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<p>1 Thursday, 29 November 2018 2 (10.04 am) 3 MR BRETT CHARLES BUCKLAND (on former oath) 4 Cross-examination by MR CHOW 5 MR CHOW: Good morning, Mr Chairman. Good morning, 6 Prof Hansford. 7 I have some questions for Mr Buckland. 8 Good morning, Mr Buckland. 9 A. Good morning. 10 Q. This morning, what I intend to do is explore with you on 11 three aspects only. Before that can I get one 12 terminology clarified first? Do you recall that 13 yesterday at some point you were asked by Mr Cheuk as to 14 the meaning of "mPD"; do you recall that? 15 A. I do, yes. 16 Q. You informed the tribunal that "mPD" means metres 17 post-datum. 18 A. Yes. 19 Q. Can I just seek some clarification, because my 20 understanding of the term is slightly different. Do you 21 agree with me that "PD" actually stands for principal 22 datum? 23 A. Yes, I recognise that too. 24 Q. And it actually means the mean sea level in Hong Kong; 25 do you accept that?</p>	<p>1 for the purpose of consultation. This is the second 2 aspect I would like to explore with you. 3 Then lastly, if prior consultation is required and 4 if it was done, it was submitted, whether the Buildings 5 Department has accepted the second change. 6 So these are the three aspects that I would like to 7 explore with you. I don't reckon it is going to be 8 long. 9 In paragraph 9 of your first statement, bundle C27, 10 page 20802, at subparagraph (b) you say: 11 "The Change amounts to a modification of detail not 12 of design. It did not require BD's prior consultation 13 or acceptance ..." 14 Do you see that? 15 A. Yes. 16 Q. Just now, I briefly mentioned about the scope of the 17 second change, so can I take it that you would agree 18 with me that the change does not only involve 19 replacement of reinforcing bars connected by couplers, 20 by through-bars; it also involves trimming down of the 21 diaphragm wall? 22 A. Correct. 23 Q. Can I refer you to part of the statement of Mr Blackwood 24 from Atkins, at bundle J1, page 75. 25 In paragraph 99, Mr Blackwood said:</p>
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<p>1 A. Yes, I understood that to be the case. 2 Q. So all this is about relative latitude, or the levels at 3 various points in Hong Kong. So if we say 3 metres mPD, 4 what we are saying is really that particular point is 5 3 metres above the mean sea level in Hong Kong? 6 A. Yes, correct. 7 Q. Thank you. 8 Now, I mentioned the three aspects. Yesterday, 9 Mr Cheuk has taken you to the details as to the 10 evolution of different design reports over time, and 11 I have no intention to take you to those details today. 12 The three aspects I would like to investigate with you, 13 as far as the government is concerned, is whether prior 14 consultation with the Buildings Department is required 15 in relation to the second change, if I may adopt the 16 same terminology used by Mr Cheuk yesterday. 17 The second change concerned trimming down the top of 18 the east diaphragm wall and providing full tension laps 19 for the horizontal reinforcement from the slab; correct? 20 A. Yes. 21 Q. So this is what I am going to refer to as the second 22 change. 23 The second aspect I would like to explore with you 24 would be, if prior consultation is required, whether 25 Leighton, through MTR, has made the required submission</p>	<p>1 "Typically, the process on site to address such 2 changed details would be dealt with by TQ or CSF. This 3 could then have been reviewed and assessed and 4 a decision taken on whether it was minor and form part 5 of the final amendment submission or a separate 6 submission had to be made to BD. In either case a DAMS 7 or revised working drawing can be issued. The issue in 8 this case is further complicated by the change to the 9 D-wall which would require an amendment submission." 10 Do you see that? 11 A. Yes. 12 Q. Now, this is the position taken by Atkins, engaged by 13 Leighton. Can I take it that you would not disagree 14 with what Mr Blackwood said in this paragraph, would 15 you? 16 A. Which part of the paragraph? 17 Q. The last part: 18 "The issue in this case is further complicated by 19 the change to the D-wall which would require 20 an amendment submission." 21 A. It doesn't say when that amendment submission would be 22 required, so I don't disagree that it would eventually 23 need an amendment submission. 24 Q. So your position is an amendment submission would be 25 required but not necessarily before the execution of the</p>

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<p>1 work?</p> <p>2 A. I consider it could be included before the occupational</p> <p>3 permit is granted, since it's a minor detail change.</p> <p>4 Q. Right.</p> <p>5 Paragraph 17 of your first statement, please,</p> <p>6 page 20804.</p> <p>7 CHAIRMAN: Sorry, just to assist me, when you say</p> <p>8 "included", included with what?</p> <p>9 A. Well, something that could be incorporated into the</p> <p>10 final amendment submission, to wrap up all the changes</p> <p>11 that are made during construction and make sure that</p> <p>12 it's reflected on as-built drawings.</p> <p>13 CHAIRMAN: Thank you.</p> <p>14 A. Because there's actually an appendix 9 in the PMP that</p> <p>15 states that changes made during construction need to be</p> <p>16 reviewed and incorporated into the final amendment</p> <p>17 submission and the as-built drawings.</p> <p>18 I don't know where the appendix 9 is in the bundles,</p> <p>19 but you could bring it up, if you like.</p> <p>20 MR CHOW: Mr Buckland, we can all read appendix 9, and I can</p> <p>21 assure you that it is in the bundle.</p> <p>22 A. Yes, I know it's in the bundle.</p> <p>23 Q. Can I get you back to paragraph 17 of your statement,</p> <p>24 please.</p> <p>25 A. Sure.</p>	<p>1 change, no prior consultation with BD is required</p> <p>2 because of what is set out in PNAP ADM-19? Is that your</p> <p>3 present position?</p> <p>4 A. Well, yes, as I said, in the absence of any other</p> <p>5 documentation referring to minor changes, we reverted to</p> <p>6 ADM-19, because it talks about minor changes.</p> <p>7 Q. All right. Now, there are two versions of PNAP ADM-19</p> <p>8 disclosed in the hearing bundles. The version that you</p> <p>9 relied on is a version that took effect in February</p> <p>10 2016; do you recall that?</p> <p>11 A. No, I don't recall that exact date. Our reference to</p> <p>12 this has been recently, this year, in reviewing.</p> <p>13 Q. Right. Perhaps I can remind you -- let's go to</p> <p>14 bundle C13, page 8555.</p> <p>15 This is the first page of PNAP ADM-19 that you</p> <p>16 relied on.</p> <p>17 Can I ask you to go to page 8559. At the bottom of</p> <p>18 the page, it sets out the history of the issue of this</p> <p>19 PNAP. Now, this PNAP is previously known as PNAP 272.</p> <p>20 The first issue was made in July 2002, last revision</p> <p>21 February 2014, and this revision February 2016; do you</p> <p>22 see that?</p> <p>23 A. I do.</p> <p>24 Q. That's the reason why I said the version of the PNAP</p> <p>25 that you rely on actually took effect -- at the</p>
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<p>1 Q. In paragraph 17, am I right to say that, basically, your</p> <p>2 primary position is the practice note, PNAP ADM-19 does</p> <p>3 not apply to the second change? Is that your primary</p> <p>4 position?</p> <p>5 A. ADM-19 does not apply?</p> <p>6 Q. Yes. Is that what you said in your paragraph?</p> <p>7 "As the works for the project are exempt under the</p> <p>8 IoE, the requirements of the BO and practice note for</p> <p>9 authorised persons PNAP ADM-19 do not apply to the works</p> <p>10 relating to the change."</p> <p>11 This is what you said in paragraph 17. Can you</p> <p>12 confirm that this is your primary position?</p> <p>13 A. That's okay. I can read it. I just need to take time.</p> <p>14 I think my reference to ADM-19 in the first instance</p> <p>15 was that in the absence of any other documentation about</p> <p>16 minor changes, we referred to ADM-19. I don't recall</p> <p>17 why I've written this like this, because I thought what</p> <p>18 I was saying was that we could revert to ADM-19 with</p> <p>19 respect to minor detail changes, or perhaps minor design</p> <p>20 changes, and maybe what I'm saying here is this is</p> <p>21 a minor detail change, not a design change, so that we</p> <p>22 don't need to refer to ADM-19. But I can't quite</p> <p>23 recall.</p> <p>24 Q. Right. Never mind.</p> <p>25 So your position now is, in relation to the second</p>	<p>1 earliest, it's February 2016. Do you see that?</p> <p>2 A. Yes, I can see that. But when you say "rely on", we</p> <p>3 just made reference to that. We're not relying on it.</p> <p>4 My position still stands, whether ADM-19 is included or</p> <p>5 not.</p> <p>6 Q. Okay. Let's not debate on the terminology on whether</p> <p>7 relying or making reference to.</p> <p>8 A. No, I'm not --</p> <p>9 Q. This is a document that you refer to --</p> <p>10 A. I'm not debating on definitions. I'm saying, regardless</p> <p>11 of ADM-19, my position about or my understanding of</p> <p>12 "minor changes" remains the same, under the consultation</p> <p>13 process, that it's up to MTR to decide whether or not</p> <p>14 something warrants consultation with BD.</p> <p>15 Q. Fine. Now, the other version that is now referred to by</p> <p>16 BD is an earlier version which took effect in February</p> <p>17 2014.</p> <p>18 Can I ask you to go to that document, to bundle H20,</p> <p>19 page 40065. You see this is also a version of PNAP</p> <p>20 ADM-19. If we can now go to internal page 7, please.</p> <p>21 Again, at the bottom of the page, it stated that</p> <p>22 this version is February 2014; do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Given that the construction of the EWL slab was</p> <p>25 commenced back in July -- or back in May 2015, and the</p>

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<p>1 last pour for EWL slab actually took place in August 2 2016 -- now, if any prior submission was required, and 3 if somehow your company relied on the exemption provided 4 for in relation to minor changes under this particular 5 practice note, do you agree with me the version, the 6 proper version, that applies to this situation would be 7 the version that took effect in February 2014? 8 A. Yes. 9 Q. Can we then go to take a look at the detail of this 10 version. The relevant part is at the internal page 4, 11 which is part of section 20. Subparagraph (b) says: 12 "For superstructural plan amendments and 13 superstructural (alteration and addition) amendments: 14 -- an amendment affecting the overall structural 15 stability of the building." 16 So that is the relevant part that you -- if this 17 version applied, that you would refer to; is that right? 18 A. Can you show the heading of this section first? 19 Q. Of course. Internal page 3, "Minor amendments", in the 20 middle of the page, that is the heading of that 21 particular section; do you see that? 22 A. Yes. 23 Q. Clause 19: 24 "The requirement for prior approval and consent for 25 all amendments to building works for which consent has</p>	<p>1 then, irrespective of whether the diaphragm wall was 2 a foundation, this particular section does not apply to 3 changes made to the diaphragm wall? 4 A. But it applies to changes made to superstructure, and 5 I consider that the slab, which is supporting columns, 6 which is supporting superstructure above, is also 7 superstructure. We are making changes to the slab as 8 well. 9 Q. Fine. I have heard what you said. I don't need to 10 argue with you. I'm sure that Prof Hansford and 11 Mr Chairman will form a view on that. 12 Then I would like to move on to the second aspect 13 I would like to explore with you, and that is the 14 question of whether MTR discharged its obligation to 15 consult with BD in relation to the change. 16 In relation to paragraph 18 of your first statement, 17 at page 20804, bundle C27 -- at the end of paragraph 18, 18 you say: 19 "... MTR discharged this obligation to consult with 20 BD in relation to the Change." 21 Do you see that? 22 A. Yes. 23 Q. In paragraph 25, you repeat, effectively, the same 24 thing, paragraph 25 at page 20806. You say: 25 "Leighton worked with MTRC and Atkins in relation to</p>
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<p>1 been given may affect the construction process. 2 20. Subject to a modification of Building 3 (Administration) Regulation ... being granted by the 4 Building Authority under section 42(1) of the BO, prior 5 approval and consent to the minor amendments of 6 building, superstructure (including curtain wall, 7 cladding, space frame and similar superstructural 8 elements) and drainage works, for which first consent 9 has already been given, would not be required except for 10 the following amendments". 11 Do you see that? 12 A. Yes, "except for the following amendments", of which 13 fundamental or structural changes affecting the overall 14 stability of the structure would be one. 15 Q. Yes. We can all see that. But can I ask you to take 16 a look at subsection (b) again, on the following page, 17 page 4. It refers to "superstructural plan amendments 18 and superstructural (alteration and addition) 19 amendments". Do you agree with me that diaphragm 20 wall -- now, I'm not trying to debate with you whether 21 diaphragm wall is part of the foundation, but do you 22 agree with me that diaphragm wall at least is not 23 superstructure? 24 A. Yes. The diaphragm wall itself is not superstructure. 25 Q. Thank you. Presumably you would agree with me that</p>	<p>1 this change in detail. Both parties were fully aware of 2 these issues and the solutions that were adopted. MTRC 3 submitted this change to BD for consultation and it was 4 accepted by BD." 5 Do you see that? 6 A. Yes. 7 Q. Now, the factual basis that you relied on in support of 8 this statement, am I right to say that they are set out 9 in paragraphs 27 to 38 of your statement, where you talk 10 about the first submission, the second submission and 11 the corresponding responses to the said submission by 12 BD? 13 A. Yes. 14 Q. Do you rely on any other factual basis in support of 15 this statement? 16 A. In support of the statement that MTR consulted BD on 17 this detail? 18 Q. Yes, and BD has accepted the submission and hence the 19 second change. 20 A. Can you scroll down to the subsequent sections? 21 Q. Yes. Paragraph -- well, as far as I can see, it's from 22 paragraphs 27 to 38. Do you need to quickly -- 23 A. 27 and 28? 24 Q. No, to 38, sorry. 25 A. Can you scroll down to the other sections as well, then,</p>

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<p>1 please?</p> <p>2 Q. Yes, sure. You can take your time to read through it.</p> <p>3 COMMISSIONER HANSFORD: I'm sure there's a hard copy.</p> <p>4 MR CHOW: Yes. (Handed).</p> <p>5 A. Yes, in general that's correct, but it doesn't state the</p> <p>6 comment by BD to MTR which was to please confirm that</p> <p>7 it's compatible with the permanent works, and the</p> <p>8 response from MTR to BD where it was confirmed that it's</p> <p>9 compatible with the permanent works.</p> <p>10 Q. I will come to that, Mr Buckland.</p> <p>11 Before that, can I ask you to go to take a look at</p> <p>12 the first submission that you relied on: at bundle B12,</p> <p>13 starting from page 8888.</p> <p>14 First of all, do you agree with me that this</p> <p>15 submission only relates to area C1 and C2, from</p> <p>16 gridline 22 to 40?</p> <p>17 A. Correct.</p> <p>18 Q. Can I now then refer you to the second submission that</p> <p>19 you relied on, at bundle C26, starting from page 19996.</p> <p>20 Do you agree that this second submission only</p> <p>21 relates to the works in area C3?</p> <p>22 A. Yes.</p> <p>23 Q. So you must agree with me that both submissions do not</p> <p>24 relate to work in area B --</p> <p>25 A. Correct.</p>	<p>1 enable Leighton to commence the initial bulk excavation</p> <p>2 to minus 0.5mPD following the completion of the</p> <p>3 D-walls."</p> <p>4 So you also agree with what he said --</p> <p>5 A. Sorry, I thought the submissions you showed before were</p> <p>6 excavation below minus 0.5. Can you just show me them</p> <p>7 again?</p> <p>8 It's excavation below minus 0.5.</p> <p>9 Q. B12, page 8888.</p> <p>10 A. Do you agree?</p> <p>11 Q. I agree that is what is marked on there. So you don't</p> <p>12 agree with what Mr McCrae said in paragraph 50?</p> <p>13 A. No, because he's talking about excavation down to</p> <p>14 minus 0.5.</p> <p>15 Q. So your answer is you don't agree? Can you just --</p> <p>16 A. You have to ask the question --</p> <p>17 Q. -- simply answer my question?</p> <p>18 A. No, you have to answer the question again then, because</p> <p>19 you are talking about two different things.</p> <p>20 Q. I will move on.</p> <p>21 Then do you agree with me that these two</p> <p>22 submissions, first submission and the second submission,</p> <p>23 because it was considering the behaviour of the</p> <p>24 structure during a temporary stage of excavation, in the</p> <p>25 design it has not considered the permanent load cases;</p>
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<p>1 Q. -- where the second change has been made?</p> <p>2 A. As well.</p> <p>3 Q. As well, yes.</p> <p>4 Do you agree?</p> <p>5 A. I've already agreed.</p> <p>6 Q. Right. Thank you.</p> <p>7 Then do you agree that these two submissions, the</p> <p>8 first and second submissions, only concern the design of</p> <p>9 the temporary works, ie the strutting, during</p> <p>10 excavation?</p> <p>11 A. I believe that in these submissions we also included the</p> <p>12 reinforcement details for the slabs.</p> <p>13 Q. Can you please answer my question first: do you agree</p> <p>14 that these two submissions, the main purpose is for</p> <p>15 getting acceptance by BD for the commencement of</p> <p>16 excavation, and the main purpose -- actually, the main</p> <p>17 part of the report deals with the design of the</p> <p>18 strutting?</p> <p>19 A. Yes, it's mainly an ELS report for continuation of</p> <p>20 excavation.</p> <p>21 Q. And Mr McCrae of Atkins, in paragraph 50 of his</p> <p>22 statement at bundle J44, page 3351, paragraph 50 -- he</p> <p>23 said:</p> <p>24 "The main purpose of this document was to consider</p> <p>25 the D-wall design and the temporary work design to</p>	<p>1 do you agree with me?</p> <p>2 A. No, I disagree. The permanent load cases have to be</p> <p>3 considered in the temporary submission as well.</p> <p>4 Q. Can I ask you to go to the first submission, B12,</p> <p>5 page 9012.</p> <p>6 Paragraph 3.2.2, "Long term load scenarios", and</p> <p>7 there is a special note:</p> <p>8 "This submission is restricted to temporary load</p> <p>9 cases only. Discussion on long term load cases is</p> <p>10 striked through below."</p> <p>11 Do you see that?</p> <p>12 A. Okay. In this case I agree, but in many of the</p> <p>13 submissions they would consider all load cases, because</p> <p>14 we can't just check the temporary load cases and then</p> <p>15 assume that it's going to be okay, because it's still</p> <p>16 got to be checked for permanent load. But in this case,</p> <p>17 it may be that we had a concurrent DDC submission that</p> <p>18 was handling the permanent load cases.</p> <p>19 Q. In passing, it is worthwhile to note that actually your</p> <p>20 designer, Atkins, under paragraph 3.2.2.1, about the</p> <p>21 foundation system, basically tells us:</p> <p>22 "Diaphragm walls and barrettes are employed as the</p> <p>23 foundation system."</p> <p>24 Do you see that? You are aware of this statement;</p> <p>25 right?</p>

<p style="text-align: right;">Page 17</p> <p>1 A. Yes.</p> <p>2 Q. If we can now go back to the earlier part of this first</p> <p>3 submission, at page 8993.</p> <p>4 This is the part of executive summary; right?</p> <p>5 Starting from the fourth paragraph -- now, the fourth</p> <p>6 paragraph sets out the primary changes that is trying to</p> <p>7 be made in the following seven aspects. The first one:</p> <p>8 "Incorporates the effects of opening enlargement at</p> <p>9 EWL slab at gridline 40 ..."</p> <p>10 The second:</p> <p>11 "Incorporates the effect of 450 millimetres recess</p> <p>12 on EWL slab temporarily from gridline 22 to 40 to avoid</p> <p>13 removal of existing tie beam before underpinning work</p> <p>14 carry out."</p> <p>15 The third change:</p> <p>16 "Incorporates the effect on crawler crane and dump</p> <p>17 trucks loading acting on EWL slab during construction."</p> <p>18 The fourth change:</p> <p>19 "Incorporates the batch 3 and 4 as-built information</p> <p>20 for diaphragm walls, with the associated checking</p> <p>21 included."</p> <p>22 The fifth change:</p> <p>23 "Incorporates the justification of reinforced</p> <p>24 concrete design for coupler checking."</p> <p>25 The sixth change:</p>	<p style="text-align: right;">Page 19</p> <p>1 to a figure 1.4; do you recall that?</p> <p>2 A. Yes.</p> <p>3 Q. And paragraph 1.3.5?</p> <p>4 A. Yes.</p> <p>5 Q. And, from my recollection -- I'm sure you will have the</p> <p>6 same recollection -- in the earlier version, 4B2,</p> <p>7 there's this figure 1.4 which shows something resembling</p> <p>8 through-bars; do you recall that?</p> <p>9 A. Yes.</p> <p>10 Q. And this figure was deleted in the later version, 4B3?</p> <p>11 A. Yes, because it was removed and then referenced to</p> <p>12 PWD-59A3.</p> <p>13 Q. Fine. Further, the corresponding paragraph 1.3.5,</p> <p>14 between these two versions, in the later version the</p> <p>15 scope was cut down; do you recall that? Let's not worry</p> <p>16 about which part of the scope was cut down. Let's</p> <p>17 just -- just answer my question. Do you agree that in</p> <p>18 respect of 1.3.5, the scope in the earlier version, 4B2,</p> <p>19 was wider than the scope as set out in the same</p> <p>20 paragraph in the later version, 4B3?</p> <p>21 A. Yes, because, as I just said, it was referred to -- the</p> <p>22 separate report.</p> <p>23 Q. Do you agree with me that the earlier version, 4B2, was</p> <p>24 never submitted to the Buildings Department?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 18</p> <p>1 "Incorporates the justification of reinforced</p> <p>2 concrete design for the as-built reinforcement detail at</p> <p>3 the interface between the diaphragm wall and the EWL</p> <p>4 slab between gridlines 22 to 40 because of the missing</p> <p>5 U-bar in diaphragm wall. For detail information can</p> <p>6 refer to report ... 059A1 submitted by the contractor."</p> <p>7 And the last change:</p> <p>8 "Incorporates the proposal of pre-camber for the EWL</p> <p>9 slab to compensate the deflection of EWL slab due to its</p> <p>10 self-weight."</p> <p>11 Now, the changes referred to in this executive</p> <p>12 summary does not include the second change that is the</p> <p>13 subject matter; do you agree with me?</p> <p>14 A. Yes. It reinforces the fact that they didn't think it</p> <p>15 was required to be incorporated.</p> <p>16 Q. Right. Now, attached to this first submission is</p> <p>17 a design report numbered 4B3. Yesterday, Mr Cheuk has</p> <p>18 taken you to this design report, version 4B3, and also</p> <p>19 an earlier version, 4B2; do you recall that?</p> <p>20 A. Sorry, do I recall 4B2?</p> <p>21 Q. Do you recall that yesterday, during Mr Cheuk's</p> <p>22 cross-examination, he has taken you to two versions of</p> <p>23 the design report, the version 4B2 and version 4B3?</p> <p>24 A. Yes.</p> <p>25 Q. And there were some quite extensive exchange in relation</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. So what the Buildings Department was given to look at is</p> <p>2 the later version, 4B3, without figure 1.4?</p> <p>3 A. Correct.</p> <p>4 Q. So, for the purpose of this Inquiry, you actually relied</p> <p>5 on only one part of 4B3, which is section 6.2, is that</p> <p>6 right, where you set out the construction sequence?</p> <p>7 A. Yes, I believe so.</p> <p>8 Q. Let's go to take a look at that particular section:</p> <p>9 bundle B12, page 9034, please.</p> <p>10 The relevant part is the part highlighted in yellow;</p> <p>11 is that right?</p> <p>12 A. Yes.</p> <p>13 Q. Where it says:</p> <p>14 "The top of diaphragm wall panel will be trimmed to</p> <p>15 the lowest level of top rebar for the EWL slab (minimum</p> <p>16 420 millimetres below the top level of EWL slab)."</p> <p>17 Right. So this is one feature.</p> <p>18 "The top rebar of EWL slab at the diaphragm wall</p> <p>19 panel will then fix to the top rebar of OTE slab to</p> <p>20 achieve full tension laps."</p> <p>21 That's the second feature of the second change</p> <p>22 report; right?</p> <p>23 A. Yes.</p> <p>24 Q. Do you accept that providing a full tension laps is not</p> <p>25 the same as through-bar?</p>

Page 21	1 A. No. 2 Q. Now, in this statement, you mention two types of 3 reinforcement: the top -- 4 MR PENNICOTT: I think the last answer needs clarification. 5 COMMISSIONER HANSFORD: I don't know what's being said there 6 either. Can we have the question again and an answer 7 again? 8 CHAIRMAN: I took it as agreement. 9 MR CHEUK: Me too. 10 CHAIRMAN: But I think we should ask it again. 11 COMMISSIONER HANSFORD: Ask the question again and have the 12 answer again, because we're not clear what's being said 13 here. 14 MR CHOW: My position is this. The full tension laps, as 15 described in this statement, is not the same as 16 through-bars. Do you agree with my position? 17 A. No. 18 Q. Thank you. Now, in this statement, it mentioned 19 actually two types of reinforcement. First, the top 20 rebar of EWL slab. Do you see that? 21 A. Yes. 22 Q. And the second group of reinforcement is the top rebar 23 of OTE slab? 24 A. Sorry, say again: the second ...? 25 Q. The second group of reinforcement is the top rebar of	Page 23	1 concurrently with temporary openings around the existing 2 columns and pile caps." 3 You know, that's basically just saying that the two 4 parts can be cast at the same time. It doesn't preclude 5 continuous bars. 6 MR CHOW: I also note the distinction that you made 7 yesterday between concurrent and monolithic. 8 Do you agree with me that -- 9 A. Sorry, can I just add one more thing? If you go back to 10 the first sentence, it already says that the D-wall was 11 going to be trimmed down. That's the opening sentence 12 of these three. 13 Q. Yes, I note that. Thank you. 14 Now, in this submission, can I ask you to look at 15 typical details that is provided in this submission, 16 because this submission is quite a thick document, and 17 the last part actually is in bundle B13, page 10557, 18 please. 19 Now, the middle figure actually provides the typical 20 anchorage details. If we blow up the middle one, we can 21 still see couplers; do you agree? The rectangular box 22 actually connotes or signifies couplers? 23 A. Yes. 24 Q. So, in your design submission -- 25 CHAIRMAN: Sorry, just again -- I think I can see couplers,
Page 22	1 OTE slab? 2 A. It's not talking about groups of rebar. 3 Q. Do you agree -- 4 A. Okay, let me explain, if it's not clear -- 5 Q. No, no need to -- 6 CHAIRMAN: Sorry. 7 COMMISSIONER HANSFORD: I think it does, actually. It's 8 really important we understand this. 9 CHAIRMAN: My head is beginning to spin and it's quite early 10 in the day. It's difficult for me as a layperson to -- 11 when initials are being used a great deal, you are both 12 very knowledgeable in this issue but I'm not, so perhaps 13 an explanation would assist. 14 A. It seems that what you are trying to say is that this 15 sentence is suggesting that the rebar will have to be 16 lapped, but that's not necessarily the case. If it can 17 be replaced with something which is better than a lap, 18 then it's equally as good. It doesn't say there that it 19 won't be continuous. It's just saying that the rebar at 20 the top of the EWL slab will fix to the OTE slab. If it 21 needs to be lapped, so be it, but if it doesn't need to 22 be lapped, which is the case in this case, then it can 23 be continuous. 24 If you go to the next sentence: 25 "The EWL slab and OTE slab will be casted	Page 24	1 but I would like somebody to point them to me. 2 MR CHOW: All right. 3 Can you point out to us where the couplers -- 4 CHAIRMAN: I think the actual -- is there a pointer on 5 the -- I sometimes see a hand moving around. 6 MR CHOW: We are looking at the right diagram, actually. On 7 the top of the diagram -- yes, this is where the hand 8 is. Do you confirm that where the hand is laying are 9 the couplers that you mentioned earlier? 10 A. Yes. 11 CHAIRMAN: Thank you. 12 MR CHOW: Just to wrap up this point -- yesterday, in 13 answer -- 14 CHAIRMAN: Sorry. I've had that pointed to me, but then if 15 we move across to the right very slightly -- there we 16 go -- that says, "Tension anchorage length as per 17 general notes". 18 Now, are those couplers as well there, or are they 19 just some sort of -- I don't know -- what are those 20 there? 21 A. That's -- the right-hand side is where the tension 22 anchorage starts, and then the left-hand side where the 23 bar bends up, that's the other extent. 24 CHAIRMAN: I understand that. And the tension anchorage 25 starts in what manner? Because the drawing seems to

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<p>1 show some sort of coupler or some sort of ...</p> <p>2 A. Yes, but it's not -- the coupler is not relevant in</p> <p>3 terms of the tension anchorage length. If it was</p> <p>4 continuous, it would start at the same point.</p> <p>5 CHAIRMAN: All right. But those are couplers as well?</p> <p>6 A. Yes.</p> <p>7 CHAIRMAN: Thank you.</p> <p>8 MR CHOW: Yesterday, in answer to Mr Cheuk's question, you</p> <p>9 actually confirmed that, at that stage, Leighton was</p> <p>10 still contemplating an option which does not involve</p> <p>11 trimming down of diaphragm wall; do you recall?</p> <p>12 A. That's what we started to do, because that's the way the</p> <p>13 wall was.</p> <p>14 Q. Right.</p> <p>15 A. And if you go to TQ33, you can see part of the reasons</p> <p>16 why we ended up having to change the method, because</p> <p>17 it's impossible to screw in multiple L-bars that are in</p> <p>18 series. The L part would just clash with the next one.</p> <p>19 Q. Mr Buckland, then can I, just to wrap up on this point,</p> <p>20 go to take a look at paragraph 73 of Mr Blackwood's</p> <p>21 statement, at bundle J1, page 70.</p> <p>22 Paragraph 73, yes. Here, Mr Blackwood said:</p> <p>23 "The scope of TWD-4B3 submission under section 1.3</p> <p>24 is for temporary load cases and the redesign of the EWL</p> <p>25 and NSL slab and was not sufficient to provide a change</p>	<p>1 submission as well, PWD-059A3, on 30 July 2015, one day</p> <p>2 after the first submission was submitted to BD.</p> <p>3 A. Okay.</p> <p>4 Q. Do you confirm that or --</p> <p>5 A. I can't confirm --</p> <p>6 Q. -- you take it from me that this is what I gather from</p> <p>7 the document.</p> <p>8 Now, in this permanent works amendment submission,</p> <p>9 if you can go to the conclusion part of that submission:</p> <p>10 bundle B10, page 7334. The "Conclusions" part,</p> <p>11 section 5.</p> <p>12 If I can jump to the third paragraph from the</p> <p>13 bottom:</p> <p>14 "With the above enhancement and full tension</p> <p>15 anchorage ..."</p> <p>16 Now, here you note that the distinction between full</p> <p>17 tension anchorage and through-bars that I have explained</p> <p>18 earlier. You may not agree with me but that's fine.</p> <p>19 A. They're unrelated.</p> <p>20 Q. Here it mentioned "full tension anchorage of all the</p> <p>21 primary tension reinforcement, it is considered the</p> <p>22 as-built reinforcement connection is in principle still</p> <p>23 able to fulfil the design fixity requirement at the</p> <p>24 D-wall/slab connection.</p> <p>25 To comply with the full tension anchorage lap length</p>
Page 26	Page 28
<p>1 to a permanent works design as it provided insufficient</p> <p>2 detail despite the fact that section 6.2 remained."</p> <p>3 And 6.2 is the construction sequence, and 6.2 is the</p> <p>4 three statements that we have just looked at; right?</p> <p>5 You would not disagree with what he said here, would</p> <p>6 you?</p> <p>7 A. Yes, but it sounds like a general comment about changes</p> <p>8 to permanent works design. So what we're talking about</p> <p>9 is a minor change in detail.</p> <p>10 Q. Let's move on to the third aspect that I would like to</p> <p>11 discuss with you. That is in relation to -- it's the</p> <p>12 question whether BD has accepted the second change</p> <p>13 because of the responses that they gave to the first and</p> <p>14 second submissions.</p> <p>15 I don't think I need to go to the details. I just</p> <p>16 want you to confirm that the fact that you relied on in</p> <p>17 support of this statement, that is BD has accepted the</p> <p>18 present change, you only relied on the two letters, two</p> <p>19 letters of response from BD, dated 8 December 2015 and</p> <p>20 28 April 2016. Is that correct?</p> <p>21 A. I think so, yes.</p> <p>22 Q. That is what I mean, because we can all read what the</p> <p>23 letter says.</p> <p>24 Almost at the same time when the first submission</p> <p>25 was made, Leighton or MTRC made a permanent works design</p>	<p>1 from the slab rebar principle, the OTE wall must be</p> <p>2 concrete monolithically (ie at the same time) with EWL</p> <p>3 (3 metre) slab and the wall rebar to extend with full</p> <p>4 lap length provision from the OTE wall construction</p> <p>5 joint for future wall rebar connection."</p> <p>6 Then it goes on to say:</p> <p>7 "The location key plan and detail of rebar</p> <p>8 arrangement into the OTE is shown in appendix F of this</p> <p>9 report for reference."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. If we can now go to appendix F, page 7356. 7356, the</p> <p>13 first page of appendix F, if we just quickly go to 7355,</p> <p>14 so this is appendix F, "Slab tension lap length into OTE</p> <p>15 wall details". Then the first page sets out the various</p> <p>16 lap lengths required. Do you see the column at the</p> <p>17 right-hand side sets out different lap lengths that have</p> <p>18 to be achieved?</p> <p>19 A. Yes, I can see that.</p> <p>20 Q. If what you meant in the design report is a through-bar,</p> <p>21 then you would not have the need to calculate different</p> <p>22 lap lengths for different situations; do you agree?</p> <p>23 A. No, I don't agree.</p> <p>24 Q. Fine. Let's go to take a look at the drawing in the</p> <p>25 following page, B7357.</p>

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<p>1 If we blow up the details of the two diagrams in the 2 bottom half of this drawing, do you agree with me -- 3 perhaps further blow it up, if we can -- perhaps look at 4 detail 1 first. Do you agree with me that it still 5 shows couplers being used? 6 A. Yes. 7 Q. Can we move on to the second detail -- 8 CHAIRMAN: Whereabouts? 9 MR CHOW: Yes, do you see the hand? 10 CHAIRMAN: Yes, the hand that moves. 11 MR CHOW: There, the moving hand on the screen. 12 CHAIRMAN: Thank you. I have that now. 13 MR CHOW: Do you confirm that those three little rectangular 14 boxes basically represent the couplers? 15 A. Yes. 16 Q. Let's move to the diagram on the right side. Yes. May 17 I have the hand as well? Thank you. 18 Do you also confirm that the three little 19 rectangular boxes also represent the couplers? 20 A. Yes. 21 Q. So, in other words, in your permanent design submission, 22 submitted almost at the same time as the first 23 submission, you also anticipate the use of couplers 24 rather than through-bars? 25 A. Yes. That was the state of the wall, the D-wall.</p>	<p>1 The EWL slab will initially be cast with temporary 2 openings around the existing columns and pile caps. The 3 EWL slab will be used as a platform to temporary prop 4 the existing podium beams above which will be cut to 5 form escalator and staircase connectivity (presented 6 under a separate submission). 7 Excavation beneath the EWL slab will then commence. 8 Since there are no spoil removal openings in area B to 9 the south, it will be excavated with access from area C 10 and/or the Coliseum area. Temporary props will be 11 provided as the excavation continues. 12 Once the required depth is achieved, the NSL slab, 13 and north sump pit, will be constructed with temporary 14 openings for the piles that will be underpinned later. 15 After it has reached the required strength, the 16 temporary props may be removed." 17 Now, we can't find any reference to trimming down 18 the D-wall in whatever way and the replacement with 19 through-bar here in your description of the construction 20 sequence. 21 A. Yes, but I think this has not been updated. If you see 22 8.2, in brackets, it says "(Same as previous)", so it 23 should have been updated but it wasn't. An honest 24 mistake, I guess. 25 Q. All right. Perhaps another honest mistake subsequent --</p>
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<p>1 Q. Right. And subsequently you -- 2 COMMISSIONER HANSFORD: Sorry, just so I can understand 3 that, Mr Buckland -- you're saying those couplers are 4 already there at this point? 5 A. Yes, they're in the beam. 6 MR CHOW: Let's move on to a few further permanent work 7 design submissions that Leighton submitted later on. 8 Can I ask you to go to bundle B16, page 13758. 9 Section 8.2, this is a section where you talk about 10 the construction sequence; do you see that? 11 MR PENNICOTT: Sorry, which report is this, the date? 12 MR CHOW: This is part of the design submission dated 13 4 November 2015. Let's see if I can find the first 14 page. Yes, 13706. 15 MR PENNICOTT: Okay. Right. 16 MR CHOW: This is a design report issued in November 2015. 17 If you then go back to the page that we just looked 18 at, 13758, section 8.2, where you set out the 19 construction sequence. 20 If I may refer you to the third paragraph, where you 21 explain the process, the excavation process. Here, it 22 is put as: 23 "Excavation for construction of the station roof 24 slab (the EWL slab) will then commence incorporating 25 a top level temporary prop to the diaphragm wall.</p>	<p>1 A. Sorry, can I just clarify further? The fact that it 2 says the props will be propping the D-wall before 3 construction of the EWL slab, that is an old version of 4 the construction sequence that demonstrates that this 5 particular section hadn't been updated. 6 Q. Okay. Let's look at a slightly later version then. 7 Bundle B11. It's a submission dated 14 January 2016. 8 Bundle 11, starting at page 8460. 9 A. I thought the previous submission was area B. 10 Q. Area B is where the second change has been executed; 11 right? 12 A. I mean, you were showing us an area B submission 13 previously and -- 14 Q. I know. 15 A. -- now you are showing us an area C submission. 16 Q. I know. Please be patient. This is a later design 17 submission for permanent works for area C. 18 A. It says ELS. 19 Q. Let me see. You may be right. Just let me check. 20 COMMISSIONER HANSFORD: Sorry, what was that last point? 21 A. It says "excavation and lateral support", it's temporary 22 works, not permanent works. 23 COMMISSIONER HANSFORD: This is temporary works? 24 A. Yes. 25 COMMISSIONER HANSFORD: Thank you.</p>

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<p>1 MR CHOW: I see. Right. Fine. I can make the same point. 2 This submission, which is a later submission, in January 3 2016, for ELS excavation and lateral support -- if you 4 go to the same section, 8.2, where you describe the 5 construction sequence, at page 8536. 6 Again, here, you no longer mention about trimming 7 down diaphragm wall, replacement with through-bar or 8 anything like that. 9 A. Yes. Again, I think something got lost from the 10 transition from the previous submission, because this is 11 basically the same as the area B one we just looked at, 12 and it's still talking about the top level temporary 13 prop, which we had deleted. So, again, I think it's 14 an honest omission. It's not done on purpose, by any 15 means. 16 Q. Okay. Let's look at what you have done to the 17 connection as now agreed between Leighton and MTR. Can 18 I ask you to go to bundle B19, page 25487. It's 19 a drawing numbered 027. 20 Actually, we have another drawing the following 21 page, 25488. 22 These two drawings are attached to the joint 23 statement between Leighton and MTR, and purportedly 24 represent the as-built condition at the connection 25 between the east diaphragm wall and the EWL slab; right?</p>	<p>1 Q. The Second Submission, capital letter S, that you refer 2 to in your statement, relates to area C3? 3 A. Yes. 4 Q. So none of the two submissions actually talks about the 5 second change to be applied to area B? 6 A. Okay. 7 Q. And you can confirm today that actually the second 8 change has also been adopted to area B, which was not 9 included in any of the two submissions? 10 A. Yes. 11 Q. Now, the second submission -- the second change that we 12 are talking about -- just now, I believe I have 13 established with you the prominent feature is to trim 14 down the diaphragm wall to the lowest level of the top 15 steel; do you recall that? 16 A. Yes. 17 Q. Now, if you look at the first drawings, there are four 18 types, according to the joint statement, that has been 19 adopted. At the bottom of the first drawing, at 25487, 20 there are at least four types? 21 A. There are four types. 22 Q. Now, the second type is not the kind of alteration that 23 has been foreshadowed in the construction sequence 24 because, under paragraph 6.2 of your first submission, 25 it mentioned about trimming down the diaphragm wall to</p>
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<p>1 A. Yes. 2 Q. The first drawing actually shows both area B and area C; 3 do you see that? 4 A. Yes. 5 Q. If we look at the top part of the drawing, from gridline 6 15 to gridline 22, you see the note saying that 7 area B -- and the arrows on two sides, which shows the 8 extent of area B; do you see that? If I can have the 9 hand on the screen. Yes, that's right, this is where 10 the hand on the screen is moving; do you see that? 11 A. Yes. 12 Q. Earlier, you agree with me that none of the two 13 submissions, first submission and second submission, 14 actually relate to area B. Do you recall that? 15 A. No. I thought the first submission you showed us was 16 area B and the second submission was area C. 17 Q. The first submission relates to area C1 and C2. 18 I thought you agreed with me earlier. 19 A. Are you talking about the two you've just recently 20 showed me? 21 Q. No, the capital letter First Submission that you refer 22 to in your statement. 23 A. Oh, okay. All right, yes. 24 Q. That refers to areas C1 and C2? 25 A. Mm-hmm.</p>	<p>1 the lowest level of the top reinforcement. Type 2 2 indicates that it has only been trimmed down to the 3 bottom level of the first layer of the top 4 reinforcement. 5 Do you agree with me that at least type 2 is not the 6 kind of changes that Leighton has foreshadowed in the 7 construction sequence? 8 A. It's a subset. 9 Q. Very well. Let's look at -- 10 A. It was covered -- 11 MR WILKEN: It was covered by counsel for the Commission 12 yesterday. 13 A. It was covered by TQ34, to which we had no adverse 14 comment from the designer of both the permanent and the 15 temporary works, and a simple statement of no adverse 16 comment suggests that there was no design calculations 17 needed. It's just a matter of construction sequence. 18 MR CHOW: Thank you. Can I move on? Now, type 3 concerned 19 hacking down of the diaphragm wall of 3 metres. Again, 20 this is not in line with the construction sequence that 21 you foreshadowed in section 6.2 of your first 22 submission; do you agree? 23 A. But I believe this is covered by another submission. 24 I haven't had a chance to look in detail to where 25 this -- or what the purpose of this change actually was,</p>

<p style="text-align: right;">Page 37</p> <p>1 but I'm pretty sure it's covered by another permanent 2 works submission, such as replacement by capping beam 3 or, if it's in area B, it may be to do with the 4 alternative underpinning support that we designed. 5 Q. All right. Mr Buckland, may I now refer you to your 6 second statement: bundle 32, page 24021, please. 7 Now, paragraphs 7 and 8 are what I would like to 8 take you through. In paragraph 7 you said: 9 "Leighton is responsible for providing the final 10 as-built drawings before practical completion of the 11 project. However, Leighton is not responsible for 12 updating the drawings of the permanent works. MTRC and 13 Atkins were obliged to provide Leighton with the updated 14 drawings for the permanent works. This had to happen 15 before Leighton could complete the final as-built 16 drawings." 17 Then in paragraph 8 you said: 18 "Atkins only provided the final updated drawings for 19 the permanent works in September 2018. MTRC still needs 20 to issue these updated drawings to Leighton. As 21 a result, Leighton was unable to provide the final 22 as-built drawings in relation to the Change (ie the use 23 of continuous rebars to connect the EWL slab, diaphragm 24 wall and OTE slab and to pour the connection 25 concurrently) during the relevant period."</p>	<p style="text-align: right;">Page 39</p> <p>1 minor details and changes made during construction that 2 weren't already submitted for consultation -- they need 3 to be put into final amendment drawings before we apply 4 for the occupational permit, and that's clearly stated 5 on the flow charts in appendix 9. 6 Q. Thank you, Mr Buckland. Can I just move on to the last 7 two areas, which is going to be very quick. About this 8 second change, at the time of the construction, have you 9 gone down to site to observe what was done? 10 A. At the time of the -- 11 Q. Construction of the connection, hacking down of the 12 diaphragm wall, for example. 13 A. Yes, I saw some of it during my routine inspections, 14 yes. 15 Q. Mr Jason Poon told this Commission that what happened 16 is, after hacking down the diaphragm wall, instead of 17 having horizontal surface, he told us that what happened 18 on site is some kind of an A shape, kind of exposed 19 diaphragm wall heads; do you -- 20 A. I don't recall anything like that. 21 Q. All right. My last question I would like to ask you is 22 to see whether you agree with me. Now, if this kind of 23 connection, alteration to the connection, alteration to 24 a completed diaphragm wall, if prior consultation has to 25 be submitted -- just for present purpose we assume that</p>
<p style="text-align: right;">Page 38</p> <p>1 Now, from what you said in these two paragraphs, 2 am I right to say that at the time of the construction 3 of the connection between the EWL slab and the east 4 diaphragm wall, there existed no working drawings for 5 Leighton to follow; is that correct? 6 A. There were working drawings to follow, yes. They were 7 not always updated to the latest details, because of the 8 BD process, and I think MTR's commercial process of 9 actually issuing working drawings formally. But we had 10 other systems of obtaining the latest information, such 11 as advanced information for construction, which was 12 agreed with MTR. 13 Q. Mr Buckland, you just said there were working drawings, 14 but do you agree that the working drawings that you 15 refer to does not reflect what you now tell us what was 16 built? 17 A. Yes, but I reiterate again that myself and my colleagues 18 at Leighton consider this to be a minor detail, and I'm 19 sure MTR also agree, and it's not something -- I mean, 20 you are digging for something on formal drawings for 21 which you already know our position, of it being a minor 22 detail. So you can continue, if you like, but you're 23 not going to find anything, because what you're looking 24 for is something that we don't have. 25 It's my understanding that we need to incorporate</p>	<p style="text-align: right;">Page 40</p> <p>1 prior consultation would have to be submitted before the 2 execution of the work; submitted to BD, I mean, sorry -- 3 do you agree with me, as a matter of common practice, if 4 BD give acceptance, they will usually impose condition, 5 in particular in relation to testing of material, in 6 relation to supervision of the alteration work; do you 7 agree with me that would be common practice? 8 A. Yes. 9 MR CHOW: Mr Chairman and Professor, I have no more 10 questions. 11 Thank you, Mr Buckland. 12 COMMISSIONER HANSFORD: Can I ask a question at this point 13 that really follows on from what Mr Chow was asking just 14 now. 15 Mr Buckland, you were being asked about whether 16 there were situations where -- and it was referred to as 17 an A shape was formed at the top of the diaphragm wall 18 after the breaking-out was done. 19 A. Yes. 20 COMMISSIONER HANSFORD: How important is it for the surface 21 that's been broken down to to be level? Is it essential 22 for that to be level? 23 A. I would -- yes, I think it's essential not to have 24 tapering concrete (demonstrating), that tapers into 25 a fine point.</p>

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<p>1 COMMISSIONER HANSFORD: Right.</p> <p>2 A. I think if it was shaped such as you had, you know,</p> <p>3 a couple of hundred millimetres, flat (demonstrating),</p> <p>4 and then a vertical face, and then, like a stepped joint</p> <p>5 would be okay, but an A shape with tapering points would</p> <p>6 not be acceptable.</p> <p>7 COMMISSIONER HANSFORD: All right.</p> <p>8 A. And of course it's got to be low enough for all three</p> <p>9 bars to pass easily over the top and not jutting into</p> <p>10 one of the spaces for the bars.</p> <p>11 COMMISSIONER HANSFORD: So the important part was to ensure</p> <p>12 that there was sufficient room for the new bars that</p> <p>13 were going to be installed to be fitted; is that right?</p> <p>14 A. Yes.</p> <p>15 COMMISSIONER HANSFORD: But you're also saying that it's</p> <p>16 quite important or it is important for it not to be</p> <p>17 tapering?</p> <p>18 A. Yes, because if it's tapering then that concrete could</p> <p>19 easily flake off or break off.</p> <p>20 COMMISSIONER HANSFORD: Thank you. That's very helpful to</p> <p>21 me.</p> <p>22 MR BOULDING: Nothing from me, sir.</p> <p>23 CHAIRMAN: Thank you.</p> <p>24 MR CONNOR: Very brief questions from me, sir. Are you</p> <p>25 happy that I carry on, at this stage? Probably about</p>	<p>1 Leighton also employed Atkins as its temporary works</p> <p>2 design consultant subsequently. So why did Leighton do</p> <p>3 that, ie using the same firm to serve him?"</p> <p>4 And your answer is:</p> <p>5 "The main purpose was because we expected there</p> <p>6 would be a synergy between our design and the DDC's</p> <p>7 design checking, because they are effectively the same</p> <p>8 team, and they have all their history and knowledge of</p> <p>9 the job already ..."</p> <p>10 Do you remember that?</p> <p>11 A. Yes.</p> <p>12 Q. Thank you. It was just really against that background</p> <p>13 that I have a few questions for you, if I may. Thank</p> <p>14 you.</p> <p>15 If you might also then have put up in front of you</p> <p>16 then your first statement, where you cover this point.</p> <p>17 That is witness statement number one which is C27,</p> <p>18 item 101, and in particular if you could turn to</p> <p>19 paragraph 18 of that. That starts at page 20800, but if</p> <p>20 you go to paragraph 8, please.</p> <p>21 COMMISSIONER HANSFORD: Sorry, did you say paragraph 8 or</p> <p>22 18?</p> <p>23 MR CONNOR: Paragraph 8 -- 18, I beg your pardon. Sorry,</p> <p>24 sir. That appears I think at page C20804.</p> <p>25 Just take a moment, Mr Buckland, I'll take you</p>
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<p>1 15 minutes or so.</p> <p>2 CHAIRMAN: Of course. Perhaps you can continue now. Thank</p> <p>3 you.</p> <p>4 Cross-examination by MR CONNOR</p> <p>5 MR CONNOR: Thank you.</p> <p>6 Good morning, Mr Buckland.</p> <p>7 A. Good morning?</p> <p>8 Q. I'm Vincent Connor; I represent Atkins China Ltd.</p> <p>9 A. Okay.</p> <p>10 Q. You recall at the end of yesterday's evidence you were</p> <p>11 asked some questions by Mr Cheuk about the relationship</p> <p>12 between Leighton and Atkins?</p> <p>13 A. Yes.</p> <p>14 Q. It was quite late in the day, so I wonder whether we</p> <p>15 might take a moment or so just to clarify your evidence</p> <p>16 to the Commission on this.</p> <p>17 A. Mm-hmm.</p> <p>18 Q. Could I ask for you to have the transcript for</p> <p>19 yesterday, Day 23, put before you, and in particular</p> <p>20 page 186, which should appear on your screen in just</p> <p>21 a moment. Just a very quick reference, if I may,</p> <p>22 Mr Buckland.</p> <p>23 You see at line 8 on that page you were asked</p> <p>24 a question by Mr Cheuk:</p> <p>25 "-- in the first place, and it was subsequently that</p>	<p>1 across the surface of this. You explain there, against</p> <p>2 that background that we've just discussed, that MTRC in</p> <p>3 this project "was principally responsible for</p> <p>4 determining whether any change to the works required</p> <p>5 consultation with BD", and you go on to explain there</p> <p>6 that it was MTRC's responsibility to handle that. Then</p> <p>7 you go on to say in paragraph 19 that:</p> <p>8 "Leighton assisted MTRC in discharging its</p> <p>9 obligation (if any were to arise) to consult with BD ...</p> <p>10 As part of this process, Leighton engaged Atkins to</p> <p>11 perform temporary works design analysis and prepare</p> <p>12 submissions to be sent to MTRC. Leighton engaged Atkins</p> <p>13 in 2013 and continued to use them in this capacity."</p> <p>14 Then I think at paragraph 20 you go on to describe</p> <p>15 a primary mechanism by which Leighton provided</p> <p>16 submissions in the form of temporary works design</p> <p>17 submissions, et cetera. Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. So really I think, before turning to some other</p> <p>20 evidence, but to ask you a question about that. What</p> <p>21 you are describing there is a position where Leighton</p> <p>22 have a series of responsibilities, inevitably, to MTR,</p> <p>23 you sub-consult a number of those, and that's done in</p> <p>24 a formal way, and that if you require work from Atkins,</p> <p>25 as you did, that is encompassed within a scope of</p>

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<p>1 services?</p> <p>2 A. Yes.</p> <p>3 Q. Which no doubt, in the course of a long, complex project</p> <p>4 like this, is added to as time goes by?</p> <p>5 A. Yes, very much so.</p> <p>6 Q. Exactly. That's what I'm going to take you to now.</p> <p>7 Thank you.</p> <p>8 Against that background, could you have before you,</p> <p>9 please, J1/8.0, and that's the statement of Mr John</p> <p>10 Blackwood of Atkins. I think that begins at page J56.</p> <p>11 But if you would be good enough to turn to paragraph 11,</p> <p>12 which I think begins on page J58.</p> <p>13 Before asking you anything about this, Mr Buckland,</p> <p>14 can I just ask: have you had the opportunity before</p> <p>15 today of reading this statement?</p> <p>16 A. I have read most of it, yes.</p> <p>17 Q. I won't be taking you to most of it, just some parts, if</p> <p>18 I may.</p> <p>19 You will see, at paragraph 11 on J58, that what</p> <p>20 Mr Blackwood is narrating in this section is the roles</p> <p>21 and responsibilities, as you will see in the heading, of</p> <p>22 Atkins and persons involved in the design and</p> <p>23 construction of the D-walls; do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Then at paragraph 11, that is where Mr Blackwood</p>	<p>1 case.</p> <p>2 Q. Okay. We will come on to that. Thank you.</p> <p>3 You go on to say, or rather Mr Blackwood, pardon me,</p> <p>4 goes on to say:</p> <p>5 "The scope of the services is described at</p> <p>6 schedule 2 of [the contract]."</p> <p>7 Again, that's what you've just helped us with there,</p> <p>8 that there was a very detailed scope to be provided in</p> <p>9 the first place. Actually, for the sake of</p> <p>10 completeness, can we just have a look at J46, please.</p> <p>11 Thank you. You will see there is set out there</p> <p>12 a schedule 2 scope of services, which is detailed, and</p> <p>13 this is the original scope services that we are</p> <p>14 discussing?</p> <p>15 A. Yes.</p> <p>16 Q. Which, as you say, was added to considerably in due</p> <p>17 course?</p> <p>18 A. Yes.</p> <p>19 Q. Thank you. If you would return, please, to</p> <p>20 Mr Blackwood's statement at J58, what Mr Blackwood goes</p> <p>21 on to say, you will see, is:</p> <p>22 "This scope has been extended to include over 200</p> <p>23 items of additional works [including] a number of</p> <p>24 different instructions to support on the preparation of</p> <p>25 the as-built drawings for the D-walls, preparations for</p>
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<p>1 narrates the appointment of Atkins by MTR, and I won't</p> <p>2 ask you anything in detail about that.</p> <p>3 But at paragraph 12, I think confirming your</p> <p>4 position that as at April 2013, Atkins was also retained</p> <p>5 by Leighton as their design consultant in contract 1112?</p> <p>6 A. Yes.</p> <p>7 Q. There's a point then that Mr Blackwood makes about the</p> <p>8 dating, which is not relevant here.</p> <p>9 You then go on, or rather Mr Blackwood goes on to</p> <p>10 say the appointment was approved by MTR, and</p> <p>11 contract 1112 was managed by an Atkins team referred to</p> <p>12 as "team B".</p> <p>13 If you just pause at that point. There were some</p> <p>14 questions about this yesterday. You use a different</p> <p>15 styling when you talk about the Atkins team that was</p> <p>16 supporting Leighton; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. What is that?</p> <p>19 A. I refer to our Atkins as Leighton/Atkins and MTR's</p> <p>20 Atkins as the DDC.</p> <p>21 Q. But you also understand them to be transmissible as</p> <p>22 team B and team A respectively; team B for Leighton --</p> <p>23 A. The reason I like to make my distinction is because</p> <p>24 "team A" and "team B" suggests by its definition as</p> <p>25 being two different teams, which I don't believe was the</p>	<p>1 contractor's submissions for slabs in areas A, B and C</p> <p>2 to cover all temporary load cases and reporting on the</p> <p>3 remedial solution for missing U-bars in addition to</p> <p>4 responding to a range of technical queries.</p> <p>5 And that, as a description of that evolution of the</p> <p>6 scope, meets with your own evidence to the Commission?</p> <p>7 A. Yes.</p> <p>8 Q. He goes on to say:</p> <p>9 "Most recently team B was instructed as</p> <p>10 an additional service to assist Leighton in preparation</p> <p>11 of as-built drawings for various parts of the</p> <p>12 underground structure including the EWL and NSL slabs."</p> <p>13 Does that also meet with your understanding?</p> <p>14 A. Yes.</p> <p>15 Q. Thank you. You will then see Mr Blackwood goes on to</p> <p>16 set out a construction stage organisational chart, which</p> <p>17 sets out the MTRC as general manager, and you will see</p> <p>18 to the left-hand side Leighton and Atkins as</p> <p>19 contractor's designer, with team B below it, or to the</p> <p>20 left-hand side; do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. And then you will see to the far right of that</p> <p>23 organisational structure, the competent person, being</p> <p>24 an MTR individual, and below that the design team,</p> <p>25 management team, and below that team A for Atkins?</p>

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<p>1 A. Yes.</p> <p>2 Q. Again, that structure, as explained, reflects your</p> <p>3 understanding?</p> <p>4 A. It does.</p> <p>5 Q. That structure?</p> <p>6 A. Yes, but it would be more complete if there was a dotted</p> <p>7 line going between team A and team B.</p> <p>8 Q. We will come to that.</p> <p>9 Mr Blackwood goes on following that about the roles</p> <p>10 and responsibilities of team A and team B, and he goes</p> <p>11 on to describe in 14.1 what team A was responsible for,</p> <p>12 namely "delivering services under contract 1106</p> <p>13 [including] the deliverables set out in sections 5 and 6</p> <p>14 of [the deliverables, which are defined elsewhere].</p> <p>15 With the exception of RSE/RGE services ..."</p> <p>16 Do you follow that? Does that generally meet your</p> <p>17 understanding?</p> <p>18 A. Yes.</p> <p>19 Q. Then at 14.2 Mr Blackwood goes on:</p> <p>20 "During construction, team B was responsible for</p> <p>21 providing services as stated in contract 1112. As the</p> <p>22 project progressed, team B was instructed to carry out</p> <p>23 additional services, such as changing the EWL slab,</p> <p>24 underpinning to the podium, designing the value</p> <p>25 engineering alternatives ...", et cetera.</p>	<p>1 project ... It is estimated that around 300 people from</p> <p>2 Atkins ... have worked on the project ..."</p> <p>3 Does that reflect your understanding of the</p> <p>4 evolution and the growing scale of matters?</p> <p>5 A. I was surprised by the 300 but there are people in</p> <p>6 Bangalore and other places apart from Hong Kong, so it's</p> <p>7 probably a correct figure.</p> <p>8 Q. Thank you.</p> <p>9 A. I trust Mr Blackwood's research.</p> <p>10 Q. Thank you.</p> <p>11 At paragraph 24 on page J62, he goes on to say:</p> <p>12 "As construction progressed on site, the scope of</p> <p>13 services for both teams A and B increased as well as the</p> <p>14 need for interfacing between the two teams."</p> <p>15 You would agree with that?</p> <p>16 A. Yes.</p> <p>17 Q. Because that's consistent with your evidence to the</p> <p>18 Commission as to the synergy and the communication,</p> <p>19 knowledge and history?</p> <p>20 A. Yes.</p> <p>21 Q. He goes on:</p> <p>22 "Services being carried out by team B for Leighton</p> <p>23 extended beyond the originally envisaged end date of</p> <p>24 December 2013 and during the course of the consultancy</p> <p>25 had increased by over 400 per cent with regard to the</p>
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<p>1 A. Yes.</p> <p>2 Q. He concludes that paragraph by saying:</p> <p>3 "For these services, team B did not have any on-site</p> <p>4 presence and relied only upon information provided by</p> <p>5 Leighton."</p> <p>6 A. Yes. Although there was one period when we had Atkins</p> <p>7 staff in the site office helping out with the as-built</p> <p>8 drawings.</p> <p>9 Q. Can you assist the Commission with when that was?</p> <p>10 A. In the early part of 2015.</p> <p>11 Q. Can you recall who that was?</p> <p>12 A. I think Candy Tam, if I remember correctly.</p> <p>13 Q. So, with that exception, otherwise no site presence?</p> <p>14 A. No.</p> <p>15 Q. And that was an office-based activity?</p> <p>16 A. Yes.</p> <p>17 Q. Thank you.</p> <p>18 If you turn on the pages in Mr Blackwood's statement</p> <p>19 then to page J61 and paragraph 18, you will see there</p> <p>20 a reference by Mr Blackwood which I think confirms what</p> <p>21 you've told us:</p> <p>22 "In the period since the commencement of the</p> <p>23 detailed design and subsequent construction stage (and</p> <p>24 support to Leighton), team A and team B have changed</p> <p>25 significantly in response to the needs of the</p>	<p>1 original consultancy value."</p> <p>2 Again is that broadly meeting with your agreement?</p> <p>3 A. Unfortunately, yes.</p> <p>4 Q. Understood. What Mr Blackwood then concludes or rather</p> <p>5 he summarises at the bottom of paragraph 26 is as</p> <p>6 follows:</p> <p>7 "The intention was that there would be separate</p> <p>8 design teams to carry out service for MTR for permanent</p> <p>9 works design and Leighton initially for temporary works</p> <p>10 design although it was understood that team B could</p> <p>11 discuss design principles with team A".</p> <p>12 Does that meet with your agreement?</p> <p>13 A. Yes.</p> <p>14 Q. So that's the sort of communication you have been</p> <p>15 describing to this Commission?</p> <p>16 A. Yes. Can I just add there was at least one case where</p> <p>17 we did an alternative design and used the synergy by</p> <p>18 having Atkins/DDC, team A, to do the actual design</p> <p>19 submission to BD, even though it was a Leighton-proposed</p> <p>20 design change. That was for the NAT culvert. That was</p> <p>21 one of them, anyway.</p> <p>22 Q. That's very helpful. And I think you -- just to pause</p> <p>23 at this point before carrying on to this paragraph, and</p> <p>24 for the sake of completeness, you mentioned and</p> <p>25 helpfully responded to me on some questions about the</p>

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<p>1 expansion of scope. If I can just take you away to 2 page J64 of Mr Blackwood's statement for a moment, at 3 paragraph 32, you touched upon this in some questions 4 from Mr Chow a moment ago and also in a question from 5 me, that that is in relation to the preparation of 6 as-built drawings, and I think we see there at 7 paragraph 32 Mr Blackwood is identifying that, in June 8 of this year, Atkins was approached by Leighton to 9 support them in preparing their as-built drawings for 10 other parts of the station structure, including the EWL 11 slab and the connection to the D-wall? 12 A. Yes. 13 Q. Is that something you were aware of at the time? 14 A. I became aware of that a bit later. 15 Q. Mr Blackwood goes on to describe what happened in this 16 regard, but if I can take you across that because 17 I would like to ask you whether or not this generally 18 reflects the kind of process that the Commission should 19 understand happened in this matter. In relation to the 20 as-built drawings, you will see at paragraph 33 21 Mr Blackwood says that team B has to rely upon 22 information provided by Leighton to produce the as-built 23 drawings? 24 A. Yes. 25 Q. That's a fair statement; yes? And to form the final</p>	<p>1 2018. 2 A. Mm-hmm. 3 Q. But that stepped process reflects generally the kind of 4 process that you experienced throughout this matter, 5 subject to the synergy/history/communication point you 6 described earlier? 7 A. Yes, that's the formal process that was always followed. 8 Q. Thank you very much. 9 Then for the sake of completeness on as-built 10 drawings, because we have talked about them, if you turn 11 the page, or rather if you are helped in turning the 12 page to J65, to paragraphs 36 and 37, you will see, just 13 to conclude on this particular issue, that Mr Blackwood 14 records that: 15 "To date, team B has supported Leighton in preparing 16 drawings for areas A, B and C ... up to amendment 17 drawing level". 18 And he describes the three areas of work that are 19 covered by that; do you see that? 20 A. Yes. 21 Q. Is that something within your knowledge or that you can 22 help the Commission with, or is that for others? 23 A. Sorry, can you just -- 24 Q. I was simply putting to you that what Mr Blackwood 25 records there in terms of what team B has supported</p>
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<p>1 amendment submission. And then at paragraph 34 he goes 2 on to say: 3 "If the works have been completed in accordance with 4 the approved design, then as-built drawings will be 5 prepared and submitted on that basis." 6 By that we mean prepared and submitted by Atkins to 7 Leighton? 8 A. Yes. 9 Q. "If the works have been amended, then as-built drawings 10 are included in Leighton's submission ..." 11 So that's a point where the material is passed from 12 Atkins, formally to Leighton, and then Leighton decide 13 whether or not to submit it on to MTR? 14 A. Yes. 15 Q. Then at that point he goes on, at the middle of that 16 paragraph, to say: 17 "This would then be handled by MTR ... passed to the 18 MTR's construction management team [passed from them] to 19 MTR's design management team and then [passed to Atkins] 20 team A [or DDC, as you would call them] for review, 21 comment and to provide support [and] submissions to BD." 22 A. Yes. 23 Q. And that process, if we just pause there, those steps in 24 terms of process, in this section, are being described 25 in relation to the preparation of as-built drawings in</p>	<p>1 Leighton on so far, and he describes the three areas 2 which you will see: EWL slab, NSL slab, EWL slab to 3 D-wall connections. Is that, to your knowledge, about 4 right -- 5 A. Yes. 6 Q. -- or can others help us better with that? 7 A. I think to date, those are the main areas, yes. 8 Q. Thank you very much. 9 Then he concludes there, as you will see at the 10 bottom of paragraph 37: 11 "The process of finalising the amendment drawings is 12 currently ongoing, but incomplete." 13 A. Yes. 14 Q. That also meets with your own understanding? 15 A. Yes. 16 Q. Thank you. Just very finally then, returning as I was 17 to Mr Blackwood's summary at the bottom of J62 -- you 18 had helped us at paragraph 26.1 by agreeing with me in 19 relation to that point. 26.2, Mr Blackwood says that in 20 his view: 21 "Atkins' personnel were aware of and observed their 22 team A and team B responsibilities respectively." 23 Is that also your view? 24 A. Yes. I'm sure that they did keep -- there were some 25 staff that sometimes came for meetings with us and other</p>

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<p>1 times went for meetings with MTR, but I'm sure to the</p> <p>2 best of their ability they separated their tasks or</p> <p>3 responsibilities.</p> <p>4 Q. Thank you very much. And at paragraph 26.3,</p> <p>5 Mr Blackwood says:</p> <p>6 "Where changes occurred that affected the permanent</p> <p>7 works, Leighton required team B to develop the required</p> <p>8 proposal for the change for formal submission by</p> <p>9 Leighton to MTR."</p> <p>10 That would then be submitted to the MTR design team</p> <p>11 for team A, very much as we have just seen in relation</p> <p>12 to the as-builts. Again, as a proposition of what</p> <p>13 happened during the matter by way of process, is that</p> <p>14 a fair reflection?</p> <p>15 A. Yes.</p> <p>16 Q. Thank you. Then lastly, at 26.4, that is where</p> <p>17 Mr Blackwood summarises the evolution of work scope that</p> <p>18 evolved into a more extensive role for Atkins team B,</p> <p>19 working for Leighton, in response to the changing</p> <p>20 circumstances, and he records that there were some</p> <p>21 people, as you have fairly said, who are members of both</p> <p>22 teams?</p> <p>23 A. Yes.</p> <p>24 Q. Just to conclude then, thank you, Mr Buckland, what we</p> <p>25 opened on and your evidence to the Commission as of</p>	<p>1 the end it caused some difficulties. Are they</p> <p>2 difficulties of perception rather than difficulties of</p> <p>3 process?</p> <p>4 A. Perception, like in the recent months, not during --</p> <p>5 COMMISSIONER HANSFORD: Not during the works?</p> <p>6 A. No.</p> <p>7 COMMISSIONER HANSFORD: I see. Thank you. That's all.</p> <p>8 MR WILKEN: Sir, some very brief re-examination from me, if</p> <p>9 I may.</p> <p>10 CHAIRMAN: Yes.</p> <p>11 Re-examination by MR WILKEN</p> <p>12 MR WILKEN: You were taken to Mr Blackwood's statement, J1,</p> <p>13 page 75, paragraph 99. You were taken there by</p> <p>14 government this morning.</p> <p>15 Can you look at paragraph 98, immediately above it,</p> <p>16 which you weren't shown, where he makes various comments</p> <p>17 and observations on the change.</p> <p>18 A. Okay.</p> <p>19 Okay, yes.</p> <p>20 Q. Do you agree or disagree with that?</p> <p>21 A. I agree with that.</p> <p>22 Q. Can you go to J4/3351, please this is Mr McCrae's</p> <p>23 statement, and can you look at paragraph 53.2, please.</p> <p>24 You were taken to a paragraph above this but you weren't</p> <p>25 shown 53.2. Could you read it, please.</p>
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<p>1 yesterday in terms of your hope and expectation that the</p> <p>2 synergy, the knowledge and the history that you hoped</p> <p>3 would arise from engaging Atkins, as your design was in</p> <p>4 support of it, was very much what you experienced in</p> <p>5 practice, subject to the necessities of the formal</p> <p>6 process that had to be embarked upon?</p> <p>7 A. Yes. There were many cases where it clearly helped</p> <p>8 a lot to have the history of many of the staff in the</p> <p>9 team, especially when it came to underpinning works, and</p> <p>10 they have all the models already done, whereas</p> <p>11 a separate consultant would have to redo everything.</p> <p>12 But there also did -- obviously it's caused some</p> <p>13 difficulties as well with this blurred lines between the</p> <p>14 teams. I mean, the perception of some people is that,</p> <p>15 you know, there may be a conflict of interest, but</p> <p>16 I personally think it's gone very well.</p> <p>17 Q. Thank you very much. And that's notwithstanding the</p> <p>18 formal processes and perhaps even because of the formal</p> <p>19 processes that were followed throughout this project, as</p> <p>20 you have described to the Commission?</p> <p>21 A. Yes.</p> <p>22 MR CONNOR: Thank you very much. Please remain there.</p> <p>23 I have no further questions. Thank you.</p> <p>24 COMMISSIONER HANSFORD: Can I just ask Mr Buckland, in</p> <p>25 relation to what Mr Connor has just said -- you said at</p>	<p>1 A. "The ELS temporary work submission document ('first</p> <p>2 submission') reference 4B2 included" --</p> <p>3 Q. 53.2. Just read it to yourself.</p> <p>4 A. Okay.</p> <p>5 Q. Do you agree with that?</p> <p>6 A. Well, I think it's the same wording that was put into</p> <p>7 the 4B2 report. Well, we've already had the discussion</p> <p>8 about that.</p> <p>9 Q. Finally, you wanted to see appendix 9. That is at</p> <p>10 H7/2498.</p> <p>11 Do you have that on the screen?</p> <p>12 A. Yes.</p> <p>13 Q. You wanted to make some comments, having seen</p> <p>14 appendix 9, and Mr Chow stopped you. Would you care to</p> <p>15 say anything you would like to say about that now?</p> <p>16 A. Well, if we go down to the second-last box, on the</p> <p>17 right-hand side of that there's a note which has four</p> <p>18 stars against it, which I can only think is special</p> <p>19 highlighting because there's no legend for that. It</p> <p>20 says:</p> <p>21 "Ensure acceptance of consultation submission and</p> <p>22 necessary amendments before certification of as-built</p> <p>23 record."</p> <p>24 So this, to me, implies that MTR expected that there</p> <p>25 would still be changes coming out from during</p>

Page 61	1 construction stage that would need to be accepted under 2 consultation, and amendments before certification of the 3 as-built record. 4 Q. And there's nothing unusual about things changing during 5 the process of construction? 6 A. No, not at all. 7 MR WILKEN: Thank you, Mr Buckland. You've been very 8 patient with us all. 9 I have no further questions. 10 COMMISSIONER HANSFORD: Actually, while I have Mr Buckland 11 here, I have one question. 12 Could you help us by explaining or describing the 13 working relationship between the design management team 14 in Leighton and the design management team in MTR. I'm 15 interested in how collaborative that relationship was. 16 A. Okay. We had weekly meetings on a Wednesday -- usually 17 on a Wednesday morning, which Kevin Yip would usually or 18 nearly always attend. Andy Leung would be there 19 occasionally. Some of the construction managers from 20 MTR would be -- sorry, the ConEs, or senior construction 21 engineers and construction engineers, for various areas. 22 We would discuss various value engineering proposals, 23 you know, changes that we felt we needed to make, such 24 as at the beginning there was a lot of congestion at the 25 top of the D-wall so there were quite a few discussions	Page 63	1 staggering of couplers in the D-wall. A lot of the 2 times it's very construction-oriented discussions. 3 Another example is where we wanted to cast 4 a particularly long D-wall, where, you know, if it's 5 over 6 metres, then it falls into a different arena and 6 there was a lot of discussion with BD on that, and we 7 had to do a trial panel and install additional 8 instrumentation as a result of a meeting with them. 9 COMMISSIONER HANSFORD: But how collaborative or otherwise 10 was that relationship? 11 A. The guys from Pypun were quite amenable and open to 12 discussion, so, you know, it worked out quite well in 13 a lot of instances, and it gave them a heads-up about 14 what was coming in our submissions. Sometimes we would 15 just go there to present to them what we were planning 16 to put into our submission, like the general scheme of 17 an alternative construction method, for example. 18 COMMISSIONER HANSFORD: Okay. Thank you. 19 CHAIRMAN: Anything arising from that? 20 MR WILKEN: Not from me, sir. 21 CHAIRMAN: Thank you. Good. 22 Thank you very much indeed for all your assistance. 23 Your evidence is now completed. 24 WITNESS: Thank you very much. 25 (The witness was released)
Page 62	1 about how we could make changes there. 2 Outside the meeting, you know, it was generally 3 email correspondence and sometimes we would walk down 4 the other end and have discussions with them. 5 COMMISSIONER HANSFORD: And was that a collaborative 6 relationship, would you say, or not? 7 A. Sometimes. We didn't always agree on things, for sure, 8 but we did our best, and MTR's role was more managing 9 the volume of submissions and determining which 10 submissions needed to go as priority, as in like 14-day 11 review rather than 28 days and, you know, getting us to 12 prioritise our submissions so that we didn't give BD too 13 big a volume at one time. And also trying to coordinate 14 our own temporary works submissions with their DDC 15 submissions and make sure they didn't clash with BD, 16 because if you give BD two submissions that are 17 effectively about the same thing and they show different 18 details then you end up with problems, so that was one 19 of the main challenges that we had. 20 COMMISSIONER HANSFORD: And how about your working 21 relationship with BD? 22 A. There was a forum on Tuesday afternoons where 23 contractors were invited to go along and discuss 24 proposals they had on a sort of high level, such as 25 I remember we had discussions about shear keys, about	Page 64	1 CHAIRMAN: We will have the 15-minute break. Thank you. 2 (11.48 am) 3 (A short adjournment) 4 (12.09 pm) 5 MR WILKEN: Sir, Professor, the next witness is Mr Taylor. 6 Mr Taylor, can you give your full name to the 7 Commission, please? 8 WITNESS: Justin Paul Taylor. 9 MR JUSTIN PAUL TAYLOR (affirmed) 10 Examination-in-chief by MR WILKEN 11 MR WILKEN: Now, with the Leighton witnesses we start by 12 going through where you sit in the organisational 13 hierarchy. 14 A. Okay. 15 Q. Or sat at the various times. Can you be shown on the 16 screen to your left C7/5531. This is dated January 17 2015. 18 A. Yes. 19 Q. You will see there that you are in the blue box near the 20 top, "Risk review leader"? 21 A. Yes. 22 Q. Can you now go to 5536 in the same volume, please. If 23 you go to the left-hand side -- he's over on the left on 24 this one -- you will see that as at December 2015, you 25 have moved to chief engineer, commercial/risk/DNV?

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<p>1 A. Yes.</p> <p>2 Q. Can you go to 5537, please. This is September 2016, and</p> <p>3 you have moved again, I think you are over on the right</p> <p>4 now. Further right. There you see you are in the</p> <p>5 commercial team as revenue recovery manager?</p> <p>6 A. Yes, that's correct.</p> <p>7 Q. Then at 5538, and this is September 2016, you are still</p> <p>8 as revenue recovery manager in the commercial team, and</p> <p>9 that's the last reference to you in the organisational</p> <p>10 structure?</p> <p>11 A. Yes.</p> <p>12 Q. You have given four witness statements to the</p> <p>13 Commission. Can you be shown C27/20831. Is that the</p> <p>14 first page of your witness statement, of your first</p> <p>15 witness statement?</p> <p>16 A. Yes.</p> <p>17 Q. Can you go to 20842. Is that your signature?</p> <p>18 A. Yes.</p> <p>19 Q. It's dated 9 October 2018?</p> <p>20 A. Yes.</p> <p>21 Q. Can you now go to C32, please, 24368. Is that the first</p> <p>22 page of your second witness statement?</p> <p>23 A. Yes.</p> <p>24 Q. If you go to 24375, is that your signature?</p> <p>25 A. Yes.</p>	<p>1 Commission?</p> <p>2 A. Yes.</p> <p>3 Q. If you wait there, Mr Cheuk to my left will have some</p> <p>4 questions for you, then I understand Mr Pennicott also</p> <p>5 has some questions for you, as counsel to the Inquiry,</p> <p>6 then there are various other counsel dotted around the</p> <p>7 room who may or may not have some questions for you.</p> <p>8 After all of that and during the process the</p> <p>9 Commissioner and the professor may have some questions</p> <p>10 for you and then I may have a few questions for you</p> <p>11 appear the end. Thank you.</p> <p>12 A. Okay.</p> <p>13 Examination by MR CHEUK</p> <p>14 MR CHEUK: Mr Taylor, good morning.</p> <p>15 A. Good morning.</p> <p>16 Q. My name is Calvin Cheuk, I'm one of the counsel for the</p> <p>17 Commission. I will have some questions for you. You</p> <p>18 have just heard, probably not good news for you, you</p> <p>19 will have two counsel for the Commission to ask you</p> <p>20 questions. But I have one good news for you: I am not</p> <p>21 going to repeat the questions I asked Mr Buckland with</p> <p>22 you here, so I won't be too long with you.</p> <p>23 Can we go to C27/20832, your witness statement,</p> <p>24 paragraph 5. Here, you mentioned you were the project</p> <p>25 risk manager and revenue recovery manager between May</p>
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<p>1 Q. And it is dated 18 October 2018?</p> <p>2 A. (Nodded head).</p> <p>3 Q. Can you now go to C35, please, 26553. Is that the first</p> <p>4 page of your third witness statement?</p> <p>5 A. Yes.</p> <p>6 Q. And if you go to 26557, is that your signature?</p> <p>7 A. Yes.</p> <p>8 Q. Is it dated 2 November 2018?</p> <p>9 A. Yes.</p> <p>10 Q. Finally, your fourth witness statement, C35/26696. Is</p> <p>11 that the first page of your fourth witness statement?</p> <p>12 A. Yes.</p> <p>13 Q. If you go to 26698, is that your signature?</p> <p>14 A. Yes.</p> <p>15 Q. And it's dated 22 November 2018?</p> <p>16 A. Yes.</p> <p>17 Q. Those are the four statements which you've given to the</p> <p>18 Commission?</p> <p>19 A. Yes.</p> <p>20 Q. Are there any changes you would like to make?</p> <p>21 A. No.</p> <p>22 Q. Are the contents of those statements true and correct,</p> <p>23 as far as you are concerned?</p> <p>24 A. Yes.</p> <p>25 Q. And that is the evidence which you wish to give to the</p>	<p>1 2015 and February 2017.</p> <p>2 A. Yes.</p> <p>3 Q. Then we go to paragraph 6, and during that period you</p> <p>4 were involved in the design changes of the EWL slab, the</p> <p>5 diaphragm wall and the OTE slab; correct?</p> <p>6 A. Yes.</p> <p>7 Q. The first topic I would like to go through with you</p> <p>8 actually concerns your email correspondence with Mr Andy</p> <p>9 Leung of MTRC --</p> <p>10 A. Yes.</p> <p>11 Q. -- in July 2015; okay?</p> <p>12 A. Yes.</p> <p>13 Q. Can we go to B10/7249. We can see, on 24 July, the</p> <p>14 lower part, you sent an email to various persons,</p> <p>15 including Mr Andy Leung. The content of the email is as</p> <p>16 follows. You say:</p> <p>17 "Gentlemen,</p> <p>18 Attached is the sketch we have from Atkins regarding</p> <p>19 casting the OTE wall and EWL slab. Please note the</p> <p>20 comment below that are highlighted.</p> <p>21 We have spoken to Torgeir about the need to cast the</p> <p>22 OTE wall as our understanding their intention was not to</p> <p>23 do so, however there is concern within the Atkins office</p> <p>24 that this is not possible.</p> <p>25 ...</p>

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<p>1 We will at this point prepare to construct the OTE 2 wall based on the sketch." 3 First of all, on the sketch, as I understand, you 4 are referring to the sketch which we can find at 5 B5/2992. Do I understand your email correctly, the 6 sketch you were referring to was this email, with this 7 sketch? 8 A. I'm not sure. I can't tell if that was the sketch 9 attached to the email or not, so ... 10 Q. Yes. If I may trouble Kiki to put the email and this 11 sketch together, side by side, so it might help us to 12 identify which sketch you are referring to. 13 The reason why I infer from documents that you are 14 referring to this sketch is that if we look at B10/7250, 15 the next page, we see your email was a response to 16 a chain of other discussion. 17 A. Correct. 18 Q. And if we look at the middle, that's from Johnson Luk to 19 various persons, including yourself, on 23 July 2015, 20 here he says: 21 "Dear WC/Edward/Rob, 22 Further to our review on the sketch LCA-SK-108, 23 please refer to the attached PDF file for your kind 24 perusal." 25 That's how I got the same sketch, LCA-SK-108, the</p>	<p>1 "Please be reminded that in order to comply with the 2 design assumption, the OTE wall would be concrete/pour 3 together at the same time (monolithically) with the 4 3 metre EWL slab and the wall to extend to 5 300 millimetres above the chamfer section of the wall to 6 provide the kicker for the OTE wall above." 7 I wonder, can you explain the meaning of this part 8 by reference to the sketch on the right-hand side? 9 A. I can't remember. In terms of the context of the email, 10 it's obviously referring to the sketch attached. It's 11 saying we need to pour the OTE at the same time, so 12 monolithically, with the slab. 13 Q. Yes. 14 A. That's all I can interpret it from. 15 Q. That's your understanding at the time of the email? 16 A. At the time of the email, yes, I would have to say yes. 17 Q. Let's talk about at the time of the email. Did you 18 understand that involves trimming of concrete, of the 19 top part of the diaphragm wall? 20 A. In order to cast it monolithically, I would interpret 21 that you'd have to take some trimming down there, but it 22 doesn't say that in the mail. 23 Q. But that would be your understanding of the implication 24 at the time? 25 A. Yes.</p>
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<p>1 right-hand side of the screen. 2 A. Okay. Assuming that the sketch attached to the email is 3 the same sketch and it hasn't had any alterations or 4 mark-ups. 5 Q. If we go back to the original -- the content of your 6 email, that's at 7249. If we go down a little bit -- 7 maybe let's go back to the sketch first, B10/7250. Do 8 you -- can you explain -- as I understand it, this 9 sketch was coming from the PWD report, as we call it. 10 A. I don't know. 11 Q. You don't know? It's okay. 12 If we go back to your email, your first paragraph, 13 after referring to the sketch from Atkins "re: casting 14 the OTE wall and EWL slab": 15 "Please note the comment below that are 16 highlighted." 17 From my understanding, the comment you are referring 18 to is the next page, highlighted in yellow. 19 A. Mm-hmm. 20 Q. Do I understand the context correctly? 21 A. Sorry, can you just scroll up the email a minute? Just 22 looking at the time. Mine is Friday, 24 July, 7.10. 23 Scroll down, 24 July ... yes, that would be a reasonable 24 interpretation. 25 Q. If we look at the second yellow part, it says:</p>	<p>1 Q. Also, the chamfer section, can you just explain to us 2 what's the meaning of chamfer section? 3 A. I need a hand on the screen. 4 Q. We will need a hand. We have to trouble Kiki. 5 A. There was a hand on the screen. If you move across to 6 the section on the right-hand side. 7 Q. It's a diagonal section where the OTE wall, as I 8 understand it. 9 A. Yes, if you go to the diagonal and 300 millimetres, 10 where it says "the taper section". It's actually got 11 a note on there already that explains what it is. 12 Q. So the chamfer section basically is the taper section? 13 A. Yes. 14 Q. According to your understanding, the process 15 contemplated by Atkins in this email on the left-hand 16 side, sent out by WC, who is from Atkins, involves 17 trimming down of the top of the concrete, of the D-wall, 18 and then casting the concrete of the slab, the top part 19 of the D-wall, and the OTE slab all together in one 20 go -- 21 A. That's how I would interpret it. 22 Q. -- to form one piece of slab? 23 A. Correct. 24 Q. That was your understanding at the time. 25 Can we go back to Andy Leung's reply to you.</p>

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<p>1 A. Mm-hmm. 2 Q. If we go back to B10/7249, this email, reply email, has 3 caused a lot of different interpretations between MTRC's 4 witnesses and Leighton's witnesses, and actually 5 different interpretations were adopted within MTRC's 6 different witnesses; okay? 7 So can you tell us, what was your understanding at 8 the time of what Mr Andy Leung said here? He says: 9 "Justin" -- he replied to you. 10 Portion of the wall should be cast together with the 11 OTE slab as a good practice." 12 Can you explain your understanding at the time of 13 this first sentence? 14 A. Interpreting his statement, I thought I had actually 15 written down in one of my witness statements what 16 I thought the actual understanding of this was. Can we 17 go to that? 18 Q. I'm told it can be found at C32. If we go to ... 19 MR BOULDING: It may be C20837. 20 MR CHEUK: C27, I believe. 21 MR PENNICOTT: Yes. 22 MR CHEUK: 20837. Thank you, Mr Boulding. 23 Paragraph 22, you refer to Mr Andy Leung's email. 24 A. Yes. 25 Q. That's what we have on the screen.</p>	<p>1 slab, and the OTE is one continuous structure. 2 Q. Actually, the previous sketch also shows where the 3 construction joint is. 4 A. Yes. 5 Q. If we, on the right-hand side, go back to B10/7250, we 6 see at the top of -- on the right-hand side, we might 7 need to go back up -- we can dispense with the witness 8 statement on the right-hand side. Can we put -- yes, 9 put the sketch back up. That's the sketch we have 10 looked at. 11 If we blow up the sketch a little bit, the section 12 a little bit, we can see on the top part of the OTE, it 13 says, "OTE wall CJ"? 14 A. Yes. 15 Q. "CJ" is construction joint? 16 A. Correct. 17 Q. So your understanding is that there was originally 18 a construction joint there. Your understanding, going 19 back to the email on the left-hand side, "portion of the 20 wall" -- "the wall", your understanding, was D-wall? 21 A. I'm understanding it's D-wall. 22 Q. So your understanding was that the D-wall should be cast 23 together with the OTE slab? 24 A. Yes. 25 Q. As a good practice?</p>
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<p>1 A. Yes. 2 Q. Stating: 3 "A portion of the wall should be cast together with 4 the OTE slab as good practice. Otherwise, one more CJ 5 (ie a construction joint) is introduced between them." 6 Then you said, at 23: 7 "At that time, it was not clear to Leighton whether 8 MTRCL considered that it was necessary to consult with 9 BD in relation to, and obtain its acceptance of, the 10 Change. Ultimately, it was up to MTRCL to decide 11 whether consultation with BD was required." 12 So from my reading, you didn't actually explain -- 13 A. Okay. 14 Q. -- exactly what you understood at the time. 15 A. Okay. 16 Q. That's why I wonder if you might assist us. 17 A. Well, interpreting the mail, "the wall should be cast 18 together", well, the wall is, I assume, the D-wall, and 19 in order to cast the D-wall and the OTE together, the 20 top of the D-wall would have to be broken down, so you 21 are getting rid of a construction joint. 22 I believe in one of my exhibits that shows 23 cross-sections of the sequence of the works, it actually 24 shows where the construction joints are, and by casting 25 the EWL slab, the top of the D-wall, effectively the EWL</p>	<p>1 A. Yes. 2 Q. That's consistent with your understanding of Atkins' 3 previous email as well? 4 A. Correct. 5 Q. Trim down and then cast in one piece. 6 A. (Nodded head). 7 Q. Okay. Then if you read along Andy Leung's reply: 8 "Otherwise, one more CJ is introduced between them." 9 How do you understand this sentence? 10 A. Well, if you don't cast it together, you create another 11 construction joint. There would be a separate 12 construction joint. It's a further line of weakness, 13 effectively. 14 Q. And that construction joint, as I understand it, will 15 appear -- if you don't cast the D-wall together with the 16 OTE slab, that construction joint will appear exactly in 17 a vertical line separation between the D-wall and the 18 OTE slab? 19 A. Yes. 20 Q. Is that correct? 21 A. Yes. 22 Q. So your understanding is that if they are not cast 23 together, apart from the CJ that we can see on the 24 right-hand side, at the top part of the OTE wall, one 25 more CJ will be introduced between the diaphragm wall</p>

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<p>1 and the OTE slab interface?</p> <p>2 A. Yes.</p> <p>3 Q. Then let's read long Andy Leung's reply:</p> <p>4 "I can't see how this CJ can be located given the</p> <p>5 width of the slab available."</p> <p>6 How do you understand this sentence?</p> <p>7 A. (Shook head).</p> <p>8 Q. You don't understand? Okay.</p> <p>9 A. It's not clear what he's talking about in terms of the</p> <p>10 slab -- is that the EWL slab? I don't know.</p> <p>11 Q. Also, just to clarify with you the meaning of CJ,</p> <p>12 construction joint --</p> <p>13 A. Mm-hmm.</p> <p>14 Q. -- basically, they are a little gap between different</p> <p>15 portions of concrete.</p> <p>16 A. Well, it's not so much a gap because the construction</p> <p>17 actually connects to it. The original detail, there's</p> <p>18 an EWL slab, the D-wall and there's the OTE structure</p> <p>19 where you've got couplers through. So there's a joint</p> <p>20 but the concrete butts up to one of them.</p> <p>21 Q. And do I understand correctly usually sealants will be</p> <p>22 needed to --</p> <p>23 A. If there's a specification on there, there might be some</p> <p>24 sort of sealant on there as well.</p> <p>25 Q. To prevent the ingress of water?</p>	<p>1 working drawings.</p> <p>2 A. Yes.</p> <p>3 Q. You remember that?</p> <p>4 A. Of course.</p> <p>5 Q. So we are coming to that. First, can we go to</p> <p>6 C32/24378.</p> <p>7 At the bottom, we see on or around 19 October 2015,</p> <p>8 Andy Leung raised an issue with you, sent an email to</p> <p>9 you, from what I read essentially blaming Leighton of</p> <p>10 failing to provide proposals to incorporate design</p> <p>11 changes. Is that a fair description of his email?</p> <p>12 A. Yes, that's reasonably fair.</p> <p>13 Q. Then you reply on the same day, if we turn to 24377.</p> <p>14 You gave quite a lengthy reply. But from what I can</p> <p>15 read from your reply, you essentially said that Leighton</p> <p>16 had already provided proposals and it was MTRC who</p> <p>17 failed to update the working drawings accordingly. Is</p> <p>18 that a fair summary of the gist of your --</p> <p>19 A. That is a fair summary. There were obviously other</p> <p>20 elements to it. One of the things that hasn't been</p> <p>21 mentioned yet are design amendments which are an MTR</p> <p>22 modification of the design, and they are generated by</p> <p>23 MTR. So part of the issue -- we were checking drawings</p> <p>24 ourselves, we were checking for what updates had been</p> <p>25 put in, particularly ours, but also noting that we were</p>
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<p>1 A. Correct.</p> <p>2 Q. And the two portions of concrete will have reinforcement</p> <p>3 bars go through them?</p> <p>4 A. The two portions of --</p> <p>5 Q. On the two sides of a construction joint, we still have</p> <p>6 reinforcement bar go through them. For example, if we</p> <p>7 look at the OTE wall CJ at the right-hand side --</p> <p>8 A. Mm-hmm.</p> <p>9 Q. -- it was anticipated that there would be further</p> <p>10 portion of concrete built on top of that upright part --</p> <p>11 A. Correct.</p> <p>12 Q. -- of OTE wall.</p> <p>13 A. So there would be bars coming out, and then you'd</p> <p>14 connect the next section of reinforcement on top of that</p> <p>15 and build the rest of the structure.</p> <p>16 Q. Thank you. So that's how you understood and understand</p> <p>17 the reply email.</p> <p>18 So, at that point of time, you understood that Andy</p> <p>19 Leung gave approval to the trimming down of concrete and</p> <p>20 the operation of monolithic casting by, in particular,</p> <p>21 this email?</p> <p>22 A. Yes, that's how you can interpret it, yes.</p> <p>23 Q. Now I just need to move on to a separate topic.</p> <p>24 In your witness statement, you also have some debate</p> <p>25 with Andy Leung again, on the responsibility of updating</p>	<p>1 getting advance information from MTR as well, so we</p> <p>2 wanted to make sure the drawings captured all of that</p> <p>3 information.</p> <p>4 So there were some concerns at the time that we</p> <p>5 weren't getting all the information onto the drawings.</p> <p>6 We had the information but as an updated singular set of</p> <p>7 drawings there was still some work to play catch-up on.</p> <p>8 Q. As I understand your answer, there are two different</p> <p>9 points.</p> <p>10 A. Yes.</p> <p>11 Q. One is what we call contractor's design, which</p> <p>12 originates from Leighton?</p> <p>13 A. Correct.</p> <p>14 Q. And the main complaint in Andy Leung's email is in</p> <p>15 relation to contractor's design?</p> <p>16 A. Correct.</p> <p>17 Q. And he's blaming Leighton for failure to incorporate</p> <p>18 your design into working drawings?</p> <p>19 A. (Nodded head).</p> <p>20 Q. But what you have just told us was in relation to</p> <p>21 a slightly different point, which is not the</p> <p>22 contractor's design but MTRC's own design. But what you</p> <p>23 told us is that you, Leighton, would also try to check</p> <p>24 their design and try to incorporate that into the</p> <p>25 working drawings?</p>

Page 81	1 A. Correct. I think I also make the point that we'd 2 provided all the information that we had in terms of our 3 proposed design amendments up to a point in time. There 4 is a subsequent email to the 19 October one where we 5 sent a fully detailed submission, including mark-ups, to 6 MTR of all the design changes that we were aware of, 7 including information on DAmS and drawing issue sheets 8 as well, 28 October I believe. 9 Q. Yes. I think I am coming to that, to see whether you 10 can confirm -- same bundle, 24381. 11 A. But this, just to clarify and confirm, that identified 12 our technical changes and also MTR changes. 13 COMMISSIONER HANSFORD: Sorry, we hear the word "DAmS". 14 A. Design amendment submission. 15 MR CHEUK: "Sheets", according to your witness statement, 16 "design amendment sheets". 17 A. Design amendment sheets, apologies. 18 COMMISSIONER HANSFORD: Design amendment sheets. Thank you 19 very much. 20 Sorry, and they are numbered sheets so they have 21 a unique numbering, do they? 22 A. They have a unique numbering. A DAmS could be a revised 23 drawing or it could be a sketch with a mark-up on 24 a drawing. It wouldn't necessarily be a repeat of the 25 whole drawing.	Page 83	1 would advise our Atkins, call it LCAL/Atkins, to update 2 the drawings. They would then be passed through to MTR 3 as a submission; okay? MTR would advise DDC to include 4 our changes, and also any of MTR's changes which could 5 have been driven by other people, government or fire 6 services, et cetera. 7 COMMISSIONER HANSFORD: Just to complete the picture, so 8 that I fully understand this, a DAmS would be issued in 9 response to a TQ? 10 A. Not necessarily. A DAmS could be a change initiated by, 11 like I said, another department, so it may be there was 12 a requirement for another structural opening or there 13 was a requirement for fire services. It could have come 14 from a third party. 15 So DAmS would be essentially client-driven changes. 16 COMMISSIONER HANSFORD: But they could also come from a -- 17 A. They could also, essentially. 18 COMMISSIONER HANSFORD: -- as a response to a TQ? 19 A. Yes, to incorporate the updates ready for the working 20 drawings. 21 COMMISSIONER HANSFORD: Okay. I understand. Thank you. 22 MR CHEUK: Can I also try to follow, clarify -- for example, 23 if the design is a contractor's design, is it correct 24 that Leighton will be responsible for updating the 25 working drawings so that the next version will
Page 82	1 COMMISSIONER HANSFORD: No, I understand. 2 A. And we use those elements to construct the works. 3 COMMISSIONER HANSFORD: Thank you. 4 MR CHEUK: Just to follow up, if I can help us to clarify 5 the various names of drawings. At the highest 6 hierarchy, we have the BD accepted drawings, of course. 7 A. Yes. 8 Q. Then, based on the BD accepted drawings, MTRC will issue 9 what they call working drawings to Leighton; is that 10 correct? 11 A. Mm-hmm. 12 Q. That's the second level. And if there is any amendment 13 to the working drawings, and if MTRC hasn't got the time 14 to fully prepare a new working drawings, they will issue 15 DAmS? 16 A. Correct. 17 Q. Either a sketch or a portion of amendments -- 18 A. Correct. 19 Q. -- to Leighton, so that Leighton can carry out works 20 first. Then it would be up to Leighton to subsequently, 21 during or after the works, incorporate that DAmS into 22 a next version of working drawings? 23 A. But to clarify, the DAmS update is done by MTR and 24 Atkins/DDC team. We would advise any changes from our 25 temporary works design changes or TQs; okay? So we	Page 84	1 incorporate the contractor's design? 2 A. Yes. 3 Q. But in terms of MTRC's own design, who should be 4 responsible for updating the working drawings? 5 A. For MTR's design, MTR. 6 Q. It's main contract? 7 A. Yes, but they would do it through their consultant, so 8 it would be Atkins/DDC. 9 Q. Atkins team A or DDC? 10 A. Like Brett, Mr Buckland, I prefer "Leighton/Atkins" and 11 "DDC". 12 Q. I will follow your terminology. 13 A. Because otherwise I'll get confused. 14 Q. So, basically, it depends on who initiates a design 15 change? 16 A. Correct. 17 Q. Either Leighton or MTRC will have the responsibility of 18 updating their working drawings? 19 A. (Nodded head). 20 Q. And the complaint of Andy Leung here is in respect of 21 contractor's design? 22 A. Correct. 23 Q. What I just have shown you on the screen is some 24 examples, I believe, that you gave in your reply to Andy 25 Leung that, "Okay, actually, I have done my job. We

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<p>1 have given you all the proposals, and you are 2 challenging the complaint of Mr Andy Leung?" 3 A. Correct. 4 Q. This is the contractor's submission form you mentioned 5 and referred to in your previous email; correct? 6 A. Correct. 7 Q. For example, if we can go to 24385, what you, Leighton, 8 provided to MTRC here, we can see, is some comments on 9 the existing drawing; correct? 10 A. Correct. 11 Q. Those in green and in red are marked up by Leighton? 12 A. I believe so, yes. 13 Q. So your understanding is that, by providing these 14 comments in green or in red, Leighton has done their 15 job? 16 A. Yes. Our intent was to make sure that we were all 17 working off the same set of drawings, the same 18 information, and we are all concurrent with it. That 19 was the important part of that exercise. 20 Q. Then let's look at Andy Leung's reply to you. We can 21 find his reply to you at C29/21516. 22 Andy Leung said here: 23 "Justin, 24 Your lengthy reply is what worries me when I try to 25 put 1112 drawing management back to its correct track.</p>	<p>1 contractually speaking, yes, they are two separate 2 contracts. We have a contract with Leightons, MTR have 3 a contract with Leightons. I think Mr Buckland has 4 already elaborated on the fact that there was a synergy 5 process and we were trying to make sure that glass walls 6 weren't appearing when they didn't need to be there, we 7 could actually get technical information easily 8 transposed across the two teams, so that we could 9 effectively build the works. 10 He's pointed out -- I've pointed out my concerns and 11 obviously he is replying back still with a concern, and 12 we had a meeting, I believe, to resolve it and move 13 things forward. 14 He had also pointed out that there was certain 15 information in regard to the DAmS, the design 16 amendments, that they needed to sort out, and he wanted 17 to make it clear that further TQs weren't being 18 incorporated on to drawings without his knowledge, which 19 is an understandable position. 20 Q. Let me give an example to you. For example, we have 21 just read the drawings with the green part and the 22 manuscript given by Leighton to MTRC. From my reading, 23 the difference between you two seems to be this. Please 24 correct me if I am wrong. It depends on how you see the 25 word "proposal" contains. From MTRC's perspective, it</p>
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<p>1 There is a big difference between us, Atkins (C1106 [ie 2 the DDC]) and Atkins (LCAL [ie Leighton/Atkins])." 3 A. Correct. 4 Q. "I suggest we meet on Thursday after the design meeting 5 to wrap it up once for all. 6 Your comments regarding the missing DAmS on working 7 drawing update are noted and, in fact, we are working 8 with Atkins [DDC] to rectify them. We expect to have 9 all DAmS issued by end of this month. On your side, 10 I would expect you manage the TQ and changes to the 11 permanent works in the same manner. So far, I have not 12 received any proposal for the changes associated with 13 TQs." 14 Can you help us, how do you understand the 15 difference between you and Andy Leung? 16 A. Sorry, in what sense? Andy works for MTR; I work for 17 Leighton. 18 Q. Because I try to infer, again, from these documents what 19 exactly is the difference between the position you adopt 20 and Andy Leung adopts. 21 A. Oh, in terms of the position? 22 Q. Yes. 23 A. Okay. Andy is pointing out, quite correctly, that MTR 24 have a contract with Atkins -- C1106, I think that's the 25 number denominating the contract -- and ourselves, and</p>	<p>1 seems that "proposal" includes you actually need to 2 incorporate those comments into working drawings, not 3 just providing comments on, you know, existing drawings. 4 A. Okay. I wouldn't interpret it that way. We were trying 5 to ensure that both ourselves and MTR were on the same 6 page with respect to the drawing changes. One has to 7 bear in mind, at the time there were a number of DAmS 8 coming through to Leighton. These were issued under 9 email as advance DAmS; okay? Now, the process for 10 issuing change really should come as an engineer's 11 instruction with a DAmS associated with it. We later on 12 got an engineer's instruction but we were initially 13 provided with a whole series of drawings under 14 an advance submission. 15 I believe there's certain emails in the trail from 16 Andy Leung and some of his design team providing 17 drawings which are for construction but haven't been 18 formally submitted through the process. 19 So what we tried to do was get everybody on to the 20 same page, both myself and Andy, after I had written my 21 mail, so that we were aligned with what changes needed 22 to be incorporated onto the drawings. 23 Q. Let's again try to narrow it down a little bit. Let's 24 not talk about MTRC's design changes; okay? 25 A. Okay.</p>

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<p>1 Q. Let's only focus on contractor's design changes, for 2 example a TQ. 3 A. Yes. 4 Q. What seems to me, in the dialogues between you and Andy 5 Leung, is that while you provided some examples to say, 6 "I've done my job, to give you the changes proposal", 7 and we have seen, when you say you have done your job, 8 if you look at your proposals, that means those drawings 9 with comment and highlights, you know. 10 A. Mm-hmm. 11 Q. But it seems to me, I certainly will take it up or 12 Mr Pennicott will take it up with Andy Leung, that Andy 13 Leung requires something more. It's not just with 14 comments and highlights on the existing drawings, but 15 you need to actually incorporate those comments to 16 produce a new updated drawing. Is that the real 17 difference between you two? 18 A. Understood. In terms of a works proposal, now you are 19 effectively using one of the commercial terms that we 20 used on the project. A works proposal was a document 21 that you would attach certain changes to, submit to MTR, 22 and then they would go through a process. We believe we 23 created a works proposal, 454, which we had sent through 24 to the construction team, the design team, and there's 25 an email trail showing it go through to MTR's commercial</p>	<p>1 drawing? 2 A. We had updated our drawings but we were also querying 3 whether certain elements of MTR's updates had also been 4 incorporated. So that was the purpose of marking up 5 those drawings. 6 So the danger is that you end up with multiple sets 7 of working drawings which wants to be avoided at all 8 costs, and that was the intent. So both Andy's raised 9 a concern, I've addressed it from Leighton's 10 perspective, we then subsequently had a meeting, I can't 11 remember what time or when we had the meeting, and then 12 there's been subsequent further clarification on the 13 drawings. We have provided our information as mark-ups 14 to MTR. We've had further discussions and updated 15 drawings and amendments have been processed. 16 Q. Do I understand you correctly, your answer is in essence 17 this. You had already incorporated contractor's design 18 into the drawings you provided to MTRC? 19 A. Yes. Without looking at all the drawings at the time, 20 yes, I would believe we would have incorporated a whole 21 series of changes. 22 Q. Your response to Andy Leung's discussion was that 23 actually Leighton was waiting for clarification from 24 MTRC in respect of their design. That's why you could 25 not produce a full set of working drawings?</p>
<p>Page 90</p> <p>1 team, I believe, where they are discussing it with the 2 design team. 3 We tried to follow up on that and there was no 4 feedback so we assumed that those changes had been 5 incorporated, otherwise they would have come back to us. 6 Q. Yes, but I'm not sure you have answered my previous 7 question. Is that the real difference between your row 8 here with Mr Andy Leung -- 9 A. I wouldn't call it a row. I would call it 10 a clarification -- 11 MR BOULDING: Discussion. 12 MR CHEUK: A discussion? 13 A. A clarification of points. Andy raised a concern. He 14 had a concern. I responded to it with all the factual 15 information that I was aware of. Subsequently, 16 I provided additional information to align both 17 ourselves and MTR that the changes were being 18 incorporated. 19 Q. When you say the changes -- sorry for raising the 20 temperature between Leighton and MTRC. When you say you 21 had incorporated, what do you mean by that? Are you 22 saying that by highlighting those in colour, changes in 23 colour, and providing manuscripts, is a form of 24 incorporation, or do you think your responsibility goes 25 further, ie to actually produce a new updated working</p>	<p>Page 92</p> <p>1 A. I wouldn't interpret it that way. I was more trying to 2 ensure that we had all the changes incorporated so that 3 we were all on the same basis, not a "waiting for them 4 and they are waiting for us" process. It's concurrent. 5 DAmS arrived at various points when we were 6 constructing the works. Again, I believe there's 7 another email where we received a revised set of 8 drawings, two weeks before we were actually installing 9 the steel, so quite an important set of DAmS to receive. 10 So we need to make sure that we are aligned with the 11 information, and that's what the intent of those 12 discussions and meetings were. 13 Q. Just again to clarify, your answer is actually Leighton 14 has already incorporated both contractor's design as 15 well as MTRC's design? 16 A. Well, we haven't incorporated -- we don't change the 17 drawings; okay? Leighton don't change the drawings. We 18 mark up the drawings, we pass that information back to 19 MTR and, if there's changes to those drawings, then MTR 20 instructs DDC, Atkins, to update the drawings. 21 Q. That's exactly what I understood. Let's clarify -- 22 A. Yes. What we have done is mark up the drawings for 23 information, so that we are aligned in terms of the 24 changes ongoing. 25 Q. Yes. Your understanding is that you don't change or</p>

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<p>1 that your understanding?</p> <p>2 A. But in terms of the passage of drawings, they go through</p> <p>3 to their construction team, and then they go across to</p> <p>4 the design team for further verification and submission</p> <p>5 across to BD.</p> <p>6 So the process is we provided that information</p> <p>7 through to the construction team; they have accepted it</p> <p>8 as a valid detail; they then pass the information</p> <p>9 through to the design team. So, on our understanding,</p> <p>10 yes, it's been accepted.</p> <p>11 Q. So, for example, in terms of TQ34, which concerned the</p> <p>12 change of first row of T1 rebar only and then hacking</p> <p>13 out a tiny part of --</p> <p>14 A. Yes.</p> <p>15 Q. -- that detail has already been set out in a sketch in</p> <p>16 TQ34. So Leighton's position is that as long as that's</p> <p>17 passed to MTRC, you have completed your job?</p> <p>18 A. Yes.</p> <p>19 Q. And if now we have any difficulty in locating that exact</p> <p>20 detail, where they are, that's MTRC's problem; is that</p> <p>21 a fair way --</p> <p>22 A. I disagree, because I think TQ34 was quite specific to</p> <p>23 a panel.</p> <p>24 Q. Yes, EH74, but according to Kit Chan it was also adopted</p> <p>25 in other panels.</p>	<p>1 and the second one may take a little longer but</p> <p>2 hopefully not too much time.</p> <p>3 Mr Taylor, can I ask you, please, to look at</p> <p>4 paragraph 9 of your first witness statement. That's</p> <p>5 C27/20833. You there deal with what we are now calling</p> <p>6 or what I would now like to call the second change, that</p> <p>7 is the change to the top of the east diaphragm wall.</p> <p>8 A. Okay. Understood.</p> <p>9 Q. You refer to that change and then you explain, in</p> <p>10 paragraph 10, a number of key points, (a) through to</p> <p>11 (f), if we go over the page, and I won't read them all</p> <p>12 out.</p> <p>13 A. Yes.</p> <p>14 Q. Can I ask you these four questions. First of all, do</p> <p>15 you accept that the change that you discuss in those</p> <p>16 paragraphs required the demolition of approximately half</p> <p>17 a metre of diaphragm wall?</p> <p>18 A. The change in putting bars across the top instead of</p> <p>19 couplers with bars?</p> <p>20 Q. Yes.</p> <p>21 A. Yes.</p> <p>22 Q. Do you accept that the diaphragm wall, as constructed by</p> <p>23 Intrafor, was permanent work?</p> <p>24 A. Yes. Well, I'll clarify that: it starts off in</p> <p>25 a temporary phase because it's supporting the grout.</p>
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<p>1 A. Yes, and our understanding of it is a coupler-to-bar,</p> <p>2 like-for-like replacement, so ...</p> <p>3 MR CHEUK: Chairman, I have only one minute and then I will</p> <p>4 finish.</p> <p>5 CHAIRMAN: Please continue.</p> <p>6 MR CHEUK: My issue with you is just, you know -- do</p> <p>7 I understand correctly, for example, TQ34, once you pass</p> <p>8 to MTRC, the process of incorporating TQ34 is the</p> <p>9 responsibility of MTRC, not Leighton? Is that</p> <p>10 Leighton's understanding?</p> <p>11 A. Yes.</p> <p>12 MR CHEUK: I have no further questions. I believe this may</p> <p>13 be an appropriate time for a break.</p> <p>14 CHAIRMAN: That's slap-bang on. Thank you. Yes.</p> <p>15 2.15 this afternoon. Thank you.</p> <p>16 (1.00 pm)</p> <p>17 (The luncheon adjournment)</p> <p>18 (2.17 pm)</p> <p>19 MR PENNICOTT: Good afternoon, sir. Good afternoon,</p> <p>20 Prof Hansford.</p> <p>21 As advertised before lunch, I have a few questions</p> <p>22 for Mr Taylor as well.</p> <p>23 Examination by MR PENNICOTT</p> <p>24 MR PENNICOTT: Good afternoon, Mr Taylor. Just two topics,</p> <p>25 Mr Taylor, the first of which I hope will be very short,</p>	<p>1 It's not -- it's used as part of the structure, so</p> <p>2 therefore it becomes permanent works. So we had</p> <p>3 an involvement in the very start of the project as</p> <p>4 a temporary works component, and then later on it</p> <p>5 becomes part of the permanent works. So it transitions.</p> <p>6 Q. When completed, it is part of --</p> <p>7 A. When completed, it is part of the permanent works, yes,</p> <p>8 correct, because it's not removed and it's not left on</p> <p>9 its own.</p> <p>10 Q. Yes. You accept, as I understand it, that ultimately</p> <p>11 Intrafor's permanent work, as completed, was approved by</p> <p>12 the Buildings Department?</p> <p>13 A. Yes.</p> <p>14 Q. And, therefore, it follows, do you accept, that the</p> <p>15 change required the demolition of part of the permanent</p> <p>16 work for which approval had been given?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. That's the end of that topic.</p> <p>19 Could I then, please, discuss with you a topic which</p> <p>20 I anticipate you might have thought was coming, that is</p> <p>21 retrospective records.</p> <p>22 A. Hmm.</p> <p>23 Q. We heard from Mr Andy Ip on Day 20, that's a couple of</p> <p>24 Fridays ago, that you were involved in the process of</p> <p>25 compilation and collation of documents back in June of</p>

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<p>1 this year.</p> <p>2 A. Yes.</p> <p>3 Q. I think, would it be right to say, that you took a lead</p> <p>4 role in the compilation and collation of those</p> <p>5 documents?</p> <p>6 A. I took a lead role in organising the team to get the</p> <p>7 documents ready.</p> <p>8 Q. Right. Were you essentially supervising the team?</p> <p>9 A. Yes, at the time, yes.</p> <p>10 Q. You provided us with a fourth witness statement --</p> <p>11 A. Indeed.</p> <p>12 Q. -- relatively recently, no criticism, where you explain</p> <p>13 that either the checklist or the as-built document that</p> <p>14 we've looked at a number of times, and I suspect you've</p> <p>15 been following what's been going on --</p> <p>16 A. Yes.</p> <p>17 Q. -- the template for that document was prepared by</p> <p>18 Mr Lumb?</p> <p>19 A. Correct.</p> <p>20 Q. Can you tell me whether or not a soft copy of that</p> <p>21 template was sent to MTR?</p> <p>22 A. I don't know.</p> <p>23 Q. If it had been sent to MTR in soft copy, who is likely</p> <p>24 to have sent it?</p> <p>25 A. I don't know.</p>	<p>1 Q. Mr Taylor, can I ask you this -- were you responsible --</p> <p>2 I mean, we've heard that Mr Lumb prepared the template.</p> <p>3 Were you responsible for the preparation of any part of</p> <p>4 this document?</p> <p>5 A. No.</p> <p>6 Q. Do you know wrote on the circles around the "S"s that we</p> <p>7 see on this page?</p> <p>8 A. No.</p> <p>9 Q. Do you know who wrote "19 December 2015" twice on the</p> <p>10 bottom?</p> <p>11 A. No.</p> <p>12 Q. These documents found their way to MTRC, as I think you</p> <p>13 are aware.</p> <p>14 A. Yes, I am now.</p> <p>15 Q. And they were attached to a series of RISC forms, so</p> <p>16 this one would have been attached to the RISC form for</p> <p>17 area C3-3, and it so happens that the 19 December 2015</p> <p>18 date that we see there is indeed the date of the RISC</p> <p>19 form, the pre-concrete pour -- sorry, the rebar checking</p> <p>20 that relates to this area.</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 Did you have any role in submitting this document,</p> <p>24 along with the RISC forms that went with it, to MTR?</p> <p>25 A. No.</p>
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<p>1 Q. All right. Could we please look, first of all, at</p> <p>2 H14/35067.</p> <p>3 Mr Taylor, you can probably see that document on the</p> <p>4 screen now, can you?</p> <p>5 A. Correct.</p> <p>6 Q. I'm going to show you four or five, I think four,</p> <p>7 documents, and this is the first of the train, as it</p> <p>8 were. They are all going to relate, looking at the top</p> <p>9 right-hand corner of this photograph, to "C3-3 (East)";</p> <p>10 do you see that?</p> <p>11 A. Yes, I can see that.</p> <p>12 Q. The reason for that is Mr Chow of the government has</p> <p>13 taken a witness to this particular document and I'm</p> <p>14 going to try to focus on the same document and use the</p> <p>15 same area, for consistency.</p> <p>16 A. Understood.</p> <p>17 Q. This is, as we can see, a checklist, it's called</p> <p>18 a checklist for on site assembly of the EWL slab, and it</p> <p>19 relates to area C3-3, as I said, and we can see the</p> <p>20 panel numbers identified there.</p> <p>21 A. (Nodded head).</p> <p>22 Q. And Mr Mok, Edward Mok, has told us that he was, perhaps</p> <p>23 with others, responsible for putting in the diagrams we</p> <p>24 can see in the top half of the page; do you see that?</p> <p>25 A. Okay.</p>	<p>1 Q. Who did?</p> <p>2 A. I don't know.</p> <p>3 Q. Right.</p> <p>4 A. I think I made a statement in my fourth statement in</p> <p>5 terms of the knowledge of the as-built checklist.</p> <p>6 I became aware of this sheet later on. There's nothing</p> <p>7 more I can add to it.</p> <p>8 Q. But you were, as I understood from your answer earlier,</p> <p>9 responsible for supervising the collation of the</p> <p>10 material?</p> <p>11 A. Correct.</p> <p>12 Q. Did you not look at it and check it and see what was</p> <p>13 being produced?</p> <p>14 A. No. There was -- at the time, we had a lot of pressure</p> <p>15 from MTR, so I arrived on the project 1 June, or</p> <p>16 returned to the project 1 June. The project director at</p> <p>17 the time was away. The message was, "We need to get</p> <p>18 a whole series of documents ready for BD, they're coming</p> <p>19 for an inspection", there was lots of requests from MTR</p> <p>20 concurrently, and there's lots of information associated</p> <p>21 with the construction of the works, including temporary</p> <p>22 works forms, RISC forms, material submissions,</p> <p>23 et cetera.</p> <p>24 Now, ultimately this information forms part of what</p> <p>25 is called the BA14 submission. So we had already</p>

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<p>1 started to prepare the BA14s progressively as the works 2 were going along. So the initial approach was to look 3 for that information, collect it, then we would say, "We 4 have already provided all this information." 5 The request then came, "We want the original 6 copies", so it took a lot more effort to try to find 7 this information. So at the time we were looking for 8 all the original copies. So I spent, with the majority 9 of the team, looking at this information -- sorry, not 10 this information, the material submissions, the 11 temporary works forms and the RISC forms, and collecting 12 all of that documentation together. I was not part of 13 this exercise. 14 Q. All right. So the preparation of this checklist and the 15 drawing up of the template, you had no input in that 16 whatsoever? 17 A. Correct, no input. 18 Q. I've got Mr Lumb coming later so maybe he will be able 19 to shed a little bit more light on it. 20 Could I ask you to look at B7/4538. Sorry, could we 21 try to find C3-3 in this batch. You will need to scroll 22 down until you come to C3-3. Keep going. That's it. 23 Thank you very much. Well done. 24 Just for the record, that's B7/4588. 25 A. Okay.</p>	<p>1 detail -- he's put a line through -- someone has put 2 a line through the "NS" columns, you can see all that. 3 But right at the bottom, if we can blow that up 4 slightly, right at the bottom, underneath the signature, 5 what he's put there by way of addition is a remark which 6 says, "This form serves a retrospective record of 7 coupler installation"; do you see that? 8 A. Yes. 9 Q. All right. 10 Then could I ask you, please, to be shown C15/10248. 11 Again, Mr Taylor, this is another similar record for 12 "C3-3 (East)"; do you see that? 13 A. Yes. 14 Q. But this time, one of the changes, principal change, is 15 that it no longer says "Checklist" in the top left-hand 16 corner, but it says "As-built"; do you see that? 17 A. Yes. 18 Q. I assume -- I think I know the answer to this -- but you 19 don't know who was responsible for changing the document 20 from "Checklist" to "As-built"? 21 A. Correct, I do not. 22 Q. All right. 23 Finally, if you could go, in the same bundle, to 24 10250, so just two pages on, please. We can see, again, 25 this is for area "C3-3 (East)", but this time it's</p>
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<p>1 Q. You will see, again, it's C3-3, trying to be consistent, 2 Mr Taylor, as you can see. 3 A. Yes. 4 Q. Despite the fact that the panel numbers right at the top 5 are incorrectly listed, the diagram seems to be correct 6 in terms of the panel numbers. And this is a document 7 signed by Mr Kobe Wong of the MTRC. 8 A. Yes. 9 Q. Is this a document you've seen before? 10 A. Not until very recently. I became aware of it the other 11 day, when we've been asked questions in a letter from 12 MTR and they were trying to understand what was going 13 on, and I thought they were referring to a document. 14 I got confused and then I asked them and they explained 15 there's this document. So I've only become aware of it 16 in the last few days, effectively. 17 Q. Just looking at it, you can perhaps see why I asked -- 18 A. Yes. 19 Q. -- whether or not a soft copy had been sent to MTRC. 20 A. I'm not aware of who, if anyone, has sent them a soft 21 copy. 22 Q. Okay. And what appears to have been done by Mr Wong, 23 and obviously we will get a chance to speak to him about 24 this in a few days' time no doubt -- he's put his 25 signature on there, there's a date there, all the other</p>	<p>1 called R1 or revision 1; do you see that, the top 2 right-hand corner? 3 A. Yes. There's a date underneath as well. 4 Q. Then there's a date, "Revised on 31 July 2018", this 5 year? 6 A. Yes. 7 Q. One can see that it differs quite considerably from the 8 previous version that we just looked at? 9 A. Yes, there's obviously changes on it. 10 Q. And again I anticipate I know the answer to this 11 question but would it be right that you do not know who 12 made the changes to this -- sorry, from the previous 13 document to this document? 14 A. Correct, I do not. 15 MR PENNICOTT: All right. Thank you very much, Mr Taylor. 16 I have no further questions. 17 CHAIRMAN: Can I just ask one thing, Mr Taylor. If we can 18 go back to that first document. 19 MR PENNICOTT: The very first? 20 CHAIRMAN: The very first one, yes. 21 MR PENNICOTT: The photograph of the checklist? 22 CHAIRMAN: Yes. 23 MR PENNICOTT: That's H14/35067. 24 CHAIRMAN: Just looking at this document, would it be fair 25 to say that without any further knowledge as to how or</p>

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<p>1 why it was put together, just simply looking at that as 2 a document, it appears to be a contemporary document, in 3 the sense that it's contemporaneously recording certain 4 events, as opposed to being a much later summary of 5 historical events. 6 A. Yes. It doesn't show anything to say it's not a later 7 record. 8 CHAIRMAN: Yes. Thank you. Sorry, it doesn't show 9 anything -- 10 A. That -- it doesn't show anything that it's not 11 retrospective. 12 CHAIRMAN: One of the wonders of the English language, 13 sorry. 14 A. What I'm trying to say is it doesn't show anything that 15 is saying it's not retrospective. It is retrospective. 16 CHAIRMAN: It is retrospective? 17 A. Yes. My apologies. 18 CHAIRMAN: Thank you very much. 19 Yes, thank you. 20 MR CHOW: Mr Chairman, I have just a few questions for 21 Mr Taylor. 22 CHAIRMAN: Yes. 23 Cross-examination by MR CHOW 24 MR CHOW: Good afternoon, Mr Taylor. 25 A. Good afternoon.</p>	<p>1 you had two base documents to which you could refer, one 2 of which is the pre-concreting pour for the RISC form 3 there. 4 A. Yes, the pre-pour checklist. 5 CHAIRMAN: And the other one is -- 6 A. The RISC form associated with the inspections. 7 CHAIRMAN: That's it. 8 So would it be correct to say that after -- assuming 9 you are going back to 2015, it's very difficult to 10 remember individual couplers because from what 11 I understand, they tend to look alike and you see 12 an awful lot of them on this building. 13 A. Indeed. 14 CHAIRMAN: So would it be correct to say you are putting 15 satisfactory there, or not satisfactory, whichever it 16 is, not on the basis obviously of individual memory but 17 just on the basis that those base documents to which we 18 have just referred were affirmative and didn't point 19 anything out as being amiss? 20 A. Correct, and there's also, as part of the exercise to 21 retrieve documentation, we also looked to all of the 22 photographs we had, to give a pictorial record of what 23 was going on at the time. So that was supporting all 24 the other information we had. 25 CHAIRMAN: All right. So you looked at your base documents</p>
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<p>1 Q. My name is Anthony Chow and I represent the government. 2 I have a few questions for you. 3 While we still have the form on the screen, just to 4 follow up on Mr Pennicott's question. You mentioned 5 about in early June you carried out this exercise of 6 collating all the documents, all the information for the 7 purpose of filling at least the top part of the form; do 8 you recall that? 9 A. No, I didn't say that. I didn't say we collected 10 information to fill in the top part of the form. I said 11 we collected records, all of the records associated with 12 the construction of the works, which includes temporary 13 works forms, the pre-pour checklists, the RISC forms, 14 any associated documentation on the material 15 submissions, et cetera. This is a separate document 16 that I'm not aware of or wasn't aware of at the time. 17 Q. Right. 18 CHAIRMAN: Sorry, could I interrupt again -- just one thing 19 to assist me, sorry. Looking, it doesn't matter which 20 form we can look at, but if we can come in a little bit 21 closer on that there -- now, you will see it talks about 22 couplers fully screwed and fitting, and then you've got 23 an "S" for satisfactory and an "NS" for not 24 satisfactory. 25 Would it be correct that -- my understanding is that</p>	<p>1 to which we have both made reference now? 2 A. Yes. 3 CHAIRMAN: And in addition, to give you greater confidence, 4 you looked at -- 5 A. The photographs. 6 CHAIRMAN: -- the photographic portfolio? 7 A. Correct. 8 CHAIRMAN: And was it normal to take photographs of each and 9 every portion of the diaphragm wall or the rebar fixing 10 prior to concreting? 11 A. I think it was a regular activity that they did anyway, 12 to show that the works were ready. 13 CHAIRMAN: Yes. 14 A. And it helped certainly with the inspections. So one of 15 the areas that we looked at was the WhatsApp record 16 because there were quite a few photographs where there 17 was communication between our guys and the inspectors on 18 the state and readiness of the pour, and so they would 19 take a picture of the couplers, so we had quite a bit of 20 information from those as well. 21 CHAIRMAN: Thank you very much. 22 I'm sorry, Mr Chow. 23 MR CHOW: Not at all. 24 Mr Taylor, you mentioned about the exercise that you 25 managed in early June this year. Am I right that one of</p>

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<p>1 the team members who helped you to put together all this 2 information would be Andy Ip? 3 A. Correct, yes. 4 Q. Andy Ip told this Commission that his contribution to 5 this form is those information contained in the upper 6 part of the checklist that we see. 7 A. Yes. 8 Q. So are you telling us that notwithstanding the knowledge 9 of Andy Ip, you have no knowledge of this form? 10 A. I have no knowledge of this form, no. 11 Q. I see. So you don't know how the information gathered 12 or prepared by Andy Ip got transferred onto the top part 13 of this form? 14 A. No. 15 Q. Regarding the exercise that you managed in early June, 16 can you tell us who requested you to carry out that 17 exercise? 18 A. The project director, Jon Kitching. Jon Kitching was 19 away for the weekend that I arrived so he asked me to 20 help support, get the team moving, collect the records 21 as we had, and that's what I did. I'm not sure when Jon 22 returned to the office. We piled the records into 23 boxes, put them in room 103 for EWL and room 104 for 24 NSL, and then we waited for MTR to come and review them. 25 MTR took some copies. And then BD -- I'm not sure who</p>	<p>1 received yesterday, page 29. Do we have that? 2 According to the consolidated index -- 3 A. Where is it? I can't see it, sorry. 4 Q. I know, because the Secretariat is not able to put up 5 the copies of the consolidated index. 6 According to the consolidated index that we have 7 received, the document 013-27 is put in bundle 29, 8 starting from page 21804. 9 Apparently, this refers to a design submission made 10 on 4 November 2015, and it relates to the excavation and 11 lateral support design amendment, the 8th amendment. 12 Can you tell us, is this the document that you 13 intended to refer to? 14 A. I'm not sure. I'd have to see -- you're referring to 15 a timeline document. Is it not possible to show -- 16 Q. I'm referring to what you have put down in your 17 footnote 6. This is the document that you refer to. 18 MR PENNICOTT: I can show the witness the index. It's 19 probably not going to be the complete answer. (Handed). 20 MR CHOW: The copy that I have, it should be at page 29 of 21 the consolidated index. 22 A. Yes. 23 Q. I believe it's a wrong reference. I just want you to 24 confirm that. It may well be simply a wrong reference. 25 A. Wrong reference in the sense that -- I'm not sure I'm</p>
<p>Page 114</p> <p>1 else turned up and did their review. I think they took 2 boxes to a separate room. But as far as I'm aware none 3 of the Leighton people were with them when they took the 4 boxes away. 5 Q. So the boxes that you mention -- so, to your knowledge, 6 this kind of checklist did not appear in those boxes? 7 A. Not when I saw the boxes, no. The boxes had all the 8 other information in them. 9 Q. The last area that I would like to take you to I believe 10 is a wrong reference in your statement. I just want to 11 confirm with you. 12 A. Okay. 13 Q. Can I trouble you to go to paragraph 18 of your first 14 statement, bundle C27, page 20836. 15 Here, in this paragraph, you said: 16 "MTRC submitted this change to BD for consultation 17 and it was accepted by BD." 18 Under footnote 6, you refer to two items, 013-27 and 19 013-28. 20 I have looked up the relevant document. It appears 21 to be -- the two documents that you refer to, the first 22 one actually is a submission dated 4 November 2015. 23 A. Okay. Could I see the reference? 24 Q. Of course, yes. Can I first refer you to the 25 consolidated index, dated 28 November this year, that we</p>	<p>Page 116</p> <p>1 understanding the question. 2 Q. In the sense that it's not the documents you intend to 3 refer. I believe what you intended to refer is the one 4 submitted to the Buildings Department on 29 July 2015. 5 A. It's difficult to say without reviewing the content of 6 this submission. One is an amendment and one is -- yes. 7 Q. Then perhaps you can take a look at bundle C29, 8 page 21804. 9 A. That's only the cover sheet. 10 Q. Yes. Now, what -- 11 A. I'd need to see the document. 12 Q. Leighton has disclosed just the covering sheet. 13 A. That's right. 14 Q. But the full report actually can be found in bundle B16, 15 starting from page 13696. 16 A. Okay. Can we scroll down? 17 Q. Right. So this is a full submission. 18 A. Yes. 19 Q. So can you tell us whether this is a document that you 20 intended to refer to? 21 A. Like I said, I'd have to look at the whole submission to 22 understand, and it's many, many pages. 23 Q. So if we can quickly scroll down. 24 If it helps, perhaps you can jump to page 13758, 25 because that is where you have set out the construction</p>

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<p>1 sequence.</p> <p>2 A. Is it possible to go back to my statement to see the --</p> <p>3 Q. Yes.</p> <p>4 A. I'm trying to understand -- are you asking about the</p> <p>5 time frame of the submission, or are you asking which</p> <p>6 version of the submission I should be referring to?</p> <p>7 Q. Paragraph 18 of your first statement, where you say:</p> <p>8 "MTRC submitted this change to BD for consultation</p> <p>9 and it was accepted by BD."</p> <p>10 Then you refer to this document as the submission.</p> <p>11 A. Okay.</p> <p>12 Q. As I said, I believe it is a wrong reference. Can</p> <p>13 you --</p> <p>14 A. I'm not sure. I'd have to look at the two submissions</p> <p>15 together, to see, and if both were submitted and agreed</p> <p>16 then -- I'm not sure what the point.</p> <p>17 Q. I have gone through these submissions, the one you refer</p> <p>18 to.</p> <p>19 A. Yes.</p> <p>20 Q. I can't find any reference to trimming down of diaphragm</p> <p>21 wall or replacement with through-bars or even full</p> <p>22 tension laps.</p> <p>23 A. Okay. I think we clarified that point earlier on. We</p> <p>24 considered it a construction detail, not a design.</p> <p>25 Q. Yes, I note that.</p>	<p>1 Good afternoon, Mr Taylor. Earlier on in your</p> <p>2 evidence, you referred to a sketch that you wanted to</p> <p>3 look at of the design change; do you remember that?</p> <p>4 A. Yes.</p> <p>5 Q. Can you go to C27/20855.</p> <p>6 A. Yes.</p> <p>7 Q. Is this what you wanted to look at?</p> <p>8 A. Yes. There's one further down that shows the</p> <p>9 construction jointing detail, yes. Thank you. So the</p> <p>10 original design, and then the one further down, then it</p> <p>11 shows after the change. So it reduces the number of</p> <p>12 construction joints. That was the point I was trying to</p> <p>13 make.</p> <p>14 COMMISSIONER HANSFORD: Can we just flip back to the</p> <p>15 previous page. Sorry, so you are saying the diagram at</p> <p>16 the bottom of this page, with the red, blue and green,</p> <p>17 is replaced by the diagram at the top of the next page,</p> <p>18 if we can go back to that, which is also red, blue and</p> <p>19 green, but in different places?</p> <p>20 A. Correct.</p> <p>21 COMMISSIONER HANSFORD: And the significant point is the</p> <p>22 red?</p> <p>23 A. Correct, showing continuous bars. So instead of</p> <p>24 a coupler/bar/coupler/bar, it's straight-through bars,</p> <p>25 bars of the same diameter, bars of the same spacing.</p>
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<p>1 Just for the sake of completeness, the BD response</p> <p>2 that you refer to, the second document, 013-28, is</p> <p>3 actually contained in bundle C29, starting from</p> <p>4 page 21814. Can I trouble you to go to that document.</p> <p>5 It only contains a few pages. Can you take a quick look</p> <p>6 at the document and tell us whether this is the BD's</p> <p>7 response that you intended to rely on.</p> <p>8 Perhaps we can ask -- have you finished the first</p> <p>9 page?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 A. Sorry, what was the question again?</p> <p>13 Q. Can you tell us whether this is the document, this is</p> <p>14 the specific response from the Buildings Department,</p> <p>15 that you intended to rely on in support of your</p> <p>16 statement contained in paragraph 18?</p> <p>17 A. Yes, I believe so.</p> <p>18 MR CHOW: I have no more questions for you, Mr Taylor.</p> <p>19 Mr Chairman, I have no more questions.</p> <p>20 MR BOULDING: Nothing from us.</p> <p>21 CHAIRMAN: Thank you.</p> <p>22 MR SO: No questions from China Technology.</p> <p>23 MR CONNOR: Nothing from Atkins.</p> <p>24 Re-examination by MR WILKEN</p> <p>25 MR WILKEN: Sir, just a very brief re-examination, if I may.</p>	<p>1 COMMISSIONER HANSFORD: Thank you.</p> <p>2 CHAIRMAN: Sorry, Mr Wilken, where does that come from?</p> <p>3 MR WILKEN: That is an exhibit to his first statement,</p> <p>4 exhibit JT-3.</p> <p>5 CHAIRMAN: Correct. Thank you.</p> <p>6 MR WILKEN: You were asked some questions at the very end</p> <p>7 there about getting a couple of document references</p> <p>8 wrong.</p> <p>9 A. Apologies.</p> <p>10 Q. It happens to us all. Can I take you to C24/17998.</p> <p>11 This is a letter from BD dated 8 December --</p> <p>12 A. Yes.</p> <p>13 Q. -- 2015, and you see it's referring to a structural</p> <p>14 proposal, and if you scroll down, on to the next page,</p> <p>15 scroll down some more, please, down again, please -- is</p> <p>16 that the approval that you were thinking of?</p> <p>17 A. Yes. That's why I was getting confused.</p> <p>18 Q. Then if you go to C26/20002, this is another BD letter</p> <p>19 dated 28 April 2016.</p> <p>20 A. Yes.</p> <p>21 Q. And I ask the same question.</p> <p>22 A. Yes, correct.</p> <p>23 MR WILKEN: Sir, I have no further questions by way of</p> <p>24 re-examination.</p> <p>25 CHAIRMAN: Good. Thank you very much.</p>

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<p>1 COMMISSIONER HANSFORD: I have one question, if I may. 2 Mr Taylor, I'm interested in the dynamics between -- 3 particularly between Leighton and BD. In your third 4 witness statement, somebody's going to have to help me 5 with the bundle number, but it's paragraph 17 of your 6 third witness statement. 7 MR WILKEN: C35, it starts at 26553. 8 COMMISSIONER HANSFORD: Yes, and it's 26557, paragraph 17. 9 A. Yes. 10 COMMISSIONER HANSFORD: On your third and fourth sentences 11 "I also do not understand Mr Ho's suggestion that 12 such changes were not brought to attention of the BO 13 team during its site visits for proof tests of the 14 diaphragm walls. I would consider that if the BO team 15 was not aware of the Change, this further indicates that 16 the Change was not significant and was considered to be 17 minor." 18 Could you just expand on that, because I'm just 19 trying to understand what was going on in terms of BD's 20 site visits and why that leads you to that conclusion. 21 A. In terms of the site visits, I wasn't party to the site 22 visits. We were advised by MTR -- I was provided with 23 a summary of the number of site visits they attended. 24 MTR were typically in attendance. We were advised of no 25 particular concerns in relation to the change going on,</p>	<p>1 please. 2 WITNESS: My name is Stephen John Lumb. 3 MR STEPHEN JOHN LUMB (affirmed) 4 Examination-in-chief by MR WILKEN 5 MR WILKEN: You have prepared five witness statements for 6 this Commission. 7 MR PENNICOTT: That we know so far. 8 MR WILKEN: I know, I was about to say. 9 Which makes you the record-holder. Can I take you 10 to the first of those: C27/20110. Is that the first 11 page of your first witness statement? 12 A. That's correct. 13 Q. If you go to 20115, is that your signature? 14 A. Correct. 15 Q. And it's dated 2 October 2018? 16 A. Correct. 17 Q. Can you go to your second witness statement, please, 18 C27/20887. Is that the first page of your second 19 witness statement? 20 A. Correct. 21 Q. If you go to 20891, is that your signature? 22 A. Correct. 23 Q. And is that dated 9 October 2018? 24 A. Correct. 25 Q. To your third witness statement, C35/26543. Is that the</p>
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<p>1 so that's why I've written it the way I've written it 2 because nothing has been advised of us. 3 In my time on the project, I have been to a few 4 meetings with BD but invariably that's with the 5 consultants in attendance and MTR in attendance. 6 Extremely rarely, if ever, did we, that's Leighton, 7 communicate, when I was there in the meetings, 8 I know Brett Buckland earlier has said he had some 9 discussions and various things. But from my visits with 10 BD, there were very few, and invariably discussions were 11 held with the consultants and MTR. 12 COMMISSIONER HANSFORD: Okay. Thank you. 13 CHAIRMAN: Good. Thank you very much indeed. Thank you. 14 Your evidence is now completed. 15 WITNESS: Thank you. 16 CHAIRMAN: Thank you for your assistance. 17 WITNESS: Thank you. 18 (The witness was released) 19 MR WILKEN: Sir, Professor, we now come, I believe, to the 20 last batsman, as it currently stands, for Leighton, 21 which is Mr Lumb. 22 MR PENNICOTT: Don't worry, there's a 12th man! 23 MR WILKEN: Good afternoon, Mr Lumb. 24 WITNESS: Good afternoon. 25 MR WILKEN: Can you give your full name to the Commission,</p>	<p>1 first page of your third witness statement? 2 A. Correct. 3 Q. If we go to 26547, is that your signature? 4 A. Correct. 5 Q. Is it dated 2 November 2018? 6 A. Correct. 7 Q. And your fourth witness statement, C35/26680, is that 8 the first page of your fourth witness statement? 9 A. Correct. 10 Q. If we go to 26681, is that your signature? 11 A. Yes. 12 Q. And it's dated 15 November 2018? 13 A. Correct. 14 Q. Now we see how good the technology is. Oh, it's very 15 good. C35/26706. Is that your fifth witness statement, 16 first page of it? 17 A. Yes. 18 Q. If you go to 26709, is that your signature? 19 A. Yes. 20 Q. Is it dated 28 November 2018? 21 A. Yes. 22 Q. Are the contents of those statements correct as far as 23 you are concerned? 24 A. Correct. 25 Q. Do you have any changes to make?</p>

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<p>1 A. No.</p> <p>2 Q. Are they also true?</p> <p>3 A. Yes.</p> <p>4 Q. Is that the evidence you wish to advance to the</p> <p>5 Commission?</p> <p>6 A. Yes.</p> <p>7 MR WILKEN: Please wait there. You are going to be asked</p> <p>8 some questions by Mr Pennicott to my left -- I assume</p> <p>9 it's just him this time, not a double act. Then there</p> <p>10 are various other counsel dotted around the room who</p> <p>11 will ask you some questions. The Chairman and the</p> <p>12 Professor may also ask you some questions, then I may</p> <p>13 ask you some questions at the very end. Please wait</p> <p>14 there.</p> <p>15 MR PENNICOTT: Sir, could I, before I -- good afternoon,</p> <p>16 Mr Lumb.</p> <p>17 WITNESS: Good afternoon.</p> <p>18 MR PENNICOTT: Before I start, could I just mention the</p> <p>19 fifth witness statement? It was received by us at lunch</p> <p>20 today, and it is the lot of counsel for the Inquiry that</p> <p>21 while he's eating his lunch he has to read witness</p> <p>22 statements. We have managed to very quickly get it onto</p> <p>23 the system but I'm not convinced that everybody else</p> <p>24 behind me will have had an opportunity of seeing it.</p> <p>25 CHAIRMAN: I approved it being placed into evidence just</p>	<p>1 Meanwhile, perhaps I can just continue, and perhaps</p> <p>2 if we can have a break once I've finished --</p> <p>3 CHAIRMAN: I was thinking of exactly that. Then that will</p> <p>4 give everybody else an opportunity, and we can make the</p> <p>5 break that little bit longer for that single purpose.</p> <p>6 MR PENNICOTT: If we need to, sir, yes.</p> <p>7 CHAIRMAN: Thank you.</p> <p>8 Examination by MR PENNICOTT</p> <p>9 MR PENNICOTT: Mr Lumb, we've got five witness statements,</p> <p>10 and by way of high-level summary the first and fourth</p> <p>11 and fifth witness statements, broadly speaking, deal</p> <p>12 with your investigation or your team's investigation</p> <p>13 into allegations of threaded rebar, an investigation</p> <p>14 that you instigated and implemented in January 2017.</p> <p>15 A. Correct.</p> <p>16 Q. The other two witness statements, that's the second and</p> <p>17 third witness statements, deal with the change in</p> <p>18 construction detail to the top of the east diaphragm</p> <p>19 wall.</p> <p>20 A. Correct.</p> <p>21 Q. In relation to those last two statements, that's the</p> <p>22 second and third ones, that deal with the east diaphragm</p> <p>23 wall change or changes, I'm right in thinking, am I not,</p> <p>24 that you had no first-hand knowledge or had no</p> <p>25 first-hand involvement in those changes?</p>
<p>Page 126</p> <p>1 after lunch.</p> <p>2 MR PENNICOTT: I appreciate that, sir, and I'm well aware of</p> <p>3 it, and I've had one chance of reading it, but I know</p> <p>4 that -- I can see from the shaking of heads behind me</p> <p>5 that nobody else has had the chance of doing so.</p> <p>6 MR BOULDING: I have it. It came in with a messenger.</p> <p>7 MR KHAW: I realised that it came in but I didn't have</p> <p>8 a chance to go through it.</p> <p>9 MR PENNICOTT: What I was going to suggest -- obviously I'm</p> <p>10 in your hands -- is that I get on with what I want to</p> <p>11 ask, because in fact, as it happens, I think when my</p> <p>12 learned friends all read what Mr Lumb has said in his</p> <p>13 fifth witness statement, certainly it ticks one</p> <p>14 particular box which we can deal with very quickly in</p> <p>15 relation to the closing out of NCR157, which I had</p> <p>16 a number of questions on but it's now clear what</p> <p>17 happened. Then the second section of Mr Lumb's fifth</p> <p>18 witness statement deals with the retrospective records,</p> <p>19 and whilst one or two points are made a little clearer,</p> <p>20 there are still perhaps one or two issues that I need to</p> <p>21 discuss with Mr Lumb.</p> <p>22 So I don't think it's going to give rise to any</p> <p>23 great difficulties for anybody, but obviously if anybody</p> <p>24 wants a bit of time to look at it then they should</p> <p>25 obviously be given it.</p>	<p>Page 128</p> <p>1 A. That's correct. I was just giving my professional</p> <p>2 opinion on the change.</p> <p>3 Q. Okay. We've obviously had a couple of witnesses, your</p> <p>4 colleagues, Mr Buckland and Mr Taylor, who were involved</p> <p>5 at the time, and no doubt, insofar as it's relevant, we</p> <p>6 will have expert opinion in due course on those matters,</p> <p>7 and so I'm not proposing to ask you any questions about</p> <p>8 those two statements. If anybody else wants to, no</p> <p>9 doubt they will, but I'm not proposing to do so.</p> <p>10 I want to therefore focus on the investigation that</p> <p>11 you instigated and implemented in January 2017.</p> <p>12 A. Sure.</p> <p>13 Q. Now, first of all, can we establish precisely what it</p> <p>14 was you were given before you started that</p> <p>15 investigation. My understanding is you were simply</p> <p>16 given some photographs. Is that correct?</p> <p>17 A. No. So the morning of I think it was Friday the 6th,</p> <p>18 I was called over to Mr Paul Freeman's desk, who was the</p> <p>19 operations manager for Leighton at the time for the</p> <p>20 project, and on his computer he showed me the</p> <p>21 photographs from Mr Poon's email.</p> <p>22 I was asked to contact Mr Zervaas subsequently and</p> <p>23 arrange an investigation or a review of the allegations</p> <p>24 and of the systems and procedures on the project.</p> <p>25 Later that morning, I was also forwarded the email</p>

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<p>1 sent by Mr Poon to Mr Zervaas, they forwarded that to my 2 email later that same morning, so I saw the text of the 3 email and the two photographs attached to it. 4 Q. Let's revisit some old friends. Can we see, please, 5 C12/7929. If we look at 7931 and 7932 first. So that's 6 7931, I think, yes. And the next page, 7932. 7 So those are the two photographs, are they, Mr Lumb? 8 A. Can you just go back to the previous one? 9 Q. Of course. 10 A. Yes. 11 Q. If we can then go back to the email, you were shown -- 12 the bottom email we can see is Mr Poon's email? 13 A. That's right. 14 Q. Were you also shown Mr Zervaas's response as well, or 15 just the email from Mr Poon? 16 A. That is copied to me, but actually Anthony, Mr Zervaas, 17 sent me a separate email, just forwarding Mr Poon's 18 email. 19 Q. All right. So you had -- 20 A. I had -- 21 Q. You were copied in on his response, you had Mr Poon's 22 email and you had the photographs? 23 A. Yes. 24 Q. Is that it? 25 A. Yes.</p>	<p>1 Q. -- was essentially your right-hand man and he was doing 2 the bulk of the work -- 3 A. Correct. 4 Q. -- is that fair? 5 A. That's correct. 6 Q. He was largely responsible, as I understand it, for 7 going to the site, interviewing personnel, and looking 8 at documents; is that right? 9 A. Correct, but working under my direction and leadership. 10 Q. Okay. So would it be fair to say that any documents 11 that he managed to get access to and was given by the 12 various personnel he spoke to, you would have also got 13 that? 14 A. Yes. 15 Q. So if we could go to your report, please, that you 16 prepared after the investigation, as a result of it. 17 That starts at bundle C27/20242. 18 It may be easier for you, Mr Lumb, if you have 19 a hard copy of this, because we may be jumping around 20 from page to page. 21 A. Sure. So this was the second issue -- 22 Q. Yes, I'm sorry, you are absolutely right. You prepared 23 two iterations of it. The first was on 17 January, and 24 as I understand it MTRC suggested to you you might like 25 to add an additional section to it --</p>
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<p>1 Q. Just by way of getting you to confirm this, could you 2 please be shown page 7940 in the same file. This is 3 a further email from Mr Poon to Mr Zervaas on the 4 following day, the Saturday, Mr Lumb. 5 A. Mm-hmm. 6 Q. You will see that what Mr Poon says is: 7 "Dear Anthony, 8 We had investigated internally and it is quite clear 9 that your site in-charge Khyle Roger was well aware and 10 directing these activities." 11 Then so forth, and so on. Can you confirm that you 12 were not given this email at the time of your 13 investigation? 14 A. That's correct. 15 Q. Is it an email that you have seen since, or is it the 16 first time you have seen it? 17 A. Only over the course of the Commission. 18 Q. In the last few months? 19 A. Yes. 20 Q. All right. Now, can I then try to establish with you 21 what documents you saw, or had access to, when you 22 carried out your investigation. I appreciate, from your 23 later witness statements, that a gentleman called 24 Mr Guntung, if I've got that pronunciation right -- 25 A. That's correct.</p>	<p>1 A. That's correct. 2 Q. -- which, we can see from 20242, involved details of 3 statutory requirements. 4 A. Mm-hmm. The bulk of the effort went into the first 5 report, in terms of the review. The second part or the 6 second issue of the report or rev 01 as stated here just 7 added one section relating to statutory requirements. 8 Q. Yes. 9 COMMISSIONER HANSFORD: And indeed four appendices. 10 A. Yes, relating to same section. 11 MR PENNICOTT: If you would be good enough, please, to look 12 at page 20246. 13 A. Mm-hmm. 14 Q. The first thing you appear to have been given were some 15 layout drawings; would that be right? 16 A. I wouldn't necessarily say it was the first thing. 17 You've got to remember, we went cold into this 18 investigation. 19 Q. Indeed. 20 A. So we knew very, very little, so we had to establish the 21 background of the job, understand what the EWL slab was, 22 understand what the NSL slab was, understand the 23 structure. So there's a lot of kind of background 24 knowledge that you need to understand before you can 25 actually get into the detail.</p>

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<p>1 So we gathered things, I guess as fast as we could 2 on the project. I don't know what order things came in. 3 Q. All right. Perhaps I'll refrain saying first, second 4 and third, and so forth. 5 One of the things that you got were some layout 6 drawings? 7 A. Yes. 8 Q. And it appears also, not just layouts, but probably some 9 detailed drawings as well? 10 A. Correct. 11 Q. Would I be right in thinking, by looking at the typical 12 section on 20247, where on the right-hand side you have 13 a typical EWL connection to the eastern diaphragm wall; 14 do you see that? 15 A. Mm-hmm. I'm not sure that's strictly the right -- 16 I think that's a typical detail referring to any slab 17 connection -- I don't think that's specific to the EWL. 18 The diaphragm wall typically wouldn't continue up above 19 the slab. But I think it tries to show the principles 20 of the connection and the couplers there. 21 Q. I'm just looking at the right-hand side where it says, 22 "Typical EWL connection to eastern diaphragm wall", and 23 one can see from that detail that it assumes that there 24 are couplers? 25 A. Yes.</p>	<p>1 Q. I also believe that at the time, because they were 2 appended, you also saw the site supervision plan? 3 A. We were sent that via email. 4 Q. Right, because we can pick that up at appendix O of this 5 report, at 20565. 6 A. Yes. 7 Q. It's one of the ones we've looked at with other 8 witnesses. No need to take you to it. 9 Also, you saw or were sent the quality supervision 10 plan, because that's at appendix N? 11 A. For the diaphragm wall and barrettes. 12 Q. Well, you were sent the document at appendix N, 20442? 13 A. Yes. If you go to 20441, it gives the title of it 14 there. 15 Q. Mr Lumb, I expect you were aware -- from your answer 16 you've just given, you seem to be of the view that this 17 applies just to the diaphragm wall? 18 A. That was my view. 19 Q. It's not a view that's shared by many others. It's 20 certainly not shared by the MTRC, and probably not 21 shared by me either, but this also applies to the 22 installation of the rebar as well as the diaphragm wall. 23 A. I think my understanding at the time, and probably 24 I retain that understanding, was that the quality 25 supervision plan only relates to ductile couplers. My</p>
<p>Page 134</p> <p>1 Q. And I'm right in thinking, as a general proposition, 2 Mr Lumb, that when you carried out this investigation, 3 back in January 2017, it was not brought to your 4 attention at that stage that there had been these 5 changes and revisions to the detail at the top of the 6 eastern diaphragm wall? 7 A. That's correct. 8 Q. So this report proceeded on the basis that the original 9 coupler design, if I can call it that, was what was 10 built? 11 A. Yes. 12 Q. The further documents that I assume you must have been 13 given and seen, we can pick up from page 20249, where 14 you have a heading, "QA/QC procedures"; do you see that? 15 A. Yes. 16 Q. There, on that page, you refer to a method statement, 17 which is attached at appendix F, and an inspection and 18 test plan, which is attached at appendix G. 19 Then if we go down to the last sentence on this 20 page, you refer to "a typical completed RISC form", 21 which you attach at appendix H? 22 A. Correct. 23 Q. So there's a collection of documents that you were given 24 access to and you reviewed? 25 A. That we requested.</p>	<p>Page 136</p> <p>1 view at the time, and still my view, is that the 2 couplers in the EWL slab and also those connecting the 3 slab to the diaphragm wall are non-ductile. 4 CHAIRMAN: Does it say that in -- 5 MR PENNICOTT: That's not right. 6 A. The BD approval letter doesn't state where ductile and 7 non-ductile are. My understanding of ductility, 8 certainly with reference to the Hong Kong Code of 9 Practice, is that ductility provisions only really 10 relate to beams and columns. So there's no reference to 11 any ductility requirement for slabs, hence I took the 12 view, and still have the view, that for the slab 13 couplers, they were non-ductile, hence no quality 14 supervision plan. 15 Q. I can tell you you're wrong, Mr Lumb. The couplers that 16 are affixed to the cages in the diaphragm wall that then 17 are exposed and the rebar is then screwed into them, 18 they are ductile. 19 A. Where? 20 Q. Everywhere on the diaphragm wall. 21 A. I'm just wondering where does it say that. I guess that 22 was just my view based on my understanding of structural 23 engineering and ductility and the Code. 24 Q. And not a view shared by Mr Brewster yesterday either. 25 A. I'm just explaining my view at the time.</p>

<p style="text-align: right;">Page 137</p> <p>1 Q. Anyway, you proceeded on the basis that this only 2 applied to the diaphragm wall? 3 A. Yes. 4 Q. All right. So you weren't approaching your 5 investigation on the basis that the QSP enhanced the 6 supervision of the rebar connections for the slab into 7 the couplers? 8 A. The initial investigation that we carried out for the 9 first issue of the report didn't look into the Buildings 10 Department requirements or approval letters. That was 11 only added as a supplementary section to the report, to 12 address the MTR comments. So it wasn't a focus of the 13 initial investigation. We were checking against 14 Leighton's own QA/QC procedures and checking, one, were 15 they in place, and two, did we comply with those 16 procedures. 17 Q. Yes, because the important point, potentially important 18 point here, Mr Lumb, is that had you appreciated that 19 the QSP enhanced the supervision requirements for the 20 rebar connections into the couplers for the purposes of 21 creating the slab, you would have then appreciated that 22 there were certain minimum qualifications for the 23 personnel that should have been doing the inspections, 24 ie a T3 competent person, but you didn't appreciate that 25 at the time?</p>	<p style="text-align: right;">Page 139</p> <p>1 it's wrong. 2 MR PENNICOTT: It's not wrong as such, but you've got to 3 read the SSP and QSP together. You can't just take one 4 in isolation. 5 Sorry, this was back in August 2013, just as the 6 diaphragm wall was getting underway. 7 COMMISSIONER HANSFORD: Yes. 8 MR PENNICOTT: So you have to read the SSP and the QSP 9 together. 10 COMMISSIONER HANSFORD: Yes. 11 MR PENNICOTT: And it's really the QSP that is most 12 important, the quality supervision plan, which is giving 13 the enhancement to the inspections of both the couplers, 14 on one interpretation, the rebar into the couplers that 15 are fixed into the diaphragm wall. 16 CHAIRMAN: So that statement in the box, "Document title", 17 "Quality supervision plan for installation of couplers", 18 is not the quality supervision plan to which you earlier 19 referred, or if it is, it's a component part of it? 20 MR PENNICOTT: Sir, this is the second submission. There 21 were a number of submissions from time to time. 22 CHAIRMAN: All right. 23 MR PENNICOTT: And this is one of the early ones. 24 MR KHAW: Sir, I'm not sure whether it helps, because if we 25 are talking about the quality supervision plan for</p>
<p style="text-align: right;">Page 138</p> <p>1 A. We didn't look into that. 2 Q. All right. 3 Now, back to the report at C -- 4 COMMISSIONER HANSFORD: Sorry, Mr Pennicott -- I'm quite 5 interested in this page we've got on the screen at the 6 moment, that Mr Lumb has just referred to, where -- in 7 the document title he's got, "Quality supervision plan 8 for installation of couplers for diaphragm wall and 9 barrettes", and do we have some contradiction between 10 what this says it is and what you're helping the 11 Commission to understand it is? 12 MR PENNICOTT: I'm just trying to find out which paragraph. 13 COMMISSIONER HANSFORD: It's C20441, which has been on the 14 screen for the last five minutes. 15 So I'm left with a confusion in this area, and 16 I would think it's a rather fundamental point. 17 MR PENNICOTT: Sir, what you are looking at is simply a fax 18 front-sheet -- 19 COMMISSIONER HANSFORD: Yes. 20 MR PENNICOTT: -- from Leighton to MTR, and it's sent at 21 a date, 10 March 2014, when of course the diaphragm 22 walls are underway and indeed they are sort of a year 23 into. 24 COMMISSIONER HANSFORD: I accept that. I'm just showing the 25 document title that's shown on this transmittal. Maybe</p>	<p style="text-align: right;">Page 140</p> <p>1 installation of couplers for diaphragm wall and 2 barrettes, that is one set of QSP, and there's another 3 QSP for diaphragm wall and slab construction. That 4 appears at H9/4263. 5 MR PENNICOTT: Which is the one we've been going to on 6 a constant basis. 7 COMMISSIONER HANSFORD: All right. I was just trying to 8 pick up from Mr Lumb's answer. 9 MR PENNICOTT: Yes, quite. 10 CHAIRMAN: Thank you very much. 11 MR PENNICOTT: Thank you, Mr Khaw. That's very helpful. 12 A. That's from MTR to the Buildings Department, that's 13 right. I guess we could only find, during our 14 investigation, the records that were submitted from 15 Leighton to MTR, which is what I attached in this 16 report. 17 We couldn't find any subsequent records of any other 18 documents. 19 MR PENNICOTT: Sir, as Mr Khaw has helpfully pointed out, 20 you can see there it's got a different title, 21 a different heading, but if you look at the substance, 22 there's hardly any difference between the two. There 23 are some differences but very few. 24 CHAIRMAN: Yes. Thank you. 25 MR PENNICOTT: Can I ask you, please, Mr Lumb, to go to</p>

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<p>1 page 20250. Yes, 20250. You've got a section here in 2 your report of the construction process and workflow. 3 In the second paragraph you say this: 4 "After forming the shear key via hydro-demolition 5 and installation of the soffit formwork, it was advised 6 that a survey of the diaphragm wall couplers was 7 undertaken ..." 8 Now, was it your understanding that that survey was 9 undertaken by Leighton, by Fang Sheung, or by somebody 10 else? 11 A. I assume by Leighton. 12 Q. "... and checks on the couplers carried out for number, 13 setting out and orientation against the approved 14 diaphragm wall rebar shop drawings. No formal record of 15 the survey or coupler checks are in place recording this 16 process." 17 Did the fact that there were no formal records in 18 place recording that survey process surprise you, 19 Mr Lumb? 20 A. It would have been -- the question we asked was, "Do you 21 have any survey records?" No one could produce any 22 survey records. Did it surprise me? Not necessarily. 23 I don't believe it was a specific requirement of the 24 ITP. 25 Q. Well, you obviously thought it was sufficiently</p>	<p>1 that you have subsequently identified certain documents, 2 such as TQs, that perhaps evidence certain remedial 3 measures -- 4 A. That's correct. 5 Q. -- being carried out. 6 A. That's correct. 7 Q. But nonetheless you are still of the view and under the 8 impression from what you were told that there were other 9 remedial works that simply weren't documented, so 10 there's a bit of both, if you like? 11 A. Yes. The bending of the bars I see as fairly normal 12 construction practice. The bending of the bar and 13 drilling in an additional bar, I'm not entirely sure why 14 that was done or what the threshold between the two was. 15 It was the third item, in relation to where a coupler 16 was out of position or essentially fell outside the 17 depth of the slab, that I would have expected a clear 18 either technical query or email or response on. Nobody 19 at the time on the project was able to provide us with 20 that, which is why we wrote this into the report -- or 21 that I was told again, or we were told, sorry, by the 22 team that it had been agreed with the inspector of works 23 on site. 24 Q. Okay. Now, in relation to those remedial works -- 25 20254, please -- you list out the three items of</p>
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<p>1 important to make mention of the fact that there were no 2 formal records in place. 3 A. Of course it would be nice to have, I agree. 4 Q. Then you go on to say: 5 "In cases where the couplers were found to be 6 missing, or installed at the incorrect level, or the 7 connected starting bars tilted, it was advised that 8 remedial works were carried out, as described in 9 section 8." 10 Of which more in a moment. Then you say: 11 "There is [again] no formal record of any submission 12 or approval for any remedial measures." 13 Again, Mr Lumb, did that surprise you? 14 A. I would have -- if there was a remedial approach 15 required, I would have normally expected to see either 16 an email or a TQ, an instruction, agreeing the change. 17 Q. All right. 18 A. Subsequent to the report, and again as part of 19 subsequent investigations, we found other TQs related to 20 this, but at the time and within the very short period 21 of the investigation, mindful that we were only on site 22 for two and a half to three days, there simply wasn't 23 time to get into that level of detail, I'm afraid. 24 Q. Okay. But from where you are now, as opposed to where 25 you were in January 2017, Mr Lumb, would this be fair:</p>	<p>1 remedial works which you just summarised for us anyway 2 and we looked at with other witnesses. 3 A. Mm-hmm. 4 Q. As I understand it from your fifth witness statement 5 which I read earlier today, you cannot now recollect or 6 there's no record of who told you about these three 7 different types of remedial works; is that right? 8 A. Well, technically, the key engineers that we spoke to or 9 got the information from was Andy Ip, Man Sze Ho, 10 Joe Tam, although we're pretty certain Joe didn't 11 contribute to any of these, and the other was 12 a gentleman named Jim Wong, who I don't believe has been 13 mentioned. 14 But we can't recall who advised what to us. The 15 only thing I can think -- the way we phrased the 16 question here initially was: what did you do if 17 a coupler was out of position? And the initial response 18 was the bar was just bent into position. My colleague 19 who helped carry out the investigation, he reported that 20 back to me, on one of my morning reviews. I then wanted 21 to dig into more detail in terms of what if the coupler 22 was in the cover zone, how did he deal with that; what 23 if the coupler was clashing with another bar, how did he 24 deal with that; what if the coupler was out of position 25 of the slab, how did he deal with that? And that's how</p>

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<p>1 we got to these three different scenarios. 2 The only thing I can think for item 3, again with 3 the knowledge that I have now but didn't have at the 4 time, is this may refer back to area A where we 5 certainly identified there were quite a large number of 6 couplers that were cast out of position in terms of 7 vertical level, and they had to be replaced by 8 additional drill-in bars. That's the only thing I can 9 deduce from this, with the knowledge that we have now. 10 Q. All right. It's really only number 3 that causes us 11 a little bit of a problem, because I think Man Sze Ho 12 accepts that he probably was the person who relayed 13 numbers 1 and 2 to you or Guntung. So it's number 3. 14 Okay. All right. Understood. 15 A. I don't think there was the level of investigation into 16 these particular cases. With more time, we would have 17 drilled into this, but at the time we didn't really see 18 it as being that related to the cutting of the threads, 19 so we just reported what we were told and moved on for 20 expediency. 21 Q. You didn't draw any connection between the cutting of 22 the threads and the need to do any remedial works? You 23 didn't draw any connection between the two things? 24 A. No. We asked this question because I've worked on 25 similar jobs before and I'm aware that coupler out of</p>	<p>1 Let's pause there. You never asked yourself the 2 question, as I understand it, as to whether or not the 3 site inspections were carried out as required by the 4 QSP. 5 A. This section, section 9.2, is specific to the site 6 supervision plan, the SSP. 7 Q. Yes. Okay. 8 Then you say: 9 "Extracts of the inspection record between period 10 June to October 2015 are attached in the appendix P." 11 If we could just look at that very quickly, please. 12 That's page 20583. 13 A. Yes. It should be September to October. 14 Q. Don't worry about the period, Mr Lumb. These are the 15 records for Mr Andy Ip, Mr Chan and others. What one 16 doesn't get from those records, for example, is the 17 inspections that were being carried out by 18 Mr Edward Mok, Mr Man Sze Ho, and so forth? 19 A. Yes. This is specific to the SSP. 20 Q. Yes, quite. 21 A. We checked the quality records separately, so we sat 22 down at the QA manager's computer and basically went 23 through the RISC forms, the quality control checklists 24 on the screen, and we satisfied ourselves that way that 25 the inspections had been carried out in accordance with</p>
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<p>1 tolerance is an issue for these kinds of jobs, so 2 I wanted to know how they as a team handled that 3 on site. 4 Q. You mentioned somebody called -- is it Joe Wong? 5 A. Jim Wong. I didn't mention him in my fourth witness 6 statement. 7 Q. I was going to say, he's not listed as one of the seven 8 in your fourth witness statement. He's somebody else 9 you've recently thought of, is it? 10 A. Correct. Obviously we've been following the Commission, 11 drilling into our brains who we actually spoke to, and 12 he was one other person. He was a site agent, 13 I believe, on the job. 14 Q. So we can add him to the list, Jim Wong? All right. 15 A. Yes. 16 Q. I think the next couple of questions I was going to ask 17 you are likely to be a bit redundant in the light of the 18 answers you gave me just a moment ago about the QSP. 19 At page 20256 of the report, these are your 20 conclusions regarding the site inspections. 21 A. Mm-hmm. 22 Q. And you say: 23 "The inspections were carried out by different grade 24 of personnel, and at a frequency in accordance with the 25 SSP."</p>	<p>1 our quality systems. 2 Q. Okay. 3 One thing that you picked up/discovered/came across 4 when you were carrying out your investigation was 5 NCR157? 6 A. Yes. 7 Q. As I understand it, from your fifth witness statement 8 today, you explain that it was picked up that in fact, 9 in January 2017, NCR157 had not been closed out? 10 A. It hadn't been closed out correctly. It had been 11 attempted to be closed out via a separate RISC form in 12 early or mid-2016. 13 Q. Yes. 14 A. But that is not the correct procedure for closing 15 an NCR, and the QA manager at the time, he recognised 16 that and he took that as an action on himself, 17 I believe, to proceed to close it out formally, in 18 accordance with the correct procedures. 19 Q. Right. That would be Mr Harman, would it? 20 A. That would be correct. 21 Q. So if one goes to the NCR, 20358 -- that's the document 22 transmittal -- and then the NCR itself starts at 20359. 23 A. Yes. 24 Q. As I think I suggested to perhaps Mr Ip some days ago, 25 if you go to 20364, the manuscript that we see in the</p>

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<p>1 box, "Details of required rectification", and the 2 manuscript to the bottom, that's all written by 3 Mr Harman, and written by him in January 2017? 4 A. That would appear so. The writing looks like -- seems 5 to be consistent with his signature, and in terms of the 6 timeline it all ties up. 7 Q. Right. I understand Mr Harman has left Leighton; is 8 that right? 9 A. I believe so. 10 Q. Do you know when he left? 11 A. No. 12 MR PENNICOTT: Okay. Mr Lumb, I'm going to leave that topic 13 there. If anybody else wants to pick anything up, no 14 doubt they will. 15 What I now need to do is just ask you some questions 16 about more recent events. 17 CHAIRMAN: Is that an opportune moment? 18 MR PENNICOTT: I have no idea what the time is, sir. Yes, 19 it would be. 20 CHAIRMAN: Thank you. Would 15 minutes enable you to have 21 a look at that statement? 22 MR KHAW: I believe so. If I need more time, certainly 23 I will -- 24 CHAIRMAN: Can you just let us know. 25 MR KHAW: Yes.</p>	<p>1 Q. That was certainly around about the end of May, so 2 probably end of May/beginning of June sounds about 3 right. 4 A. Mmm. 5 Q. All right. And what was your role, Mr Lumb? What 6 instructions were you given, again presumably by the 7 project director? 8 A. Correct. In relation to the gathering of records or? 9 Q. Yes, just generally, just start with the general and 10 we'll work down, if we can, to perhaps more specific -- 11 what was the general instruction? 12 A. Initially, I was there supporting in preparation of 13 reports and letters. I guess given my previous report 14 18 months earlier I had background knowledge of the job, 15 so I think that's why I was asked to go along and 16 support. So there was multiple reports/letters being 17 prepared for various parties, so I assisted in those 18 reports and letters. Then I was also asked to assist in 19 the collation of certain records as well. 20 Q. And presumably there would have been, given the 21 allegations that have surfaced, a focus on the fixing 22 and the installation of the rebar. 23 A. Correct. 24 Q. That would have involved looking at, presumably, all the 25 relevant RISC forms in relation to the inspection of the</p>
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<p>1 CHAIRMAN: Thank you. 2 (3.44 pm) 3 (The luncheon adjournment) 4 (4.05 pm) 5 MR PENNICOTT: Thank you, sir. 6 Mr Lumb, again, just a final topic from me. That 7 is, as I say, to do with more recent events, in I think 8 mainly June of this year. 9 A. Mm-hmm. 10 Q. I understand, Mr Lumb, that you were involved in the 11 compilation and collation of documents that were being 12 requested by MTR, then the government and then the 13 Commission; is that right? 14 A. I was based in the head office at the time but I was 15 asked to go to site for a short period of time to assist 16 in the collation of the records. 17 Q. Right. When was that short period of time; do you 18 recall? 19 A. It must have been end of May or early June, around that 20 time. 21 Q. Right. Was it after all the allegations about cut 22 threaded rebar -- 23 A. Yes. 24 Q. -- had hit the newspapers and the media? 25 A. Corrects.</p>	<p>1 rebar in the various bays from time to time? 2 A. The RISC forms and the pre-pour checklists. 3 Q. And the pre-pour checklists. 4 A. And the quality control checklists. 5 Q. Okay. And during the course of that process of 6 compiling the documents, we understand from Mr Taylor 7 that you produced a template of a document, and we can 8 look at H14, please, 35067. 9 First of all, Mr Lumb, do you agree that you did 10 indeed create the template for this document, this type 11 of document? 12 A. Not myself personally but I'm aware of that template, 13 and it was generated by one of the engineers in my team, 14 who had also come over from the head office. In fact 15 there were three engineers who came over from the head 16 office to assist in the collation of the records. 17 Q. And they were who? 18 A. They were Mr Guntung and two other engineers, who 19 I can't recall their names off the top of my head. 20 Q. Okay. So the template for this document -- would this 21 be right -- was prepared under your instruction and 22 supervision? 23 A. Not under my supervision. This occurred, as I recall, 24 on a Friday afternoon. We were asked to prepare a set 25 of as-built records for various reasons, but one of them</p>

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<p>1 being to establish the number of couplers on the job, 2 which we were also being asked for at the time. 3 So I requested the team to prepare the as-built 4 records, and there was no template for such as-builts, 5 so I guided the team to the diaphragm wall summary sheet 6 and suggested that might be an appropriate place to 7 start, for the preparation of a template. 8 At that point, I had to go on leave for several 9 days, so I left it with the team to prepare the records, 10 which was the template, and then following on with the 11 actual full compilation of all the contents of the 12 records. 13 Q. All right. Now, let's just take this in stages. We can 14 see that the title, towards the top, is, "Checklist for 15 on-site assembly of EWL slab to D-wall/slab couplers"; 16 right? 17 A. Mm-hmm. 18 Q. Who decided to give it that title? 19 A. The person who prepared the template has evidently 20 copied that from another form, incorrect in my view, but 21 that was the original title it got while I was away from 22 the office. 23 Q. We've heard from other witnesses about how the diagrams 24 were put in in the top half of the drawing. 25 A. Yes.</p>	<p>1 A. Well, those descriptions clearly come from the diaphragm 2 wall checklist. 3 Q. Right, so they -- 4 A. With two additional items added on for drill-in bars, 5 items 5 and 6. 6 Q. Right. 5 and 6, yes, okay. All right. 7 I suppose the question we've all been waiting for 8 an answer to is: the manuscript on here, the circling of 9 the "S"s, who did that? 10 A. The process, as I understand it -- and there were 11 multiple people working on these records over the course 12 of the weekend -- I'm told there was between 10 and 15 13 people working on different areas at any one time. So 14 some engineers, and I think it was primarily the project 15 engineers from the project, were referring to the 16 drawings, and they were adding, if you like, the 17 background of the diaphragm wall panels. Then there 18 were other engineers, some of them from my team, who 19 were looking through the records in terms of the RISC 20 forms and the quality control checklists. This was done 21 on a pour-by-pour basis, I believe. 22 So, once the base form had been received from the 23 engineers, then engineers in my team looked back at the 24 quality control checklist. You will note the third line 25 from the top says, "Refer to item 6 of Leighton cast</p>
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<p>1 Q. Sorry, the top half of the sheet. And one assumes, 2 although I don't suppose anybody has checked them all, 3 that the drawings that are referred to, we can see on 4 the left-hand side there, presumably relate to the 5 drawings or the sections or the plans, the elevations 6 that we can see? 7 A. They should be the diaphragm wall as-built drawings. 8 Q. Right. And from there, somebody has done a calculation, 9 and I think either Mr Ip or Mr Mok, who told us it was 10 them, did the calculation in relation to the amount of 11 T1, T3, T5, T7 and the B rebar as well? 12 A. Yes. 13 Q. So that's all a matter of arithmetic, I guess, from the 14 diagrams. 15 A. And that's part of the reason for these records, to 16 establish the number of couplers. 17 Q. Right. Then, going down to the lower half of the sheet, 18 "Item", who devised the six descriptions that we can see 19 there under that column? 20 A. That came from the original template that had been 21 developed, so a template was established, that 22 template -- 23 Q. Who established it, Mr Lumb? It wasn't you. Who 24 actually established -- where did they get those 25 descriptions from?</p>	<p>1 in situ quality control checklist". 2 Q. Yes. 3 A. So, if we had a signed quality control checklist, and if 4 we had item 6, which is the coupler box ticked on that, 5 then that was then deemed satisfactory, and the "S", 6 satisfactory, was then ringed accordingly. 7 COMMISSIONER HANSFORD: Can I ask at this point, Mr Lumb, 8 when would you ever circle "NS"? 9 A. If we'd come to the situation where a quality control 10 checklist either was not in existence, or if the coupler 11 box had not been kicked, then that would have resulted 12 in a "NS", so -- 13 COMMISSIONER HANSFORD: But how would you have got to that? 14 How would you have ever poured the concrete? 15 A. When we started this exercise, we didn't know whether 16 all the respective records were in place or not. As 17 part of the exercise, it was a matter of going through, 18 do we have all the RISC forms, do we have all the 19 quality control checklists, are the relevant forms 20 signed, are the relevant boxes ticked. So there's 21 a process to go through, to arrive at this final 22 as-built record. 23 Now, you are correct that we did have all the RISC 24 forms signed, we did have all the quality control 25 checklists signed, and item 6 of the quality control</p>

<p style="text-align: right;">Page 157</p> <p>1 checklist was always ticked. So, actually, you would 2 say it was a redundant exercise to have an "NS" there, 3 but when you start an exercise you don't know that. So 4 that's why we have the form as it is. 5 COMMISSIONER HANSFORD: Okay. Thank you. 6 MR PENNICOTT: So provided -- and I think this was the 7 case -- 100 per cent of the time there was a RISC form 8 for the inspection of the rebar, but more importantly 9 there was a RISC form for the cast in situ concrete 10 quality control -- 11 A. Yes. 12 Q. -- provided those two RISC forms were there, and signed, 13 and boxes 5 and 6 in particular were ticked, 14 automatically the "S"s would be circled? 15 A. That deems we can then circle the "S". That was the 16 system and the process we went through in arriving at 17 this final -- well, this was the draft form, as you will 18 see from my fifth witness statement. 19 CHAIRMAN: Sorry, why did you need this then? If your 20 systems consist of the RISC forms, and the RISC forms 21 include the information that's here, why do you need 22 this? Because, to be honest, to me, and including 23 another witness, senior officer of your organisation, 24 this document looks like a contemporary document. 25 A. Certainly on this first draft, I wouldn't disagree,</p>	<p style="text-align: right;">Page 159</p> <p>1 CHAIRMAN: Okay. 2 A. As I said previously, in the absence of a template, and 3 in the interest of expediency, the team used that as 4 an original template and started preparing the as-builts 5 on that basis. 6 CHAIRMAN: Okay. 7 A. So this wasn't invented from scratch. 8 CHAIRMAN: Okay. I appreciate that. But I come back to my 9 first question: why do you need it? Because we've been 10 told very forcefully that the documentation that you had 11 was entirely adequate to ensure proper installation and 12 confirmation of proper installation, so those were the 13 RISC forms and the rest, and you had the RISC forms, and 14 the RISC forms contained all this by way of inclusion. 15 A. But, again, this was the early days of, if you like, the 16 investigation of the incident. We were still in the 17 process of looking for RISC forms, looking for pre-pour 18 checks, checking who had signed them, checking they were 19 signed. 20 So this was just a collation of these records. In 21 addition, we also looked at any additional drill-in 22 bars. You will see they are marked on by hand. We 23 reviewed all the technical queries that we could find on 24 the job. We reviewed any DAMS information. We looked 25 at photographs.</p>
<p style="text-align: right;">Page 158</p> <p>1 which is why, when I actually saw this draft, after 2 I came back from my short leave, I specifically 3 requested that we remove the word "Checklist" for that 4 very reason, and that it needs to be clearly stated as 5 an as-built record. 6 CHAIRMAN: Okay. I appreciate that, and it's very easy to 7 be judgmental after the event. You are putting together 8 material, I appreciate that. But I find it puzzling on 9 what is meant to be nothing more than a summary to try 10 to assist other parties, you've got things at the bottom 11 like, "Ensure ease of connection and minimise friction". 12 That at the bottom left-hand corner appears to be 13 an instruction to somebody who contemporaneously with 14 conducting an inspection is told how to conduct it. 15 A. Mm-hmm. As I said, the original template clearly was 16 based on a previous checklist. In hindsight, the star 17 and double star items at the bottom wouldn't be there, 18 but that was the template that was created. That was 19 the one that was followed through, and everyone prepared 20 the records on that basis. 21 CHAIRMAN: All right. Sorry, I probably -- as I have 22 understood it, then, there was already a document 23 exactly like this in existence, related to something 24 else? 25 A. Related to diaphragm wall.</p>	<p style="text-align: right;">Page 160</p> <p>1 So this sheet collates all that information into one 2 place, and there were no other records at that time 3 which could do that. And these weren't just prepared 4 for the D-wall, the D-wall slab connection; they were 5 prepared for all couplers. So they were also prepared 6 for the slab-to-slab CJs and other couplers that we were 7 aware of. 8 So it wasn't limited purely to D-wall slab 9 connections. It was everything, which again is 10 consistent with the requirement to establish the total 11 number of couplers on the job and also the requirement 12 to establish did we have the relevant forms in place for 13 those couplers. 14 CHAIRMAN: But can you understand why, as I understand it, 15 this documentation on this particular template, 16 unamended as yet, may have been misunderstood by third 17 parties? 18 A. I can, and that's why I requested it to be amended. 19 CHAIRMAN: Okay. 20 MR PENNICOTT: If we look in your report that you prepared 21 back in January 2017, and we look at part of a document 22 that we looked at earlier -- that's appendix N, which is 23 the QSP; we won't debate its applicability -- but 24 there's a document in there, at page 20542. 25 I think we probably have looked at this before,</p>

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<p>1 perhaps not in any detail. It's appendix B to the QSP, 2 Mr Lumb. 3 A. Yes. 4 Q. Is it this document that perhaps might have been one of 5 the source documents from which the template was 6 generated? 7 A. I believe so. The important thing at the time was to 8 get the template ready so that the engineers could 9 actually start doing the real work and completing it. 10 Q. Yes. And of course we know -- and I can't immediately 11 give you the reference but no doubt somebody else will 12 help -- that when Intrafor constructed the diaphragm 13 walls, this form, or something like it, was used, and 14 they had a contemporary record of all the inspections 15 that they carried out at all the couplers and the 16 connections and so forth, and the verticality checks and 17 everything else. 18 Of course it might be suggested that something like 19 this form and the one that was created this year ought 20 to have been in place for the rebar that was connected 21 back in 2015 for the EWL. Would you agree with that? 22 A. I think, just referring back to Mr Brewster's 23 statements, we believe the -- or Mr Brewster believes 24 the requirements of the QSP were met by Leighton's own 25 quality control procedures.</p>	<p>1 19 December 2015, and having found its way to MTR was 2 shown to officers of the Buildings Department in early 3 June 2018. 4 Do you know how this checklist came to be sent to 5 MTR? 6 A. I don't. The team prepared the forms, and I'm not sure 7 whether they went into the boxes that Mr Taylor 8 mentioned that we had in one of the meeting rooms. Each 9 box contained -- there's one box for each pour -- it 10 contained all the relevant information for that pour. 11 So I'm not sure whether they went into the boxes direct 12 or whether they went into a separate folder. 13 But, either way, they shouldn't have gone to MTR 14 because, at this stage, they hadn't been reviewed. They 15 were still, in my opinion, in draft format. 16 Q. Right. Had not been reviewed by you? 17 A. By myself. 18 Q. Okay. 19 Then another question I asked Mr Taylor and he 20 didn't know the answer was this. Did somebody send 21 a soft copy of the template, a template of this 22 document, to MTRC? 23 A. I'm not aware of such. I would be extremely surprised 24 had they done that, but hand on heart I can't say that, 25 but I doubt it or certainly not to my knowledge.</p>
<p>Page 162</p> <p>1 Q. He does. 2 A. And that such forms were not required for the slab to 3 D-wall connections. 4 Q. It might be suggested, Mr Lumb, that you and others who 5 were involved in putting together the checklist that we 6 were looking at just a moment ago created that document 7 because you appreciated that that was what was missing 8 from the records, and that those records should have 9 been prepared contemporaneously back in 2015. Do you 10 agree? 11 A. I would disagree. Again, I would stick to what 12 Mr Brewster has said, also my opinion, as to what is 13 ductile and non-ductile. And, in addition, I think 14 there's no disagreement that the slab-to-slab CJ 15 couplers are non-ductile. So, even in the event that 16 the slab D-wall are ductile and required a form like 17 this, according to the QSP, the slab-to-slab couplers 18 would not require. But, when we prepared the as-built 19 records, we prepared them for all, all the couplers on 20 the job. It wasn't specifically related to the D-wall 21 slab CJ. 22 Q. All right. Can I ask you, please -- can we go back to 23 H14/35067. We've looked at that, Mr Lumb, and we know 24 that this document, in this form, found its way to MTR, 25 attached to a RISC form, this particular one, dated</p>	<p>Page 164</p> <p>1 Q. Right. It's just that we looked at, and we can look at 2 it if you wish to, B7/4538. To be fair to you, let's 3 just have a quick look at it. Then I haven't got the 4 reference again but we will have to scroll down to C3-3, 5 please. Thank you. 6 This is the MTR equivalent retrospective record -- 7 A. Mm-hmm. 8 Q. -- Mr Lumb. We can see that from the bottom where it's 9 signed by Kobe Wong; do you see that? 10 A. Mm-hmm. 11 Q. And at the bottom, it says this one serves as 12 a retrospective record of coupler installation, and one 13 can see it's in extremely similar form, if not 14 identical, apart from some of the manuscript, to the 15 form that your team produced? 16 A. I haven't seen the equivalent form that we prepared, so 17 I don't know whether the circling or the crossing of the 18 "NS" is the same or not. 19 Q. No. Well, obviously we've seen the circling of all the 20 "S"s on the previous document, and now we're seeing what 21 I assume to be, but no doubt will be explained in due 22 course by himself, Mr Kobe Wong, that these are his 23 manuscript annotations on this sheet. But obviously 24 it's virtually identical to the one you prepared. 25 A. Yes.</p>

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<p>1 Q. But you don't know whether a soft copy was sent? 2 A. I don't. 3 Q. Then if we could look at C15/10248, please. This time, 4 Mr Lumb -- again, I'm trying to keep with the same area, 5 C3-3, to maintain a degree of consistency -- you will 6 see the "Checklist" has changed to "As-built"? 7 A. I'm fully aware of that. 8 Q. That's a change that you instigated? 9 A. That's a change that I instructed, and you'll see it's 10 actually in a different font type because I believe that 11 was -- I don't know whether it was pasted digitally or 12 pasted by paper, but we clearly wanted it to be 13 indicated as an as-built rather than the previous draft 14 version which you showed me previously. 15 Q. Okay. Obviously this document was prepared on the 16 footing that the connections in this particular area 17 were all couplers? 18 A. Yes. It was based on the D-wall shop drawings and the 19 available TQs and SIs that we had at the time to review. 20 Q. At some point between the preparation of this document 21 and the next document we're going to look at, which is 22 two pages on, at 10250, the penny had dropped somewhere 23 in the Leighton organisation that the top of the D-wall 24 had been altered -- 25 A. Yes.</p>	<p>1 show the actual situation, and this document was 2 created, the number of couplers would have decreased 3 necessarily. 4 CHAIRMAN: All right. So my question is -- and I don't mean 5 it facetiously -- would it be correct that the earlier 6 document shows that the non-existent couplers were 7 nevertheless installed correctly? 8 MR PENNICOTT: You've got it, yes. 9 A. Based on the diaphragm wall shop drawings, the RISC 10 forms and the QA checklist. 11 CHAIRMAN: Yes. 12 MR PENNICOTT: Of course what happened, Mr Lumb -- and we 13 will be seeing more of this in the days to come with the 14 MTR witnesses -- between the document at 10248 and Kobe 15 Wong's similar sheets for the MTR, and 30 July when you 16 revised this sheet, was the famous MTRC report that came 17 out on 15 June, which of course we all know indicated 18 the incorrect number of couplers, and it was only when 19 that was discovered, presumably, that all these 20 revisions then started to be implemented? 21 A. Yes. Just to answer Mr Chairman's comment there in 22 terms of the number of couplers, if you look at the text 23 in the top right, it says "EWL slab" and "OTE", and they 24 all say B1, B3, B5, B7, B1, B3. You'll note there's no 25 T1, T3, T5. So there's no top couplers counted on this</p>
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<p>1 Q. -- to through-bars rather than couplers, at least in the 2 top mat of reinforcement. 3 A. Yes. 4 Q. And so this revised drawing/diagram/sheet was prepared? 5 A. Yes, and if you look in the top right, it says "R1" and 6 "Revised on" that date, yes, that was after the change. 7 Q. So were you involved in this revised sheet? 8 A. I was back in the head office at this stage, but I had 9 two engineers on site who may still have been helping 10 with the amendments. 11 Q. Yes. 12 A. Again, the importance of this and the reason this was 13 changed was in relation to the number of couplers. It 14 was a very useful record to establish the number of 15 couplers that were employed on the job. 16 Q. Yes. 17 CHAIRMAN: Sorry, could I just ask -- just a question -- 18 this form and the earlier one, I take it that they don't 19 relate to the same number of couplers, or do they? 20 MR PENNICOTT: No, sir, they don't. Obviously we can ask 21 Mr Lumb, but obviously the first one or the last one we 22 looked at at 10248 had more couplers because that 23 assumed there were coupler connections everywhere. 24 CHAIRMAN: That's right. 25 MR PENNICOTT: Then, when it was realised that that didn't</p>	<p>1 updated sheet. 2 Q. Indicating that in this area, there were through-bars 3 rather than couplers? 4 A. Correct. 5 MR PENNICOTT: Hence the incorrect calculation of the number 6 of couplers in, amongst other places, the MTRC report of 7 15 June 2018. 8 CHAIRMAN: Yes. 9 MR PENNICOTT: For which of course a number of people paid 10 the price. 11 Sir, I have no further questions. 12 MR SO: Sir, there are questions from China Technology, if 13 I may. 14 CHAIRMAN: Yes. 15 Cross-examination by MR SO 16 MR SO: Mr Lumb, I am Simon So. I represent China 17 Technology. I have some questions for you. 18 You mentioned to this Commission, both in your 19 witness statement and also during your cross-examination 20 by my learned friend Mr Pennicott, that you were told by 21 Mr Zervaas to conduct an internal review about 22 an allegation made by Mr Jason Poon; correct? 23 A. Correct. 24 Q. Can I just bring you to bundle C35, page C26683. 25 Mr Lumb, this is an email that was forwarded to you,</p>

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<p>1 I believe, from Mr Zervaas? 2 A. Yes. 3 Q. I understand from the answer that you gave to this 4 Commission today that you were actually called over to 5 meet Mr Zervaas, to discuss how the internal review is 6 to be conducted; correct? 7 A. Not necessarily. I met with Mr Zervaas very briefly on 8 the Monday morning, when I went to the site. 9 I explained to him how I thought we should conduct the 10 review, what we should investigate. He raised no 11 objection to that and we needed on that basis. We 12 didn't have a long, detailed discussion about the nature 13 of the review that morning. 14 Q. When Mr Zervaas asked you to conduct this review, did he 15 mention any particular persons that he wished you to 16 interview when you are conducting this review? 17 A. No. No. We approached -- the first person we 18 approached was Mr Kevin Harman, and then he gave us 19 direction as to who else we should speak to on the job. 20 Q. You would also agree that Mr Zervaas also told you that 21 this is an allegation about the malpractice of the use 22 of couplers or rather the cutting of the threaded 23 sections of rebars; is that correct? 24 A. That's correct. 25 Q. And so the review only took place -- would you agree</p>	<p>1 the draft report that you presented to this Commission. 2 Is this a report in draft prepared by Mr Guntung to you? 3 A. It was prepared jointly, I would say. Mr Guntung would 4 prepare a draft. I would then work on it and look at 5 the structure of the report, look at the language, the 6 style, comment back. So it was an interactive report 7 but based on the factual information that Guntung had 8 obtained while he was on site. 9 Q. Can I bring you to the report. I believe the draft 10 report and the final report regarding this aspect is the 11 same, but for the record, the draft report is C20121, 12 the final report is C20245. I want you to focus on 13 section 1.2, which is the background. That says: 14 "Further to allegations of possible malpractice in 15 the fixing of the reinforcement bar coupler connection 16 between the EWL slab and the adjacent supporting 17 diaphragm wall, and also at the construction joints 18 between adjacent slab pours, Leighton's in-house 19 engineering and design group have been asked by the 20 project director to carry out an independent 21 investigation ..." 22 Am I correct to understand that these allegations, 23 you are referring to allegations made by Mr Poon? 24 A. They refer to the email. 25 Q. So these allegations that you refer to in this section</p>
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<p>1 with me that the sole purpose is to look into the matter 2 as to whether there are cutting of the threaded section 3 of the rebars? 4 A. Not really. That was one of the questions we asked, but 5 probably actually the main focus of the review was more 6 to review the quality systems, the procedures, the 7 processes on the project, in terms of had they been 8 established, set up correctly, and were they being 9 followed and implemented, and it's through review of 10 those systems and processes that I could then check or 11 give some level of assurance that there was no 12 systematic cutting of threads. 13 Q. But would you agree with me that the whole review 14 actually stems from the complaints raised by Mr Poon? 15 A. Of course, yes. 16 Q. Of course, you then told Mr Zervaas, in an email which 17 is in C35/C26687, that you asked Mr Guntung to be the 18 major personnel in charge of this review? 19 A. That's correct. 20 Q. And in the email I saw that you told Mr Zervaas that you 21 would provide the necessary support, guidance and 22 direction to him? 23 A. Yes. So he conducted the review, under my direction and 24 with my daily input. 25 Q. Right. We have appended in your first witness statement</p>	<p>1 is exactly the allegations you were mentioning about 2 Mr Poon's allegations? 3 A. Correct. 4 Q. Now, when you were conducting this review, as you 5 understand from this background, against this 6 background, that the allegations were made by Mr Poon, 7 did you not instruct Mr Guntung to interview Mr Poon 8 regarding these allegations? 9 A. We were under clear direction that it was an internal 10 review, so, no. We spoke to our own staff on site, we 11 looked at our own systems and processes. The message to 12 me clearly was it was an internal review, so it didn't 13 enter my approach to speak to any external party. 14 Q. Did you not ask Mr Zervaas, "This complaint is made by 15 Mr Poon; why shouldn't we ask about the particulars of 16 what complaint he is raising?" 17 A. No. We had received the email. We read and digested 18 the email, and then we acted on Mr Zervaas's 19 instructions. 20 Q. Let's take a look at the email then. Can we go back to 21 C26683, in the same bundle. This email is less than a 22 page. Would you not want more particulars from Mr Poon 23 regarding what are the particulars of his complaint 24 about? 25 A. I think the allegations are quite clear from the email.</p>

<p style="text-align: right;">Page 173</p> <p>1 Q. Right. I understand from your fourth witness statement 2 that you have given to this Commission that you have 3 listed out, in paragraph 7, which is in C26681 the 4 persons that you have -- rather, I should put it more 5 precisely -- the persons Mr Guntung has discussed about 6 when he was preparing this review report; correct? 7 A. Correct. 8 Q. Did you participate in any of those interviews? 9 A. I don't have clear recollection, but I have an entry 10 into my diary on the Wednesday of the review. 11 Mr Guntung confirms that I spoke with Andy Ip and Man 12 Sze Ho. 13 Q. That's very good. I want you to focus on the discussion 14 with Mr Andy Ip. You confirm that you were interviewing 15 Mr Ip with Mr Guntung together; correct? 16 A. Correct, but I have no recollection of that particular 17 discussion. 18 Q. Let's see whether my questions can help you in jogging 19 some of your memories. We understand that you later 20 realised that there is an NCR, which is NCR157, about 21 the cutting of threaded rebars; correct? 22 A. Mm-hmm. 23 Q. Did you discuss with Mr Ip about this NCR in the 24 interview? 25 A. I can't recall my interview. I believe Mr Guntung did</p>	<p style="text-align: right;">Page 175</p> <p>1 CHAIRMAN: Sorry to interrupt. The bit about -- there's the 2 NCR, okay, but then we were told that there had in fact 3 been two earlier -- 4 A. I'm aware of that. 5 CHAIRMAN: So you say it wasn't raised, but normally 6 something like that would be raised because there's 7 a question asked. Do you see what I mean? You would 8 say something like, if you are interviewing somebody, 9 "Have there been any earlier occasions when you had 10 spotted this kind of thing?", and then hopefully you 11 would have got a reply, "Yes, there have been two 12 earlier occasions." "Is there any record of it?" "No." 13 "That's odd. Why not? He's busy cutting rebars." 14 "Well, because of X, Y and Z." 15 But whatever, you would have expected at the end of 16 the report something to have said, "Two earlier 17 instances dealt with immediately", which itself would 18 have supported the rigour of your investigations and 19 your supervision, but there's an omission there. 20 A. Just to be clear, we were not made aware by anyone from 21 the project team of any previous instances. We were 22 only made aware of the NCR157. 23 COMMISSIONER HANSFORD: Okay. Just to follow up on the 24 Chairman's question, had the two previous incidents 25 resulted in NCRs -- sorry, I realise that's</p>
<p style="text-align: right;">Page 174</p> <p>1 discuss it with him. 2 Q. Sorry, I don't quite understand. Were you with 3 Mr Guntung then, when you were interviewing Mr Ip? 4 A. Mr Guntung was based on site for two and a half days, 5 interacting with all of the people named there. 6 I typically attended the site for one hour in a morning, 7 and so Mr Guntung would speak with all of those parties 8 independently, and then he informs me that we met 9 together with Andy and Man Sze Ho on the Wednesday 10 morning. 11 Q. All right. So back to my question. My question is 12 relatively simple. When you were meeting with Mr Ip, 13 did either you or Mr Guntung discuss the matter of 14 NCR157 with Mr Ip? 15 A. I can't recall. 16 Q. Do you recall whether Mr Ip told you that Mr Edward Mok 17 has discovered the cutting of threaded rebars by 18 a sub-contractor for more than one time but those were 19 not recorded in an NCR? 20 A. That wasn't raised, and that's why it wasn't mentioned 21 in the report. 22 Q. Did you have a look of the NCR157 when you were 23 preparing this report? 24 A. Yes. 25 Q. Can I bring you to --</p>	<p style="text-align: right;">Page 176</p> <p>1 hypothetical -- would you have then been made aware of 2 it? 3 A. Clearly, because there would have been a record in the 4 NCR register. That was one of the registers that we 5 first looked at in our review. 6 COMMISSIONER HANSFORD: I have an interest as to whether or 7 not NCRs should have been raised for those, but maybe 8 that's not a question for you. 9 MR SO: I don't know whether you can -- you can tell me if 10 you do know or do not know -- do you know that 11 an engineer called Mr Edward Mok has actually reported 12 these two incidents to Mr Andy Ip? Do you know or do 13 you know not know? 14 A. I've read his testimony, yes. 15 Q. But before that you did not know? 16 A. Yes. 17 Q. Thank you. 18 Can I bring you to the NCR. I want you to take 19 a look at the version at B4123. This is a question I've 20 asked Mr Andy Ip but apparently he could not help us. 21 I just wonder whether you can help us. 22 When you were reading the NCR157, there were some 23 photographs appended to it; correct? 24 A. Mm-hmm. 25 Q. We know that from the NCR, it was reported that five</p>

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<p>1 rebars were actually being cut in the NCR157. Can you 2 help us to identify those five rebars from these 3 photographs? 4 A. No, I can't. 5 Q. Can we take a look at the next photograph, which is 6 B4126. 7 A. Sorry, same question? 8 Q. It's the same question. Can you identify -- it is four 9 photographs there -- can you identify the five rebars 10 for us? 11 A. Not clearly from that. 12 Q. When you were preparing the report, did you actually 13 attempt to figure out from the photos whether there are 14 actually five bars being cut or less than five bars or 15 more than five bars? 16 A. What we referred to was the MTR email which, if you 17 like, triggered the NCR and, as I recall the text in the 18 MTR email noted that the works had been rectified 19 already at the time of sending the email. 20 So we didn't look into each individual photograph 21 and say which bar has been cut or not. It wasn't 22 relevant to the investigation. 23 Q. Can I bring you to page B4127. This is the NCR report. 24 Just to be fair, we understand that when you are 25 conducting the review, those manuscripts at the bottom</p>	<p>1 Q. In any event, being the person in charge of conducting 2 this review, did you not see it appropriate to actually 3 interview the person who actually issued this NCR? 4 A. Who was the NCR formally issued by? Can you clarify 5 that? 6 Q. Mr Rawsthorne, being approved by Mr Rawsthorne. 7 A. I'm not sure that he would necessarily have direct 8 knowledge of the incidents. As I mentioned, the people 9 that we were advised with direct knowledge were the 10 people we spoke to. 11 So, no, we didn't speak with Mr Rawsthorne, and it 12 didn't -- or it wasn't considered to speak to him. 13 MR SO: Sir, I note the time, but I think I will be 14 finishing in the next five or ten minutes. Can I just 15 go on and have an indulgence. 16 CHAIRMAN: Yes. 17 MR WILKEN: My apologies, I have an appointment; I am giving 18 a lecture at 6.15 this evening. So if he does mean five 19 or ten minutes, that's fine, but I certainly probably 20 have to be out of the door by 5.15, otherwise the 21 Hong Kong Bar Association will be cross with me. 22 CHAIRMAN: What time is the lecture? 23 MR WILKEN: 6.15. 24 CHAIRMAN: Let's run through until ten past. 25 MR SO: I do apologise to my learned friend Mr Wilken.</p>
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<p>1 should not be there yet; is that correct, according to 2 my understanding? 3 A. As I mentioned earlier, the NCR had not been formally 4 closed out when we commenced the review, or should I say 5 closed out in accordance with the correct procedures. 6 It had been attempted to be closed out via the RISC 7 form, but that was not the correct procedure to close 8 out an NCR. 9 Q. I understand. My question is actually -- if you take 10 a look at the above, there was a signature by 11 Mr Rawsthorne, the project manager. Did you direct 12 Mr Guntung to actually interview Mr Rawsthorne when 13 preparing the review? 14 A. We didn't speak to Mr Rawsthorne. 15 Q. Can you tell us why didn't you interview Mr Rawsthorne? 16 A. We weren't directed to speak with him. As I mentioned, 17 we followed an order of staff from Mr Harman to 18 Mr Holden to Mr Tam to Mr Ip to Mr Man Sze Ho, and they 19 were the people that we were advised would give the most 20 relevant information in relation to the investigation. 21 Q. Insofar as I understand your answer, those people are 22 proposed by Mr Harman; correct? 23 A. Mr Harman proposed Mr Holden and Mr Tam. Mr Tam then 24 named Mr Ip and Mr Man Sze Ho as people who would have 25 direct knowledge.</p>	<p>1 I will be fast. 2 Did it not shock you that when -- I will rephrase my 3 question, sorry. 4 Did it ever come to your mind that you have to 5 interview the sub-contractor responsible for rebar 6 fixing when preparing this review? 7 A. As I mentioned previously, we were given the direction 8 it was an internal review. 9 Q. Would it be a fair comment to say you did not review any 10 general superintendent or superintendent on site within 11 Leighton? 12 A. We didn't, and the reason, amongst other things, is that 13 the people who sign off the quality forms, that being 14 the RISC forms, the quality control checklists, are the 15 engineers. It's not the supervisors on the site. 16 Q. I would suggest to you, Mr Lumb, that the superintendent 17 and the general superintendent would actually be the 18 best eyewitness on site to see whether there are any 19 cuttings of the threaded rebars, if there are any, would 20 they not? 21 A. I believe the engineers would speak closely with the 22 supervisors, so I firmly believe that any knowledge any 23 supervisor had would be transferred through the 24 engineers and up through to the PM and CM. 25 Q. After you completed the report, who do you actually give</p>

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1 this report to?

2 A. We issued the report to Anthony Zervaas and Ian

3 Rawsthorne.

4 Q. Did you know whether this report was ever passed to

5 Mr Poon?

6 A. No idea.

7 Q. My last question is, if you take a look at the draft

8 report, given the draft report has 123 pages, there are

9 only one and a half pages addressing the cutting of the

10 threaded rebars; would you agree with that?

11 A. Yes.

12 MR SO: Thank you. I have no further questions.

13 CHAIRMAN: Can I ask just one question, thank you. It may

14 well be here, and if so please accept my apologies, but

15 what you were sent originally, I understand, are the

16 photographs, one of them seeming to show somebody

17 actually cutting a threaded rebar.

18 A. Mm-hmm.

19 CHAIRMAN: Does that appear in the report?

20 A. It doesn't. It's not attached as an appendix, no.

21 CHAIRMAN: And again, please forgive me if I've got it

22 wrong, but I don't seem to recall reading about it

23 either in the report.

24 A. We make reference, I think, in the introduction about

25 allegations, on the first page.

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1 CHAIRMAN: "Further to allegations of possible

2 malpractice ..."

3 A. Yes.

4 CHAIRMAN: I appreciate entirely it's an internal review,

5 but the internal review was sparked by the photographs

6 which, if one looks at carefully, may tend to show that

7 somebody on site fairly openly was cutting the threads

8 of a rebar.

9 A. Mm-hmm.

10 CHAIRMAN: And our understanding, from all the witnesses,

11 has been that that shouldn't be allowed and it would

12 have been stopped, and in addition to which one witness

13 has actually spoken of the fact that the person seeming

14 to cut the rebar is also the person a minute or so later

15 helping to screw it into the wall, which would be a good

16 opening, would it not, to show that there may be some

17 provisional grounds for concern, or at least

18 an explanation of why you're doing the report in the

19 first place.

20 A. I think there's many different ways to present a report.

21 In section 1.2, as I mention, we talk about allegations

22 of malpractice. I would say that covers what you are

23 saying but in maybe a briefer format. I mean --

24 CHAIRMAN: I agree it's briefer, but with the greatest of

25 respect you've got a photograph put in by somebody

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1 saying, "This is evidence of what is happening", and

2 this is what got Mr Zervaas to contact you on the turn,

3 and yet the photograph is not there, it's not examined,

4 it's not put in together with the NCR. I just wonder --

5 a cynic might say that this was a little bit of a kind

6 of rehearsed, "Let's just go through what we already

7 know and then we've got a nice report."

8 A. I wouldn't agree with that. I think we approached the

9 review in an open and transparent manner. We asked what

10 we felt were the right questions. We, as I mentioned,

11 were looking to try to get to the bottom of the systems

12 and procedures, and whether there were any gaps in those

13 procedures that would allow such an occurrence to occur.

14 CHAIRMAN: Good. Thank you.

15 Anything --

16 MR KHAW: Mr Chairman, there will be some questions from the

17 government. I would probably need 45 minutes to one

18 hour, so I wonder whether we can start tomorrow.

19 CHAIRMAN: Fine.

20 Mr Lumb, unfortunately you have to come back again

21 tomorrow. You are in the middle of giving your

22 evidence, and as I say to all witnesses, any witness who

23 is in the middle of giving their evidence is not allowed

24 to discuss their evidence until their evidence is

25 complete, with anybody, including their own lawyers.

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1 Okay? So you have to maintain your own silence on the

2 subject of your evidence until it's complete.

3 WITNESS: Sure.

4 CHAIRMAN: Thank you. 10 am tomorrow.

5 (5.05 pm)

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

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