problem would be more serious or minor. For every bay, Joe Cheung of Fang Sheung, he may not be stationed at the workfront all the time, but there would be a ganger of Fang Sheung stationed at that bay all the time.

Sometimes I might be carrying the drawing with me and I went down and I saw there's a problem at that

Page 36

location, then I would get hold of a ganger and I would tell him that maybe we need a few more bars.

Sometimes, a ganger may not listen to me. He may think he is doing it right. Under the circumstances, then I would have to ask Joe Cheung to come over, then we could all look at the drawings and we might confirm that's the case. Because I might make a mistake too because sometimes I might read the drawings wrong too; it's possible. So we would all agree indeed there was something missing and then Joe Cheung would instruct the ganger and the ganger would instruct his team of workers to do the work.

So that's what I meant by this sentence. It is sometimes the ganger would listen to me so I would have to ask Joe Cheung to come over.

Q. It appears from the last couple of answers you have given, very helpfully, that really what you are talking about in general terms is missing elements of rebar; both of those answers really focus on rebar that's missing, by reference to the drawings?

A. Now, maybe it's not that the rebar has been missing, as I said, it's just that the extent was not long enough, because in a drawing it might be certified that within the area of 3 by 6 metres, there should be another layer, maybe. They just provided 3 by 4 metres so

Page 37

there's a bit missing and that's why we would ask them to put that in.
Q. Understood.
Can I ask you this, Mr Mok. We know -- I'm not going into any detail with you on this particular topic; that's for others to come -- that in around mid-2015, as it happens about when you were in your transition period, coming on to the EWL slab, that the detail of the rebar at the top of the east diaphragm wall was changed, and the top of the diaphragm wall was reduced in height by something slightly less than half a metre.
A. Yes, correct.
Q. And something called through-bars were utilised rather than the coupler connections. Do you understand?
A. Yes.
Q. Did you have occasion to inspect that through-bar work?
A. Yes, I did.
Q. What did you check that against? Did you have any drawings? Did you have any working drawings? Did you have any agreed drawings? What documentation did you have in order to carry out that inspection?
A. At the time, I knew that our design team issued technical queries, TQs. So it was Leighton who put the TQs to Atkins, and there was a reply. That's what I heard from the design team colleagues.

Page 38

So, for some locations, there could be change to through-bars. I think what you meant was, on the drawings, maybe there's indication of couplers, how come on site it became through-bars?
Now, the way I see it, if it's based on an engineering judgment, that instead of wasting so much time to screw in couplers because there were so many problems, then maybe this was a better approach, and there were design team colleagues who confirmed that.
Q. What I was driving at, Mr Mok, is that you've told us and you've explained to us that you had drawings that showed the rebar, which you were checking to make sure that Fang Sheung had complied with the drawings, and I'm just wondering what you had in order to inspect the through-bars and whether they were in the right place, in the right number, and so forth. What did you have, if anything?
A. At the time, as I mentioned, the design team mentioned a TQ and there was an Atkins reply. I think for every site, I believe -- and works drawings have had been issued but maybe on and off and on site there might be various constraints, so it may not be possible for us to reflect everything on the drawing.
CHAIRMAN: Sorry, are you saying that there would be occasions when you wouldn't actually have a set of

Page 39

drawings with you but you knew what was happening, you knew what the instructions were, and you were still able to check?
A. Right. To continue from what I said, yes, it might be reflected from the drawings, but I would need to read that with other supporting documents, to read adjacent with the drawings, to combine all the information, to get the full picture to find out the exact requirement.
You just asked about through-bar, spacing and other things. Basically, we followed the working drawing coupler arrangement in relation to the spacing. If we were to check the number, well, at the scene, when we check for acceptance with MTR engineering, we would measure the spacing. Lap length has been specified in the general remarks. That is in relation to the actual length.
So we base on a number of drawings before we check for acceptance.
Q. Right. But the point is, is it not, Mr Mok, that when that change of detail took place, you weren't given, by your design team, the Leighton design team or anybody else, a new set of drawings saying, "Right, here's the new design" or "Here's the new detail; please check against these drawings"?
A. No. That did not take place. But there was discussion

Page 40

and I heard from my senior and did my work accordingly. I understand or I understood that a drawing was being worked on but in the end there was no drawing, but as to why I did not know.
COMMISSIONER HANSFORD: Can I ask, Mr Mok, were you given a copy of the TQs and responses to the TQs?
A. At that time, when I was working on it, I did not open those to read them. I only heard from my senior about the precise location, that it would not be coupler connection, the D-wall would be dismantled. It wasn't in detail because it was my senior who gave me the information about what was to be done at that particular location.
COMMISSIONER HANSFORD: And that was given to you word of mouth, it was given to you orally; is that right?
A. Right.
COMMISSIONER HANSFORD: Okay. Thank you.
MR PENNICOTT: Mr Mok, a slightly different topic. We have heard some evidence from a few witnesses about remedial works that would be carried out in circumstances where there was a damaged and irreplaceable coupler, and the type of evidence that we've heard about or the nature of the evidence we've heard about is something called a dowel bar. Is that something you're familiar with?
A. Within the scope of my work, rarely. But they were used

Page 41

but not as rectification work or remedial work.
Q. Not as rectification or remedial work? In what respect were they used, to your way of thinking?
A. Within the scope of my work, we have used dowel bars. These dowel bars and the locations where they were installed, they would be in the diaphragm wall. Under the design of the D-wall, there was a chimney, a tremie pipe. It was between the different panels, there was a stop end for waterproofing work, so there was a wider spacing. In the area of tremie pipe, we asked Atkins using TQs. They replied that there would be 20 T25 dowel bars in the bigger spacing. That would be a change to T25 dowel bars. It wasn't rectification work relating to couplers.
You can call it remedial work but they were not used to replace damaged couplers.
Q. Okay. I understand that.
Can I just show you a passage in a document that you may or may not have seen. Can we go to C27, C27/20242, please.
Mr Mok, I'm not sure whether you were aware of this, but in January 2017, Mr Stephen Lumb, head of engineering at Leighton, carried out a review, an investigation, into certain allegations that rebar had been cut on this project.

Page 42

Were you aware of that review or investigation?
A. No, I wasn't aware of it. It was only when it was mentioned last week, in the COI here, that I was aware of it.
Q. Okay, thank you for that, because certainly Mr Lumb doesn't suggest that he spoke to you about any of this. You weren't one of the interviewees, one might suggest surprisingly.
But can you go to, please, section 8.
COMMISSIONER HANSFORD: I've got 20254.
MR PENNICOTT: Yes. The page is missing in my bundle, for some reason which I can't explain, but we can look at it on the screen; that's fine.
The section of this report -- I appreciate that you won't have seen it before, at least perhaps not unless you've read it in the last week or so -- it's headed "Remedial measures"; do you see that?
A. (In English) Yes.
Q. What is recorded here is that:
"During the investigation [that's Mr Lumb's investigation], it was advised that remedial works were required to the coupled starter bars in several conditions:
1. Coupler misaligned in level (resulting starter bar with inadequate cover).

Page 43

2. Coupler misaligned in level (resulting in starter bar clashing with other rebar)."
Mr Mok, that seems to be, unless I've misunderstood your previous answer, to be contrary to what you were telling us a moment ago. I mean, do you accept that remedial works were required in the two conditions that are described there?
A. It says here about misaligned coupler. If we focus on EWL area C, that did not happen, because in relation to the east side of D-wall, well, a number of them were removed and there were missing couplers. For the west side, there was another shear key designer, the entire top portion was done afterwards. For area C, EWL, I did not come across any of these.
Q. Right. So you didn't have yourself any experience of these types of problems in area C?
A. (In English) In area C?
(Via interpreter) EWL area C, that's right.
Q. All right. That's fair enough.
Sir, I'm about to go to the various incidents leading up to the NCR that Mr Mok was involved in, so perhaps that would be a convenient moment to take 15 minutes.
CHAIRMAN: Yes, certainly.
Can I ask just one question before we go. You

Page 44

yourself in your statement very helpfully talk about coming across certain rebars that had been cut, and my question relates to this. Assuming for a second we have a worker, working for the rebar fixers or for the casual labourers who were helping remedial work, you're up against a bit of pressure and maybe you've got a very difficult coupler -- it's either got concrete in it or it's got bent or something like that, and you want to just get on with it and you decide you want to cut some of the threads off, okay, so you can make it look as if it's there, you can put it against the coupler and then you can get on. Everything is fine for the last 20, everything looks fine for the next 20; this one is causing trouble.
In your view, being as frank as you can, if the worker decided he wanted to do that, and if he looked around him a little, do you think he would have been able to use a cutter, which takes about a minute and a half, maybe two minutes, I'm not quite sure, to make that cut without anybody seeing? I know there's a risk but do you think it would have been possible, if he was determined to do it?
A. If the worker pre-planned it, of course it could be done, but I believe that the time available for taking that action would be little. As I mentioned previously,

Page 45

I carried out routine inspections and there were routine inspections by the MTR. There were also those by our frontline officers. On top of that, if there were a person not exactly standing right next to the worker but from a distance watching, it would look rather strange, because when they work on every layer they would start off with the coupler connection. If, while doing that, they went away to use a tool to cut the end, it would look rather strange.

CHAIRMAN: All right. That leads me to something else -- thank you very much, this might help me also -- and that is, which I haven't thought about, I'm sure every else has, but I haven't: the process by which the actual insertion of rebars into couplers take place, is it what you do at the beginning? Is it what you do halfway through? Do you see what I mean?

In other words, if the very first thing you do, once you start a layer, is you get your long reinforced bar, you go to the coupler and you insert the coupler -- is that the opening work that is done?

A. Well, for the bottom mat, there might be four layers, say for example. They would start off with the first layer. To begin with, they would use threaded bars for the middle section and scatter them in the middle. The rebar fixers would screw on all the coupler connections

Page 46

first. So there would be a period of time when they would squat down to screw on the coupler connections, and then they would move on to have some longer bars lifted down to work on the lap bars. Then they would move on to the next layer, first starting off with coupler connections and then have lap bars lifted down to work on them.

CHAIRMAN: And they would proceed to try to insert all the reinforcing bars into the couplers in one exercise?

A. (In English) Yes.

(Via interpreter) They would first do all the coupler connections.

CHAIRMAN: Yes. So you could tell, right, they are putting in the couplers, this is going to take them probably a few hours, and you knew that's the way we would work because that's the most efficient way to do it?

A. Yes, right.

CHAIRMAN: Thank you very much. Quarter of an hour?

MR PENNICOTT: Yes, sir. Thank you.

(11.32 am)

(A short adjournment)

(11.55 am)

MR PENNICOTT: Thank you, sir.

Mr Mok, let's continue. What I'd like to do now, please, is take you to paragraph 29 of your witness

Page 47

statement, at C12/8114.

A. Yes.

Q. Mr Mok, this is where you start to deal with the three occasions on which you discovered defective rebar, and at paragraph 29 you deal with the first occasion, which you say was around September 2015. You say you cannot recall precisely but you believe it was during a formal inspection.

So this would have been, as I understand it, an inspection taking place after an RISC form had been issued; is that right?

A. Yes. Let me put it this way. We have issued the RISC form intending to arrange for an inspection, that is an inspection the next day. The RISC was to record the inspection.

Q. Right. The first question I'd like to address with you is this. You tell us that you cannot recall the area, the precise area, where this incident occurred; is that right?

A. Right.

Q. Can you recall whether this incident occurred to the top mat of rebar or the bottom mat of rebar?

A. I can't recall exactly whether it was the top mat or the bottom mat.

Q. No recollection at all?

Page 48

A. No, because I only remember it was around September, but when I checked the records there were three bays of concrete poured in September. Well, for us, all bays were similar, so I cannot remember the exact location, but I remember it was in around September.

Q. Yes. You're entirely right that in September the concrete was poured in relation to C1-3 on 7 September, C2-5 on 14 September, and C1-4 right at the end of September, 29 September. So it could have been any one of those three areas; I think that's what you're telling us?

A. Right.

Q. And it could have been the top mat or the bottom mat --

A. Yes.

Q. -- of any of those three areas?

A. Right.

COMMISSIONER HANSFORD: Sorry, Mr Mok, I need to understand this. How could it have been the bottom mat? Because presumably this inspection -- was this inspection done from the top?

MR PENNICOTT: Sir, can I interject at that point, because of course, given the explanation that Mr Mok gave earlier, I was going to explore with him to what extent in fact a RISC form had been issued, because in theory, given his evidence earlier, I suppose it might be the

Page 49

case that if it was the bottom mat, a RISC form need not necessarily have been issued when he discovered it, if you see what I mean, given the evidence he gave earlier this morning.

COMMISSIONER HANSFORD: Yes. I'll leave it with you and we'll get there.

MR PENNICOTT: But I understand -- have you got the point, Mr Mok, that given your evidence this morning, if it was the bottom mat, it didn't necessarily follow that a RISC form would have been issued, but I think you told me earlier -- perhaps it was the way I put the question, I'm not sure -- that your recollection is that a RISC form had been issued in relation to this first occasion, in which case the professor's question is obviously relevant, presumably this must have been the top?

A. Right. Perhaps let me explain. It may not necessarily be the top. Let me put it this way. When we read RISC form, it was -- in relation to rebar fixing RISC form, there was a date stating that Leighton arranged with MTR for inspection and acceptance. If you look at the date, it may be four to five days before concrete pouring. The date was put because the RISC form has incorporated two formal inspections. The date put on the RISC form was only one date. It was the inspection date of the bottom mat.

Page 50

Before -- well, when I saw that bar fixing was almost completed for the bottom mat, I would submit the form, and then there was a joint inspection on the bottom mat. The form actually was put on hold by the MTRCL. We inspected the bottom mat. When it was found to be satisfactory, we would send a signal to Fang Sheung for them to work up to the top mat. After the top mat has been completed, we would arrange with MTRCL for another inspection. So there would be two formal inspections.

It was until after the top mat was inspected by MTRCL, everything was satisfactory, then one RISC form was signed off.

There may be one RISC form, it covers two formal inspections, one on the bottom mat, the other one on the top mat.

COMMISSIONER HANSFORD: So the question arises: when is the RISC form submitted? Are you saying the RISC form, the form requesting an inspection by MTR, is submitted before the top mat has even been fixed? Is that what you're telling us?

A. Yes, right. When the bottom mat was about to be finished, then we would fill in the form.

COMMISSIONER HANSFORD: Right.

A. And at the time the top mat was still not done.

Page 51

COMMISSIONER HANSFORD: Okay. So the form would be submitted, then a formal inspection would be done of the bottom mat, is that correct, before then moving on to the top mat, and then a formal inspection of the top mat, and then a formal inspection, a hold point inspection, of the completed assembly? Have I understood the correct sequence there?

A. Yes, correct.

MR PENNICOTT: Could we just test that a little bit further --

COMMISSIONER HANSFORD: Please.

MR PENNICOTT: -- because I'm a little bit surprised about that. I'm not saying you are wrong; I'm just a bit surprised.

But could we look, by way of example, at H1/142. This is the RISC form, I hope, in relation to C1-3.

A. Yes.

Q. It is dated, I believe, 4 September, although I don't --

CHAIRMAN: The 5th.

MR PENNICOTT: No, that's the date upon which it will be ready for inspection, the 5th.

Could we go to the bottom, please. That doesn't help me either. It's signed by you -- that's helpful.

Could we go back to the top, please.

MR SHIEH: That's the 4th, next to the signature.

Page 52

MR PENNICOTT: Yes, if you look -- is that Man Sze Ho's signature, and then to the right --

A. Yes. Well, this is actually my signature.

Q. Oh, is it?

A. (In English) Yes.

Q. You were signing on his behalf. Right.

So it's dated the 4th. It's saying that the inspection can take place the following day, 5 September.

A. Yes, right. So, on 5 September, it was to inspect the bottom mat. 5 September, it was to inspect the bottom mat.

Q. Are you sure about that? How do we know that from this document, Mr Mok?

A. You could cross-check it with the concreting date of C1-3, bay C1-3.

Q. Well, I have, and the concreting date is 7 September.

A. (In English) Oh.

Q. That's my problem. You've got a situation where you give notice on the 4th; you inspect, according to you, the bottom on the 5th; and yet the concrete is poured two days later, on the 7th.

COMMISSIONER HANSFORD: And indeed at item 2, it says, "Work to be inspected ... (top and bottom steel)".

MR PENNICOTT: Yes.

Page 53

A. Yes. What I said just now -- actually, you would be able to find some examples in relation to what I said earlier, that example I gave. Maybe in some cases, because we were too busy, but definitely we would complete formal -- the bottom mat and there would definitely be a formal inspection.

How come we did not submit two RISC forms for two formal inspections, because that would be the ideal case, one form for the bottom mat, one form for the top mat? Because we wanted to simplify the process. At the time we agreed with the MTRCL that we wanted to record that we did inspect top and bottom mat, the whole section that is. So to save on paperwork we used one form to record two formal inspections.

Q. All right. But I think you would accept from me, in this particular instance, this RISC form was dated more or less when both the top -- sorry, the bottom and top rebar was essentially within one day of being completed, so that it could all be inspected on the 5th, and it's possible, from what you said earlier, that the bottom rebar may well have already been inspected, albeit not by reference to this RISC form?

A. Yes, it's possible that before 5 September a formal inspection was already done for the bottom mat, and it's just that in the course of working on the matter we

Page 54

submitted a form.

Q. Yes. We can analyse this separately, Mr Mok --

A. Yes.

Q. -- but there are many, many instances when the RISC form date is very proximate to the concrete pour date, such as this one, just within three days. I mean, some of the others -- or one day. Some of the others are, I accept, perhaps five or six days, but it varies, and so the situation may be changeable, depending upon precisely which area you are in and the way in which the rebar is being fixed.?

A. In general, for the EWL slab, when the bottom mat was done -- now, the bottom mat would take about four to five days to complete, and then for the top mat it would also take about four to five days to complete.

So, in ideal cases where there were no problems, then the form was submitted on time and then we could record the first date for checking the bottom mat on the form at the top there. If we look at this form as an example, there was arrangement for inspection, it's just that the form was submitted a few days late, but the form was submitted before the concrete pour.

Q. Of course. All right. Anyway, let's go back -- after that brief excursion, could we go back to paragraph 29 of your statement. I think, Mr Mok, we've arrived at

Page 55

a situation where this incident could have been in any one of three areas which I mentioned earlier and could have been at the bottom mat or the top mat of any of those three areas?

A. Yes, correct.

Q. Okay. As I understand it, you say that the rebar was not screwed -- sorry, you say:

"I identified that the threaded end of one rebar had been cut off."

Pausing there, was the entirety of the thread cut off or just part of the thread; do you recall?

A. No, there should be one or two threads that were still visible.

Q. Right. As I understand it, on this occasion, you didn't take any photographs of that threaded bar, cut bar?

A. From what I recall, I did not take pictures.

Q. Right. You say:

"The rebar was not screwed into the coupler and there was a gap of several millimetres between the bar and the coupler."

As I understand it, Mr Mok, this was the first time that you had ever seen something of this nature; is that correct?

A. Yes, correct. For that gap, how big it was, maybe 1mm to 2mm. In other words, it could be visually seen that

Page 56

there's a gap of 1mm or 2mm.

Q. Well, there are two things here, Mr Mok. One is the cut bar and the other is the gap. So, as I understand it, it's the first time that you have witnessed a threaded rebar having been cut; is that correct?

A. Correct, yes.

Q. Was it also the first time that you had seen a gap between the rebar and the coupler?

A. Yes.

Q. Given that that was your first experience of those two points, Mr Mok, were you not extremely surprised?

A. Well, at the time, I was a little surprised. A little surprised. But for a bay, whether it's the bottom mat or just the top mat, there was a large number of couplers, maybe we're talking about a few hundred couplers for each mat.

In September I saw for the first time but there was just one bar. Yes, I would say I was surprised. But whether it was serious, well, I didn't see a big problem there. And probably you will ask this later, but at the time my view was I asked Fang Sheung people to rectify it immediately, and very soon they did the rectification, because often on site there could be such incidents; they are rather common.

I'm not talking about cutting bars. I'm not saying

Page 57

that there are many similar incidents of bars being cut, but maybe for formwork, there could be minor problems and there could be minor problems with many other processes and rectification work would be required.

Q. But, Mr Mok, this was your first encounter with a threaded rebar that had evidently been cut. I have to be careful what language I use in this room, but didn't you say to yourself, "What on earth is going on? What has happened?"

A. Yes, I did. Yes, I did. I would ask why would that have happened.

Q. And did you take any steps to find out why it had happened?

A. At that time, I did not really want to find out the reason, not really, because it was right after the inspection and acceptance, there was another work to be -- another step to be done. It was a standardised process of different jobs one after another. As soon as I found that there was a problem with the threaded rebar, that the threaded end was cut off, the first action I took was to find someone to rectify it. Afterwards, I checked it and found that there was no similar incidents, so I proceeded to the next step.

In parallel, I informed on that day Joe Cheung of Fang Sheung, and I also mentioned it to my senior.

Page 58

Q. Okay. As I understand it, you say that an MTRC engineer was with you at the time, although you can't remember who it was; is that correct?

A. Right.

Q. It appears, from the MTR's witness statements -- I think you've had a chance of looking at them -- that it may have been Kobe Wong. Does that ring a bell with you?

A. I can't confirm. Well, in relation to rebar fixing formal inspection, it was done by a representative of engineers of MTRCL. Kobe Wong was an inspector of works, an inspector as we call it. He would inspect it in relation to coupler connections. However, inspector of works focused more on cleanliness and similar works. Engineers of MTR would specifically look at the arrangement of rebar fixing.

As a result, I can't exactly say that whether I was with Kobe or other engineers of the MTR.

Q. All right. That's okay.

You did, however, think that this incident was sufficiently important to mention it to your colleagues, Man Sze Ho and Sasa Leung, you say; is that right?

A. Right. Every day, just before we finished work, we would be in the office. On and off, my senior, whether it was Andy Ip or Joe Leung, would ask about the day's progress and whether there were any problems. It was

Page 59

a normal procedure. It was a normal chat about what we have done or whether there was anything special that happened.

Q. All right. You tell us that the remedial works were carried out immediately by Fang Sheung workers, it took about 15 minutes. So what happened; they just needed to replace a piece of rebar, did they?

A. Right. Right.

Q. Okay. And it must have been relatively straightforward? Perhaps it was on the top layer, it probably wasn't in a lower level, would that be right, or a lower layer, because that presumably would have taken a lot more time and been a lot more difficult?

A. Right.

Q. All right. Let's move to the second occasion, which you deal with in paragraph 32 of your statement. You say:

"The second occasion was around one month later in October or November. Again, it was discovered during a formal inspection with a MTRC engineer."

Again, as I understand it, Mr Mok, you are unable to identify the specific area where this incident took place; is that right?

A. Right.

Q. And again, are you able to say whether this incident occurred in respect of the bottom mat of reinforcement

Page 60

or rebar or the top mat?

A. I can't exactly confirm that.

Q. And again you say an MTRC engineer was with you when this second occasion occurred, and again it appears from Mr Kobe Wong's witness statement that it was him, but again I imagine your answer to that question is the same as you gave to me just now?

A. Right.

Q. So it may or may not have been Mr Wong; you're not sure?

A. Right.

Q. This time, on this occasion, you say:

"I recall that I ... identified one or two (I cannot remember exactly, but it was no more than two) defective rebars during the inspection. Again, the threaded ends of the rebar(s) had been cut off ..."

Again, partially cut off; is that right, Mr Mok?

A. Right.

Q. "... and there was an obvious gap between the rebar(s) and the coupler(s)."

So, essentially, a repeat of what had happened on the first occasion, but this time two pieces of rebar?

A. Well, I can't recall whether it was exactly one or two, at most two, rebars.

Q. Okay. So, again, you asked the Fang Sheung workers to remove the defective rebars and replace them with new

Page 61

bars, and you also recall that it was necessary to replace the coupler for one of the bars.

Do you recall why it was necessary to replace one of the couplers?

A. Well, actually, I had recollection that it was done. Regarding replacement of coupler, it's under the responsibility of Leighton. It was not under the scope of work of Fang Sheung. I can recall that because I had to inform my frontline, ask someone from Leighton to trim the concrete so as to unscrew the coupler. Since it involves this process, I could recall that.

Well, that means Leighton will have to coordinate with Fang Sheung to complete the entire rectification work.

Q. Right. I think implicit in your answer is that there was some damage to this coupler which required its replacement?

A. Right.

Q. But, nonetheless, the entire process of remedying this problem, you say, took between 15 and 30 minutes; is that right?

A. Right.

Q. So there was clearly some very swift liaison between Fang Sheung and Leighton, and no doubt they had to obtain the coupler as well to replace it, and it was all

Page 62

done in that time; that's your recollection?

A. Right.

Q. Okay.

Mr Mok, again -- this is the second time this has happened, possibly two pieces of rebar this time having been cut -- again, did you not ask yourself what was going on, why was this being done? It's happened again. Didn't you think this justified finding out, investigating, what Fang Sheung or somebody else was doing?

A. At that time, well, when the second incident occurred, it was after the first incident that the second happened, I called Joe Cheung, a supervisor of Fang Sheung. On the second occasion, I would say that I used a stronger tone, because the first occasion might be an isolated incident, but for the second occasion I would need to find out what happened.

As to what I had done, well, when you were at the scene and there were about eight or ten rebar fixers, and if I asked who cut the rebar, I believe that no one would admit to it. After I had found the first incident, I would spend more time and effort to find out whether there were any signs or any information about screwing in the rebar into the coupler.

Just before the break, we were talking about for

Page 63

each layer work would start with coupler connection. The threaded bars were on the ground, so we could see instantly whether any threaded bars would have been cut off, and at that time we saw none of such things.

In my routine inspection, we would look at the workers when they screw on the couplers, whether they would spend too much time or too short a time on it, because one would take more or less the same time to work on each connection, so I thought if it was cut short, that means they would spend a shorter time on each bar. It would be -- normally, it would take about 30 seconds to one minute. If they spend just about 8 to 10 seconds on each one before they move on to the next one, that would look fishy.

I also spoke to my senior, saying that this was the second time. Of course I told him about the first time and I also told the senior of Leighton, on top of telling Fang Sheung, Joe Cheung.

Q. You say that you either spoke to Joe Leung or Andy Ip about this second occasion?

A. Right.

Q. What was their reaction when you talked to them about it?

A. I couldn't recall what their reaction was, because every day there would be what we call minor issues that took

Page 64

place. As long as it's not an unresolved matter, usually they wouldn't -- or I can put it this way. When there were issues that I could not resolve, there would be a detailed discussion, but when an issue is resolved, it's just a form of reporting.

Q. Did you regard this as a minor issue, Mr Mok, this cutting of the threaded rebar?

A. Well, perhaps I could put it this way. For cutting rebars, it itself is a serious matter. But at the time I considered the number. If I found two bars -- because in my routine inspection I would check each layer, and then when it's a formal inspection then we found two bars, but then these were immediately rectified. If you look at the whole picture, what is most important is that there was immediate rectification, and as long as that was done then I don't see it as a problem.

Q. Right. Can we then look at the photographs that you refer to in paragraph 36 of your witness statement. C12/8123.

Before we ask you to describe this, my understanding of your evidence, Mr Mok, paragraph 36 of your witness statement, is that what we're looking at here, I think also on the next page, are photographs that are likely -- likely -- to have been photographs that are two defective rebars from the second occasion, but

Page 65

you're not 100 per cent sure about that. Have I encapsulated your evidence about these photographs in that way correctly?
A. Yes, because when I checked the records, in the soft copy of this photo I couldn't see which date the photo was taken, so there was no information on the date taken. That's why I could not confirm whether it is related to the second discovery of mine.
Q. Right. Anyway, the photograph at 8123, one can see -- well, you describe what we can see there. We can obviously see one bar with thread but not inserted into the coupler, and then to the right of that, it looks like another piece of rebar, without any thread, but you tell me if I'm wrong.
A. Well, let's talk about the one in the middle first.
Q. Yes.
A. The middle one is the defective rebar, that is the threaded end was cut short, and here you can see the coupler, and between the coupler and the rebar there was a gap. Just now you referred to one coupler not screwed in. I believe you are talking about the one on the left, or which one?
Q. Well, the middle one is clearly --
A. Yes, yes, that is not connected.
Q. It's got cut thread and is not connected?

Page 66

A. Yes, right, correct.
Q. The one on the left appears to be screwed in to the coupler, but one can see perhaps two, possibly three, threads, certainly two threads; yes?
A. If I -- well, looking at this photo, it should be two threads.
Q. Yes, okay. But what is the situation on the right, where you see the wire that's obviously around the cut rebar and what appears to be another piece of rebar on the right; what's the situation there? Is that just a lapping bar?
A. Yes, correct. It's probably the lapping bar.
Q. Right, so we are not concerned with that. All we're concerned about is the one in the middle; is that right?
A. Correct.
Q. Could we look at, please --
COMMISSIONER HANSFORD: Sorry, before we move on --
MR PENNICOTT: Yes, sir.
COMMISSIONER HANSFORD: -- are we looking down on something here? Are those bars actually horizontal?
A. Yes. We looked from above and then you see them horizontal.
COMMISSIONER HANSFORD: So the couplers are horizontal -- so the couplers and the threaded bars are actually horizontal in this photograph; is that correct? That is

Page 67

correct?
A. Yes, correct.
COMMISSIONER HANSFORD: Thank you. That helps me.
MR PENNICOTT: I think there's one more photograph. 8125, there it is.
Mr Mok, you tell us, is that a different piece of rebar than the one we were looking at in the previous photograph, or is it just from a different angle, or what?
A. I'm quite sure it is not the same rebar.
Q. Agreed. Right. Is it, do you think, in the same area?
A. Well, when -- I checked the record, because I couldn't recall exactly what happened then, but I checked the record. Based on the name of the file, my guess is it's within the same area.
Q. Okay.
A. Because the number of the two photos, they were sequential.
Q. Yes. And this appears to show, again, the thread having been shortened and not connected into the coupler, the gap?
A. Yes, correct.
Q. All right.
Now, Mr Mok, before we move to the third occasion, can I ask you this. As a general question, when you

Page 68

started work for Leightons in 2013 and onwards, were you informed about the non-conformance report process, in general terms?
A. No, not -- there's not a standard guidelines or anything of the sort. But our understanding at the time was if there was anything that did not conform with the drawings or maybe there were situations where it did not involve permanent works or maybe just that for the temporary structure it was not done properly, so anything we found that needed to be rectified, we could issue NCR. That was my understanding at the time.
Q. But were you not given any guidance by Mr Ip or Mr Leung or anybody else as to the criteria that should apply when you were considering whether or not to issue a non-conformance report?
A. No. Not in detail.
Q. Were you given any guidance at all, or did you, rather, see this as a matter that if you thought something was serious enough that it ought to be reported, you saw your role as informing one or more of your senior colleagues, discuss it with them, and let them decide whether a non-conformance report should be issued?
A. Yes. As I mentioned earlier, every day, before we finish work, we would have discussions. So I would leave it to the seniors to decide on the next step of

Page 69

action to take. So I would just inform them there was such an incident.
Q. Yes. I ask you that, Mr Mok, because in paragraph 35 of your witness statement, dealing with the second occasion which we've just been looking at, you say:
"At the time, I considered whether to issue a non-conformance report. On balance, I took the view that it was not necessary."
That strikes me as you making the decision and it not being a more collective decision with your senior colleagues.
A. Well, actually, before we finished work, I would mention this incident, and then together with the seniors we would discuss the matter. I couldn't say exactly who first suggested whether there was need to issue an NCR. There was a discussion on whether to issue an NCR. At that time, the outcome of the discussion was that because the matter was immediately rectified and there was no need for any long-term rectification works in future, so that's why the NCR was not issued. So it wouldn't be just me to decide whether to issue an NCR.
Q. All right. Understood.
Now, let's move on to the third occasion, which, as we all know, gave rise to the issue of non-conformance report no. 157. This time we obviously have a lot more

Page 70

detail --
A. (In English) Yes.
Q. -- because of the fact that the non-conformance report was issued. So we know that you identified, perhaps together with Andy Wong of MTR, on 15 December 2015, that essentially five bars/rebars/threaded rebars had been cut; yes?
A. Yes, correct.
Q. This, as I understand it, unlike the first two occasions, was picked up during a routine inspection or informal inspection; is that correct?
A. Yes, correct.
Q. This time, without going into any detail which we all know about, Mr Mok, a decision was taken to issue this non-conformance report?
A. Yes.
Q. You discussed the matter with, you say, Andy Ip or Joe Leung -- you don't remember which one -- "and we agreed that it was necessary to issue an NCR", and MTR also agreed with your approach.
I think Mr Ip told us, Mr Mok, that Mr Harman was also involved in the decision to issue the NCR. Were you aware of that?
A. Yes, right. At the time, Kevin Harman was the quality manager, was our quality manager. So, for issues

Page 71

relating to quality, definitely it would have to go through him; he had to sign off the form. So definitely he would know about such a case.
Q. Right. I think it's right to say, isn't it, Mr Mok, that you personally were not involved in all the paperwork, but you were obviously involved in discovering the problem in the first place and then discussing as to whether an NCR should be issued?
A. Right. What I personally have done was the same as on the first and second occasion. This occasion, I was involved in the discussion. We agreed that an NCR was to be issued. I gave background information to prepare the NCR, but I did not issue the NCR myself.
Q. Okay. And, Mr Mok, is it right that after this particular third incident and the issue of the NCR, you personally did not witness any further cutting of threaded rebar?
A. Right.
CHAIRMAN: Did you have any discussion with Mr Leung, the foreman of the rebar cutting company, as to why this was happening?
MR PENNICOTT: Mr Cheung, Joe Cheung.
CHAIRMAN: I'm sorry, Cheung, not Leung.
A. For the first, second and the third time, once the problem was identified, I informed Joe Cheung. On the

Page 72

third occasion, it was done in greater details, because -- well, for the first two occasions, we had the same conversation, to the effect that there was rebar with threaded end cut and together with this one, this third occasion, with as many as five rebars, an NCR will be sent to you. As a result, in relation to the third conversation, there were more details.
CHAIRMAN: All right. Let me put it this way. Why did you think these occasions were taking place when the workmen would decide that rather than just going ahead and trying to put in a rebar, it was easier to cut them?
A. First of all, let me make clear that I did not know exactly what the worker had in mind, but for me I would think that they wanted to save time, because just before each handover to Fang Sheung we would check coupler connection conditions. There may be one or two that could not be visually identified, of all these connections, but I said that the worker might want to save time because when the worker wanted to screw in the coupler, it wasn't easy but they did not want to wait for us to replace a coupler because it would be trouble. As a result, he would rather cut it. That's my personal view, if you ask me why it happened.
CHAIRMAN: And did you discuss with any of the rebar officers -- and we're talking here about Mr --

Page 73

MR PENNICOTT: Joe Cheung.
CHAIRMAN: -- Cheung, yes, thank you -- did you discuss with him, "This is obviously a short-cut measure, you're under pressure, we appreciate that, but this mustn't be done", or something like that?
You see, it seems to me that once you start to see it happening on several occasions, common sense really dictates you should try to find out the cause?
A. At that time, I did not really get to the bottom of it with him. Instead of trying to find out the reason, the view at that time was that we would prefer to agree on an approach to prevent further happenings, because we did not want the same thing to happen again. I mainly said to Joe Cheung, "You should talk to your workers that they should not try to save the little time. Should you run into any problems, come to Leighton and we will solve it for you immediately. Whatever the reason, we would be able to explain it, because it's the responsibility of Leighton, not Fang Sheung."
My thinking at that time was we did not want the same thing to happen again.
MR PENNICOTT: Thank you, Mr Mok. Just a couple of other topics.
In your second witness statement -- C32/24090, I think -- you deal with photographs, most of which

Page 74

we're quite familiar with, and I just wanted to ask you one or two questions about a couple of the photographs.
In paragraph 23 of your second witness statement, you're responding to a paragraph in the witness statement of Mr Jason Poon, and you are dealing specifically with a number of the photographs that are attached to that statement. I expect you remember that, Mr Mok.
If we could then go, please, to D1/225 to 232 -- 225 to start with, please -- and go to 226. Mr Mok, you say in paragraph 23(a) of your second witness statement that the workers shown in this photograph that we're looking at, and indeed all the photographs up to 232, were not Leighton workers. Is that right?
A. This one and 232 -- can you show me 232 as well?
Q. Of course. There we are.
A. Right. They are not Leighton workers. Can't be.
Q. Right. My understanding is you think they are Fang Sheung workers?
A. Right.
CHAIRMAN: Sorry, you said they can't be. Can you explain why, in your opinion, they can't be?
A. Leighton workers would wear Leighton's reflective vest, and you can see a different logo, a logo of Leighton and a different pattern. When they work on rebar fixing,

Page 75

well, Leighton workers would not appear at that location under that circumstance, and if you look at the attire, well, there should be dirt, say for example rust. If you ask me, I would think that these two were Fang Sheung workers.
MR PENNICOTT: If you could be taken, please, to 227 -- you deal with this photograph in paragraph 23(c) of your second witness statement you make reference to the cutting tool that we can see in the photograph, and you say that type of cutting tool was used by Fang Sheung workers for legitimate reasons such as cutting rebar, ie not threaded rebar, and to ensure it was the correct length to be installed into openings in the slab, ie a point you made earlier, such as manholes; do you see that, Mr Mok?
A. Right.
Q. Did you actually personally see, in your inspections and doing your rounds, as it were, Fang Sheung workers using that machine to cut rebar for those purposes?
A. I did.
Q. Would that be on a regular basis or irregular basis?
A. Let me put it this way. If necessary, that would be done. That means if there was an opening at that location, the dozens of rebars would be cut to the right dimension for it to be inserted, because the opening

Page 76

would be covered by rebars. But as to whether it was often, no, but it took place from time to time.
Q. Right. That's very helpful. I think we also heard some evidence that they might use the cutting machine for cutting "sifu" bars. Is that something you're aware of?
A. Yes. In this photo, we call it a -- well, it's a portable tool, it's a cutting machine. And as to other rebar cutting work by Fang Sheung, they would use their machine to cut rebars by shearing. For the spacer bar, they would use the same machine to do it. It's rather large in size and it's stationed at a certain place and cannot be used in a hand-held way.
Q. Okay. But, in relation to this photograph, you say that you think these workers were from Wai Kei; is that right?
A. Right. Well, actually, they were direct labourers of Leighton, but the actual contract was Wai Kei but they were under the direct supervision of Leighton.
Q. Right. And you say they were trimming or appear to be trimming the excess lengths of vertical reinforcement installed in the diaphragm wall?
A. Right.
Q. Which you say was an appropriate and legitimate task to be doing?
A. Right.

Page 77

Q. Okay. Now, lastly from me, can I just ask you to be shown C13/8648.

Mr Mok, you will recall earlier this morning I asked you a question about whether or not you were requested by Leighton to come back earlier this year to assist in the compilation and collation of documentation that various parties were pressing Leighton to provide. Do you remember that? And you agreed that you did come back and assist?

A. Right.

Q. Can I ask you to look at 8648 in bundle C13. Is this a document that you're familiar with, Mr Mok?

A. I have seen it.

Q. Right. Did you have a hand or did you participate in preparing it?

A. I did. Well, the part that I have participated in was the biggest box. That is, the diagram of diaphragm wall, that box, within that box was my contribution.

Q. Right. So the panels, the diagram of the three panels, EH75, EH74 and EH73?

A. Right, and on the side:

"EWL slab top bars:

T1. 14T40".

Those two rows were my contributions.

Q. So the identification of the bars?

Page 78

A. Mmm.

Q. I see. Did you know why you were being asked to prepare this document?

A. At the time, I think it was June, probably, the engineers of the different areas all went back -- at the time, the information that was given was that we had to identify or summarise in each bay how many coupler connections there were. So that was the instruction at the time.

Q. All right. And who did that instruction come from?

A. I can't recall exactly, because at that time there were several seniors there. I couldn't recall exactly which one initiated this exercise.

Q. Right. Who are the possibilities?

A. Which ones? At the time -- well, perhaps I could put it this way. We had the format of this form -- we didn't prepare the format of the form. At the time, the format of the form was from Leighton's design team, and on site, at the time, there was Guntung from the design team there. He's the Leighton's design team, and he gave us the format of this form. It was a blank form that he gave us, and then based on this form, then we summarised the information in the form.

Q. Right. So you were given this by Guntung this year to carry out this exercise, your part of it, I mean?

Page 79

A. Yes, yes, yes.

Q. You will see, in the top right-hand corner of that document, it relates to "C1-1 East"; do you see that, Mr Mok?

A. Yes, I see it.

Q. Then go over two pages to 8650.

A. Yes, I see it.

Q. You will see it says, "C1-1 (East) R1", which I imagine stands for revision 1; do you see that?

A. Yes, I see it.

Q. And it's "Revised on 31 July 2018"; do you see that?

A. Yes, I see it.

Q. Again, were you involved in the preparation of this document, the revised document?

A. Yes, I was involved.

Q. What parts of it did you assist with?

A. It's mainly the D-wall drawings, the diagram there, and also to find out how many coupler connections there were in each bay. So it's again within the biggest box.

Q. Right. We can see the actual number of rebar, T1, T3 and T5, has changed from the previous drawing?

A. Yes.

Q. So can you remember now why there was that change?

A. Because in June, I was asked by the seniors to go back to the head office to prepare the summary for the first

Page 80

time. It was a bit rushed. So we just looked at the D-wall shop drawings and copied the information from there and put it here. But then, later on, I could recall more information and there should be -- actually, not "should be" but "rather", at the time, through-bar connection was done instead, so that's why we changed the quantity of the couplers. Because in the process we found there were problems so we had to reflect the on site position in the latest document. That's what we did.

Q. And we can see on this revised sheet at 8650 a reference to "additional T25 drill-in bars"; do you see that, Mr Mok? Were you responsible for putting that detail onto this document?

A. Yes, right.

Q. What information did you look at in order to be able to put that on this drawing?

A. The first thing was -- well, I mentioned this morning -- there was a TQ covering the drill-in bars detail, and at the time I was responsible for this area, I recall we did do the T25 dowel bars. That's what I said this morning, the dowel bars. So we did install the drill-in bars and that's why I included it here, just to reflect that drill-in bars were installed. So that's the dowel bars I mentioned this morning, at the tremie location.

Page 81

Q. Right, as a consequence of a TQ?
A. Yes. It's based on the TQ, and from what I did on site at the time.
MR PENNICOTT: All right. Thank you very much, Mr Mok. I'm sorry I've gone on a bit longer. At least I've finished.
CHAIRMAN: That's all right. Yes.
MR PENNICOTT: I suppose we can break for lunch.
CHAIRMAN: Yes, certainly.
Mr Mok, we are going to break for lunch now. You haven't completed your evidence yet, so you are not permitted to discuss any aspect of your evidence with anybody while you are still in the witness box, so to speak. Do you understand?
WITNESS: (In English) Yes.
CHAIRMAN: Only when you have completed your evidence fully can you then, if you wish, discuss it with other people.
WITNESS: (In English) Okay.
CHAIRMAN: So we will return at --
MR PENNICOTT: 20 past?
CHAIRMAN: -- 2.20. Thank you.
(1.10 pm)
(The luncheon adjournment)
(2.22 pm)
Questioning by THE COMMISSIONERS

Page 82

CHAIRMAN: I'm sorry, just before we move on, I have a question or two, if I may. Thank you very much.
Could we go to that photograph which I think is D228, the notorious one that shows somebody cutting a bar.
If you have a look at that photograph, Mr Jason Poon said that he took that photograph, and he said -- that was his evidence, that he took that photograph because it showed a somebody cutting the thread at the end of a rebar.
I appreciate it's very difficult because a photograph is simply an instant in history, it's not extended like a video, but would you agree that it looks as if the thread is going to be shortened or cut in some way?
A. Agree.
CHAIRMAN: And, to your knowledge, would there be any reason why that would be done legitimately?
A. No reason that it could be done legitimately, and that is to cut a threaded section of a rebar.
CHAIRMAN: Yes. It's just that if you then take the photograph out of its zoom and put it at wide angle insofar as you can -- there we are -- what that photograph seems to show is that this worker is actually crouched on the open matting, or the mat, of the

Page 83

reinforced steel bars; do you see that? In other words, he does not appear to be hiding from anybody. Or, put another way, it appears to be an act which he is doing openly. Would you accept that, on the appearance of the photograph?
A. Yes, as it appears on the photograph, it appears to be the case.
CHAIRMAN: It's just that it struck me, as a basis for a question, that you speak quite properly of there being a number of legitimate reasons why cutters would be used to actually trim reinforced bars; right? For example, there's a photograph which you looked at which showed a rebar protruding vertically and you would want to cut that so that the concrete pour, you wouldn't have this bar sticking out of the concrete. You've also spoken about other reasons, for example, trying to -- or ensuring that a manhole was properly fashioned.
And it seems to me, therefore, that on a fairly busy building site such as this, it might be quite easy to just undertake this type of trimming of rebar threads without anybody paying particular attention, because it was not uncommon to see people cutting reinforced bars and things of that kind. I may be wrong; I'm seeking your comment.
A. Previously, as I mentioned, before they began each

Page 84

layer, they would make the coupler connection first, for the connection. And that's right, chairman, you mentioned that in such a complicated area -- with slight differences among the different bays, and as I mentioned before on and off we would see Fang Sheung working with this machine, but it depends on the circumstances and the time. Say, if they were making the connections, they shouldn't be using this equipment, because when they made the coupler connections, all the workers should be doing the same thing at the same time.
So, as far as we could see, they should be all squatting, doing this motion of screwing couplers, instead of screwing couplers and went away and then coming back to do some more.
CHAIRMAN: In fact, if you look at another photograph, which is either the one before or the one after, you will see two men -- not that one, no.
MR PENNICOTT: 232.
CHAIRMAN: There we go. If we can turn it.
Now, on the left-hand side of this photograph, there's a yellow pipe, and in fact that yellow pipe is behind the man you have just seen cutting the threads, and when one ties that in with the fact that the two photographs were taken within a matter of a couple of seconds of each other, it tends to suggest that this man

Page 85

was cutting the threads off a rebar while very close behind him other workers were actually threading rebars.

So it tends to show that in fact there wasn't, as you suggested -- this is not a criticism -- this entirely concerted set of actions, that what we appear to have here is two men threading the rebars in and one man perhaps trimming the threads off. Would you agree that that may be the case?

A. As far as I could see, this photo together with the previous one, on the right-hand side this man in long sleeves should be the same worker, and he was --

CHAIRMAN: The same worker?

A. (In English) Should be.

CHAIRMAN: Okay. That makes it even worse, actually, because what you're suggesting is that he's trimmed the thread off and then he's taken the rebar across and he's now putting it in.

COMMISSIONER HANSFORD: Would the time have allowed that? What's the time difference in those two photos?

MR PENNICOTT: A minute.

CHAIRMAN: A minute. Yes, might have done. All right.

So I think this is the problem that I face and where I need your assistance here. It seems to us, at the moment, subject to everything that may be said, including your evidence, that in fact, if you really

Page 86

wanted to cut the thread off a rebar, on this particular busy site, if you were pushed for time or you wanted to take a short-cut, or for any number of reasons why people would do this kind of thing, you could actually do it and probably get away with it, although there would obviously be a risk.

A. Yes, it is possible, but I think that this would rarely happen. As far as I personally could see, I would have definitely stopped him.

CHAIRMAN: Yes. Of course, I'm not suggesting that because it seemed to happen once, that by logical deduction it must have happened all the time. The two do not link together at all, I appreciate that.

But thank you very much. You've been of great assistance, thank you.

Sorry, one further question that falls from that. You were -- and this is said without any disrespect -- but you were a fairly junior engineer on site, and I can appreciate that it's not for you, as a junior engineer, to assume the role of a senior and much more experienced engineer, and you've already said that you yourself didn't ask the foreman of Fang Sheung why it was that these people were cutting the rebars because they had now done it on three different occasions with eight rebars. But, to your knowledge, was there any enquiry

Page 87

made by other senior engineers of Leightons, who told you what the result was and told you what to look out for or anything like that?

A. Well, at that time, there wasn't, but as I mentioned before, after all, it was quite busy at the time, and my view was that instead of finding fault we should find ways to prevent such things from happening again.

CHAIRMAN: No, I appreciate that, and I don't want to labour the point too much, but, you see, perhaps as a manager -- and it's easy for me to sit here; I don't have to work as you do, I don't have to have all the trials and tribulations and everything else and trying to manage lots of people -- but I had already seen two instances where this happened, I've now seen an instance where it's happened five times, all in one little go. That's quite a thing to do. They haven't taken one, they've taken a whole little picnic basket of it, haven't they, and cut them all, and got away with it, almost. I would be thinking to myself: why are they doing this? We've got to find some way to stop it. Not by simply saying, "Don't do it again", and it's a backward-looking thing, it's a historical thing too, because if you've caught them now five times doing it, how many more times have they done it without you seeing it? And unless you know why they may be tempted to do

Page 88

it, you can really gain no intelligence as to whether perhaps they have been doing it more than you have noticed.

Would you agree with that?

A. Yes. But let me elaborate.

CHAIRMAN: Yes, of course.

A. It's not the case that we did nothing at all. In fact, after the incident was revealed, each time before the site was handed over to Fang Sheung, the couplers' condition would be checked. So perhaps initially, from Leighton's perspective, we perhaps did not check each and every one in such meticulous detail. But after the first or even the second incident happened, and as far as I was concerned, I would do it in a very precise manner. I would not just conduct visual inspection. Because if you only look with the naked eye, you need to be very careful to look at the details.

Let me give you one example. Say, for a coupler, you might have observed that there was no debris, no concrete residue inside, but once you saw Fang Sheung did the trimming, of course there would be some problem, so you would look in greater detail whether there was a dent or some sort of a scratch on one of the threads on the coupler.

So, at first glance, you may find that it was all

Page 89

right, but that was without very detailed check. So, for these few numbers of couplers, we would check in greater detail.

My view is that Fang Sheung had to cut the threads to complete the work, because of course there was a problem. If the couplers could be screwed in very smoothly, there would not have been any need to cut the threads. So that was before we handed over the site to Fang Sheung, we would make sure that the condition was all right, to make sure that the coupler problem would not occur again.

CHAIRMAN: All right. So you did this after the discovery of these cut rebars?

A. (In English) Yes.

CHAIRMAN: This is not a critical question, and you checked the reinforced bars afterwards, to -- you did so on a sample basis, I take it? So you wouldn't go and turn every single rebar and take it out. You might as well have then done the whole thing yourself. I mean, is it correct that once you realised that you had a potential problem, you did check the rebars to make sure they were properly installed into the couplers, but you would have done so on a sample basis?

A. After the third incident with the NCR, we conducted sampling. We conducted random sampling at that time.

Page 90

So we chose a few rebars randomly and unscrewed them and checked their conditions. As to why we did not do the same on other occasions, as I said, before the coupler connections were made, I checked the conditions of the threaded bars ahead of installation.

CHAIRMAN: Good. Just one final question. As far as the commencement of checking is concerned, the type of checking you've just referred to, this was after the discovery of the five cut rebars, and that would have been late in 2015? I'm trying to remember the date.

MR PENNICOTT: 15 December.

CHAIRMAN: 15 December. So, just so that we have the chronology right, it would be correct then that, to your knowledge, sampling inspections took place after 15 December 2015?

A. We did not conduct sampling checks after that date.

Let me put it this way. Random sampling checks were only conducted on 15 December but not after.

CHAIRMAN: Why was that? Because you had a problem? I mean, it's like if you know they're stealing hub caps from your car factory, you can go and say, "Don't steal any more hub caps", but you're going to go and check the stock inventory, not just once but several times?

A. Yes, but as I've said before, if I saw that before installation the rebars were not cut, I would stand back

Page 91

a little bit and watch the screwing of couplers, and if rebars were not cut, at that time, I would have convinced myself that the coupler connections were not made after the threads were cut. So that is how I convinced myself.

CHAIRMAN: All right. Thank you. And there would have been quite a bit of concrete already poured, am I right, by 15 December 2015? I don't expect you to remember how many bays had been poured, but there would have been a fair amount?

A. Yes.

CHAIRMAN: Thank you very much for your help.

MR PENNICOTT: Sir, I have finished my questioning. I don't know who else has some questions for Mr Mok.

MR TO: China Technology does not have any questions.

CHAIRMAN: Thank you.

Cross-examination by MR KHAW

MR KHAW: Just a few questions. Mr Mok, I am acting for the government. In light of the detailed discussion that Mr Pennicott had with you, I only have a few questions for you.

You just told us, in response to Mr Chairman's question in relation to the sample check which was done after the third bar cutting incident -- do you remember that?

Page 92

A. After I knew about the third incident of cut rebars, there was -- I was at the site when the rectification works were conducted, and myself and the inspector were there and we had some time. That's why we asked the workers to conduct random sampling checks, but the checks were not done after the incident. We had time at that time to conduct the checks. That is why we performed them.

Q. So the sampling check was actually conducted during the course of the rectification works being carried out by the workers for the third incident; right?

A. Yes, correct.

Q. Do you recall who initiated or raised the idea of doing the sample check? Is it your own idea or is it your superior's idea?

A. Probably the MTRC's inspector of works.

Q. So, as far as you understand the situation, nobody from Leighton ever discussed with you regarding the need to carry out any sampling check; is that right?

A. No one raised that idea of a sampling check. We merely followed our normal procedures.

Q. I would like to just bring your memory back to the first bar cutting incident that you discovered in 2015. Now, at that time, you were doing inspection with MTR inspector?

Page 93

A. From my recollection, I was with the MTRC's engineer.
Q. Do you remember who first identified the problem, you or the MTR engineer?
A. I can't remember who identified the problem first. Every time during inspection we would patrol the areas and they might have discovered the issue and then we would look at them. We did not specifically recall who found out about the problem first.
Q. The problem was identified when somebody found out that there was a gap between the threaded rebar and the coupler; is that correct?
A. Yes, correct.
Q. And after this incident, you said in your witness statement that you then tried your best to check whether other coupler installations were properly done or not. Do you remember that?
A. Yes.
Q. So, at the time when you are trying to check whether the other coupler installations were properly done or not, did you pay particular attention to whether there was any further gap between the threaded rebar and the coupler?
A. Of course we would pay more attention to that, but at the end we would follow our normal procedures.
Q. Would you agree that at that time, if you did not carry

Page 94

out any further checks, for example sample check, by unscrewing the threaded rebar from the installation point, from the connection point, it would be impossible to exclude the possibility that there would be other threaded rebars having been cut? Would you agree?
A. Yes, there is such a possibility.
Q. After the third incident, you told us about the sample check which was probably initiated by MTR, et cetera. Did anyone from Leighton make any decision or ever discuss with you as to whether further steps should be taken to tighten the inspection process?
A. The process was not further enhanced. But as I said, I spent more time looking at the coupler connections.
Q. Thank you. Perhaps one final question regarding the third bar cutting incident. If we can take a look at C27. First of all, if we can have a look at 20227, which is a photograph showing the bar cutting machine.
A. Yes.
Q. Yes. Now, in relation to the third bar cutting incident, were you ever told as to why a photograph of this machine was taken?
A. This photograph was attached, and as far as trimming was concerned, the bars were probably trimmed with this machine. If a torch was used, it would probably leave a black mark. So I feel that the photo was attached

Page 95

because this machine was deployed at that time.
COMMISSIONER HANSFORD: Sorry, I don't understand the answer. This photograph was attached to what?
A. I suppose, in my recollection, in the NCR.
COMMISSIONER HANSFORD: And you say, "If a torch was used, it would probably leave a black mark." What does that mean?
A. Because the NCR showed that threaded sections of rebars were cut, and then from the way the bars were cut we can exclude the possibility. I mean, if we looked at the cut end, the torch would not have been used. It was probably used by such a machine, and that is why this photograph was attached to the NCR, showing that this machine was used for the purpose.
COMMISSIONER HANSFORD: Okay. And what do you mean by a torch?
A. Because for bar cutting involving temporary works, or perhaps sometimes for safety reasons at the site, with bars protruding, it was possible that an oxyacetylene torch should be used for cutting, but such a torch could not be used here.
COMMISSIONER HANSFORD: Now I understand. You are talking here about a cutting oxyacetylene torch, whereas elsewhere you are talking about a torch that you point to look at things.

Page 96

A. (In English) Yes.
COMMISSIONER HANSFORD: I was getting confused about the two uses of the word "torch" but now I understand. Thank you.
MR KHAW: You just told us that from your understanding, this machine was more likely to be the machine used for the bar cutting incident.
A. Right.
Q. Did anyone actually confirm with you or did you hear from anybody that this machine was identified to be the machine that was actually used for the bar cutting incident?
A. Nobody told me.
Q. Were you ever able to identify who was the worker or who were the workers who were actually responsible for cutting the threaded rebar in relation to the third incident?
A. No.
Q. You told us before lunch this morning that you yourself were not aware of the actual reason for the bar cutting incident, but you thought that it happened possibly because the workers had experienced difficulties in trying to screw in the threaded rebars; do you remember that?
A. Yes, correct.

Page 97

Q. While you were working on the site, did you ever hear from anybody -- either a worker, your colleague or other sub-contractors -- that the bar fixing workers or any worker actually experienced difficulty in trying to screw in the threaded rebar for coupler installation?
A. In fact, yes. Joe Cheung from Fang Sheung, most of the time he would approach the frontline staff to resolve the issue, because if there was a faulty coupler requiring replacement the direct labourer of our frontline staff would be approached. In case the supervisor or the foreman could not be contacted, he did ring me, telling me that in a certain area certain numbers of couplers so and so, and he would do that via WhatsApp and then he would say that "in that area several couplers need replacement and you'd better do that as quickly as possible." Yes, it happened.
Q. When you talk about the incidents where Joe Cheung of Fang Sheung actually informed you or somebody in Leighton in relation to the problems encountered in coupler installations, were those problems actually caused by the design of the coupler or were they caused by anything else?
A. Let me put it this way. The design ideally should be that it should be done layer after layer, but after completing the D-wall, when we exposed the coupler by

Page 98

breaking the concrete up, the situation may not be as ideal. There might be slight misalignment instead of perfect layering, leading to these problems.
Q. So, according to your recollection, all the problems regarding coupler installation that Joe Cheung actually discussed with you related to the alignments of the couplers after the couplers were exposed?
A. Apart from misalignment, there were circumstances in which visually he was of the view that the couplers might be rusty or might be scratched. He would ask us to replace it in advance, because right before we handed over the site to him, he would personally check the site before he asked his workers to start screwing them in, and when he found problems by visual checks he would ask us to replace them.
Perhaps that had never happened before, but if he thought that there would be a problem he would ask us to replace them.
Q. If we can take a look at the same bundle, C27, C20234. There were some pictures which were apparently taken at the time when the rectification works were carried out. Were you there at that time?
A. Yes.
Q. Did anyone take any photograph which actually shows the condition after all the rectification works had been

Page 99

done? Because here we cannot find any of these pictures.
A. No, because in each bay, for properly done couplers, if you took a close shot, regardless of the area in which it was taken, they would look pretty much the same. We did not taking pictures of those properly installed couplers because it wasn't necessary.
Q. I would like to just further explore a bit with you in relation to some of the records that Mr Pennicott showed you before lunch.
If we can go back to the record that Mr Pennicott -- or one of the records that Mr Pennicott showed you. It's at C13/8648. Do you remember this one we saw this morning?
A. Yes.
Q. If I can -- now, this record in fact shows "C1-1 (East)", and then there are three --
A. (In English) Drawings.
Q. -- bays in question, EH75, EH74 and EH73; do you see that?
A. Yes.
Q. Perhaps I will just for the purpose of illustration take you to see another similar record. If we can go to G12/9883.
This is, I'm sure you would be able to tell us,

Page 100

a similar record to the one we've just seen, but it shows a different area, "C3-3 (East)", and then there are four bays involved; do you see that?
A. Yes, correct.
Q. You told us this morning that you were asked to supply information regarding the box at the top of this particular document, ie the box on top of the table which has "Item", "Description", et cetera. So you are responsible for the diagrams regarding the four bays; right?
A. Correct, yes, and also those entries in the boxes, and the drawing reference.
Q. And the drawing references?
A. Yes.
Q. Then we also see some numbers in this particular box, under "EWL slab", you see T1, this particular number, 59T40. I think those are the numbers in relation to the number of couplers in relation to a particular model, say 59 -- T1: 59T40, does it mean 50 couplers of T40 -- 59 couplers of T40?
A. That's right. Yes, for the T1 layer, if you look at these four bays and the drawings, you will see the black dots. Altogether, there should be 59. That's why, for T1 layer, there should be 59 T40 connections.
Q. If we can let this particular document stay on the

Page 101

screen for the time being, and if we can take a look at another document, H14/35067.

Yes, we will see whether we can put this side by side together with the last document that we have just seen.

If we take a look at 35067, you can take it from me that this is one of the inspection records that the officer of a government department, the Highways Department, were shown at a visit to the MTR office on 6 June this year.

A. (In English) Okay.

Q. You can take it from me that this was shown, and in fact that is why they managed to take a photograph of this particular record.

A. Mmm.

Q. Now, if we can blow up the one on the right a bit, we can see that this also relates to the same bays: EH106, 105, 104 and 103; do you see that?

A. Yes.

Q. And this is also in relation to the same area, "C3-3 (East)"; do you see that?

A. Yes, correct.

Q. One obvious difference between the two, as we can see, is that the heading or the title of these two documents was different, because the one we saw previously is

Page 102

called "As-built for on-site assembly of EWL slab wall", et cetera, and the one on the right is entitled simply, "Checklist for on-site assembly of EWL slab to D-wall/slab couplers".

Do you see that?

A. Yes.

Q. First of all, I would like to just see whether you have any recollection of this. You told us this morning that you were given this document by Guntung; do you remember that?

A. Yes, the design team gave me.

Q. Do you recall which particular version were you provided with?

A. I don't know what version it was. To me, it would be the same anyway, so I did not pay particular attention.

Q. Obviously, you can't tell us why there was such a difference; right?

A. Correct. I do not know the reason.

Q. You can also take it from me we have checked the other contents of these two documents and they are basically the same.

When you were given either one of these two documents by Guntung, you were obviously aware of the fact that you were asked to provide information regarding the four bays; is that correct?

Page 103

A. They did not precisely point out EH105, EH106, et cetera, but the instruction I received at that time -- well, taking this example, it was C3-3 slab. In other words, I have to advise the number of connections to the east and west of the bay. No specific bay was mentioned.

Q. So, when you were given this particular document, whichever one you are referring to -- for example, if we look at the title of the document on the right, "Interfacing structure: EH106, E105, EM104, EH103", were these particulars already filled in when you were given this particular document?

A. No. Perhaps I did not explain the issue clearly before. My main input was the part in the middle, and the line "Interfacing structure" already existed, but I would fill in the numbers.

The format was already set but there were some blanks.

Q. Apparently there was quite a large volume of similar documents that were provided to you so that you could fill in the details regarding different bays; is that right?

A. I was responsible for the work. I was responsible for the area C of EWL myself and Andy had input in the matter.

Page 104

Q. If we can scroll down both documents a bit. Further down. Maybe move each document to the right a bit. The same for the one on the left. Yes.

We can see that they all relate to one particular date, 19 December 2015; you can see that?

A. Yes.

Q. This was not put in by you; correct?

A. Correct. I did not add such information.

Q. You also told us this morning that you were not responsible for filling in the information regarding this particular table, ie the table consisting of different rows, different bar numbers, regarding bottom bars and top bars; you were not responsible for filling in the information, by putting a circle "S"? It was not done by you; right?

A. Precisely the information on the bars and rows were within my responsibility, because it was only a summary of the numbers before them. I typed the information, in other words all the handwritten information was not filled by myself.

Q. I take it, for example, that the boxes, say with "S/NS", these were provided at the time when you were given this particular document; correct?

A. Yes. The "S/NS" was already provided, but nothing was circled at that time.

Page 105

Q. Do you know who actually put down the circle for "S", for example, in the various boxes?
A. I do not know.
Q. Would you agree that perhaps only you and Man Sze Ho would be in a position to fill in these boxes by putting down a circle for "S" or "NS"? Would you agree?
A. You can put it that way, but in my opinion, if certain words were to be circled, it must be done contemporaneously at that time.
Q. But would you agree that the "S" or "NS" could only be put by those people who actually carried out the inspection?
A. Yes, I agree.
Q. And the people who actually carried out the inspection would be you and Man Sze Ho; is that right?
A. Yes, for EWL slab area C. For other areas, other engineers would be responsible.
COMMISSIONER HANSFORD: Before we leave this page, if you are about to move on -- Mr Mok --
A. (In English) Yes.
COMMISSIONER HANSFORD: -- I can see, if I look at the right-hand side of this screen, within the box that you completed, I can see a manuscript, "Plus 10T25 additional" or something. Firstly, do you know what that means, and secondly did you complete that?

Page 106

A. I did not add that information, but having read the document, I see that it was referring to the T25 bars or post-drill drills. It referred to the T25 post-drill bars.
COMMISSIONER HANSFORD: How would anyone know that? How would anyone know that 10 T25s were added? Where would that information have been obtained?
A. As I said before, it was based on the TQ -- Atkins; for every tremie position, there must be two T25 post-drill bars, and I added this based on such information.
COMMISSIONER HANSFORD: Sorry, you added this?
A. I did not write these words.
COMMISSIONER HANSFORD: Okay. I think I'm still unclear as to where the information was derived, but maybe I'll wait and that will emerge a little bit later.
Mr Pennicott is shaking his head so perhaps it won't.
Do you know how that information that on B3, the 59 T40s, there was 10 T25s added -- do you know where this information could be obtained?
A. Let me first of all talk about "59T40". It was based on the diagram. Of the four bays, and when we look at the B3 layer we counted the number of couplers, and together with all four bays there were 59 couplers.
As for "Plus 10T25", it was not my writing and I did not write that, but as far as I know, at tremie

Page 107

locations there were confirmed designs to add the T25 post-drill bars. So that is my deduction.
So I deduced that someone added the information.
COMMISSIONER HANSFORD: Right. Okay.
MR KHAW: If we can just move both documents slightly to the left, I would like to see this table. Yes.
The first item, "Couplers fully screwed & fitted" -- so assuming that you were asked to put "S" or "NS" for this particular item, you could only do it on the basis of your memory as to what you saw two or three years ago; is that right?
A. Yes, if you ask me now, yes.
Q. Perhaps a follow-up question on this. You told us this morning that -- in relation to the diaphragm wall, we all know that there are detailed checklists in relation to a particular rebar in a particular area, but for platform slabs we do not have that kind of detailed checklist. We all accept that.
A. Yes.
Q. And you told us that insofar as records regarding coupler installations are concerned, for the slabs you would be relying first on the RISC form and secondly the concrete in situ form; do you remember?
A. Yes. To be more specific, for the RISC form, there were two forms, one for rebar fixing, and there was one

Page 108

procedural checklist.
Q. Regarding the RISC form -- well, we know that the purpose of the RISC form is to inform MTR that inspection by Leighton had been done for a particular kind of works, so that MTR could start inspection; right?
A. Correct.
Q. And presumably, in order to fill in the RISC form in relation to a general statement that inspection had been done by Leighton, you also had to rely on your own memory as to what you saw and inspected at the material time; is that correct?
A. Let me put it this way. The RISC form carries this purpose, and that is to arrange for an inspection with the MTR, and it was possible that when I issued the RISC form that day the works had not yet been completed. I may estimate that it would take another half-day to complete the works but I would prepare the form in advance.
So, to be precise, by the time I submitted the form, whether works had been totally completed and inspection had been done, that might not be the case. I just predicted that the following day the work would have been completed.
Q. But as far as the work that you in fact had inspected,

Page 109

and then you put on the RISC form that things were inspected, then obviously that would depend on your recollection as to what had been inspected; is that correct?
A. Correct. At the time when I submitted the form, the works might not have been completed. Perhaps it was the following day. Before the MTRC received it, I would check again to see if the condition was okay before I would ring the MTR representative to come to the site.
Q. Perhaps the last issue that I wish to explore with you is the design change that you mentioned briefly this morning.
You told us that in relation to design change, the information that you gathered was from some verbal instructions regarding the technical queries; do you remember that?
A. Yes, correct.
Q. So, at the time when works were carried out in accordance with the design change, you were never given any particular drawings on site; is that correct?
A. Correct. But it was based on the information combined with that drawing, yes.
Q. Am I correct to say that without the drawings, you were unable to have the exact specifications in relation to the design change, for example the particular location

Page 110

for installation of through-bars, et cetera; would you agree?
A. Because if you are talking about that drawing, I think it's a working drawing. It was combined with the verbal confirmation I received, and the difference between the two was just that two couplers were missing. Well, in the original drawing, the near face and far face of the D-wall would have coupler connections. Then I got the information that with that through-bar, there would not be couplers on both ends. So, in terms of what I saw on site, the difference was the missing couplers. In terms of the bar size and spacing, they were the same.
Q. But on the site, when the works were being carried out in relation to that particular design change, you were not even given any working drawing; is that right?
A. At the time, there were sketches, but, right, no working drawing.
Q. If we can then take a look at document C15/10250. You can take it from me that this shows a revised record in relation to the same area, as specified in the other two records that we have just seen, also "C3-3 (East)" and the four bays.
If we take a look at the additional T25 drill-in bars in red colour -- do you see that?
A. Yes.

Page 111

Q. Can I take it that this was put in by you, or by anyone else?
A. I suppose it was by me, but at the time Andy Ip and myself also took part in looking up the summary. So it could be either him or me.
Q. So particular piece of information was based on the drawings that you saw at that time?
A. In fact, it was based on the TQ issued. Well, technical queries were issued, and according to Atkins, additional T25 drill-in bars were needed at that location. As for whether it was stated in the original drawing, I am not sure. But as a backup document it was suggested that bars should be added there.
Q. So, when you put in this piece of information, whether such information is actually consistent with the drawings, with the final design drawings, or not, you couldn't be sure; right?
A. Can you repeat the question?
Q. So, when you put in this information for this revised record, ie additional T25 drill-in bars, and then I think you also put down some markings there, when you provided this piece of information you could not be sure as to whether this piece of information is actually -- first of all, you could not be sure whether this was something which was actually done; would that be right?

Page 112

A. In my recollection, it was done, because it was under -- for the areas that I was responsible for, it was done.
Q. Okay. You could not be sure as to whether this piece of information is consistent with the final drawings?
A. That's right. If we look at the drawing at the time, I can't be sure whether this information could be located. But then there was the technical queries which mentioned this in its reply, yes.
Q. According to the inspection and test plan, would you agree that you are required to check the working drawings for the inspection of rebar fixing?
A. Yes, yes, I had to.
However, I would like to add -- perhaps before the lunch break I did mention the working drawing having some minor ad hoc issues on a case-by-case basis, and in such a situation the main contractor would raise a TQ for Atkins, and according to Atkins, we would prepare the working drawing according to the reply and then it would be combined with the TQ to facilitate understanding so as to know what to do on site.
Q. But when you provided this particular piece of information for this revised record, at that time you agree with me that you were not given any final drawings of the change in design; is that right?
A. That's right. Only the TQ and the reply.

Page 113

Q. And you were not aware of whether or what drawings had been submitted for acceptance or approval; would that be correct?
MR SHIEH: For acceptance or approval by whom?
MR KHAW: By the government.
A. According to my understanding, we needed MTR's approval and that would suffice. Whether there was any onward submission to the government, I'm not sure. At the time, we asked MTR, and the MTR said "okay" and then we proceeded.
Q. But were you actually aware of what drawings were approved by the MTR?
A. According to the understanding at the time, all the working drawings were approved. As for the exact condition and the exact approval status of the drawing, I'm really not sure.
Q. So if I can ask you to take a look at your first witness statement, the last paragraph, C8118:
"In my personal opinion, the EWL slab and NSL slab are safe and properly constructed base on agreed or approved drawings and methods."
Is it fair to say that this sentence may not be entirely correct because you don't really know the status of the approved or agreed drawings?
A. Well, I put down "agreed or approved drawings" here,

Page 114

I was referring to working drawings. According to the contractor's understanding, as for agreed drawings, whenever we make changes or when we carry out rectification or remedial works, we would discuss with the MTRCL, and probably we would discuss with the inspector or the engineer as to what the next step should be.
So as for agreed or approved drawings, we meant that on and off there would be a lot of happenings at the site and at the particular location there could be a hiccup, and then we would agree with the MTRCL on a particular matter to proceed.
MR KHAW: I have no further questions.
MR BOULDING: No questions from MTR, sir.
CHAIRMAN: Thank you very much.
MS CHONG: No questions from Fang Sheung.
MR PENNICOTT: Sir, before Mr Shieh re-examines, if he does, could I just prevail upon the Secretariat to put up one document on the screen for me to check, because I don't have all the hard copies here.
Could you please put up C15/10248. I just want to double-check that that's the same document that Mr Khaw took us to at G12/9883, and it certainly looks as though it is the same document, which is fine. Yes.
Thank you very much.

Page 115

CHAIRMAN: Thank you.
Re-examination by MR SHIEH
MR SHIEH: Mr Mok, a few questions in re-examination.
First of all, it all relates to certain questions asked of you this morning, and we don't have the hard copy or the finalised transcript so have we have to look at -- I don't know whether or not the transcript for this morning can be shown on the screen. It cannot? Oh, dear. That's fine.
Can I just read out from what I can see from my own screen.
This morning and for the record, it is somewhere at page 46, line 8. I will just read it into the record, because there I think Mr Chairman was asking:
"... if the very first thing you do, once you start a layer, is you get your long reinforced bar, you go to the coupler and you insert the coupler -- is that the opening work that is done?
Then you answered:
"Well, for the bottom mat, there might be four layers, say for example. They would start off with the first layer. To begin with, they would use threaded bars for the middle section and scatter them in the middle. The rebar fixers would screw on all the coupler connections first. So there would be a period of time

Page 116

when they would squat down to screw on the coupler connections ..."
Then you went on to talk about the lap bars. It's quite a long passage; I hope it's been translated. Do you follow that?
A. (In English) Yes.
Q. This is what you said this morning.
A. (In English) Yes.
Q. Right. You mentioned this image of using threaded bars and scatter them in the middle. I don't know whether it's something to do with the translation or what. Can you just describe this image, this scene, of threaded bars being scattered in the middle: are they just scattered randomly or are you saying they were placed in a particular way, or what? Can you just explain to us step by step how these bars are placed and how people then go about fixing them, because I think that's what the chairman wanted to know, the precise sequence of events leading to people commencing the screwing in.
A. For each bay, from the first layer of the bottom mat -- well, we are looking at a very spacious area with no rebars. Then we would use a crane and we would transport threaded rebars with different lengths of threads. We would transport these threads to the middle of the bay.

Page 117

Q. Slow down a bit, let me translate it. Yes, go on.
A. So, after the threads are taken to the bay -- well, since they are placed in the middle, the coupler connections might be scattered on both sides.
Q. Pause. When you say "the coupler connections", you mean the threads?
A. I was referring to the left-in couplers, the couplers on the D-wall.
Q. Okay. The actual couplers?
A. (In English) Yes.
(Via interpreter) The steel fixers would then go to the area in the middle and retrieve suitable threaded bars, and then they would go to the area where the threads are screwed in. They would start off with coupler connections; in other words, they would screw in all the threads before they work on the lap bars.
Q. Right. So the reinforcement bars of different lengths would be lowered by some kind of a crane onto that open area and laid out?
A. Yes.
Q. Would you seeing that process during your routine patrolling duties?
A. I would see them but I might not witness the process every single time.
Q. All right. Good. During that process, would you be

Page 118

able to see the state of the threaded ends of the rebars?
A. Yes. I can see the conditions of the threads.
Q. Now, next --
COMMISSIONER HANSFORD: Sorry, before we leave it, just so that I can fully understand -- you mentioned about bars being delivered with threads of different length. Why would there be threads of different length?
A. No.
(In English) Different lengths of the threads but the bar itself.
(Via interpreter) More specifically, the drawings required staggered lengths, so the threads were of the same length but the rebars were not.
COMMISSIONER HANSFORD: Right.
A. (In English) Just to facilitate staggered lapping.
COMMISSIONER HANSFORD: I understand. So the threads are the same length but the lengths of the bars vary?
A. (Nodded head).
COMMISSIONER HANSFORD: I understand. Thank you.
MR SHIEH: I am going to read out something again from the transcript this morning, around about [draft] page 63, line 20. In fact, it starts at [draft] page 63, line 3.
You said -- and this was after Mr Pennicott had asked you, after the second incident where you had noticed

Page 119

threaded ends being cut, you were asked whether you thought you had to find out or investigate what Fang Sheung or someone else was doing, and your answer at [draft] page 63, line 3, was:
"At that time, well, when the second incident occurred, it was after the first incident that the second happened, I called Joe Cheung, a supervisor of Fang Sheung. On the second occasion, I would say that I used a stronger tone, because the first occasion might be an isolated incident, but for the second occasion I would need to find out what happened.
As to what I had done, well, when you were at the scene and there were about eight or ten rebar fixers, and if I asked who cut the rebar, I believe that no one would admit to it. After I had found the first incident, I would spend more time and effort to find out whether there were any signs or any information about screwing in the rebar into the coupler.
Just before the break, we were talking about for each layer work would start with coupler connection. The threaded bars were on the ground, so we could see instantly whether any threaded bars would have been cut off, and at that time we saw none of such [findings]."
I pause here and wait until it has all come out.
Now, you remember giving this answer shortly after

Page 120

the lunch break; do you remember that?
A. Yes, I remember.
Q. My question is, here you said, "The threaded bars were on the ground, so we could see instantly whether any threaded bars would have been cut off" -- can you explain what you meant by "the threaded bars were on the ground"? You also referred back to what you said in the morning, so can I just ask you to explain what you meant by "the threaded bars would be on the ground"?
A. For each layer, the works would start with the coupler connections, and a few minutes ago I explained that for the coupler connections we have to transport the threaded bars to the area in the middle, and that is why I described the scattered threaded bars in the middle.
Q. Thank you. So you were referring to the same setting before screwing in, where threaded bars were lowered onto that open area and laid out? That was the setting you were referring to in this answer?
A. Yes, correct.
Q. Finally, on this question about looking at the threaded ends, page 91, can I just read out -- it's around about [draft] line 7 of page 91, this afternoon. It's line [draft] 1 of page 91, actually. Your answer was:
"After the third incident with the NCR, we conducted sampling. We conducted random sampling at that time.

Page 121

So we chose a few rebars randomly and unscrewed them and checked their conditions. As to why we did not do the same on other occasions, as I said, before the coupler connections were made, I checked the conditions of the threaded bars ahead of installation."

This was what you said earlier, again this afternoon.

A. Yes.

Q. Just to clarify, what was the occasion, what was the setting, when you said in your evidence, before the coupler connections were made, you checked the conditions of the threaded bars ahead of installation?

A. When I perform routine inspection, I will do that. The coupler connections are not made at the same time every day, but I would make visits both in the morning and in the afternoon, so I would see the commencement of the coupler connection works and I would see the conditions of the threaded bars.

Q. Thank you. So it's not a fixed ritualistic --

A. (In English) Yes.

Q. -- occasion on one day; it's all part of an ongoing --

A. Yes.

Q. You kept mentioning "on and off process"?

A. Yes.

Q. Thank you.

Page 122

This morning you were asked a question how far would you be when you observed the workers screwing in the threaded ends onto a coupler, and you said you would be standing; remember that?

A. Yes.

Q. And the workers would be squatting?

A. Yes.

Q. So you said about 1 metre to 1.5 metres?

A. Right. Coming up quite close. Where they were working, of course I would not be physically attached to them. We would keep a distance, but it was very close.

Q. Were they screwing in with hands or were they using tools or -- I just want to have a view as to -- I want you to put the Commission in the scene, because we've heard a lot about it's not breathing down someone's neck, it's not 100 per cent. Just by way of describing it in an animated way, how it would happen, you would stand and they would squat and then were you moving or would you be standing?

A. Well, earlier I explained how it was done. When we talk about precisely how a connection was made, the bar fixer would use a threaded bar, I mean would take a threaded bar to the coupler, and then the screwing would begin, and then he would start by screwing it with his hands. Once the bar was fixed to a position, he would then use

Page 123

a wrench, lock the wrench onto the bar, and he would then use a wrench with his hands to screw it. Up to a point when it was not fully screwed in, maybe the wrench was becoming a bit difficult to use, he would then use a water pipe to connect it to the wrench so that with a bigger circumference he could continue to wrench it. Until what point would they stop? I think they would try their best to screw the whole bar in.

Q. At the distance you mentioned -- you standing, they are squatting -- did you regard there to be any impediment in your observing the way they have done it?

A. Perhaps for the final movements -- because they would not have any idea whether it had been screwed in fully, they just did their best until they could not screw it any longer, and then they would walk closer to see if it had been screwed in fully. They would just do their best. For every thread, they would use the wrench and then the water pipe.

Q. There might have been a misunderstanding as to my question. Did you regard there to be any obstruction in your ability to see what they are doing?

A. No. For them, no impediment.

COMMISSIONER HANSFORD: I'm sorry, it wasn't for them was there any impediment. The question was: was there any impediment for you to see what was happening?

Page 124

A. No.

MR SHIEH: Thank you. Now, we talked about -- you remember there was a line of questions about whom you were walking with when the incident leading to the NCR was discovered. Do you remember that?

A. Yes.

Q. And specifically I think you mentioned that apart from formal inspections with the engineers of MTR, there would also be formal inspections with inspector of works of MTR?

A. Right. But for the informal inspection, it could be inspectors together with engineers.

Q. I mean formal.

A. Formal?

Q. Formal, yes.

A. For the acceptance, we would do it with the MTR engineers.

Q. Right. But what about any occasion with the inspector of works of MTR, what kind of inspection would those be?

A. For pre-pour check, once the rebar fixing check was completed, we would skip to the hold point, that is pre-pour check. It would be done with inspector of works of MTR. The check would be done together with the inspector of MTR, and at that time they would also pay attention to the coupler connections, not just about bar

Page 125

fixing.
Q. Pause there first. It is at this juncture that I wish you to clarify certain steps and terminologies, because I could spot that there might be some difficulties with the terminology.
We have heard evidence that upon completion of the lower mat, there would be formal inspection, with MTR; correct? That's what you said?
A. Yes, correct.
Q. That would be with MTR engineers; correct?
A. Yes.
Q. That would be called a rebar fixing formal inspection; correct?
A. Yes, correct.
Q. Then, upon completion of the upper mat, there would be another inspection with MTR engineer; correct?
A. Yes, correct.
Q. And a RISC, R-I-S-C, form would be involved in these two rebar formal inspections; correct?
COMMISSIONER HANSFORD: Sorry, but as I understand it, it's one form for the two; is that correct?
MR SHIEH: Yes. He said ideally you can have two, but for the sake of -- there's one. Fine.
You just mentioned pre-pour, there's something called a pre-pour inspection.

Page 126

A. Yes.
Q. As a matter of timing, this pre-pour formal inspection takes place when? By reference to the rebar formal inspections that we have been talking about just now.
A. Depends on the circumstances. It could be that after inspecting the top mat, immediately afterwards this would be done. It could also be possible that it be done the following day.
Q. Thank you.
COMMISSIONER HANSFORD: Sorry, but it's always done after the reinforcement is inspected; is that correct?
A. Yes. It could happen on the same day, but definitely this would be done after the reinforcement bar inspection had been done.
COMMISSIONER HANSFORD: Yes. Yes.
MR SHIEH: Thank you. That's called a pre-pour formal inspection; right?
A. Yes.
Q. That would be done with MTR but with a different type of people from the MTR, called inspector of works; right?
A. Yes, correct.
Q. We have heard reference to this idea called a hold point, an important step in the process. I just wish you to clarify, of the types of inspections that we have just been talking about -- lower mat formal inspection,

Page 127

upper mat formal inspection, and the pre-pour formal inspection -- which of these would be what you regard to -- sorry, it's not a matter of what you regard. I'll start again.
Which of these are hold point inspections; one of them, some of them or all of them?
A. All three were hold point inspections.
Q. All three are hold points?
A. Yes.
Q. Thank you.
This morning, a question was asked about the possible need to enter or climb inside the cage for the purpose of doing inspection of rebars?
A. Yes.
Q. In that context, I think you mentioned that, oh, in fact, for inspecting the lower mat, they would in fact be inspected before the upper mat was done. Do you remember saying that?
A. Yes.
Q. But you then also mentioned that for each cage there would be manholes, either on top or at the end?
A. Yes.
Q. But you mentioned those manholes were to allow people to enter the cage for clearing the debris, for example.
A. Well, I suppose -- let me clarify. They are not

Page 128

designed for access, but because there were drainage works and there was a designated manhole at that location, we just made use of that hole, so that we could have access down there, to the bottom mat.
Q. Because you brought up this idea of a manhole, I just wish you to clarify something for the benefit of the Commission.
First of all, inside the cage -- I think we may have heard evidence before -- it's not a complete void or empty space; correct?
A. Right.
Q. In other words, beneath the upper mat and the lower mat, it's not empty space, there's stuff inside; correct?
A. That's right, mainly some shear lengths.
Q. So when somebody were to go down to that space between the upper mat and the lower mat, let's say for cleaning, it's not as if he could move around freely? He would have to manoeuvre his body a bit; correct?
A. Right, correct.
Q. In the context of inspecting the lower mat, my first question is: could people physically use the manhole to enter that space for the purpose of inspecting rebars?
A. Well, if you insist in doing it, it would be possible. But as I mentioned just now, the bar had been accepted.
Q. In your experience, did people actually utilise that

Page 129

manhole to enter that space for inspecting rebars?
A. Mostly workers from Chinat, because they were responsible for the final, that is general, cleaning. That is clearing before concrete was poured. So before pouring concrete, their workers would really go in to clear the debris, or to wash it a bit.
Q. Thank you. You gave some evidence about rectification work, and you remember a question was asked about possibly remedying a missing layer of rebars, and then there was a series of questions about how can a whole layer be missing? Do you remember that line of questions?
A. Yes.
Q. Forgetting about the details of what might have gone wrong with the rebars at the level below the top, at the layer below the top layer -- in terms of broad principle, if someone were to spot a defect not at the top level but at the level just below the top level, something has to be fixed, just briefly describe to us: do you have to dismantle the entire upper level or how would things be done, on a high level of generality? Do you have to remove every rebar on the top level before you could access the defective bar in the next level, or are there other ways to do it?
A. Let's say if there is a defect, and I'm referring to the

Page 130

top mat, say at the T2 level, that is the second layer from the top, if there is a defect regarding a particular bar that needs replacement, say if the coupler had not been screwed in fully, then within the 2 to 3 metre area the bars would have to be loosened until there is space for this bar to be taken out, because if it is to be replaced it has to be taken out. So we need to free up the space so that we can take out that defective bar and for it to be replaced by screwing it in. That is, if we take a threaded bar as an example.
Q. Just to clarify, when you say "within the 2 to 3 metre area the bars would have to be loosened", you mean the bars on the first level, on the top level, the top layer?
A. Yes. It depends on the case, but normally speaking -- perhaps I shouldn't say 2 or 3 metres. From my observation, five or six rebars within the vicinity must be either removed or hacked out. For lap bars, the wires could be loosened and then space could be freed up. We might not necessarily have to physically remove the bars.
Q. So you either remove or loosen enough bars on the top layer to make space for you to take out the defective bar in the next level? That's the way to put it;

Page 131

correct?
A. Yes, correct.
Q. Thank you.
You were shown a document at H1, page 142. You were shown this document I think in the context of discussing at what point in time would an RISC form be submitted to the MTR. Do you remember that?
A. Yes.
Q. Because you said that normally, when the bottom mat was ready or almost ready for inspection, an RISC form would be submitted to the MTR; do you remember that?
A. Yes, correct.
Q. Then this document was shown to you as an example whereby, hang on, this seemed to be very close to the pour and therefore it seemed to be around about the time when the upper mat was ready to be inspected. Do you remember that line of questioning?
A. Yes.
Q. Can you move down a little bit, because we can actually see your signature, your name and signature; yes? Do you see your name there, "Mok Edward" on the left?
A. Yes.
Q. Move up. You can see "Part C". Above "Part C", can you see some written words?
A. Yes, "Late submission".

Page 132

Q. Yes, read out the words, please. It says "Late submission".
A. (In English) Yes.
Q. Help us: what do these words "Late submission" mean in the context of this RISC form?
A. I think I have to talk about the procedures for submitting a form. For each RISC form, Leighton would -- after Leighton generates the form from our system, the form would be printed out and the printed form would be submitted or taken to the MTR Corporation, and the MTRC's administrators would have to digitalise the form in their system before their senior inspector of works would send this form to the responsible inspector of works.
Sometimes, we might submit the form one day early, but at times the administrative work would take two or three days, so there could be a time gap or delay between submission of the form and the receipt of the form from the other party. So the form might be backdated one or two days.
After the inspection the responsible inspector from the MTRC might receive it after some time, so they might label "Late submission".
Q. All right. Finally, I think at various places in your evidence you talked about Leighton's reflective vest,

Page 133

the reflective vest worn by Leighton staff.
A. Yes.
Q. Just to make sure we know what you are talking about, can you look at D1, page 227. I'm not sure whether I've got the correct picture. Did anyone in this picture where the Leighton standard vest, reflective vest?
A. Yes. The person with the red cap on the right, he was wearing Leighton's reflective vest. It was blurry but you can see Leighton's logo on the vest. For the worker who was squatting and cutting rebars, he was also Leighton's worker. He was wearing a red shirt and he was a designated banksman. That was why he was bearing that shirt or vest. Only Leighton staff would wear that vest.
MR SHIEH: Thank you. Can I just have a moment?
CHAIRMAN: Of course.
MR SHIEH: I have no further questions.
CHAIRMAN: Thank you very much, Mr Shieh.
We had a reasonably late break this afternoon, but would you like ten minutes?
MR PENNICOTT: Sir, I understood that we actually have a meeting in about five minutes' time.
CHAIRMAN: I had forgotten entirely. Thank you, yes, at what time?
MR PENNICOTT: I was told it was at 4.15.

Page 134

CHAIRMAN: That's perfect.
MR PENNICOTT: Perfect timing. I apologise to everybody else for not letting them know.
CHAIRMAN: I had forgotten. My apologies. It was mentioned this morning.
There is the question of the way forward. We are going to break on 21 December for the Christmas break. We were hoping that we would be able to finish all the factual evidence by close of business on that day. I had also indicated that we would begin sitting on Saturday. I don't wish to cause a drop in everybody's sense of humour by pushing Saturday, if in fact there's no need to do it.
So what I would ask, if I may, is if counsel are able to speak to you, Mr Pennicott, and if you come back to me and say, "Look, we may have to sit a bit later on the odd afternoon, et cetera, but we believe we can get through the factual evidence by the 21st without any Saturdays", then that's how we will proceed, because there will have been a consensus.
If, however, you've got concerns and you think you may need, say, one or two Saturdays, then that's what we will do. All right?
So I'm not passing the buck, although of course I am. I'm asking you, absolutely, if you think you can

Page 135

do it that way. I don't wish to impose a day on you which is unnecessary. It's as simple as that.
MR PENNICOTT: Sir, yes. I will obviously -- I have been talking to certain of my learned friends and I will continue to do so, and we will try to reach some view. There may be other questions that are related to that particular topic which may be forthcoming as well and I'll let you know what those questions are.
CHAIRMAN: Of course, I appreciate that.
MR PENNICOTT: That's obviously the question of where we go after 21 December, but that's a related topic but obviously needs to be addressed at some point.
CHAIRMAN: Well, a great deal of course depends not on us but on those who have given us our mandate, and that is the Chief Executive.
MR PENNICOTT: Indeed, sir, understood.
CHAIRMAN: But what we would hope to be the case would be that we could finish the factual evidence by the 21st, we would then return, I think as everybody is aware, and commence again on 9 January -- that's correct, I think? Yes.
Then we would hope to have the opinion evidence completed by 25 January, and then we would hope to have all the oral submissions made so that we can be completed by the end of January.

Page 136

COMMISSIONER HANSFORD: No, we intend to be completed by Tuesday the 29th.
CHAIRMAN: Sorry, I'm being assisted here.
COMMISSIONER HANSFORD: Consequently, we may need to move back slightly in order to get all the closing submissions by Tuesday the 29th.
MR PENNICOTT: Yes.
CHAIRMAN: We had discussed it very briefly, so that's why I was a little vague about the actual specific dates, although my learned friend wasn't. As far as that is concerned, that is at the moment of course provisional, but that's how we would like to see it.
As far as final submissions are concerned, we would be greatly assisted if you could make those in writing, and the way we would intend to proceed would be to get an indication from each counsel as to how long they think they would like, and we will ask them then to take us through their written submissions by way of a guide, without necessarily arguing each and every point, and then to argue what they consider to be their most important points.
That will do two things: (a), we will know what your most important parts are, and we will have had the benefit of oral argument, and (b) we will have had a guide as to the rest of your submissions so we know

Page 137

where to find what within the writing.
MR PENNICOTT: Yes.
CHAIRMAN: Okay?
MR PENNICOTT: Sir, I think the unknown in all of that, if I may say so -- and of course if anybody else wants to make any observations, I imagine they can -- is the likely ambit, scope and length of the opinion evidence.
CHAIRMAN: Of course.
MR PENNICOTT: Because at the moment that seems to be a little bit up in the air, for a whole host of reasons. If we resume on 9 January, that presupposes -- I imagine it presupposes -- that expert opinion evidence in writing has been submitted in order for due consideration to be given to that material, for purposes of, if anything else, cross-examination, if it be required. Then it's a question of how long that will take from 9 January.
I also would like to take some soundings from all the parties, to what extent they are proposing perhaps to put in expert evidence, and obviously then to discuss with the Commission and the parties the dates upon which that should all happen.
CHAIRMAN: Yes. We mention this -- this is aspirational on our part --
MR PENNICOTT: Absolutely.

Page 138

CHAIRMAN: -- and on a one-sided basis, in the sense that we haven't had an opportunity to receive through Mr Pennicott your own views, but hopefully at least it gives you some indication of how we anticipate, subject in all respects to what you have to say, we would like to try to see the way forward. Okay? And the dates are now there in the transcript. They are provisional, let me emphasise that again.
MR PENNICOTT: Yes.
CHAIRMAN: It's just an indication to try to help you.
MR PENNICOTT: Of course the critical date, the first critical date, is 21 December, and we need to do our very best to try to complete the factual evidence by then.
Sir, as I think you may be aware, over the break some work has been done by the Commission's legal team to try to bring about a situation where at least eight of the government witnesses will not need to be called as witnesses.
CHAIRMAN: Yes.
MR PENNICOTT: That's not, I have to say, going to save a huge amount of time, because I doubt they would have been that long in any event, but at least it's a start. We will certainly be saving some time.
CHAIRMAN: Yes.

Page 139

MR PENNICOTT: I know the government are agreeable to the proposal that's been made. I think one or two parties have indicated they have no problem with it and we are waiting to hear perhaps from two or three other parties that they are content with our proposal regarding those eight witnesses. So that's a start.
CHAIRMAN: Yes.
MR PENNICOTT: And it may be there will be others that we can indicate we don't need necessarily to cross-examine. But that's part of the story, anyway.
CHAIRMAN: Thank you. I'd also mention to counsel that obviously I haven't been deaf to indications that have been conducted in previous inquiries, for example allowing counsel a particular period of time each. The problem with that is it tilts the balance rather, because I had not put any restrictions on counsel so far. I don't know what's coming up yet. I don't know what's important. I can make estimates but I don't know fully. And to suddenly, halfway through, start imposing arbitrary time limits, I'm concerned that it may prejudice what the aim of this Inquiry is, which is to get to the truth of the matter.
MR PENNICOTT: Yes.
CHAIRMAN: So I don't intend to do that, absent there being any really good reason and absent counsel themselves

Page 140

putting it to me. All right?
MR PENNICOTT: Thank you very much. So 10 o'clock in the morning?
CHAIRMAN: Yes, please.
MR PENNICOTT: Sorry, Mr Mok --
CHAIRMAN: The witness has finished. Thank you very much. Thank you very much, Mr Mok.
(The witness was released)
(4.21 pm)
(The hearing adjourned until 10.00 am the following day)

INDEX