

1 Tuesday, 4 December 2018

2 (10.01 am)

3 MR HO HO PONG, JAMES (on former affirmation in Punti)

4 Examination by MR PENNICOTT (continued)

5 CHAIRMAN: Yes.

6 MR PENNICOTT: Good morning, sir and professor.

7 Good morning, Mr Ho. When we finished yesterday  
8 afternoon, we were looking at paragraph 50 of your  
9 witness statement. If you could go back to that,  
10 please.

11 We had discussed the first sentence of that  
12 paragraph last night, and I asked you about the lack of  
13 records under the QSP. Do you remember that?

14 A. Yes.

15 Q. Okay. Let's move on from there.

16 You then go on in your witness statement to describe  
17 the background to and the manner in which various  
18 retrospective records for coupler installation were  
19 prepared by yourself and others in your team.

20 A. Correct.

21 Q. The people involved were Michael Fu, Derek Ma, Kobe Wong  
22 and yourself, as I understand it, following certain  
23 instructions that you had received from Mr Rooney?

24 A. Correct.

25 Q. The upshot of the exercise we can see I think at  
26 B7/4537, where first of all we see a summary sheet,

1 a checklist; yes?

2 A. Yes.

3 Q. Then, over the page, we see the start of a collection of  
4 similar documents relating to each area, or each bay in  
5 each area?

6 A. Yes.

7 Q. We know that ultimately they bore the signature of  
8 Mr Kobe Wong?

9 A. Yes.

10 Q. They were prepared this year, we know, in or about June  
11 2018?

12 A. Yes.

13 Q. But you say, despite that, a date was put on the  
14 documents of 10 February 2017, so retrospective and  
15 backdated?

16 A. Correct.

17 Q. The justification for the backdating to 10 February was  
18 that you wanted to tie these checklists in to the  
19 document we looked at yesterday afternoon, that is the  
20 report prepared by Carl Wu?

21 A. Yes.

22 Q. Okay. You seek to emphasise that these checklists were  
23 not intended to form part of any submission to the BD or  
24 the RDO?

25 A. Correct.

26 Q. And they were for internal purposes only?

1 A. Yes.

2 Q. You explain to us that the records, the retrospective  
3 records that we see here, were prepared by reference to  
4 the BA14 as-built drawings for the diaphragm wall?

5 A. Correct.

6 Q. The problem with that, as was subsequently discovered,  
7 was that the second change to the top, that is the  
8 change to the top of the east diaphragm wall, was  
9 overlooked when the checklists were prepared?

10 A. Correct.

11 Q. And that was a point that was only picked up  
12 subsequently?

13 A. Correct.

14 Q. The importance of that point is that the number of  
15 couplers was calculated by reference to these  
16 checklists, and because you had used the diaphragm wall  
17 as-built drawings that number, the calculation, turned  
18 out to be incorrect?

19 A. Yes.

20 Q. All right. Now, you say that that oversight was due to  
21 the time pressure that you were under, and also, you  
22 say -- I'm looking at paragraph 56 of your statement,  
23 penultimate sentence:

24 "This was because back in 2015, we did not consider  
25 this to be a major issue, and there were numerous more  
26 pressing matters which I had to deal with on

1 a day-to-day basis."

2 A. Yes.

3 Q. Of course, one reason, perhaps, Mr Ho, that all this was  
4 overlooked was that the appropriate records for the  
5 rebar inspection were not in place and, had they been,  
6 this error may not have happened; do you agree with  
7 that?

8 A. I agree, but may I supplement a little bit?

9 Q. Of course.

10 A. At that time when we prepare the checklist or count the  
11 numbers, actually we also make reference to Leighton's  
12 provided numbers as well. So, in other words, apart  
13 from base on the diaphragm wall as-built drawings, we  
14 also base on -- make reference to Leighton's provision  
15 of their numbers as well.

16 Q. Okay. So you, as it were -- there was a cross-check  
17 with Leighton's material and they had come up with the  
18 same number?

19 A. Yes.

20 Q. Probably because they were looking at the same material?

21 A. Exactly.

22 CHAIRMAN: Sorry, on that basis, when you say cross-check  
23 with their numbers, do you know the source of their  
24 numbers?

25 A. I'm not sure but I think they were also based on the  
26 diaphragm wall as-built drawings.

1 CHAIRMAN: So you cross-checked with Leighton, whose  
2 information, as far as you could tell, was sourced from  
3 the same source as your information?

4 A. Correct.

5 MR PENNICOTT: Sir, thank you.

6 Mr Ho, are you going to continue to give your  
7 evidence in English, in which case I'll take my  
8 headphones off, as indeed I see the Chairman and the  
9 professor have? It's up to you, Mr Ho.

10 A. I'll try to do it in English.

11 Q. You don't have to. It's a matter entirely for you. But  
12 at the moment I'll take the headphones off. Thanks very  
13 much.

14 Back to your witness statement, to a different  
15 topic. You then go on to deal, in your witness  
16 statement, with the change in the construction detail  
17 from the couplers to the through-bars.

18 A. Yes.

19 Q. I'm going to try to go over this reasonably quickly but  
20 unfortunately I'm going to have to put some of the  
21 material that Mr Cheuk put last week, I think it was  
22 last week, to Mr Buckland, but we'll see how we go.

23 Just to pick up a point at paragraph 60 of your  
24 witness statement -- it's a point that is really just  
25 a matter of history and chronology which we perhaps  
26 haven't looked at before -- where you make reference to

1 TQ12 and TQ13, by which problems had been picked up in  
2 the context of a clash, as you say, with the rows of  
3 couplers and the spacing at the top layers of the rebar  
4 in the slab, the EWL slab.

5 A. Yes.

6 Q. And Atkins' original response to those TQs was what  
7 might be broadly described as a drill-in dowel bar  
8 solution; yes?

9 A. Yes.

10 Q. You've got a diagram at the top of page 339 which  
11 describes or illustrates, rather, that point, and you  
12 say that, at that time, you considered this solution was  
13 not at all ideal; it would have involved the drilling of  
14 a very large number of holes across the diaphragm walls,  
15 and also Leighton had expressed or queried whether there  
16 were any other options.

17 As I understand it, to be clear, Mr Ho, this type of  
18 solution was not pursued; is that correct?

19 A. What do you mean by "not pursued"?

20 Q. It was not followed through generally, and different  
21 solutions were adopted, ie the through-bars.

22 A. Actually, we adopt this solution for most of the areas,  
23 apart from the hacked-off area, but where we have the  
24 tremie pipe at the bottom and also the west side wall  
25 and NSL as well, we have to do the drill-in bar at the  
26 tremie pipe location.

1 Q. All right. Let me just -- I probably didn't quite  
2 understand that. Let me just see if I can follow it.

3 So, in the hacked-off areas, this solution was not  
4 adopted?

5 A. Correct.

6 Q. But where you have -- but it was adopted in the NSL?

7 A. NSL, plus also the EWL but the bottom layer as well.

8 Q. Sorry --

9 A. Because the tremie pipe is all the way down to the NSL.

10 Q. So, so far as the EWL is concerned, in the bottom mat of  
11 rebars --

12 A. Correct.

13 Q. -- it was also adopted; right?

14 A. Yes.

15 Q. And that would have been throughout?

16 A. Yes.

17 Q. Understood. Got it.

18 Then you go on to deal with, in your witness  
19 statement, TQ33.

20 A. Yes.

21 Q. Again, that arose because of another problem that was  
22 encountered in a particular area, and this is where we  
23 start to get into the problem or the issue, the  
24 discussion, of what is meant by "monolithic" and  
25 "monolithic construction".

26 What you say, in paragraph 61 of your witness

1 statement, last sentence, is:

2 "The entire construction management team ..."

3 By that you mean the MTRC construction management  
4 team?

5 A. Yes, MTR.

6 Q. "... understood (from an engineering perspective) that  
7 the word 'monolithic' meant that the two structures must  
8 be cast together as one whole slab rather than as two  
9 separate components."

10 Now, what do you mean, first of all, by the words  
11 "the two structures"? What two structures are you  
12 referring to?

13 A. Sorry, I may not be very clear here, but what I meant  
14 was the monolithic applies to the EWL slab, the top of  
15 the diaphragm wall, plus the OTE.

16 Q. Right. That's what I thought you meant. That is, on  
17 one view, three structures.

18 A. Yes.

19 Q. And, indeed, for purposes of illustration in a moment,  
20 can we call the EWL slab number one; the diaphragm wall  
21 in the middle number two; and the OTE wall on the other  
22 side number three?

23 A. Okay.

24 Q. My understanding of your position is that your  
25 interpretation of "monolithic" would involve the  
26 construction of one, two and three together?



1 A. Yes.

2 Q. All at one time.

3 Now, you're aware, presumably, that other people did  
4 not necessarily take that view; yes?

5 A. Yes.

6 Q. And another alternative view that was taken was that  
7 numbers one and three would be cast together, at the  
8 same time -- at the same time, concurrently -- and that  
9 was the sense in which "monolithic" was used by other  
10 people. Do you understand that?

11 A. Yes, but because they use the word "monolithic", which  
12 applies -- the whole thing has to be cast in one  
13 element, in one go.

14 Q. Yes, but my understanding of why they say that is that  
15 of course you're assuming that all the rebar is  
16 connected up. You've got the rebar coming in from the  
17 EWL slab, connected to the rebar going through the  
18 diaphragm wall, you've got the rebar on the OTE wall.  
19 So you've got a full length, full stretch, of rebar  
20 going right the way through. And what they're saying is  
21 provided you concrete one and three at the same time,  
22 before you put any further load on the top, that's what  
23 they meant by "monolithic".

24 A. Right.

25 Q. Rather different to you.

26 A. Sorry, but our understanding at that time was different.

1 Q. Was different.

2 A. Yes.

3 Q. I'm putting that to you because, as it happens,  
4 yesterday, indeed last night as far as I was concerned,  
5 we received some witness statements from Atkins, some  
6 further witness statements from Atkins, and this is one  
7 of the points that is made by Mr WC Lee, who we'll be  
8 coming to in a moment.

9 So can we go back to your witness statement, because  
10 it is Mr WC Lee who deals with TQ33, as indeed you  
11 relate in your witness statement, so a very timely  
12 arrival of that witness statement last night, if I may  
13 say so.

14 Anyway, at paragraph 62 of your witness statement,  
15 you say:

16 "By the time of TQ33 and Atkins B's response,  
17 however, the east diaphragm wall between the OTE  
18 structure and the EWL slab had already been completed.  
19 As a matter of common sense from an engineering  
20 perspective, the requirement to cast the OTE and EWL  
21 slabs monolithically meant that Leighton would have to  
22 trim down the top of the diaphragm wall (along with the  
23 cast-in couplers therein), and this was implemented  
24 accordingly on site."

25 Then you set out Mr WC Lee's response to TQ33. You  
26 rightly point out that the date is wrong; I think it's

1 29 July --

2 A. Yes.

3 Q. -- or a date shortly thereafter. And you see Its quite  
4 small type, but we might be able to blow it up on the  
5 screen, which we have. The last two lines of Mr Lee's  
6 response says this:

7 "Please be reminded that in order to comply with the  
8 design assumption, the OTE "wall" -- so that's number  
9 three -- "the OTE wall must be concrete/pour together at  
10 the same time (monolithically), with the 3 metre EWL  
11 slab ..."

12 Do you see that?

13 A. Yes.

14 Q. Ie number one.

15 "... and the wall to extend to 300mm above the  
16 chamfer section of the wall to provide the kicker for  
17 the OTE wall above."

18 Which we don't need to worry about.

19 So there we see no reference by Mr Lee to any  
20 trimming down of the diaphragm wall; do you agree?

21 A. Yes.

22 Q. And indeed the image 3, as you've called it, the extract  
23 from the response also included a diagram, as  
24 I understand it, and you've set that diagram out in your  
25 witness statement. We can see from that diagram that  
26 the solution still assumes, from this diagram, that the

1 couplers are going to be used; there's no through-bar  
2 shown on this diagram, do you see?

3 A. Yes.

4 Q. Just to -- you won't have seen this, because we only got  
5 it last night, but just to show you Mr Lee's statement.  
6 It's at J6/4526.

7 CHAIRMAN: Sorry --

8 MR PENNICOTT: Not at all.

9 CHAIRMAN: -- so Mr Lee of Atkins is working on the basis  
10 that the couplers are going to stay?

11 MR PENNICOTT: In response to TQ33, sir, yes. And indeed in  
12 his witness statement, which we've now got, he says he  
13 was not aware of any trimming down of the D-wall.

14 CHAIRMAN: Okay. So the trimming down of the D-wall, just  
15 so I can get this, appears to have been as a result of  
16 an understanding of a slightly ambiguous, with the  
17 benefit of hindsight, email, talking about "monolithic".  
18 To me, "monolithic" means monolithic. It doesn't mean  
19 concurrent or current.

20 MR PENNICOTT: No.

21 CHAIRMAN: So that was read as being, if we're going to do  
22 it monolithically, we've got to trim down, get rid of  
23 the couplers, and we put through-bars in, which makes  
24 sense anyway because you're getting as strong, if not  
25 stronger, a reinforcing.

26 MR PENNICOTT: Correct.

1 CHAIRMAN: But Mr Lee was still working on the basis of  
2 couplers, and he saw his -- the way he saw it was  
3 pouring concurrently on the OTE and --

4 MR PENNICOTT: The EWL slab.

5 CHAIRMAN: -- the EWL slab.

6 MR PENNICOTT: Without touching the diaphragm wall.

7 CHAIRMAN: But not doing anything to the diaphragm wall,  
8 which was a permanent work.

9 MR PENNICOTT: Correct.

10 CHAIRMAN: Thank you. I just wanted to understand.

11 MR PENNICOTT: That's entirely right, sir. You have  
12 understood it correctly. I think I've now got it as  
13 well, because I've been a bit behind myself on all of  
14 this. It perhaps goes some way to explain the  
15 difficulties we had when we were discussing this matter  
16 with Mr Andy Leung on Friday, as you will recall I ran  
17 into some difficulty.

18 CHAIRMAN: Yes.

19 MR PENNICOTT: But it may be that reflecting on all this  
20 again and looking back at Mr Leung's email, we might be  
21 able to make more sense of what he was saying.

22 CHAIRMAN: Then to put it into greater context, broadening  
23 that, this was in fact carried out where it was not  
24 necessary to underpin, because where there was  
25 underpinning then you couldn't do this, you couldn't  
26 trim and remove the couplers. Good.

1 MR PENNICOTT: Yes, that's it, sir.

2 COMMISSIONER HANSFORD: Although where there was

3 underpinning you could pour concurrently?

4 MR PENNICOTT: I imagine you could, but perhaps the witness  
5 could answer that rather than me.

6 A. We could but you couldn't achieve the monolithic  
7 requirement.

8 COMMISSIONER HANSFORD: You couldn't achieve monolithic, as  
9 you understood monolithic, but you could have done it  
10 concurrently?

11 A. Yes.

12 CHAIRMAN: But in any event, it was the view of certain  
13 people, especially those in the trenches, literally,  
14 that this was a minor change, in any event, because it  
15 wasn't a design change as such.

16 MR PENNICOTT: Well, that was the view of a number of  
17 people.

18 CHAIRMAN: Yes, so that's why they were able to push ahead  
19 without a sort of formal start line, if I can put it  
20 that way.

21 MR PENNICOTT: And without producing any further working  
22 drawings and so forth at that stage, that's right.

23 CHAIRMAN: Thank you.

24 MR PENNICOTT: Just to finish off this point, having  
25 introduced Mr Lee into the story, if you go to J6/4526,  
26 paragraph 22 -- I'm not going to read all this out -- he

1           refers to a technical query at paragraph 22, he sets out  
2           a long section from an email that he sent prior to the  
3           formal issue of TQ33, because he says that this all  
4           subsequently became TQ33.

5           Then, if you look at paragraph 23, Mr Ho and sir, he  
6           says:

7           "By monolithically, I meant the OTE wall and the EWL  
8           slab on each side of the D-wall cast at the same time to  
9           ensure the full tension anchorage for the 3m EWL slab."

10          And that's where we get Mr Lee's interpretation of  
11          what he meant by "monolithic". And further down the  
12          page, he then specifically deals with the response to  
13          TQ33. At paragraph 26 he says:

14          "On or around 29 July 2015, I responded to TQ33  
15          again in view of the urgency, clarifying how to  
16          calculate the length of the L-shaped tension  
17          anchorage ... I also stated that the OTE slab/wall must  
18          be poured together with the EWL slab."

19          And that's what we've just looked at in Mr Ho's  
20          witness statement.

21          "This was very similar to the comments in my email  
22          on 24 July ..."

23          CHAIRMAN: Right. Could I ask this -- at the moment, we're  
24          talking about two different processes. One, if I can  
25          put it this way, that Atkins are suggesting, which  
26          doesn't involve removal of a coupler and doesn't require

1           what I understand as being monolithic pour.

2           MR PENNICOTT: Yes.

3           CHAIRMAN: The other one is the one that appears to have  
4           been done.

5                     The home point, however, the arrival point, is it in  
6           everybody's view the same, namely that what in fact has  
7           happened has not diminished the structural integrity but  
8           may indeed have strengthened it?

9           MR PENNICOTT: That is my understanding of -- subject to any  
10          views government may have, or government's experts --  
11          but my understanding of the current position is that all  
12          of the structural engineering experts or structural  
13          engineering witnesses, or indeed any other engineering  
14          witnesses, all take the view that this is probably, at  
15          the end of the day, a better and stronger design than  
16          was originally conceived.

17          CHAIRMAN: All right. So what we're looking at is, very  
18          largely, we're looking at management issues, oversight  
19          issues and the like, as opposed to actual structural  
20          integrity issues, in the final analysis?

21          MR PENNICOTT: That's my understanding, sir, subject to one  
22          caveat, and I mentioned the government, because there  
23          appears to be a suggestion in certain of the government  
24          witness statements that in demolishing that top  
25          half-metre of the diaphragm wall, whilst one certainly  
26          has ended up, as a consequence of that "monolithic"



1 instruction, there is a caveat as to what that  
2 demolition has actually done to the diaphragm wall  
3 itself. That's a slightly different point.

4 CHAIRMAN: Yes. Thank you for reminding me of that. I'm  
5 aware of that.

6 MR PENNICOTT: That's my understanding of a point that may  
7 or may not be taken by the government and its witnesses  
8 and/or expert.

9 CHAIRMAN: Yes. I have taken both points, number one that  
10 the diaphragm wall were now permanent works and number  
11 two that it's not a question of simply looking at the  
12 fact that the through-bars have perhaps greater  
13 integrity or strength, but also you have to look further  
14 at the entire structure of the diaphragm wall.

15 MR PENNICOTT: Indeed, sir.

16 CHAIRMAN: Thank you.

17 MR PENNICOTT: And my understanding, just to finish this  
18 point, Mr Ho, is that when you say that you're going to  
19 trim down the top of the diaphragm wall along with the  
20 cast-in couplers, essentially what you're saying is  
21 this, as I understand it -- correct me if I am wrong --  
22 that if you're trimming down with essentially a breaker,  
23 machine, as I understand it, a hand-held breaker  
24 machine --

25 A. Hand-held breaker.

26 Q. -- it is inevitable, as a consequence of that process,

1           that you are going to compromise and damage the couplers  
2           in that process.

3       A.    Sure.

4       Q.    You simply can't save them, and having done that the  
5           obvious, common-sense solution is to use the  
6           through-bars?

7       A.    Correct.

8       MR BOULDING:  Sir, I hesitate to intervene, but I wonder if  
9           I can just make an observation.

10           As my learned friend Mr Pennicott said, this  
11           statement came in late last night.  Indeed, whilst I've  
12           managed to read it on my computer, I've still not been  
13           provided with a hard copy, and it looks as though you've  
14           not been provided with one either.

15       CHAIRMAN:  Well, I haven't seen it at all.  We're not aware  
16           of it at all.

17       COMMISSIONER HANSFORD:  I was aware that it had arrived but  
18           I've not seen it.

19       MR BOULDING:  Right.  Obviously the witness is not aware of  
20           this statement, and in ordinary circumstances will have  
21           been entitled to read it, and indeed adopting the  
22           procedure that you've laid down even reply to it, if he  
23           considered that to be appropriate.

24           I wonder if my learned friend is going to persist  
25           with this line of cross-examination, and whether it  
26           would only be fair to at least allow the witness to read

1 the bit of the statement which he's referring to now.

2 It may well be that you'd like to read it as well.

3 CHAIRMAN: Yes. Thank you very much.

4 MR PENNICOTT: Sir, that's entirely appropriate, and

5 I apologise. I only saw this witness statement this

6 morning and realised, when I was reviewing my

7 cross-examination of Mr Ho, that the evidence of Mr Lee

8 seemed to be directly tied into the questions I was

9 about to ask him.

10 I wasn't proposing to look at anything else in these

11 three statements that we received last night, other than

12 what I've already taken the witness to, but certainly if

13 he wishes to look at that section -- it's only seven or

14 eight paragraphs -- certainly of course he can.

15 CHAIRMAN: I think I'd like him to. I think that the

16 witness is entitled to be able to read that. As

17 a professional, he'll understand the overall impact of

18 it, and then he can comment perhaps a little more

19 strongly and with more confidence, and in addition to

20 which I think fairness requires it. It's not an inquiry

21 by ambush, if I can put it that way.

22 MR PENNICOTT: No, and I wasn't indeed seeking to ambush.

23 CHAIRMAN: Not at all.

24 MR PENNICOTT: I was just trying to draw the distinction

25 between what Mr Ho's understanding of "monolithic" was

26 and apparently what Mr Lee's understanding was, and

1 I could have done that by reference to the TQ itself.

2 It just so happened that not only have we now got the TQ  
3 and the wording that Mr Lee uses in his response to the  
4 TQ, but we've also got his witness statement, which  
5 seeks to explain it.

6 CHAIRMAN: Absolutely. Thank you.

7 Perhaps if we -- I think it's right, Mr Ho, that you  
8 should look at this.

9 WITNESS: Sure.

10 CHAIRMAN: We'll just adjourn for five or six minutes,

11 I don't think it will take longer that, to read it and  
12 absorb it. Would that be satisfactory for you?

13 WITNESS: Yes, okay.

14 MR PENNICOTT: We will supply Mr Ho with a hard copy. It's  
15 a very short statement. He can read it all, if he  
16 wishes to.

17 CHAIRMAN: Mr Ho, read it and then tell Mr Pennicott when  
18 you are ready and then Mr Pennicott will bring us back  
19 in.

20 WITNESS: Okay.

21 CHAIRMAN: Thank you very much.

22 (10.33 am)

23 (A short adjournment)

24 (10.41 am)

25 CHAIRMAN: Mr Ho, you've read that?

26 A. Yes. So, after I read especially paragraph 23, I don't

1           agree with what Mr Lee mentioned here at all, because  
2           otherwise why put the word "monolithic" here? It just  
3           doesn't make sense.

4           CHAIRMAN: Could I raise this issue, just briefly, and it's  
5           one actually that Prof Hansford has raised in the course  
6           of considering matters, which we are obviously entitled  
7           to do as it goes on, provided we don't reach any final  
8           conclusions until everything is before us, but he has  
9           raised the very simple question that it's surprising  
10          that, in a big and difficult piece of engineering like  
11          this, that there should be misunderstandings as to basic  
12          terms. I simply raise that.

13                 Mr Ho, as a practising engineer, would you agree?

14          A. Totally agree. Totally agree. I mean, apart from this  
15          monolithic requirement, and also on 24 July Andy Leung's  
16          statement also mentioned a portion of the diaphragm wall  
17          has to be cast together with the EWL slab and the OTE as  
18          well. So, at that time, we all thought that everybody  
19          is on the same page.

20          CHAIRMAN: Yes.

21          MR PENNICOTT: Thank you. I'm not going to take it any  
22          further.

23          CHAIRMAN: It's another small point. I'm sure it happens in  
24          every profession. But, you know, again, it's simple,  
25          clear language, simple, clear instructions, and if there  
26          is any ambiguity or concern on the part of the person

1 receiving the instructions, the courage to actually ask  
2 a simple question such as, "What exactly do you mean by  
3 that?"

4 MR PENNICOTT: Yes.

5 CHAIRMAN: Even though they are working in a professional  
6 context, it shows you that, at the end of the day,  
7 communication skills reign supreme, I think, in every  
8 endeavour.

9 MR PENNICOTT: Yes.

10 COMMISSIONER HANSFORD: Of course you would only seek  
11 clarification if it really wasn't clear to you, and if  
12 a word is very clear to you, why would you seek  
13 clarification?

14 MR PENNICOTT: Yes.

15 CHAIRMAN: Yes, that's true. And if "monolithic" is clear  
16 to you, yes, which it should be.

17 MR PENNICOTT: Indeed. It might be thought also the sort of  
18 flip side of the point is that nowhere, in absolute  
19 clear and unequivocal terms, does one find a sketch,  
20 a drawing or anything of that nature, which actually  
21 spells out in clear terms what was to be done, but there  
22 we are.

23 That's also right, isn't it, Mr Ho?

24 A. I agree.

25 CHAIRMAN: Yes.

26 MR PENNICOTT: But there we are.

1           Sir, could I just mention at this stage, before  
2           I lose the point: with regard to those three statements  
3           that came in last evening, can I make it absolutely  
4           clear to everybody they're not in any sense late. They  
5           are not late-provided statements. They are statements  
6           that, having received a couple of statements from, as we  
7           have seen previously, Mr Blackwood and Mr McCrae from  
8           Atkins, the legal team for the Commission took the view  
9           that it might be helpful to have statements from  
10          Mr Chan, Mr Lee and one other. We asked for those  
11          statements. We asked for them to be provided by  
12          yesterday, and that request was complied with. So  
13          they're not in any sense late in that sense. I just  
14          wanted to make sure everybody was aware of that, should  
15          there be any attempt to criticise Atkins for late  
16          provision of statements. That is not the case.

17       MR CONNOR: That's appreciated, Mr Pennicott.

18       MR PENNICOTT: So, Mr Ho, back to your witness statement.

19           After dealing with TQ33, you go on to deal with TQ34,  
20           which we know is specifically in relation to panel EH74.

21       A. Correct.

22       Q. And the solution that was adopted there was a part  
23           through-bar and part coupler solution?

24       A. Yes, correct.

25       Q. That is the top layer was through-bar but layers 3  
26           and 5, that is the next two layers down, couplers were

1 retained?

2 A. Correct.

3 COMMISSIONER HANSFORD: Sorry, could we have the witness  
4 statement back on the screen?

5 MR PENNICOTT: Sorry, sir. B1/340, paragraph 63.

6 COMMISSIONER HANSFORD: Yes. Thank you.

7 MR PENNICOTT: There's an image at the top of page 341 which  
8 purports to explain that particular point.

9 As I understand it, Mr Ho -- perhaps you could  
10 confirm this or not -- there are a number of areas or  
11 parts of areas that adopt the TQ34 solution?

12 A. Yes, apart from EH74; we also use this same detail apply  
13 to C1-2.

14 Q. C1-2, yes, right.

15 So the picture that's building up -- and obviously  
16 we can look at the joint statement -- but you've got  
17 areas where the coupler solution or design was retained  
18 completely, and we've discussed that; you've got areas  
19 where there were just one layer of through-bar, and  
20 couplers retained; and then you've got other areas where  
21 completely through-bars?

22 A. Yes.

23 Q. Those are the basic options?

24 A. Yes. Basically, after C1-2, we adopt the through-bar  
25 principle for every single bay as possible, apart from  
26 those with the underpinning post, and also the EH740,



1           where we have the capping beam that we cannot demolish.

2           Q.   Yes, that's the capping beam.

3           A.   Yes.

4           Q.   All right.

5                     Then, having dealt with TQ34, at paragraph 65 --

6           I don't think we need to go to this -- you make

7           reference to a weekly report for the week of 24 July to

8           30 July, which I showed somebody -- Mr Chan, I think --

9           A.   Mr Leung.

10          Q.   It was Mr Leung, that's right, Mr Andy Leung I showed,

11          quite right.

12                     So your point there is: look at that weekly report,

13          this was all being discussed at the time?

14          A.   Exactly.

15          Q.   Right.  Then you refer to Mr Leung's email which we

16          don't need to look at again.  You obviously interpret it

17          in a rather different way than he did.

18          A.   Yes.

19          MR PENNICOTT:  Thank you very much, Mr Ho.  I have nothing

20          further for you.

21          CHAIRMAN:  Thank you.

22          MR CHANG:  No questions from Leighton.

23          MR SO:  No questions from China Technology.

24          MR CONNOR:  No questions on behalf of Atkins.  Thank you.

25          CHAIRMAN:  Thank you.

26                     Cross-examination by MR KHAW

1 MR KHAW: Mr Ho, I appear for the government and there are  
2 a few questions for you.

3 You told us yesterday, in fact, before February  
4 2017, ie before MTR conducted the internal review, you  
5 did not realise that there were no record sheets for  
6 inspection or supervision in relation to platform slabs;  
7 you remember that?

8 A. Yes.

9 Q. I would just like to understand from you -- before that  
10 time, ie before February 2017, were you aware of the  
11 requirements, the record-keeping requirements, under the  
12 QSP?

13 A. Yes.

14 Q. If I can just take you to have a look at paragraph 45 of  
15 your first witness statement. Perhaps we can start from  
16 44. Do you remember you talk about the 20 per cent and  
17 50 per cent supervision in relation to splicing  
18 assemblies; right?

19 A. (Nodded head).

20 Q. So I take it that you are aware that such supervision  
21 requirements apply equally to coupling works in relation  
22 to both diaphragm walls and platform slabs; do you  
23 agree?

24 A. Yes, that's my understanding.

25 Q. Thank you. You are also aware of the supervision  
26 requirement; under the QSP you have read about full-time

1 continuous supervision by the RC and also 20 or  
2 50 per cent by MTR.

3 Now, when we are talking about level of  
4 supervision -- let's talk about MTR for the time  
5 being -- when supervision is referred to under the QSP,  
6 do you take it that the supervision actually refers to  
7 supervision at the time when the actual execution work  
8 for the splicing assemblies was being carried out; is  
9 that right?

10 A. Actually, my take was -- it's that when we do our  
11 20 per cent or 50 per cent inspection, that means we  
12 don't have to stand there full-time, you know, looking  
13 at the rebar fixers screwing in that rebar into the  
14 couplers.

15 Q. Right.

16 A. But what we have to do is to check afterwards, after  
17 they complete the installation work, the remaining  
18 pitch, 1 to 1.5 pitch, remaining, that's there, that's  
19 equivalent to, you know, the rebar is actually screwed  
20 in, in the couplers.

21 Q. If I can just briefly take you to have a look at the  
22 QSP, H9, first of all 4265.

23 The relevant provision appears at 4269. Under  
24 paragraph (5), the heading "Supervision on site works",  
25 you can see paragraph 1, "Supervision and inspection by  
26 RC", which we understand to be Leighton here, and then

1           2, "Supervision and inspection by MTRC on site --  
2           installation works", and then, "Frequency of quality  
3           supervision should be not less than 20 per cent of the  
4           splicing assemblies by MTRC T3"; do you see that?

5           A. Yes.

6           Q. If we can just go and look at a bit more details here.  
7           4276. I don't intend to read it out, but if you can  
8           just take a look at those paragraphs on the top, under  
9           the sentence "Quality control supervisors will fully  
10          supervise the installation on site as followings". Then  
11          perhaps we can take a look at 1 to 5.

12          A. Okay.

13          Q. Would you agree that these processes could only be  
14          checked at the time when the work was being carried out?

15          A. Yes, but that applies to the RC.

16          Q. Yes. Then the sentence after 5:

17                 "The above-mentioned inspection check would be  
18                 100 per cent carried out on site by quality control  
19                 supervisors. Quality control supervisors (MTR) will  
20                 carry out random sampling check by at least 50 per cent  
21                 on the verticality."

22                 Do you see that?

23          A. Yes.

24          Q. So do you still take it that the sampling check by MTR  
25          could only be done or was actually done after the  
26          splicing assemblies had been carried out?

1 A. Yes, because after installation you still can check the  
2 verticality of the couplers. You still can see it.

3 Q. Right. So, according to your understanding, were MTR  
4 staff actually present at the time when the splicing  
5 assemblies were carried out?

6 A. Yes, we have inspectors there.

7 Q. Thank you.

8 Now, if we can then have a look --

9 CHAIRMAN: Sorry, could you help me here. That paragraph  
10 which is two-thirds of the way down on the screen, "will  
11 carry out random sampling check by at least 50 per cent  
12 on the verticality", what does "on the verticality"  
13 mean?

14 A. I think what it means is the couplers' surface is not  
15 tilted, so that it's in line with the rebar of the slab  
16 or the rebar connecting to the couplers.

17 COMMISSIONER HANSFORD: Sorry, did you say that the coupler  
18 surface is not "skewed"?

19 A. Yes.

20 COMMISSIONER HANSFORD: Would you like to explain it again?

21 A. It's not tilted.

22 COMMISSIONER HANSFORD: "Not tilted"?

23 A. Yes.

24 COMMISSIONER HANSFORD: Thank you. So, in other words, you  
25 are checking that it's vertical?

26 A. Yes, correct. I think that's what we mean, because

1 I wasn't there when they did the training to our  
2 inspectors.

3 COMMISSIONER HANSFORD: In fact, many of the couplers are  
4 not vertical, they're horizontal?

5 A. Yes. So I think majority of this is applied for the  
6 D-wall, for the diaphragm wall.

7 COMMISSIONER HANSFORD: So that verticality is a reference  
8 to the diaphragm wall?

9 A. Yes.

10 COMMISSIONER HANSFORD: Thank you.

11 CHAIRMAN: But again, as a non-professional, I'm reading  
12 those three lines. They are not easy to understand.

13 You say:

14 "The above-mentioned inspection check", that I get,  
15 "would be 100 per cent carried out on site ..."

16 Now, that I think I understand, which means you will  
17 carry it out on site. I'm not quite sure how you carry  
18 it out anywhere else, but you will carry it out on site.

19 "... by quality control supervisors. Quality  
20 control supervisors [in this case the MTR] will carry  
21 out random sampling check by at least 50 per cent on the  
22 verticality."

23 Wow, that's difficult English, unless you're  
24 an engineer, presumably.

25 COMMISSIONER HANSFORD: I think it's quite difficult for  
26 an engineer.

1 CHAIRMAN: "By at least 50 per cent on the verticality".

2 What you're saying -- you understand that to mean that  
3 you will check on site by way of a sample 50 per cent of  
4 the connected couplers to make sure that they are  
5 vertical and not at a tilt?

6 A. Angle.

7 CHAIRMAN: Or angle?

8 A. Yes, I think that's what it meant. Like I said, because  
9 I wasn't there when they prepared this BOSA training  
10 thing and I wasn't there -- I wasn't conduct with the  
11 training, so it's to better to check the inspectors  
12 because they were there at the time, when BOSA conducted  
13 the training.

14 CHAIRMAN: All right. Thank you.

15 MR KHAW: If I can bring you back to the topic regarding the  
16 retrospective records that Mr Pennicott discussed with  
17 you.

18 I understand what you say about compiling those  
19 records for internal use, et cetera, et cetera. But if  
20 we can take a look at just one example, say B7/4538.  
21 See if you agree with me on this.

22 Presumably, I take it that when MTR found it  
23 necessary to compile such records of inspection or  
24 supervision, such records were intended to show the  
25 level of inspection or supervision as conducted by MTR;  
26 would you agree?

1 A. Sorry, can you repeat that again?

2 Q. Yes. When MTR found it necessary to compile such  
3 retrospective records of inspection or supervision,  
4 I take it that such records were intended to show the  
5 level of inspection or supervision as done by MTR; would  
6 you agree?

7 A. Shown to who?

8 Q. Well, you have told us in your witness statement that  
9 these records were made for internal purposes.

10 A. Exactly, yes.

11 Q. But eventually, of course, certain records were attached  
12 to the 15 June MTR report. Let's set that aside for the  
13 time being.

14 A. Right.

15 Q. All I wanted to know was that when MTR decided to  
16 compile such retrospective records, MTR intended to have  
17 these records as records showing the level of inspection  
18 or supervision as done by MTR and not anyone else; is  
19 that correct?

20 A. At that time, our intention to prepare this checklist  
21 was to show it to our CP.

22 Q. Yes. Now, my question was, the level of inspection as  
23 shown in these checklists, they actually intended to  
24 show the level of inspection as carried out by MTR;  
25 would you agree?

26 A. Yes, correct.



1 Q. In that case, if you look at the items here, "Couplers  
2 fully screwed and fitted", "Has coupler been cleared of  
3 foreign materials", "Has thread been cleared of foreign  
4 materials", "Complete splice between coupler/rebar" --  
5 am I right in saying that all these items could only be  
6 checked at the time or before the actual coupling  
7 installation works were done?

8 A. They could be checked before and after.

9 Q. Sorry, how would you be able to check whether coupler  
10 had been cleared of foreign materials after the  
11 installation work had been carried out?

12 A. I think for item 2, they can only be checked before the  
13 installation.

14 Q. Yes.

15 A. And also the same applies to item 3. But items 1 and 4,  
16 they can be checked after the installation, but they  
17 don't have to be checked during the whole process of the  
18 installation. That's what I'm trying to say.

19 Q. Thank you.

20 In relation to the internal review that you mention  
21 in your witness statement, can I just clarify this with  
22 you. You told us that it's Mr Carl Wu who actually  
23 prepared the report; right?

24 A. Correct.

25 Q. Did you actually give any input to the contents of this  
26 report?

1 A. No.

2 Q. If we can just go and have a look at the contents of  
3 this report, B7. If we can go to the follow-up actions  
4 at page 4519, under 5.1, bullet point number 2:

5 "Confirm the frequency of Leighton and MTR  
6 supervision were in compliance with the requirement of  
7 the QSP, and were recorded on the record sheet ..."

8 Am I right in saying that this was considered one of  
9 the sort of remedial actions in response to the lack of  
10 inspection sheets in relation to the platform slabs; do  
11 you agree?

12 A. Yes, follow-up actions.

13 Q. Yes. But between the date of this report, ie 8 February  
14 2017, and June 2018, ie after we saw the media reports  
15 regarding the alleged bar cutting incident, et cetera,  
16 did MTR actually follow up on this recommendation to  
17 compile records in relation to supervision?

18 A. Yes, we did. We have been chasing the contractor, but  
19 what they told us was there's none exists, the logbooks  
20 or the checklists, there's none exists. So we keep  
21 chasing them, and in fact we did raise this to the  
22 senior management of Leighton and we also include it in  
23 one of the agenda items on the Thursday morning  
24 discussion meeting.

25 Q. Now, during the internal review, did anyone or did you  
26 make any enquiry as to why this issue regarding a lack

1 of inspection sheets was not picked up earlier?

2 A. You mean before the internal review?

3 Q. At the time of the internal review, did anyone -- you or  
4 anyone in MTR -- actually make any enquiry as to why  
5 this lack of inspection sheets, this problem, was not  
6 picked up earlier?

7 A. I can only answer for myself, that I did, and I was told  
8 that because the diaphragm wall team from Leighton is  
9 different to the EWL slab construction team, so they are  
10 different team members so they probably didn't aware of  
11 this requirement.

12 Q. But you would consider the lack of inspection sheets  
13 a non-compliance under the QSP, given the record-keeping  
14 requirement which has been set out in the QSP; would you  
15 agree?

16 A. Not necessarily, because it didn't say the time frame  
17 that you have to submit the QSP, I mean the checklists.

18 Q. But the fact that in fact no such records were ever kept  
19 for platform slabs, would you agree that it actually  
20 fell short of the requirement under the QSP?

21 A. True.

22 Q. Finally, regarding the records, the inspection records  
23 MTR compiled after June this year -- you told us about  
24 the purpose of compiling these records, ie for internal  
25 use, et cetera. At the time when MTR decided to compile  
26 such retrospective records, MTR had already received the

1 records retrospectively prepared by Leighton; is that  
2 right?

3 A. We have one formal and one informal. The informal,  
4 which is the 32 boxes Leighton prepare, and those  
5 documents include the checklists as well, and the formal  
6 one they submitted around -- I think it was 13 June.

7 Q. Right. If I can just take you to have a look at one  
8 paragraph of Kobe Wong's first witness statement:

9 B1/433, paragraph 52. Kobe Wong said:

10 "Afterwards, Mr ..."

11 Here we're talking about a time frame in June 2018.

12 "[Thereafter], Mr James Ho told me that Leighton had  
13 by then retrospectively prepared a set of record sheets  
14 for the EWL slab, although I had not actually seen  
15 a physical copy at the time. He asked me whether I was  
16 willing to countersign those record sheets ..."

17 Then Mr Kobe Wong said he was not willing to do so  
18 when Leighton had failed to keep any contemporaneous  
19 records as required by the QSP.

20 Now, first of all, do you agree what was said by  
21 Kobe Wong here?

22 A. Yes. We did have such discussion at that time.

23 Q. Yes. May I know why you found it necessary to ask Kobe  
24 Wong to countersign those records?

25 A. Because, at that time, I treated those submitted record  
26 sheets as just like the logbook, which is the same

1 requirement that, according to the logbook, MTR is  
2 supposed to countersign on it.

3 Q. Right. If we can then go on to have a look at another  
4 paragraph of Kobe Wong's witness statement,  
5 paragraph 59. He said:

6 "Based on my memory of my site surveillance  
7 activities ... and having previously reviewed the site  
8 photographs ... I was satisfied that we did carry out  
9 more than enough site surveillance covering the coupler  
10 installation works, and I proceeded to fill in those  
11 checklists. I did not check the numbers or drawings  
12 referred to in the checklists in detail, as Mr Derek Ma  
13 prepared the checklists and I relied on the information  
14 he had incorporated therein. Moreover, I was under the  
15 impression from Mr James Ho that he urgently required  
16 those checklists."

17 Now, in relation to the last sentence of this  
18 paragraph, regarding the urgency of having those  
19 records, do you agree with Mr Kobe Wong that you needed  
20 to have those records urgently at that time?

21 A. Yes.

22 Q. Can you tell us why?

23 A. Because we need to finish off the 15 June report.

24 Q. Yes, and you obviously wanted to make sure that the  
25 records would be accurate; do you agree?

26 A. Yes.

1 Q. So how did you at that time ensure that those records  
2 prepared by MTR would be accurate?

3 A. Well, like I said, those records were prepared based on  
4 the assumption that the D-wall as-built drawings at the  
5 time. So that's something what we built; okay? And we  
6 didn't have much time to think about everything because  
7 it was so rushed and we have to prepare so many things  
8 for the report, within that two weeks.

9 Q. So on what basis, then, were those records prepared?

10 A. Actually, I assigned Mr Derek Ma to help me to prepare  
11 those checklists. I think he made use of the template  
12 prepared by Leighton, and also he made reference to the  
13 diaphragm wall as-built drawings.

14 Q. Right. So am I correct in saying that according to your  
15 understanding, the MTR's records were largely based on  
16 the records prepared by Leighton?

17 A. And also the as-built drawings.

18 Q. And also the as-built drawings?

19 A. Yes.

20 Q. If I may just follow up on the backdating issue, because  
21 I don't quite understand why the backdating was  
22 necessary.

23 Now, you told us that the backdating was necessary  
24 because you wanted to correlate everything with the  
25 review done in February 2017; is that correct?

26 A. Yes.

1 Q. But, at the same time, you realised that there were  
2 media reports in late May 2018, and obviously, as  
3 a result of the media reports, MTR conducted a review  
4 regarding their records and found it necessary to  
5 compile further records; is that right?

6 A. Yes.

7 Q. So I just don't understand why, at that time, you would  
8 still find it necessary to relate back to the internal  
9 review done in 2017.

10 A. Just to close out the follow-up actions.

11 Q. Sorry?

12 A. Just to close out the follow-up actions.

13 Q. But, in fact, from day one, after the follow-up action  
14 was actually recommended, nothing actually happened.  
15 You were not given any records by Leighton, and MTR also  
16 did not find it necessary to prepare any retrospective  
17 records, after the internal review.

18 A. Well, because we can't stop there, right, because  
19 Leighton could not provide the checklist or logbook for  
20 us to countersign, so we have to find another way to  
21 make sure we actually -- well, we did conduct  
22 an inspection on site, and we have to produce the  
23 records. That's our intention, main intention.

24 CHAIRMAN: But you can still produce a record which looks to  
25 matters retrospectively but bears a date which records  
26 when your studies and your research was completed.

1 A. I totally agree, and I can't remember how we, you know,  
2 come up with the idea of putting down that retrospective  
3 date. To be honest, it was done within a very rushed --  
4 you know, probably within a minute.

5 CHAIRMAN: But there are other instances that have come up  
6 before the Commission of people backdating. You know,  
7 for example, an inspection would be done and the papers  
8 weren't there, so they would go to the office and they  
9 would fill them in a few days later but backdate them.

10 To your knowledge, was that quite a common practice?

11 A. Not at all. Well, that's why we put down retrospective,  
12 to make sure it was done later on.

13 CHAIRMAN: Yes. I'm just moving on slightly to day-to-day  
14 workings on site. As I say, there's been certainly one,  
15 maybe more, instances where people have said, "Ah, well,  
16 it was just convenient to backdate." You would be  
17 surprised if that was the case; is that your evidence?

18 A. Yes, I'm not aware of any other documents were  
19 backdated.

20 CHAIRMAN: So this wasn't part and parcel of some prevailing  
21 practice, your backdating?

22 A. Yes.

23 CHAIRMAN: It was not?

24 A. It was not.

25 CHAIRMAN: Okay.

26 MR KHAW: Mr Ho, if I can just take you to have a look at



1 the MTR's 15 June report. I understand that you  
2 prepared the draft of this report; right?

3 A. Yes.

4 Q. If we can go to B1, page 29, probably the second-last  
5 paragraph under the bullet point, "Supervision and  
6 inspection by MTRCL on site -- installation works".

7 Then:

8 "Frequency of quality supervision by the MTRC TCP-T3  
9 should be at least 20 per cent of the splicing  
10 assemblies for the slab in general, and to be increased  
11 to at least 50 per cent where the structure acts as  
12 a transfer plate. These inspection frequencies are  
13 commonly applicable to using splicing assemblies in  
14 reinforced concrete construction in Hong Kong. Full  
15 records are in place. All inspection records indicated  
16 that the works were acceptable, with no anomaly."

17 Do you see that?

18 A. Yes.

19 Q. Now, given the fact that you realise that there were no  
20 contemporaneous records of inspection or supervision, as  
21 required under the QSP, would you agree that this  
22 sentence perhaps is not entirely correct?

23 A. If we look back from now, of course we know that it's  
24 not entirely correct, because we did the checklist based  
25 on the assumption there were top couplers there.

26 Q. Yes, but at the time when you prepared the draft report

1           here, you already realised that there were no  
2           contemporaneous records in relation to the inspection  
3           and supervision of the coupling works for the platform  
4           slabs; do you agree?

5       A. To be very honest with you, when I prepared the first  
6       draft, I didn't prepare this statement, so ...

7       Q. Ah. So you mean this particular statement was prepared  
8       by someone else?

9       A. Yes, probably.

10      Q. So who actually prepared this statement, do you know?

11      A. I have no idea. The very first draft I prepared is very  
12      significantly changed.

13      Q. I see. So, anyway, you disown this statement?

14      A. (Nodded head).

15      Q. Did you have a chance to look at this statement or this  
16      report before it was released?

17      A. Yes. Oh, sorry, before it was released?

18      Q. Yes.

19      A. No, I didn't. I didn't have the chance at all to look  
20      at the finalised version before it was released.

21      Q. Okay. So, looking back now, you agree that this may not  
22      be a full description or complete or full or accurate  
23      description of the status of the records; would you  
24      agree?

25      A. Well, actually, at that time, when we prepared the  
26      report, we assume -- you know, we had the checklist

1 prepared by MTR, plus we have also received the  
2 documents from Leighton. So, at that time, when we  
3 produced the report, those statements, you know,  
4 actually are correct at that time.

5 Q. Thank you.

6 CHAIRMAN: Sorry, you have to help me here. Again, I'm  
7 falling behind. Please accept my apologies. But my  
8 understanding is that, at the time, you had essentially  
9 two records. One was the RISC and the other one was  
10 I think called pre-concrete pour; right?

11 A. Yes.

12 CHAIRMAN: Now, you had those records and Leighton had those  
13 records?

14 A. Yes.

15 CHAIRMAN: Leighton didn't have any extra records, to your  
16 knowledge?

17 A. Well, they had before we issued this report.

18 CHAIRMAN: Sorry?

19 A. They did submit all those QSP checklists and also the  
20 pre-pour checklists, everything, at the time, before we  
21 issued the report.

22 CHAIRMAN: No, no, but at the time when the actual work was  
23 being done, back in 2015 and stuff?

24 A. No, at that time, they didn't.

25 CHAIRMAN: Okay. Again, you have to bear with me, because,  
26 as I say, I'm probably falling behind on this, but if

1           that's the case, why not simply, in June, say, "At the  
2           time we had RISC records and at the time we had  
3           pre-concrete pour records. We didn't have any other  
4           records, but these two records were able to show, in  
5           a general sense, that there had been a proper check"?  
6           Because that in fact, am I right, is what you're saying?

7           A. Yes, but like I said, because I didn't finalise --

8           CHAIRMAN: No, no, I appreciate that, this is not blaming  
9           you, but that in fact is what you are saying, isn't it?

10          A. Yes.

11          CHAIRMAN: Again, you have to help me because I'm falling  
12          behind on this -- why dress it all up by saying things  
13          like, "Was there dirt in the coupler?" You can't say  
14          that after two years. What you can say is, "These were  
15          the records we kept at the time. The records that we  
16          kept at the time showed A, B and C, and no more and no  
17          less'; right?

18          A. Yes.

19          CHAIRMAN: So you have to help me here, because I'm the  
20          layperson. What have I got wrong in that assessment?

21          A. Sorry, I can't quite get your question.

22          CHAIRMAN: What I'm saying is, as a layperson, I would say,  
23          "Right, I've got to have the records. What records did  
24          we have at the time? We had these two records; okay?  
25          Anything else? No." Therefore, good, bad or  
26          indifferent, this is a report going to the public, we

1           need to say, "These are what we had at the time; these  
2           are what they showed. Even though they may have been  
3           general in nature, we can draw from them that there was  
4           in fact a proper inspection." Do you see what I mean?

5       A. Yes.

6       CHAIRMAN: But in fact what comes out is a very, very  
7           detailed set of "Satisfactory", "Yes", "No", and all the  
8           rest of it. But doesn't that give a wrong impression?  
9           Doesn't that give an impression that really doesn't fit  
10          in? It looks like you're dressing it up; would you  
11          agree?

12       A. Well, I think they wrote this based on -- at the time we  
13          did have such records produced by Leighton, although it  
14          wasn't at the material time but it was 2018, June. So  
15          maybe they base on assumption that at that time we had  
16          all the records by Leighton and also by MTR.

17       CHAIRMAN: But what records did you have? Did your RISC  
18          records say all that stuff about, "We've checked this  
19          and we've done that", or did your pre-concrete records  
20          say that?

21       A. We had the RISC records.

22       CHAIRMAN: Did they say that?

23       A. Say the 20 per cent or 50 per cent inspection?

24       CHAIRMAN: No, no. Let's go to that one where I've got all  
25          the little bits at the bottom saying "Is there dirt, is  
26          it this, is it that?"

1 A. No, the RISC form doesn't say that.

2 CHAIRMAN: No. What I'm saying is, but suddenly these  
3 records much later are much more detailed; would you  
4 agree?

5 A. I agree, but I think they were prepared based on the  
6 assumption they want to use the template that they use  
7 for diaphragm wall.

8 CHAIRMAN: All right. Thank you very much.

9 MR KHAW: Finally, I would like to take you to another two  
10 paragraphs of Kobe Wong's witness statement, first  
11 witness statement: 435, paragraph 61. This is Kobe  
12 Wong's evidence:

13 "In the light of the above, I proceeded to sign the  
14 checklists on the basis that it would be  
15 a 'retrospective record of coupler installation' as  
16 stated expressly on the face of the checklists, purely  
17 as an internal record. I cannot stress enough that  
18 I had no intention or awareness whatsoever that the  
19 checklists would ever be used or relied on by anyone  
20 other than myself, James Ho, Derek Ma, Louis Kwan or  
21 Arthur Wang, let alone that the checklists would be  
22 appended to the MTRCL report ... and publicised. As  
23 mentioned above, other than collating and providing some  
24 relevant site photos, I had no involvement in the  
25 preparation and drafting of the MTRCL report.

26 Later on, Mr Derek Ma informed me of the specific

1 requirement to inspect at least 50 per cent of the  
2 couplers where the structure acts as a transfer plate.  
3 Mr Ma therefore produced a further set of checklists in  
4 hard copy and handed them to me. As before, I filled in  
5 and signed those checklists on the basis that the  
6 checklists would be an internal record for the use of  
7 myself, James Ho ... and without any intention that they  
8 would be used to satisfy the QSP or as an attachment to  
9 the MTRCL report dated 15 June ..."

10 Do you see that?

11 A. Yes.

12 Q. We understand you were actually the person who provided  
13 Kobe Wong's signed checklist to Mr Aidan Rooney; is that  
14 correct?

15 A. Correct, yes.

16 Q. You told us you were not involved in the determination  
17 as to which information or attachment would be appended  
18 to the 15 June report of MTRCL; right?

19 A. Correct.

20 Q. But, at the time when you gave Mr Rooney those signed  
21 checklists, did you ask Mr Rooney what use those  
22 checklists would be put to?

23 A. I can't remember.

24 Q. Any discussion as to, "Hey, this whole pile of  
25 checklists, how are you going to use it?"

26 A. No, because there's so many things to prepare at that

1 time. Didn't have time or chance to ask questions, to  
2 be honest.

3 Q. Did you take any steps to remind Mr Rooney that the  
4 checklists were only supposed to be used as internal  
5 records?

6 A. Yes, we did discuss that.

7 Q. So you reminded him --

8 A. Yes.

9 Q. -- not to publicise such records?

10 A. Yes.

11 Q. And you have no idea as to why eventually such  
12 records --

13 A. I have no idea.

14 Q. -- were attached to the MTRCL report?

15 A. I have no idea.

16 MR KHAW: No further questions.

17 Re-examination by MR BOULDING

18 MR BOULDING: Good morning, Mr Ho.

19 A. Good morning.

20 Q. I have just one or two matters I'd like your further  
21 assistance on, please.

22 Do you remember being asked by Mr Khaw about coupler  
23 inspections?

24 A. Yes.

25 Q. You were taken to a document -- I think it's B7/4538,  
26 and if that could be blown up a little bit there; thank



1           you -- do you remember being asked about items I think  
2           1, 2 and 4?

3           A. Yes.

4           Q. You can see that the first item is, "Couplers fully  
5           screwed and fitted"?

6           A. Yes.

7           Q. Am I right in thinking that you can only check that when  
8           the rebar has been properly screwed into the coupler?

9           A. Yes, correct.

10          Q. And if we were to look at 4, "Complete splice between  
11          coupler/rebar", again would I be right in thinking that  
12          you can only check that that's been done properly after  
13          the rebar has been properly screwed into the coupler?

14          A. Yes.

15          Q. Now, let's have a look at 3, together, for example, "Has  
16          thread been cleared of foreign materials (eg concrete  
17          gels)"; do you see that?

18          A. Yes.

19          Q. Now, just assume, will you, that the thread had foreign  
20          materials on it, for example concrete gels. Do you have  
21          a view as to whether or not that rebar could have been  
22          properly screwed into the coupler?

23          A. It cannot.

24          Q. Similarly, looking at 2, "Has coupler been cleared of  
25          foreign materials (eg concrete gels)", if it had not  
26          been cleared of those materials, do you have a view as

1 to whether or not the rebar could have been properly  
2 screwed into the coupler?

3 A. Again, it cannot be properly screwed.

4 Q. Then do you remember -- I'm sure you do -- being asked  
5 about TQ33?

6 A. Yes.

7 Q. If we could look at paragraph 61 of your witness  
8 statement -- B339 -- and you say:

9 "Thereafter, in TQ33 dated 27 July 2015, it  
10 transpired from Atkins B's response to the TQ that for  
11 the east diaphragm wall, it was Atkins A's 'design  
12 assumption' that the over track exhaust slab on the soil  
13 side of the east diaphragm wall and the EWL slab  
14 connected to the east diaphragm wall on the excavation  
15 side must be cast concurrently and monolithically ..."

16 Then you refer to extracts from Atkins B's response.

17 "The entire [MTR, you corrected that] construction  
18 management team understood (from an engineering  
19 perspective) that the word 'monolithic' meant that the  
20 two ..."

21 And do you remember correcting that to "three" when  
22 you were cross-examined by Mr Pennicott?

23 A. Yes.

24 Q. "... structures must be cast together as one whole slab  
25 rather than as two separate components."

26 A. Yes.

1 Q. Do you remember telling Mr Pennicott that that meant, so  
2 far as you were concerned, that one, two and three all  
3 had to be cast at the same time?

4 A. Yes.

5 Q. You've now had an opportunity, have you not, to see what  
6 Atkins' Mr WC Lee says what he intended TQ33 to mean?

7 A. Yes.

8 Q. Do you agree with his interpretation of TQ33?

9 A. Again, I don't agree.

10 Q. As a result of that misinterpretation, alleged  
11 misinterpretation, as I understand it, something like  
12 32 bays had the concrete level reduced by something like  
13 400 to 450 millimetres; correct?

14 A. You mean the diaphragm wall?

15 Q. Yes.

16 A. Yes.

17 Q. Can you tell me how long that process took,  
18 approximately?

19 A. You mean trimming down one panel?

20 Q. No, the whole lot, approximately.

21 A. A couple of months.

22 Q. Tell me this. Did anyone, whilst that work was going  
23 on, ever say to you, "Mr Ho, whatever's happening here?  
24 This shouldn't be going on"? Did anyone ever say that  
25 to you?

26 A. Not at all.

1 Q. Let me ask you this. If it had been thought that you  
2 had misinterpreted that TQ33, do you think that someone  
3 would have told you that what you were doing was wrong?

4 A. I would think so.

5 MR BOULDING: Thank you very much.

6 Sir, I don't know whether you've got any further  
7 questions. If not, perhaps we can release Mr Ho.

8 CHAIRMAN: Yes, thank you very much. That helps us. Thank  
9 you.

10 Thank you very much indeed, Mr Ho. Your evidence is  
11 completed. You can go now. Thank you for your  
12 assistance.

13 WITNESS: Okay. Thank you.

14 (The witness was released)

15 MR PENNICOTT: A good time for a break?

16 MR BOULDING: Yes.

17 CHAIRMAN: Certainly. Yes. 15 minutes. Thank you.

18 (11.38 am)

19 (A short adjournment)

20 (11.59 am)

21 MR BOULDING: May it please you, sir, Professor, can I just  
22 mention a slight problem before I call Derek Ma.

23 In the batting order, after Derek Ma, you will have  
24 seen that a Mr Louis Kwan is due to come to give  
25 evidence. He in fact is here but is no longer in the  
26 employ of MTR -- he works for the Airport Authority --

1 and I've just been told that he has a meeting this  
2 afternoon which he simply cannot miss.

3 Unfortunately, or fortunately, the witnesses are  
4 going through quicker than perhaps was anticipated, no  
5 doubt because they're such upstanding, credible  
6 individuals, but the reality is that I've got Derek Ma  
7 and then I've got Mr Kobe Wong, so there's no need to  
8 lose any time, but I just thought I'd explain that to  
9 the tribunal.

10 CHAIRMAN: All right. How would you wish to play it?

11 MR BOULDING: I'd like to call Derek Ma now, and then  
12 subject to any objections from my learned friends,  
13 I would then be proposing to call Kobe Wong, so he's  
14 gone one up the batting order.

15 MR PENNICOTT: There's no problem so far as the Commission  
16 is concerned.

17 CHAIRMAN: No, no problem from our position.

18 MR BOULDING: Thank you very much for your understanding.  
19 Mr Ma, good afternoon.

20 WITNESS: Good afternoon.

21 MR MA MING CHING, DEREK (affirmed in Punti)

22 Examination-in-chief by MR BOULDING

23 MR BOULDING: If you're going to give your evidence in  
24 Cantonese, I think you'll need the headphones.

25 A. Yes.

26 Q. Mr Ma, please can you give your full name to the

1 Commissioners?

2 A. 我全名係馬明呈，英文Ma Ming Ching Derek。

3 Q. Thank you, Mr Ma. It's right, is it not, that you  
4 produced two witness statements for the Commission's  
5 assistance in this matter?

6 A. Yes.

7 Q. If we look at B355, I hope we'll see the first page of  
8 your first witness statement. Indeed we do. That's  
9 correct, is it not, first page of your first witness  
10 statement?

11 A. Yes.

12 Q. Then if we could go on to B372, I hope we'll see your  
13 signature; yes? Is that your signature under the date  
14 of 13 September 2018?

15 A. 冇錯，呢個係我嘅簽名嚟。

16 Q. Are the contents of this witness statement true to the  
17 best of your knowledge and belief?

18 A. 係，冇錯。

19 Q. Then if we could look at your second witness statement,  
20 please. I hope we find the first page at B25734.

21 Again, is that the first page of your second witness  
22 statement, Mr Ma?

23 A. That's right, yes.

24 Q. Then let's go on, if we may, to 25741 -- ahead of me,  
25 again -- your signature below the date of 27 November  
26 2018?

1 A. Correct.

2 Q. Again, are the contents of that statement true to the  
3 best of your knowledge and belief?

4 A. Correct.

5 Q. I'd just like to fix your position in the MTR hierarchy,  
6 and for that purpose please can we go to B566.

7 Do you see yourself there? If you look at the  
8 little hand, is that a picture of you, Mr Ma?

9 A. 冇錯，嗰個係我嚟嘅。

10 Q. That is the project management organisation chart as of  
11 15 January 2015, correct; see the top left-hand corner?

12 A. Correct.

13 MR BOULDING: Thank you very much, Mr Ma. Just to explain  
14 what's going to happen. Counsel for the Inquiry will  
15 question you first, and then it may be the case that  
16 various other lawyers in the room will ask you  
17 questions, the Chairman and Professor can ask you  
18 questions at any time, and then it might be the case  
19 that I will ask you some further questions at the end.  
20 Please stay there for the time being.

21 A. Thank you, 明白。

22 COMMISSIONER HANSFORD: Mr Boulding, you've shown us  
23 an organisation chart at January 2015. I think there's  
24 a subsequent one that shows Mr Ma moving to a different  
25 position; is that correct?

26 MR BOULDING: I have not had that drawn to my attention, if

1 indeed that is correct, sir.

2 COMMISSIONER HANSFORD: I may be wrong.

3 MR BOULDING: Let me ask Mr Ma.

4 Mr Ma, you've heard the professor's question. Does  
5 this chart, as at 15 January, accurately represent where  
6 you were in the MTR hierarchy as at that date and  
7 remained in the MTR hierarchy after that date?

8 A. 你可唔可以show番畀我睇頭先2015年--呢個。喺當時2015年嘅1月15號，個  
9 hierarchy嗰個O chart，我係擺咗喺嗰個位置嘅，但係之後我哋...

10 Q. Right.

11 A. 係，但係之後我哋喺隨著時間嘅改變同埋我哋有啲人手嘅加入，我哋就轉咗  
12 嗰個負責嗰個位置嘅。即係你見到，譬如你say，去到2015年嘅，而家呢個  
13 係2月6號，right？我哋見到嗰個擺位我係under James Ho，下低我有三  
14 個，我哋所謂ConE1，就分別係Nick、Derek同埋Terence，嗰陣時我哋就  
15 擺咗喺呢一個position或者係所謂我哋by area咁分開咗。

16 Q. I see. And did you remain in that position for the rest  
17 of your time on site?

18 A. For ConE1，係，冇錯，construction engineering 1，yes，係。

19 MR BOULDING: Thank you very much.

20 Examination by MR PENNICOTT

21 MR PENNICOTT: Mr Ma, good afternoon, probably it is.

22 A. Good afternoon, Mr Pennicott.

23 Good afternoon, Mr Chairman and Professor.

24 Q. As you've probably gathered, I'm going to ask you some  
25 questions first. Thank you very much for coming to give



1 evidence to the Commission today.

2 As we've seen and as I understand the position,  
3 Mr Ma, you joined this project as a construction  
4 engineer no. 1 in January 2015?

5 A. 加入呢一個project 1112, yes。

6 Q. Yes, in January 2015?

7 A. 如果我有記錯嘅, 係, 因為嗰個日子我要睇番係咪15號--exactly 15號,  
8 因為我哋做嗰個internal transfer, 個日子可能之前係已經擺咗喺個  
9 O chart度, 但係我真正過嚟on duty, 喺呢個contract 1112, 我要  
10 double check番啲日子。Before that, 我喺另外一個contract, 都  
11 係喺MTR嘅, 可能喺日子上面可能有一、兩日或者兩、三日嘅改變, 即係個  
12 accurate嘅分別嘅。

13 Q. Okay. But we know that by February 2015, this  
14 organisation chart, the second one we've looked at, you  
15 were essentially reporting to James Ho?

16 A. Correct.

17 Q. And are you still working for the MTRC?

18 A. That's right, yes.

19 Q. And are you still working on this project?

20 A. No.

21 Q. Which project are you working on now?

22 A. 我就transfer咗過去我哋MTR嗰個另外一個division, 係property  
23 division。

24 Q. You describe yourself as the technical manager in MTRC's  
25 property division, and you've been in that role since

1 July 2018, so that's a role that, as it were, goes  
2 beyond this project; it's much wider duties and  
3 responsibilities?

4 A. 你可以講係另外一個job nature，或者係type of個work scope，就  
5 同而家所謂個contract 1112係完全兩件分別嘅唔同事情嚟嘅。

6 Q. Right, an entirely new venture for you?

7 A. Yes, you can say so.

8 Q. Good. We've established you were reporting to James Ho.  
9 Were you working alongside Louis Kwan?

10 A. Yes.

11 Q. Okay. Could I ask you, please, to, in that connection,  
12 go to paragraph 10 of your witness statement. You  
13 explain that a Mr Kwan were T3 TCP alternatives for the  
14 EWL slab in areas B and C, and you say:

15 "... Mr Kwan and I were required to supervise the  
16 safety of the works and carry out site surveillance  
17 activities at least four days per week [for] the two of  
18 us. This meant that one of us had to go on site and  
19 look at whether the works were carried out in accordance  
20 with the method statement for area B and C1 of the EWL  
21 slab."

22 Just pausing there, in practical terms, Mr Ma, what  
23 does that mean? How many hours per day were you and/or  
24 Mr Kwan spending on the site?

25 A. 根據我哋入咗畀BD嗰個SSP，喺裏面，我哋T3嗰個TCP係我哋MTR呢個CD

1 stream, 就有一個T3要achieve四日, 就一個禮拜裏面有四日要喺呢個地  
2 盤裏面就做一啲相關嘅要求嘅inspection又好, 或者係supervision又好,  
3 所以喺呢一個裏面, 我同Louis, 都assign咗喺for呢個T3嗰個位置裏面嘅。  
4 而喺嗰個文件上面, Louis Kwan就bracket咗係一個alternative嚟嘅,  
5 即係話如果我唔得閒或者我off咗, 佢會take up我suppose嗰一日喺呢個地  
6 盤for SSP嗰個duty嘅。

7 至於頭先你問第二個問題, 點解為之係四日係一個禮拜裏面四日呢? 如  
8 果四日係計幾多個鐘頭呢? 我哋一路, from我個previous experience,  
9 喺香港嘅projects, 所謂「每一日」, 即係as long as我哋喺嗰一日, 有  
10 一日, 嗰一日喺嗰個項目或者喺嗰個地盤裏面而做過一啲相關嘅巡查, 我就自  
11 己認為, 就fulfil咗該日喺SSP嗰個要求嘅。

12 所以即係話如果我喺SSP而家個statement度講, 四日per week嘅意思  
13 即係話我喺一個禮拜裏面, 頭先講嗰個所謂嘅巡查, 如果我喺四日裏面, 呢一  
14 個禮拜任何四日裏面, 我都做咗一啲相關嘅巡查, 做咗四次嘅話, 係分開唔同  
15 每一日嘅話, 我自己認為我係已經fulfil咗SSP嗰個requirement嘅。

16 Q. Let's just try to elucidate that a little bit further,  
17 Mr Ma. Let's take -- it's day one, it's Monday -- you  
18 have turned up, it's day one, it's Monday; how many  
19 hours would you spend on site?

20 A. Okay, 如果for day one我喺site, 可能係講緊一、兩個鐘頭。

21 Q. All right. It's day two, Tuesday; the same?

22 A. Maybe the same, yes.

23 Q. And days three and four, the same?

24 A. Days three and four, maybe the same.

1 Q. Then day five is a Friday --

2 A. It's Friday so maybe I --

3 Q. So you don't go, or Mr Kwan doesn't go.

4 A. 我有咁嘅選擇，可以落去或者唔落去，如果base on SSP嗰個requirement，  
5 base on SSP嘅requirement，我要澄清，因為我哋落地盤唔落地盤，除  
6 咗要係去fulfil SSP嗰個requirement之外，可能我哋實際真係有啲需要  
7 要落地盤度做嘅，同時間可以fulfil埋嗰個SSP裏面我哋做嗰個surveillance  
8 inspection又好，或者係對safety嘅monitoring都好。

9 Q. Does it come to this then, Mr Ma, that between you and  
10 Mr Kwan, it would be up to approximately two hours per  
11 day, four days a week on site?

12 A. 頭先嗰個係我啫，至於Louis佢嘅時間，就佢有特別匯報--係每一日匯報畀  
13 我聽佢究竟擺咗喺地盤係每日係用咗幾多小時去做一啲咁嘅inspection嘅，  
14 但係我相信佢嗰個時間會比我多。

15 Q. Okay. We can ask him --

16 A. Thank you.

17 Q. -- when he gets here. Anyway, we've got your timings;  
18 that's fine.

19 Could I then ask you, please, to go to paragraph 20  
20 of your witness statement, page B1/362, where you  
21 refer -- you have a heading, "Coupler checklists", and  
22 you refer to the quality supervision plan.

23 A. Yes.

24 Q. When you joined the MTR on this project, in or around  
25 January 2015, were you made aware of the QSP?

1 A. 我有嘅。

2 Q. When was the first time you came to hear of it?

3 A. 特別如果係for嗰個QSP，我喺今年嘅5月尾或者6月頭嗰陣時喇。

4 Q. Right. And so, throughout your whole time on this  
5 project, from January 2015 onwards, and the supervisory  
6 functions that you had, supervisory responsibilities  
7 that you had, you were not aware of the QSP?

8 A. That's right.

9 INTERPRETER: Sorry, I didn't hear the answer.

10 MR PENNICOTT: I think the answer was, "That's right".

11 A. Yes, correct.

12 Q. I infer that you say that -- and we're looking at  
13 paragraph 21 of your statement -- that this was because,  
14 you say, there is no special induction or meeting  
15 discussing the QSP requirements after you joined the  
16 contract, and that you had had no previous experience in  
17 the supervision of coupler splicing assemblies.

18 A. 正確。

19 Q. In the witness statement of Mr Ho, from whom we have  
20 recently heard, at paragraph 18 -- I wonder if you could  
21 look at that very quickly, please; B1/326 -- he says  
22 this --

23 "I am confident that members of my ConE team to be  
24 familiar with the relevant practice and key standards  
25 embodied in the PIMS, especially since they are all  
26 qualified engineers and members of relevant professional

1 bodies. This is because an induction session is given  
2 to every staff member (ie including the ConEs) when  
3 he/she joins MTR, and that induction covers (amongst  
4 other things) the nature and requirements of the PIMS."

5 Now, I appreciate that Mr Ho is talking about PIMS  
6 here. First of all, do you recall attending  
7 an induction session covering PIMS?

8 A. 喺我入職嘅時間，即係join個MTR嗰陣時，我哋係有個induction training  
9 或者係induction course，佢喺裏面係曾經提及過PIMS呢個咁嘅文件嘅。

10 Q. Right. But, so far as you can recollect, that induction  
11 course simply didn't include, in relation to this  
12 project, anything to do with the quality supervision  
13 plan?

14 A. 冇，喺我induction course裏面冇嘅，因為我join個induction  
15 course嗰陣時，SCL1112個contract都未commence嘅。

16 COMMISSIONER HANSFORD: So, to understand that, Mr Ma -- the  
17 induction was not project-specific? The induction  
18 wasn't related to this particular project?

19 A. Not related to the project.

20 COMMISSIONER HANSFORD: Thank you.

21 MR PENNICOTT: All right. So that induction course that you  
22 are talking about, that you attended, happened some  
23 years previously; is that right?

24 A. It's about -- somewhere around 2013年6月，當我嗰嗰係一個  
25 newcomer for MTR嗰陣時。

1 Q. Okay. And as the professor has clarified with you, that  
2 induction was not project-specific?

3 A. Not project-specific.

4 Q. Understood. That makes more sense. Thank you.

5 You say in paragraph 22 of your statement --

6 I imagine you say this after having considered the QSP  
7 more recently, Mr Ma --

8 A. Mm-hmm.

9 Q. -- "With the benefit of hindsight, I believe that this  
10 is an area for improvement in future projects involving  
11 coupler splicing assemblies, and the ConE team and  
12 I would have to pay extra attention to monitoring  
13 compliance with any enhanced supervision requirements in  
14 respect of such splicing assemblies."

15 Do I understand you to say that, Mr Ma, in the  
16 specific context of record-keeping of the coupler  
17 splicing assemblies?

18 A. 並唔係嘅，我呢度唔係特別係講嗰個所謂嘅record-keeping嘅，呢度係我  
19 就回顧番喺當年我make呢個statement嗰陣時，因為我個--頭先都提過，喺  
20 2015年我join呢個project嗰陣時，我哋ConE team，即係construction  
21 engineering team，冇被委任或者係曾經提及過我哋要對嗰個coupler嗰  
22 個inspection係進行呢個所謂嘅inspection嘅。所以我就經過呢一個咁嘅  
23 incident之後，我覺得可以有一個improvement喺以後個project嘅話，  
24 會唔會我哋ConE team都會喺呢方面有一啲involvement可以幫手做嘅。

25 Q. Right. I ask you the question, Mr Ma, because if you

1 look back at paragraph 21 of your witness statement --  
2 if we can get 21 and 22 together up on the screen,  
3 please -- you say, end of the second line:

4 "... I was not aware of the requirements under the  
5 QSP in respect of record-keeping."

6 Do you see that?

7 A. 冇錯，我見到。

8 Q. So what is your current understanding about  
9 record-keeping under the QSP, Mr Ma?

10 A. Can you repeat your question?

11 Q. Yes. You've now, as I understand it, had an opportunity  
12 of looking at and considering the QSP?

13 A. Mmm.

14 Q. And you say you were not aware, at the time, of the  
15 requirements under the QSP in respect of record-keeping?

16 A. 係，冇錯。

17 Q. I was just enquiring as to what your understanding now  
18 is regarding record-keeping under the QSP.

19 A. 如果而家我嘅對QSP嗰個record-keeping嗰個明白嘅，即係個理解底  
20 下，我知道有啲相關對嗰個coupler個installation，無論係喺--佢喺  
21 fabrication嗰度有個要求，喺installation都有個要求，對嗰個RC，  
22 所謂嗰個registered contractor有要求，同埋特別喺QSP裏面都有講到  
23 對MTR都係有一啲inspection嘅要求同埋有一啲record-keeping嘅要求  
24 嘅，呢個我都有明白嘅而家。

25 Q. You seem, in paragraph 22, Mr Ma, to make a helpful



1 observation that you believe there's an area -- this is  
2 an area for improvement in the future for projects  
3 involving coupler splicing assemblies. And reading  
4 paragraphs 21 and 22 together, I thought what you were  
5 driving at was that there ought to be proper detailed  
6 record-keeping of the supervision and inspection of the  
7 coupler splicing assemblies. But perhaps I've  
8 misunderstood your position.

9 A. 冇錯，我item 21淨係特別有講過呢個in respect for 呢個record-  
10 keeping，但係我22，我係一個hindsight，就講成個coupler  
11 installation嗰個inspection procedure同埋中間嗰個所謂  
12 record-keeping可唔可以有一啲improvement嘅可以做到嘅。

13 Q. How would you improve it?

14 A. 我諗如果可以畀我哋再有review嘅時候嘅話，我哋會同嗰個training，  
15 我哋咁睇，就係BOSA畀我哋個training就唔係咁regularly有一個咁  
16 嘅training個舉行，舉行嗰個training，所以我哋好多時喺好早期嗰  
17 啲咁嘅人員或者係嗰啲咁嘅員工，我哋somehow知道究竟嗰個coupler  
18 嘅installation係要點做，而我哋中間或者後期入嚟嗰啲咁嘅我哋嘅  
19 staff都唔太清楚其實我哋每一個人就應該fulfil番一啲乜嘢嘅責任喺度。

20 Q. All right. And what about record-keeping; have you got  
21 any observations to make about the improvement of  
22 record-keeping?

23 A. 如果record-keeping嚟講，我覺得而家所謂我哋MTR係countersign番佢  
24 哋嗰個inspection record，我覺得係可以--即係行之有效嘅。

1 Q. Yes, but the question is: countersigning precisely what,  
2 Mr Ma?

3 A. Countersign番RC嗰啲咁嘅inspection record, 即係好似我哋喺  
4 D-wall做緊嗰啲咁嘅record-keeping咁樣。

5 Q. Right. Now, we know -- we are getting there -- that you  
6 were involved, Mr Ma, this year, in the preparation of  
7 some retrospective records ultimately signed by Mr Kobe  
8 Wong and specifically referenced as retrospective, and  
9 you were involved in the production of those documents,  
10 as I understand it?

11 A. 係, 喺我哋個team嚟講, 我係其中一個team member。

12 Q. Yes. As I understand it -- well, let me put this to  
13 you: is it your view that that type of record that was  
14 created this year ought to have been kept and put in  
15 place in 2015, as the EWL slab rebar fixing was taking  
16 place?

17 A. 呢個唔係我個view嚟嘅。

18 INTERPRETER: Sorry, I didn't catch the answer.

19 MR PENNICOTT: Could you repeat your answer?

20 A. 呢個唔係我個view嚟嘅。

21 Q. What is your view as to what -- we know -- we've been  
22 through this with a number of witnesses -- that we have  
23 the RISC form, pursuant to which the rebar top mat and  
24 bottom mat get inspected. Then we have the pre-pour  
25 concrete inspection, before the concrete is allowed to

1 be poured, and we've got those records; they all seem to  
2 be in reasonable order.

3 Do you think anything else should have been prepared  
4 by way of record-keeping back in 2015 when the rebar  
5 fixing was taking place?

6 A. 如果根據BOSA個QSP，我哋應該有一個checklist，係base on個QSP個個  
7 recommendation。

8 Q. Right. And that checklist should have been prepared  
9 back in 2015; is that right?

10 A. 如果我睇番啲文件嘅話，我覺得再加埋我refer番D-wall個個procedure，  
11 應該係。

12 Q. Right. You personally weren't involved in the D-wall?

13 A. No.

14 Q. I thought that was the case. All right.

15 Then just following that up, if you go to  
16 paragraph 24 of your witness statement -- you say:

17 "As at the end of May 2018, I had not seen any  
18 quality control supervisor record sheets or inspection  
19 logbook for the EWL slab from Leighton purporting to  
20 comply with the requirements of the QSP as referred to  
21 above, or in fact, any record sheets or logbooks  
22 generally relating to the coupler splicing assemblies in  
23 the EWL slab."

24 So, as I understand it, Mr Ma, your position is that  
25 there ought to have been in place these record sheets

1 and these inspection logbooks or an inspection logbook  
2 in relation to the rebar fixing?

3 A. 係我當時我知道咗個QSP有一個咁嘅要求嘅話，我睇番喺我哋手頭上嗰啲文  
4 件，係冇呢啲咁嘅紀錄嘅。

5 Q. But, having reviewed the QSP, and having concluded that  
6 there were no such records, as I understand it your view  
7 is there ought to have been such records?

8 A. 我又冇一個自己一個view就話一定要係要呢個咁嘅record嘅，因為我嗰陣時  
9 當時我係唔知道究竟個QSP裏面呢一個所謂需要嗰啲咁樣record-keeping  
10 係有幾咁重要同埋有幾咁係一定係一個要求係for以後whatever係報完工又  
11 好，係點樣嘅用途嘅。

12 Q. Right. But it seems from your evidence, Mr Ma, if you  
13 may say so -- you seem to be quite surprised that there  
14 are no such records, given the terms of the QSP.

15 A. 我當時老實講，我有surprise，因為喺嗰陣時我before嗰一刻鐘我係唔知  
16 道需要冇呢啲咁嘅record嘅，once我review咗個QSP，知道有相關嘅要求  
17 嘅話，我至去發覺係有嘅話，我嗰陣時個反應唔可以講得上係surprise嘅。

18 Q. All right.

19 A. 係因為我可能--即係我唔清楚，可能我啲同事或者係禮頓喺其他形式裏面做  
20 咗一啲類似相關嘅紀錄，我自己唔知道。

21 Q. All right. I understand.

22 Now, with regard to the retrospective records that  
23 I mentioned a short while ago, can I just ask you this  
24 question. We've seen and we've heard from Mr Ho about

1 a discussion that took place that not only should the  
2 retrospective records be prepared but they should be  
3 backdated to 10 February 2017. What do you recall about  
4 the discussion that took place to implement that  
5 backdating?

6 A. 當時我哋有--我哋個team有meeting, 就有Michael Fu、James Ho、  
7 Kobe、我同埋Louis, 大家坐低, 就喺度擺番一啲資料出嚟, 就提供番畀公  
8 司嘅, 其中有呢一個QSP checklist, 我哋喺開會嗰陣時傾過嘅。

9 去到頭先你嗰個問題就係話我哋嗰個日子就係--當時我收到訊息, 就  
10 係曾經喺2017年1月、2月嗰陣時我哋有一個internal audit, 係關於  
11 呢個coupler嘅installation嘅, 所以我收到嘅指示係嗰個所謂  
12 retrospective, 大家都agree咗嗰個文件係retrospect嘅。

13 就至於個日子個date of嗰個signage, 嗰個日子, 我收到個訊息就係  
14 應該係喺嗰個internal record之後嘅時間嚟嘅。

15 Q. All right. You deal with this point in paragraph 38 of  
16 your witness statement. If I've understood it, you  
17 weren't -- were you aware or not aware of the internal  
18 report back in February 2017?

19 A. Not aware.

20 Q. Okay. So, during the course of your discussions with  
21 Mr Ho and Mr Wong, you were informed of that internal  
22 report at that date, and somehow it was decided that you  
23 would relate these checklists back to that date?

24 A. That's right, yes.

25 Q. Because, as you explain or express it, it somehow

1           responded to the recommendations in that report?

2       A.   當時我收到嘅指示係咁。

3       Q.   Okay.  So that's an instruction you received?

4       A.   That's right.

5       Q.   I understand.  Okay.

6           Now, the checklists that Mr Kobe Wong ultimately  
7           signed, as I understand it from paragraph 34 of your  
8           witness statement you compiled the first draft of those  
9           documents; is that right?

10      A.   冇錯嘅，我所講嗰個first draft，就係因為我當時我都有呢一啲所謂  
11      coupler checklist嘅資料嘅，包括係佢個format、template同埋  
12      裏面嘅內容嘅，因為我有involve嗰D-wall，所以我就係嗰當時我就亦  
13      都consult禮頓佢哋有冇一啲相關一啲咁嘅資料嘅，所以就禮頓就提供咗  
14      所謂呢個first draft呢個checklist就連埋template、content同  
15      埋一啲相關嘅資料係提供咗畀我嘅。

16      Q.   Right.  Yes, okay.  You've anticipated a couple of  
17      questions I had.

18           First of all, your checklist and Leighton's  
19           checklist are very similar.

20      A.   Yes.

21      Q.   Did they supply you with, as it were, a blank template  
22      for you to work on?

23      A.   No.  佢哋係連埋裏面嗰啲相關嘅coupler數量同埋嗰啲圖紙秣巴、sketch  
24      都有埋呢一度嘅。

25      Q.   Are you saying they supplied you with their checklists

1           that we've seen with the manuscript circles on, and so  
2           forth?

3       A.   No manual -- not all are manuscript。只係有一個Excel裏面  
4       電腦打咗落去 嗰啲字嘅啫，冇簽名，冇圈到啲S或者MS。

5       Q.   I see. Did it have the drawing numbers on?

6       A.   Yes.

7       Q.   And the diagrams taken from the drawings?

8       A.   That's right, yes, and the number of  
9       couplers too.

10      Q.   And the number of couplers?

11      A.   That's right.

12      Q.   Okay. But no manuscript at all?

13      A.   No manuscript.

14      Q.   Right. Were you responsible then for modifying and  
15      introducing the differences that we've seen between your  
16      checklist, the MTR checklist, and the Leighton  
17      checklist?

18      A.   係，冇錯。因為禮頓嗰個checklist，我見到佢哋係喺下低就100%啲  
19      coupler係做咗inspection嘅，但係我收到嘅指示就係我哋唔需要係  
20      100%做嗰個inspection嘅，所以我就同Kobe傾咗，夾咗之後，就下低  
21      畀番一個相關需要嘅數量擺咗落去嘅。

22      Q.   All right. So did Leighton supply you with that  
23      template that we discussed in soft copy so that you were  
24      able to --

25      A.   Soft copy, yes.

1 Q. I see. All right. From paragraph 34 of your witness  
2 statement, I understand that it was Mr Fu that  
3 recommended that the MTR checklists should be annotated  
4 with the words "retrospective record of coupler  
5 installation"?

6 A. 冇錯，係喇，而呢一句都係喺禮頓畀我個soft copy係冇嘅，佢畀咗之後，  
7 我review咗，就同--喺個team meeting裏面，Michael Fu，Mr Fu，  
8 我亦都同佢講咗，因為呢張form唔係Kobe喺現場睇到嘅情況嚟嘅，所以個  
9 日子係whatsoever，都唔可以會係喺嗰一日簽嘅，我同Michael傾完，  
10 Michael就話如果係咁，就擺多句就即係喺我個--即係大家見到嗰句，嗰  
11 句嘢基本上係Michael叫我寫落去嘅。

12 Q. Yes, I see. Then you, having done your draft, handed it  
13 to Mr Kobe Wong, as I understand it, and perhaps to  
14 others, and they presumably reviewed it?

15 A. 我做完個review之後，我有畀James睇過嘅，我就話畀佢聽「而家我係base  
16 on禮頓嗰啲資料，我做咗呢張咁嘅form，我做咗一啲咁嘅」--即係譬如下低  
17 我加咗一啲嘢，即係有啲改動我做咗，畀佢睇咗先嘅。

18 Q. All right. Can we then look at B7/4538, please.

19 This just happens to be the first one in the bundle  
20 that we got, Mr Ma.

21 A. Mm-hmm.

22 Q. So when you, as it were, handed the draft over to  
23 Mr Wong, it would have included everything apart from  
24 the manuscript; is that right?

25 A. 正確。



1 Q. But you did insert the words, for example, "Checked  
2 by:", and then put in Kobe Wong's name and position; is  
3 that right, you put in that?

4 A. Yes, 冇錯, 我寫嘅。

5 Q. Right. And obviously, as you've explained, after your  
6 discussion with Mr Fu, you put in the "Remark" at the  
7 bottom?

8 A. That's right, yes.

9 Q. Having passed that to Mr Wong, were you then asked to do  
10 any further work in relation to these records, or was  
11 that the end of your responsibilities?

12 A. 我就當我--如果你話further, 就係當Kobe簽咗之後, 我就將呢份嘢就畀番  
13 James。

14 Q. After Kobe signed it?

15 A. After Kobe signed.

16 Q. So he handed it back to you and then you gave it to  
17 Mr Ho?

18 A. 係。

19 Q. I see. Who then probably gave it to Mr Rooney but you  
20 don't need to worry about that. All right.

21 Now, in early June of this year, Mr Ma, various  
22 representatives from the Buildings Department, the  
23 Railway Development Office and Pypun made a visit to the  
24 MTRC site office. You deal with this in paragraph 40 of  
25 your witness statement.

1           You indicate that in fact the visit took place --  
2           the visit you're talking about took place on 7 and  
3           8 June; do you see that?

4       A.   見到。

5       Q.   When they turned up at the site office -- because I'm  
6           not quite sure I've entirely followed all of this --  
7           were you present? Did you greet them, did you meet  
8           them, on this occasion?

9       A.   係，我曾經有落過去。

10      Q.   On 7 June?

11      A.   我--應該係，你--即係因為佢喺--我記得佢哋嚟咗應該大概係一個禮拜嘅，  
12           on--即係from Monday to Friday，中間我落過去可能係兩至三次，究  
13           竟係咪exactly係7號同埋8號，我未必記得咁清楚，有機會。

14      Q.   Okay. The picture I've got is that they went into  
15           a room, there were lots of boxes of papers that were  
16           provided to them, and they were invited to inspect and  
17           look through the documentation; is that right?

18      A.   正確嚟講，應該佢本來就入咗一間房，嗰間房係咩嘢都有嘅，跟住佢哋就開  
19           始要求一啲相關嘅資料，嗰陣時我哋個manager Michael Fu assign咗  
20           我哋有一個同事就特別係同佢哋做個coordination嘅，嗰個同事應該姓唐  
21           嘅，Mr Tong，佢就開始就feed，即係佢哋BD又好，RDO，有啲咩嘢相關  
22           嘅資料，我記得嗰陣時好似要啲RISC form，有啲咩嘢inspection  
23           record，開始我哋就擺畀佢哋嘅。

24      Q.   I see. Were they on their own when they were inspecting

1           these documents? I mean, there was no MTR member of  
2           staff constantly present while they were looking at  
3           these documents?

4           A. 我哋只係當我哋提供咗佢有需要睇嘅文件之後，我哋就擺低咗喺佢度，等佢  
5           哋做review，我哋有特別喺隔離，呢個係我嘅認知，因為準確地，應該要  
6           問番Mr Tong，因為佢就特別係個coordinator嚟嘅。

7           Q. That may not be necessary, especially as he's not one of  
8           the witnesses currently.

9           Now, to your recollection, Mr Ma, were any  
10          representatives of Leighton in attendance at this time,  
11          at the time of this visit?

12          A. 以我記得，就係當我哋present佢哋嗰啲box裏面有一啲RISC form，我記  
13          得禮頓係有人係somehow落去同BD做個解釋嘅。

14          Q. Right. Because, as I understand it, Leighton had  
15          provided MTR with a number of boxes of documentation,  
16          and that material ended up, as I understand it, being  
17          handed to the representatives of BD, and so forth. Is  
18          that your understanding?

19          A. Yes, my understanding.

20          Q. And that was done, essentially, what, with Leighton's  
21          permission or their agreement because they were there?

22          A. 當然喇，因為我哋係同禮頓話喺當時BD或者RDO有咁嘅要求，叫佢哋提供番  
23          相關嘅RISC form又好或者一啲所謂嘅inspection record，佢哋就知道  
24          呢啲purpose係畀下低RDO或者BD睇嘅，佢哋知。

25          Q. All right. Now, back to paragraph 40 of your witness

1 statement, you say in the second sentence:

2 "It was emphasised to the BD/RDO/Pypun  
3 representatives that those checklists were retrospective  
4 records prepared internally by MTR ..."

5 So, clearly, you're talking about the MTR records,  
6 not the Leighton records?

7 A. 正確。

8 Q. Now, who emphasised that to the BD/RDO/Pypun  
9 representatives? Who spoke to them? Did you tell them  
10 that or did somebody else tell them that?

11 A. 我相信我係其中一個。

12 Q. You believe you were one of them? Okay.

13 A. 唔好意思，你講緊就係話畀佢聽我哋MTR嗰個record係retrospective  
14 record, is that right?

15 Q. Well, let me just read on, perhaps the whole sentence  
16 will make more sense:

17 "... those checklists were retrospective records  
18 prepared internally by MTR to confirm that the  
19 inspectorate staff had provided the requisite  
20 supervision under the QSP, and the BD/RDO  
21 representatives were not permitted to take any of those  
22 internal records away or to take any copies thereof."

23 Now, who told them they couldn't take any records  
24 away or take any copies?

25 A. Mr Tong.

1 Q. Right. And in terms of emphasising to them that they  
2 were retrospective records, they would have known that  
3 anyway by reading them, would they not --

4 A. 其實...

5 Q. -- because it had "retrospective records" on the face of  
6 them?

7 A. 冇錯，我expect佢睇見我哋嗰份文件已經係意會到呢個係一個  
8 retrospective嘅record，呢份，如果我咁講，都係。

9 Q. Yes. However, what they wouldn't have appreciated,  
10 perhaps, is the date of 10 February 2017; is that right?

11 A. Can you repeat your question again?

12 Q. Yes. You've told them they are retrospective, but just  
13 looking at any of these documents on their face, you  
14 would have thought they were retrospective prepared on  
15 10 February 2017?

16 A. 當時我又冇呢個咁嘅intention嘅，因為我哋去寫嗰個日子2017年2月10  
17 號，其實就base on因為我哋喺嗰個team discussion嗰陣時出嚟嗰個  
18 discussion同埋嗰個結果嘅，我哋就喺我哋嗰個discussion裏面就唔係  
19 特別係因為BD需要呢一份文件我哋而做嘅，係因為我哋喺嗰個過程裏面，我  
20 哋要提供番呢啲紀錄，而嗰個紀錄係我哋開完會之後，我係被通知係需要做  
21 番呢個文件出嚟咁樣嘅。

22 Q. Yes. Can we just put bundle B7, page 4538, back on the  
23 screen again. Thank you very much.

24 The point I'm making, Mr Ma -- I expect you  
25 understand -- is that if you come to this document

1 without any prior knowledge or explanation or  
2 understanding of it, you can see it's a retrospective  
3 record, if you read the "Remark" at the bottom --

4 A. Mmm.

5 Q. -- but the only date that it bears is 10 February 2017.  
6 I mean, there's no other date anywhere else that I've  
7 missed, I think. So, yes, you would have concluded,  
8 perhaps, if you had been careful to read it, that it was  
9 a retrospective record, but on any reasonable  
10 interpretation you would have thought it was prepared  
11 retrospectively but on 10 February 2017. Is that fair?

12 A. It's fair, yes。但係我想重申嘅，就係話我哋個intention就並  
13 唔係咁樣做嘅。

14 Q. I understand that, Mr Ma. I understand what your  
15 intention was. It's just a question of what was in the  
16 minds of the government officials when they turned up  
17 and saw these documents, and no doubt perhaps you might  
18 get some more questions from those behind me on that  
19 particular issue a little later.

20 Sir, Mr Ma has a number of paragraphs in his witness  
21 statement dealing with the change in construction detail  
22 from couplers to through-bars. I'm afraid I'm not going  
23 to go through all of that again with Mr Ma. We've  
24 covered it with a couple of witnesses already. That is  
25 obviously not to in any way constrain or preclude  
26 anybody else asking Mr Ma some questions about that

1 particular topic if they think it appropriate, but I've  
2 as it were, at this stage at least, done enough on that  
3 particular topic and I don't want to repeat the same  
4 questions to Mr Ma.

5 On that basis, sir, I have no further questions for  
6 Mr Ma.

7 CHAIRMAN: Thank you.

8 MR CHANG: No questions from Leighton.

9 MR SO: No questions from China Technology.

10 MR KHAW: As always, there are some questions from the  
11 government, but I note the time. Shall we start after  
12 lunch?

13 CHAIRMAN: Yes, I think that's the easiest. Thank you.

14 Mr Ma, we're going to adjourn now for lunch. We  
15 will return at 2.15.

16 You are in the middle of giving your evidence and  
17 you are not entitled, until you have completed your  
18 evidence, to discuss that evidence with anybody else.  
19 Do you understand me?

20 WITNESS: I understand.

21 CHAIRMAN: Good. Thank you very much.

22 (12.56 pm)

23 (The luncheon adjournment)

24 (2.20 pm)

25 Cross-examination by MR KHAW

26 MR KHAW: Mr Ma, I represent the government.

1           If I can just take you to paragraph 33 of your first  
2           witness statement, at B1/365, I believe from  
3           paragraphs 32 and 33 onwards you talked about the  
4           circumstances in which MTR started to prepare for the  
5           coupler checklists; right?

6           Now, when you were first asked to prepare for the  
7           coupler checklists, I take it that you knew very well  
8           that Leighton had failed to provide the necessary  
9           checking records as required; is that right?

10          A. 如果根據我嘅理解，喺QSP裏面，佢要求嗰個QSP checklist，冇錯，我係--  
11          嗰陣時禮頓係冇畀到我呢個文件嘅。

12          Q. At that time, did you know that it was a requirement  
13          which would need to be met under the QSP?

14          A. 喺嗰陣時，我落到去，當BD需要我攞出呢一個文件嗰陣時，我係BD或者RDO，  
15          我唔記得咗邊個嘅口中，佢需要呢份文件，所以我就話番畀我上司聽BD或者  
16          RDO佢個representative喺on site，就需要呢啲咁嘅文件嘅。

17          Q. I see. So did you at that time know that it was  
18          a record-keeping requirement as required under the QSP?

19          A. 當時我聽到BD或者RDO嗰個代表有咁嘅要求嗰陣時，我就想去同番我哋個  
20          team、我哋嘅senior喺嗰個開會嘅談話內容裏面，我就得知呢個係其中一  
21          個紀錄嘅要求嚟嘅。

22          Q. If we can take a look at your paragraph 34, you talk  
23          about the time after you prepared the first draft of the  
24          coupler checklists. Then, about five or six lines down,  
25          you say:



1            "My concern at the time was that the coupler  
2            checklists had not been contemporaneously prepared or  
3            maintained by MTRCL."

4            Do you see that?

5            A. 睇到。

6            Q. Is it fair to say that at that time, while you were  
7            preparing for the draft coupler checklists, you were not  
8            100 per cent comfortable in making such retrospective  
9            records, because they were not contemporaneously  
10           prepared?

11           A. 我當時亦都係做呢個checklist嗰陣時，我係收到指令，頭先我都提過，裏  
12           面嘅資料個內容同埋嗰個format都係禮頓提供嘅，有咗呢啲咁嘅資料之後，  
13           我亦都畀我嘅上司去睇咗係咪相關一啲類似呢啲咁嘅文件係需要嘅，之後我就  
14           將呢個文件同埋裏面嘅內容我就畀咗我哋個inspector再睇過嘅，所以中間  
15           我其實就有knowledge喺佢個內容或者係咪當時個幫辦係咪真係睇到呢啲  
16           咁嘅資料嘅。

17           Q. Let's try to take things step by step. In paragraph 34,  
18           where you said, after you prepared the first draft, you  
19           said you had a concern, and your concern was that the  
20           coupler checklists had not been contemporaneously  
21           prepared or maintained. So you had that concern.

22           My last question was, at that time, did you feel  
23           somewhat uncomfortable in making such retrospective  
24           records because they were not contemporaneously done?

25           A. 我有將呢一個即係所謂我嘅擔心或者我嘅concern係喺--我同我個senior反

1 映咗嘅，就但係因為我唔清楚佢裏面究竟邊個carry out咗嗰個inspection  
2 或者中間嗰個過程，所以我就喺呢一個--喺嗰個時候，我係--冇錯，我係有  
3 呢啲咁嘅擔心嘅。

4 Q. But you had to follow instructions as to what would need  
5 to be done; right?

6 A. 係，我就同James傾完之後，James話我哋inspector有做過呢個  
7 inspection嘅，而我哋inspector係會願意去簽呢份咁嘅文件嘅，所以  
8 我就係under佢個instruction，我就去準備一啲料係去做呢個checklists  
9 嘅。

10 Q. Am I right in pointing out that in fact, at that time,  
11 when you were preparing for the first draft coupler  
12 checklists, MTR had already obtained similar checklists,  
13 ie retrospective checklists, prepared by Leighton?

14 A. 我記得當時我做嗰陣時，我哋好似冇一啲physical或者hard copy就禮頓  
15 formally或者我所知就係formal或者informal就畀咗我哋嘅，所以我就  
16 都係經過佢哋禮頓一啲人員將頭先我講呢個大家講緊呢份checklist嘅soft  
17 copy就畀咗我先嘅。

18 Q. All right. The soft copy obviously provided you with  
19 a template as to how the checklist could be done?

20 A. 基本上唔係話可以點樣做，直情係佢裏面有晒所有嘅內容、sketch、  
21 section同埋個coupler嘅數量。

22 Q. Now, you keep saying in your witness statement that the  
23 coupler checklists were for internal record. Do you  
24 remember that?

1 A. 記得，冇錯。

2 Q. Was there any discussion as to what particular purpose  
3 or purposes would these so-called internal records  
4 serve?

5 A. 以我哋嘅開會裏面嘅談話過程裏面，我所知道其實呢個所謂嘅內部紀錄，原  
6 因就係因為我哋當時係--首先我哋攞唔到禮頓喺當時提供到一啲類似呢啲嘅  
7 checklist，係for coupler checklist，而我哋就唔可以somehow好  
8 似D-wall嗰個procedure咁樣喺上面countersign到，話到畀人哋聽我哋  
9 MTR本身喺文件上面係做咗一啲咁嘅inspection嘅，但係事實上喺我哋個談  
10 話--個討論過裏面確實係有幫辦係好明確咁話畀我哋聽喺當時做coupler個  
11 installation嗰陣時，我哋係有睇到--即係有carry out呢啲咁嘅  
12 inspection嘅。

13 所以再加埋喺2017年嘅1、2月嗰陣時我哋做咗一個internal audit，  
14 所以呢份文件其實就係想去回應番我哋當時嗰個internal audit，我哋  
15 somehow應該有一啲咁嘅文件可以話到畀我哋自己聽at least我哋係有呢  
16 啲咁嘅carry out咗呢啲咁嘅inspection嘅。

17 CHAIRMAN: Sorry I'm interrupting. I have difficulty with  
18 this. If this was for purely internal purposes, that  
19 is, for the internal records of the MTR, why did you  
20 need to make up templates? You already had the  
21 pre-concrete pour forms. You already had the RISC  
22 forms. Those were the total number of forms you had.  
23 Why did you then have to go and extract a lot of extra  
24 detail and enunciate that detail in forms, if they were

1 entirely for your own internal use? It doesn't make any  
2 sense to me.

3 A. 係，喺我哋個team個meeting裏面，我就收到指示，就係話呢個somehow呢  
4 一個咁所謂嘅format係BOSA QSP裏面其中一個可以接受做個presentation  
5 for嗰個inspection個record嘅，所以我就收到指示就係base on呢一個  
6 咁嘅format，就做番一個我哋一個所謂嗰啲inspection record咁樣嘅。

7 CHAIRMAN: An inspection record, though, for whom?

8 A. 如果喺當時，我哋嘅談話就係最主要就係回應番喺2017年個1、2月嗰陣時嗰  
9 個internal record，同埋係畀番我哋幫辦，因為當時我哋同Kobe亦都傾  
10 過，Kobe Wong，Mr Wong都話如果呢個係一個internal record for佢  
11 自己一啲record-keeping嘅情況下，佢係冇問題，係可以sign off嘅。

12 CHAIRMAN: How long did it take you to get this record  
13 together, for purely internal purposes?

14 A. 因為成個template、format、內容同埋coupler嘅數量都係came from  
15 禮頓嘅，其實我係用咗唔夠兩日嘅情況下，我已經係可以有呢份咁嘅文件  
16 㗎喇。

17 CHAIRMAN: And you didn't think that the way in which it had  
18 been prepared and presented may indicate an intention to  
19 use it by presenting it to other parties, third parties?

20 A. 喺嗰陣時，我個senior叫我做呢份嘢嗰陣時，佢冇特別提及過呢份嘢係將會  
21 係作為一啲報告嘅appendix又或者係想話畀人哋聽我哋自己本身個record  
22 嘅，所以喺嗰陣時我有收到指示話呢樣嘢係會去disclose出去嘅。

23 CHAIRMAN: All right.

24 MR KHAW: One perhaps relatively minor matter that I don't

1 quite follow -- it's what you have stated in your  
2 paragraph 35. You said in line 2:

3 "I remember discussing the draft checklists with  
4 Mr Ho and Mr Wong, and the consensus from that  
5 discussion was that the coupler checklists were intended  
6 as internal records which would not form part of any  
7 formal submission to the BD or formal inspection logbook  
8 under the QSP -- importantly, that was why we  
9 deliberately did not include MTRCL's logo on any of the  
10 checklists."

11 I don't quite understand the logic here. Even  
12 assuming for a moment that these were intended to be  
13 internal records -- well, there's nothing wrong to put  
14 MTR's logo on it; right?

15 A. 可以咁講。

16 Q. If we can move back to paragraph 34 -- sorry, to follow  
17 up on your last answer: in that case, why did you  
18 deliberately make a decision not to include MTR's logo  
19 on such checklist that you prepared?

20 A. 第一，呢個唔係我蓄意去delete咗MTR，因為本身嗰個template都有公  
21 司logo嘅，第一；所以就喺我做--擺到呢啲資料返去嗰陣時，其中我有  
22 考慮究竟我哋需唔需要擺番我哋公司個logo落去嘅，最後喺我哋嗰個team  
23 discussion裏面都係決定係唔需要擺我哋公司嘅logo落去。所以我有特  
24 別蓄意係去delete咗我哋MTR個logo？

25 Q. So you mean it was a conscious decision, as a result of

1 a discussion, that MTR's logo would not be put on the  
2 checklist; is that right?

3 A. 我記得呢個係我哋個討論裏面其中一個環節。

4 Q. But can you tell us now what was the exact reason for  
5 that decision?

6 A. 個原因就係我記得嘅話，當然就係因為我哋都將會係base on好似D-wall  
7 個procedure，當禮頓提交咗佢哋本身簽咗名嘅checklist嗰陣時，我哋  
8 suppose應該就countersign番佢哋個checklist，嚟到當係一啲  
9 inspection logbook或者係一啲record-keeping咁樣嘅。所以以我  
10 記得同埋當時傾過嘅話，純粹呢一個時候，我哋呢一個所謂record嘅話，  
11 係畀我哋內部咁運用嘅啫。

12 Q. Right. If I can move back to the last three lines of  
13 your paragraph 34. Perhaps the fifth-last line,  
14 starting from:

15 "Mr Fu therefore recommended the addition of  
16 an express remark in the draft coupler checklists to  
17 make it clear that the checklists were a 'retrospective  
18 record of coupler installation' based on Mr Wong's  
19 recollection of the areas/bays he had in fact covered  
20 and the relevant site photos which confirmed his  
21 recollection, and I did so accordingly."

22 Do you see that?

23 A. 睇到。

24 Q. My question is: if the checklists were based on the site  
25 photos and Mr Wong's recollection, you would agree with

1 me, would you not, that there was no way for MTR to  
2 check or verify if Mr Wong's recollection was  
3 100 per cent correct or not? Would you agree?

4 A. 如果我base on你頭先咁講，就唔同意嘅，原因就係可能Mr Wong除咗佢  
5 自己嘅記憶之外，可能佢真係有好豐富嘅相片嘅存檔或者係佢喺其他佢啲  
6 同事或者其他佢啲咁嘅幫辦係喺當時提供到好多足夠嘅資料或者係一啲  
7 inspection嘅record畀到佢，令到佢好有信心係簽呢個名落去嘅，呢個  
8 我唔清楚嘅，所以我就咁睇嘅話，我唔同意你頭先咁講，就係話我哋MTR係  
9 有信心係carry out咗呢一個咁嘅significant嘅inspection。

10 CHAIRMAN: Sorry, again I'm interrupting. The checklists  
11 were a retrospective record of coupler installation;  
12 fine. And that record, according to you, is based on  
13 two things: first of all, Mr Wong's recollection, that  
14 is his memory; right?

15 A. 係，佢嘅記憶就base on佢有--手頭上有...

16 CHAIRMAN: And secondly some photographs; right? But you  
17 don't mention that anywhere, do you? You don't say on  
18 the form, "This is a retrospective record based on the  
19 RISC documents, the pre-concrete pour documents,  
20 recollection of the following inspectors, and a series  
21 of photographs or anything like that, do you?

22 A. 冇錯，喺我呢個checklist，我有被要求或者係被指示要再特別加一啲呢  
23 啲咁嘅相關remark落去嘅。

24 CHAIRMAN: You see, can I be frank with you: an ordinary  
25 end-of the year catch-up, "Look, chaps, we seem to have

1           fallen behind on some of our record-keeping, let's get  
2           up to date", that I can understand entirely. But my  
3           understanding is that by the time you made these up, you  
4           knew full well that there was a bit of a scandal  
5           brewing, didn't you, in the outside world, about this  
6           very subject?

7           A. 呢個「課題」係?

8           CHAIRMAN: The whole question of checking the couplers.

9           A. 如果你咁樣問我，我亦都好坦白咁講，就係其實當時喺呢一個過程，我真係  
10          唔係咁清楚究竟中間喺嗰個coupler inspection裏面，我哋嗰個幫辦究  
11          竟係有幾認真或者幾咁清楚去做嗰個inspection嘅，所以我中間亦都係--  
12          即係好似喺中間頭先我咁講，喺要做呢啲咁嘅紀錄出嚟，我就被指示係  
13          somehow做一個咁嘅checklist出嚟嘅，所以裏面一啲特別嘅意思或者會  
14          有一啲咩嘢consequences，其實我當時就有特別去諗到嘅。

15          MR KHAW: Mr Ma, you just told us that Mr Wong might have  
16          a big photo bank which might be able to show level of  
17          inspection, et cetera, et cetera.

18                 Now, let me take you to have a look at this, the  
19          checklist that you prepared: B7 --

20          CHAIRMAN: Sorry, I'm interrupting again. You said you were  
21          just told to do these, and at the time you were not  
22          clear whether the inspectors had been serious in doing  
23          their job at the time or not serious. What that tends  
24          to suggest is you had no idea whether they had been  
25          shirking their duties or fulfilling them properly. You



1           were simply asked to fill out some detailed forms, which  
2           apparently were for internal use only, even though there  
3           was a scandal brewing about those very issues, and you  
4           went ahead and did it. That would sum it up, wouldn't  
5           it?

6           A. 我想澄清，就係其實中間我哋我哋嘅討論過程裏面，我都見到我哋個幫辦  
7           Kobe Wong都好有信心話到畀我哋聽當時佢哋真係做到一啲咁嘅相關嘅檢  
8           查嘅，就所以我都係做呢份表嗰陣時，我都有話唔係--冇話特別係話好似  
9           係做一份有問題嘅文件出嚟咁樣嘅。

10          MR KHAW: Right. If we can take a look at B7/4538. Now, we  
11          will see from the box with the four items -- I'm sure  
12          you're familiar with this document -- there's  
13          a description regarding row T1, T2, B1, B2, et cetera,  
14          and then bar 1 to 116; do you see that?

15          A. 睇到。

16          Q. So I take it that at the time when you prepared these  
17          checklists, you did not have a set of photographs which  
18          would be able to show you the status of the coupler  
19          installation in relation to each bar in respect of each  
20          row; would you agree?

21          A. 係，對我嚟講，係嘅，我同意。

22          Q. If we can take a look at 4555. There are two additional  
23          items: "Additional drill-in bars drilled to correct  
24          depth"; "Additional drill-in bars fixed with Hilti  
25          RE500".

1 I take it that there were no photo records in  
2 relation to these items; am I right?

3 A. 呢個item第5同第6項，suppose應該係delete咗佢嘅，可能我喺做呢個  
4 copy呢個checklist from禮頓嗰陣時，我就唔記得咗delete咗呢兩個  
5 item。

6 Q. Sorry, Mr Ma, you said your original intention was to  
7 delete these two items from the checklist; right?

8 A. 係，冇錯。

9 Q. Why was it necessary for you to consider deleting these  
10 two items?

11 A. 因為我喺黃先生個談話內容裏面，佢冇話畀我聽佢有睇呢個drill-in bar  
12 嗰個drilling同埋嗰個fixing。

13 Q. So you knew full well at the time when you were  
14 preparing for the coupler checklists that there were  
15 items set out in the checklist which were not inspected,  
16 according to Mr Wong; you knew about that?

17 A. 我之後，我睇番之後，我發覺我嗰陣時係冇delete，所以我之後先至發覺  
18 嘅咋。

19 Q. No, no, no, Mr Ma. Back to my question. At the time  
20 when you were preparing for these coupler checklists,  
21 you knew full well that there were certain items which  
22 were not inspected, according to Mr Wong. You knew  
23 about that; is that right?

24 A. 你所謂冇檢查嘅項目係咪就係特別指item 5同item 6嗰兩個？

25 Q. We were talking about 5 and 6 just now.

1 A. 係，冇錯。所以第5同第6項其實就唔應該喺呢個checklist裏面出現嘅。

2 CHAIRMAN: Hang on a second. If you look at those documents  
3 they've got "Satisfactory" written there --

4 MR KHAW: Yes.

5 CHAIRMAN: -- haven't they?

6 A. 係，所以喺當...

7 CHAIRMAN: So this is something that is not meant to be  
8 there but has nevertheless been found to be  
9 satisfactory. On what basis was it found to be  
10 satisfactory?

11 A. 所以我做呢個checklist嗰陣時，呢兩個項目係唔應該喺度嘅，當時可能  
12 黃生簽嗰陣時佢都overlook咗有呢兩個item喺度嘅啫。

13 CHAIRMAN: He didn't overlook it because somebody has  
14 written "Satisfactory", by putting a line down "Not  
15 satisfactory".

16 A. 係，我明白嘅，我相信喇吓，我相信，因為我有--喺當時，我都有realise  
17 到我喺呢一份嘢裏面有第5同第6點擺咗落去嘅，係到事後之後，當我有時間  
18 再check番我哋呢份record嗰陣時，係發覺第5同第6點我就冇喺當時就  
19 delete出嚟嘅啫。

20 CHAIRMAN: So this was just an error on your part?

21 A. 呢個係我--係error嚟嘅，冇錯，係我應該delete咗佢嘅，第5同第6。因為  
22 呢個第5同第6個item喺禮頓提供嗰個template嗰度係有嘅。

23 CHAIRMAN: Sorry, just so I understand items 5 and 6, now  
24 somebody has filled out the form saying those had been  
25 dealt with satisfactorily; right?

1 A. 係。

2 CHAIRMAN: Now, where would the information have come from  
3 that they had been dealt with satisfactorily? From  
4 Leighton; is that what you're saying?

5 A. 唔係，禮頓提供呢一個checklist嗰個template同埋裏面嘅內容，本身係  
6 有呢六個item嘅，包括咗第5同第6項嘅，但係喺我同Kobe嗰個談話內容個  
7 過程裏面，Kobe就係話1到4佢係有睇同埋喺record度佢show到有問題嘅，  
8 但係5同6佢有特別係for呢啲drill-in bar去carry out個inspection  
9 嘅，所以喺其他頭先睇area A又好，其他啲checklist，全部本身禮頓  
10 畀我嗰陣時個template都係有1到6個item嘅，就係--中間可能我delete  
11 嗰陣時或者有啲新加入去嗰個呢啲咁嘅checklist嗰陣時，我喺開頭就有  
12 delete到第5、第6，到Kobe喺度簽嗰陣時，可能佢自己overlook咗有第  
13 5、第6個item寫咗落去嘅啫。

14 MR KHAW: Just to explore a bit further -- I'm afraid I have  
15 to -- regarding your mindset at that time.

16 You told us that you originally intended to delete  
17 items 5 and 6, because Kobe Wong told you that he did  
18 not check items 5 and 6; is that right?

19 A. 係，冇錯。

20 Q. Now, following this mindset, then when you're preparing  
21 for these coupler checklists, whether they were used for  
22 internal purposes or otherwise, you were at liberty to  
23 remove certain items which would need to be checked, if  
24 you realised that there was no evidence that they had

1           been checked by Kobe Wong; is that right?

2       A.   我唔會隨意刪除，我會睇下黃智超先生係咪有佢嘅信心係簽落去，我先至會  
3       base on佢嘅意願去做一個刪除。

4       Q.   Once items 5 and 6 were deleted, this could never be  
5       a complete inspection record, would you agree,  
6       regardless of whether it was done retrospectively or  
7       not?

8       A.   我唔同意。

9       Q.   Very well. Let's move on. In your witness statements,  
10       you have repeatedly told us that the coupler checklists  
11       were for internal record and they were not intended to  
12       be publicised or to be shown to the Buildings Department  
13       or the Authority. That's what you said; right?

14      A.   係。

15      Q.   So obviously there was no intention to give anybody any  
16       impression that the records were not done  
17       retrospectively; is that right?

18      A.   唔好意思，可唔可以再重複問題？

19      Q.   There was no intention to give anybody any wrong  
20       impression or misapprehension that such records were not  
21       done retrospectively?

22      A.   你意思即係話我係有intention去話畀人聽呢啲係retrospect ...

23      Q.   Sorry, my fault. Too many negatives, probably. Sorry.

24            You wanted to give people the impression that the  
25       records were actually done retrospectively, not earlier.

1           That's what you wanted to tell people who had a chance  
2           to read this document; right?

3       A.    首先呢個唔係我自己本身個決定嚟嘅，呢個係我哋個team最後出嚟個決定嚟  
4           嘅，而我認知，就係當時我記得就係我哋個team都係想如果呢份紀錄都係話  
5           畀人聽係retrospect嘅。

6       Q.    It was obviously your team's decision not to mislead  
7           people by showing these records to them; right?

8       A.    唔想誤導佢哋係即係當時做嘅，係。

9       Q.    In that case, did you realise that it was also important  
10          to date such records properly, if you did not want to  
11          mislead people; would you agree?

12      A.    我同意，所以我就喺當黃生簽落去佢要寫個日子嗰陣時，我就係特別係  
13          consult咗我嘅senior，所以佢喺嗰陣時就除咗recommend咗我哋要特別  
14          address係一個retrospective嘅文件之外，就嗰個日子亦都係佢提供畀  
15          我哋，就話應該係當係respond當年2017年嗰個internal audit嘅。

16      Q.    Now, with this intention not to mislead people clearly  
17          in your mind, when you were given the instruction that  
18          these records should not be dated June 2018, they should  
19          be dated 10 February 2017, did you consider it  
20          inappropriate to do so because it was wrong, it was  
21          simply wrong?

22      A.    喺當時，因為嗰個record-keeping嗰個同埋嗰個inspection我都有  
23          involve嘅，所以當我嘅senior有個咁嘅決定嗰陣時，我唔知佢有幾多嘢  
24          可以支持佢做到呢個咁嘅決定嘅，所以我有特別去question佢呢樣嘢，我

1 就只係純粹收咗佢個指令係咁樣做嘅，咁所--冇錯。

2 Q. Can you tell us who was your senior who made that  
3 decision?

4 A. 當時我哋喺會裏面係James Ho同埋Michael Fu都喺度嘅，究竟邊一個  
5 exactly講，我就唔太清楚，唔太記得咗。

6 Q. In your paragraph 38, you told us that there was  
7 a consensus from the discussions you had with Mr Ho and  
8 Mr Wong that the coupler checklists were dated  
9 10 February 2017, because, according to what you say,  
10 the checklist should respond to a recommendation made in  
11 MTR's internal review which was made in February 2017.  
12 Do you remember that?

13 A. 係，記得。

14 Q. So, at that time, were you given the details of such  
15 review? Did you know anything about that?

16 A. 你講緊係喺2018年6月嗰陣時？

17 Q. Yes. In June 2018, when you came to this consensus with  
18 Mr Ho and Mr Wong regarding the backdating to  
19 10 February 2017, and you told us that it was because of  
20 the internal review conducted in February 2017, my  
21 question was: were you given any information regarding  
22 that particular internal review at that time, ie in June  
23 2018?

24 A. 我成個full report，我就冇得到，冇睇過嘅，都係James Ho係敘述番  
25 當時佢有啲bullet point就話番畀我哋聽佢有啲咩finding嘅，喺嗰

1 個review裏面。

2 Q. Yes. Did you have a chance to look at those bullet  
3 points at that time?

4 A. 我記得我有睇過嘅。

5 Q. Let's just have a quick look at those points. B7/4516.

6 If you can take a look at 4519, under 5.1, bullet  
7 point 2, I quote:

8 "Confirm the frequency of Leighton and MTR  
9 supervision were in compliance with the requirement of  
10 the QSP, and were recorded on the record sheet  
11 (appendix C of QSP)".

12 So can you confirm that this is the bullet point  
13 that you read at that time?

14 A. 如果有記錯，係差唔多，係呢啲咁嘅嘢。

15 Q. Now, I take it that, clearly, what recorded on record  
16 sheet appendix C of QSP means -- must be contemporaneous  
17 records, not retrospective records; would you agree?

18 A. 呢個我畀唔到意見，因為當時我有involve嗰個internal audit，我唔知  
19 佢base on啲咩嘢basis去做呢個recommendation，同埋我唔知佢中間有  
20 啲咩嘢談話令到佢係做呢個recommendation嘅。

21 Q. But when you were given the instruction that the coupler  
22 checklists should be backdated to 10 February 2017, did  
23 you feel surprised?

24 A. 我哋喺一個team meeting裏面有一個咁嘅決定出嚟，我咁--最主要就係  
25 Kobe簽名嗰陣時佢寫呢個日子落去，我睇唔到Kobe都有驚訝，所以我又冇



1 特別有一個好強烈嘅反應。

2 Q. At your first witness statement, paragraph 40, you  
3 talked about the occasions where representatives from  
4 BD, RDO and Pypun came to visit the site office, on  
5 7 and 8 June 2018. Mr Pennicott has also asked you  
6 questions on this. Do you remember that?

7 A. 記得。

8 Q. What I don't quite understand is that you've kept saying  
9 that MTR's retrospective coupler checklists were  
10 intended to be used only internally. Why did you decide  
11 or why did MTR's representatives decide to show them to  
12 the representatives of the BD during the visits?

13 A. 當佢哋嚟到地盤辦事處，即係BD、RDO、Pypun嚟到辦事處嗰陣時，佢哋都有  
14 問及我哋港鐵有冇類似呢啲咁嘅record嘅，我記得當時我問Kobe嗰陣時，佢  
15 提供咗一張紙，嗰張紙係一個table嚟嘅，而嗰個table就summarise咗佢  
16 喺EWL嘅slab嘅construction嗰陣時，特別喺嗰個coupler個inspection  
17 嗰度，佢outline咗一啲日子同埋一啲area出嚟，係當係做咗一個所謂嘅  
18 summary，係想話畀BD聽我哋係提供咗呢個咁嘅inspection嘅，而嗰個就  
19 係我哋想話畀BD聽嘅。

20 但係我最記得就係落去之後，當BD spend咗一、兩日睇完呢一個  
21 summary之後，BD唔接受，佢唔接受我哋用一個咁嘅形式去話畀番BD聽呢個  
22 就係可以係我哋港鐵嘅record嚟嘅，所以佢叫我--唔記得係--anyway，總  
23 之叫我哋就返去咗一啲紀錄「睇下你哋係咪有呢份嘢嘅。」咁樣，所以我喺當  
24 時我present Kobe嗰個summary table嗰陣時，我其實我記得我明確同BD

1 講咗我哋當時只係有呢份咁嘅紀錄係有關嗰個coupler嗰個inspection嘅。

2 CHAIRMAN: Sorry, just so I understand -- so you knew you  
3 were compiling these templated documents entirely for  
4 internal use, and yet an occasion was reached when you  
5 decided that you would show them to third parties?

6 A. 唔係，我頭先--你講緊啲--我所講嗰個summary table係另外一樣嘢嚟嘅。

7 MR KHAW: Let me try to understand you a bit more on this.

8 If we can take a look at B7/4537, is it the summary  
9 table that you just referred us to?

10 A. 唔係。

11 Q. If we can take a look at H14/35070. Is it the summary  
12 that you referred us to?

13 A. 正確。

14 Q. So what you just told us -- I just try to understand  
15 your answer correctly -- was that you first provided  
16 this summary to the BD representative, is that right,  
17 during the visit?

18 A. 呢個係當屋宇署嚟到地盤嗰陣時候，我就話畀我嘅senior聽，當時Kobe就  
19 畀咗呢份嘢畀我嘅，呢份嘢係究竟幾時做、點樣做，呢個我係唔清楚嘅。

20 Q. So Kobe Wong gave you this summary. Did he actually ask  
21 you to provide this to BD's representative?

22 A. 呢個佢知道嘅。

23 Q. Then you also told us that BD was not satisfied with  
24 this summary, and MTR was asked to provide further  
25 records; is that what you are trying to tell us?

1 A. 係，冇錯，佢仲係特別指明咗係要類似QSP裏面appendix嗰個咁嘅  
2 checklist嗰個format。

3 Q. During those visits, did anyone from MTR -- either you  
4 or any of your colleagues -- just frankly tell the BD  
5 representatives, "We do not have contemporaneous records  
6 regarding inspection or supervision"? Did anyone say  
7 anything to that effect?

8 A. 我唔知道其他同事有冇，但係當我present呢一個summary畀屋宇署嗰啲  
9 同事嘅時候，我係話咁畀佢聽呢個係當時MTR我哋係僅有嘅inspection  
10 checklist嚟嘅。

11 CHAIRMAN: Did you tell them, "This is a document which has  
12 been prepared in the last few days"?

13 A. 呢個我就當時唔知道嘅，因為我唔知道呢份嘢係幾時做，同埋係點樣做出嚟  
14 嘅，呢份我唔知嘅。

15 MR KHAW: So do you mean that you subsequently provided BD's  
16 representatives with further records, ie the  
17 retrospective coupler checklists, during the visits?

18 A. 你講緊頭先嗰份？即係我...

19 Q. Let's try to take it step by step. During the visits,  
20 you first showed BD representatives this summary; right?

21 A. 冇錯。

22 Q. And you told them that this was, according to your own  
23 words, the only inspection checklist that MTR had at  
24 that time; right? That's what you just told us?

25 A. For coupler checklist, yes.

1 CHAIRMAN: And you were pointing to this document, the one  
2 we now look at on our screen?

3 A. 係。

4 CHAIRMAN: All right.

5 MR KHAW: So, at that time, you made no reference to the  
6 coupler checklists that you prepared; right? So those  
7 with the four items or six items that we have seen. You  
8 did not tell them?

9 A. 冇嘅，冇嘅。

10 Q. And you just told us that at the time when this summary  
11 sheet, ie the one on the screen, was provided to the BD  
12 representatives, there was no mention as to whether any  
13 document was recently prepared; is that right?

14 A. 即係你講緊嗰個「任何文件」係呢一份嘢，定係其他嘅文件？

15 Q. As I said, I was referring to this one on the screen.

16 A. Mmm.

17 Q. When you gave them this document, you did not mention  
18 that documents were prepared by MTR recently. You did  
19 not mention that; right?

20 A. 喺我印象中，係，因為我自己都唔知。

21 Q. I'm sorry, you said "because I did not know about it  
22 myself either", but surely at that time you had started  
23 preparing for the coupler checklists already. How come  
24 you told us that you did not know either?

25 A. 喺我present呢一個table畀BD嗰陣時，我未開始做嘅。

1 Q. I see. So you told us that BD then, obviously not  
2 satisfied with this summary sheet, kept asking for  
3 further records; right?

4 A. 係，冇錯。

5 Q. Then you showed them the coupler checklists that you  
6 prepared; is that right? And Kobe Wong signed; is that  
7 right?

8 A. 跟住之後我就將BD嗰個要求，我就同我嘅senior匯報咗，就所以之後就展開  
9 咗我哋嗰個discussion，個meeting嘅discussion，跟住喺嗰陣時我  
10 開始去問禮頓擺一啲咁嘅相關資料去畀番老細睇，畀番我哋嘅senior睇，然  
11 之後畀Kobe簽，跟住之後就做咗一份咁嘅嘢出嚟，而當時我嘅senior，就話  
12 可以將呢份嘢係咪可以畀BD就話畀佢聽呢個係我哋嘅so-called internal  
13 record咁樣。

14 CHAIRMAN: So do I understand this correctly -- apologies if  
15 it's a bit like drawing teeth -- but you showed the  
16 Buildings Department initially the document which is on  
17 the screen at the moment, signed by Kobe Wong, entitled  
18 "1112 coupler installation checklist"; correct?

19 A. Correct.

20 CHAIRMAN: The Buildings Department was unhappy with that  
21 document; correct?

22 A. 啱。

23 CHAIRMAN: At that time, apart from that document, all you  
24 would have had that were true contemporaneous documents  
25 would have been the RISC forms and the pre-concrete pour

1 forms; is that right?

2 A. 嗰啲表格係禮頓提供畀佢哋嘅。

3 CHAIRMAN: All right. But you would have had them; yes?

4 A. (Nodded head).

5 CHAIRMAN: So you go back to your superiors and you say,

6 "The Buildings Department is unhappy with what I've

7 shown them"; correct?

8 A. 喎，特別係for呢個coupler checklist，喎。

9 CHAIRMAN: And they then say, "Okay, let's go ahead and we

10 will now draw up a series of template documents, in

11 detail, which we will say to the Buildings Department

12 are purely our own internal records but they can have

13 a look at them"?

14 A. Er ...

15 CHAIRMAN: Well, that's what you said.

16 A. 係，可以，可以。

17 MR KHAW: That's perhaps not what Kobe Wong says. If we can

18 look at Kobe Wong's witness statement, B1/434,

19 paragraph 55, he said:

20 "Having reviewed those site photos ..., I then

21 compiled an Excel spreadsheet ... A hard copy of that

22 spreadsheet was provided to Mr James Ho for

23 consideration, but he considered that the summary was

24 not sufficiently detailed, and he asked if I was willing

25 to prepare and sign a more detailed set of records. At

26 that point, I was assured by Mr Ho that the proposed set

1 of records would only act as an internal record.

2 I understood this to mean that it was only for the use  
3 of myself, Mr Ho, Mr Derek Ma, Mr Louis Kwan and  
4 Mr Arthur Wang, and would not be circulated to any other  
5 parties."

6 A. 你個問題係？

7 Q. So how come it was subsequently agreed that the coupler  
8 checklists that you prepared would be sent or should be  
9 sent to the BD?

10 A. 首先，佢而家講緊呢一份就係頭先我哋喺螢光幕見到嗰份，係咪？啱啱...

11 Q. Yes.

12 A. Okay，所以呢一份喺佢同Mr Ho嘅談話裏面，佢最後嗰句都講咗，喺我呢，  
13 我係Derek Ma，係唔喺佢個circulation裏面嘅，即係話佢同Mr Ho個談  
14 話內容，話呢份嘢係佢自己嘅internal record，so far，我唔知嘅。所  
15 以到最後我唔記得咗係何生定係佢最後係提供呢一份spreadsheet畀我落去  
16 present畀BD，我唔記得咗，但係我記得我係擺咗落去嘅，而我--如果--  
17 我有印象或者我有記錯嘅話，我記得Kobe都好似同我一齊落去嘅。

18 Q. I hope I'm not trying to complicate things, but can you  
19 tell us who made the decision that the checklist that  
20 you prepared should be sent to the BD?

21 A. Okay，你而家所講嘅係我有份做嗰份checklist，即係好大沓嗰份，唔係  
22 一--唔...

23 Q. The checklists with items 1, 2, 3, 4, items 1, 2, 3, 4,  
24 5, 6, those checklists. Who made the decision that  
25 those checklists should be sent to the BD?

1 A. 係我嘅senior，我唔記得咗係James Ho定係Michael Fu。

2 Q. At the time when the checklists -- with 1, 2, 3, 4; 1,  
3 2, 3, 4, 5, 6, to avoid any misunderstanding -- at the  
4 time when those checklists were sent to the BD, did  
5 anybody, you or anyone from the MTR, tell the BD's  
6 representatives that these were in fact made recently?

7 A. 首先我就唔係特別話用“sent”呢個字，我哋係純粹係show畀BD睇我哋自  
8 己內部有一啲咁嘅紀錄嘅，至於我就唔太記得當時我有冇emphasize呢一個  
9 文件係我哋當時至做嘅，但係我就記得我有話畀BD聽呢份嘢唔係喺當時15年  
10 嗰陣時候係做嘅。

11 CHAIRMAN: Well, no, they wouldn't have been, because  
12 they've got "2017" on them; yes?

13 A. 係，冇錯。

14 MR KHAW: Did you tell them that they were not in fact done  
15 in 2017 either?

16 A. 我唔記得咗，但係我記得我係冇被指示或者係被instruct係講呢啲嘢嘅，  
17 我記得係。

18 Q. Mr Wong, I have to put it to you that at the time --

19 CHAIRMAN: Sorry. You were not instructed to say to the  
20 Buildings Department that these were recent documents?

21 A. 喺我哋嗰個開會嘅discussion裏面冇特別講過呢樣嘢。

22 CHAIRMAN: No. So, if I understand this correctly, the  
23 Buildings Department had seen your summary sheet; they  
24 were unhappy with that. You then went back and reported  
25 the unhappiness of the Buildings Department to your



1 superiors, and they suggested that the template forms  
2 should be prepared; correct?

3 A. 可以咁講。

4 CHAIRMAN: Then you went back to the Buildings Department,  
5 with these template forms, you did not say to them or to  
6 their representatives, "We don't have any old forms but  
7 we've managed to make up some records recently and will  
8 these be sufficient?" You just gave them to them?

9 A. 係，我有講過。

10 CHAIRMAN: So you just handed them the forms that bore the  
11 date early 2017?

12 A. 係。

13 CHAIRMAN: And you let them make of those forms what they  
14 would? In other words, it was up to them what they made  
15 of those forms?

16 A. 係喇，我有講過一啲特別嘢。

17 CHAIRMAN: Thank you.

18 MR KHAW: Mr Ma, I have to put it to you that at the time  
19 when the BD representatives or the RDO representatives  
20 visited the site office of MTR to inspect the  
21 checklists, the coupler checklists -- with 1, 2, 3, 4;  
22 items 1, 2, 3, 4, 5, 6 -- it was in fact not emphasised  
23 that they were retrospective records; would you agree?

24 A. 我有強調佢係事後做嘅，即係我第一日我已經show嗰個spreadsheet嗰陣  
25 時，我係話畀佢聽我哋係有嗰個咁嘅紀錄嘅。

1 Q. Now, your witness statement, your first witness  
2 statement, paragraphs 42 and 43, you talked about the  
3 discrepancies between the number of couplers as recorded  
4 in the MTR 15 June report and also the actual number of  
5 couplers used. Do you remember that?

6 A. 係，記得。

7 Q. Now, we've got James Ho's evidence. He says that such  
8 a discrepancy was probably due to the lack of as-built  
9 drawings for the EWL slab as at the time when the  
10 15 June report was prepared. Do you agree with him?

11 A. 係，嗰陣時係根據嗰個D-wall嗰個as-built drawing嘅資料。

12 Q. Yes. Now, at this juncture, if I can take you to have  
13 a look at the document, ie the PIMS: B6/3665. Yes.  
14 This is the PIMS of MTR. If you can go to the section  
15 at the lower part on this page, you see the emboldened  
16 heading, "Supervision (general)". That's on the  
17 top-left corner, "Supervision (general)"; do you see  
18 that?

19 A. 係，睇到，睇到。

20 Q. You see the item regarding "As-built records"?

21 A. 係。

22 Q. There's a note here saying:

23 "ConE [construction engineer] and SIOW [senior  
24 inspector of works] shall ensure that these records are  
25 prepared as a continuous operation as construction

1 proceeds, and that the brand names of actual materials  
2 used, instructed and proposed changes, actual details of  
3 works determined on site are recorded."

4 Do you see that?

5 A. 見到。

6 Q. Would you consider that the lack of as-built records as  
7 at the time when MTR prepared the 15 June report  
8 indicates a failure to comply with the requirements set  
9 out under the PIMS?

10 A. 你講緊所謂呢個竣工嘅圖係for EWL slab嘅?

11 Q. As-built records. As-built records.

12 A. As-built records for --

13 Q. It could include drawings. It could include other  
14 records.

15 A. 係，喺我哋嗰個EWL slab嗰個construction裏面，頭先講嗰啲，即係中  
16 間提過可能有啲material或者係其他一啲咁嘅record form，我哋一路都  
17 有嘅，至於中間啲as-built drawing咁盛，係嗰陣時候可能喺度個製作過  
18 程緊，所以我唔同意係話喺嗰個時--因為我哋喺2018年嘅6、7月我哋都仲未  
19 正式開始啟動，以我所記得，就係啟動做嗰個EWL嗰個as-built record  
20 或者係個drawing嘅。

21 Q. Right. Finally, if I can take you to your witness  
22 statement, paragraph 15.2.3, page 360 -- there you are  
23 talking about your involvement in reports/meetings as  
24 and when required by senior construction engineer. Then  
25 you say, at 15.2.3:

1           "Weekly DM/CM coordination meetings, which were  
2           chaired by the MTR's construction manager and attended  
3           by our construction engineer team ... Mr Andy Leung, the  
4           design manager ... also attended some of these meetings.  
5           These meetings discussed RFIs, submissions, and the  
6           progress of the works on site generally."

7           The question that I have is, regarding the need to  
8           trim off the top of the diaphragm wall, did it occur to  
9           your mind that such need was triggered by the  
10          assumption, the design assumption, that the EWL slab and  
11          the OTE slab would need to be cast monolithically? Do  
12          you know about that?

13        A.   係，我有被通知過係有個咁嘅設計要求嘅。

14        Q.   Was this ever raised in any of the meetings that you  
15          referred us to in paragraph 15.2.3?

16        A.   喺我印象中，呢兩個會都好似冇提及過嘅。

17        MR KHAW: Right. I have no further questions.

18        CHAIRMAN: Thank you.

19        MR CONNOR: Sir, I do have some questions, if I may, but it  
20          will be about 15 or 20 minutes long. Subject to your  
21          thoughts, this might be an appropriate time to break.

22        CHAIRMAN: Yes, certainly.

23        (3.36 pm)

24                                       (A short adjournment)

25        (3.57 pm)

26        CHAIRMAN: Yes.

1 Cross-examination by MR CONNOR

2 MR CONNOR: Thank you, sir.

3 Good afternoon, Mr Ma. I'm Vincent Connor,  
4 I represent Atkins China Ltd, and I'd like to ask you  
5 some questions.

6 A. Okay.

7 Q. Thank you.

8 Shortly before the break, you will remember that  
9 Mr Khaw was asking you about the concept of monolithic  
10 casting of the slab. Do you recall that?

11 A. 記得。

12 Q. Thank you. If you have before you, please, your witness  
13 statement, which is B1/21, that's your first witness  
14 statement. Firstly, at paragraph 43. Can I take you  
15 from paragraphs 43 to 45 as follows. You say in  
16 paragraph 43:

17 "It was only when the construction management team  
18 started preparing the as-built submissions for the EWL  
19 slab in July 2018 that the construction management team  
20 recalled the minor modifications made to the connection  
21 details at the top of the diaphragm wall, which were not  
22 reflected in the BA14 submissions."

23 Do you recall that evidence that you gave?

24 A. 記得。

25 Q. Thank you. Then you go on in paragraph 44, in the first  
26 four lines or so, four to five lines or so, to describe

1 the change from the use of couplers to through-bars, and  
2 the change being implemented in the east diaphragm wall.  
3 You say at the end of that paragraph:

4 "I can confirm that I was aware of the change at the  
5 time, as was the rest of the [construction management]  
6 team."

7 Is that correct?

8 A. 係。

9 Q. Then in paragraph 45 you go on to deal with the question  
10 of monolithic casting.

11 You refer firstly to TQ33, and you explain that that  
12 has refreshed your memory, having looked at it, and you  
13 go on to say:

14 "... the need to trim off the top of the diaphragm  
15 wall in areas B and C was triggered by the 'design  
16 assumption' of monolithically casting the EWL and over  
17 track exhaust slabs, which was raised by Atkins team B  
18 in its response to TQ33."

19 I just pause there. Does that still represent your  
20 evidence?

21 A. 係，當時我make呢個statement嗰陣時，我印象裏面，個TQ33，我睇番個  
22 TQ33，嗰陣時係我嗰個印象係咁樣嘅。

23 Q. Thank you. You go on -- and I'll have a look at TQ33 in  
24 just a moment -- but you go on to say:

25 "This was because the monolithic casting of the EWL  
26 and OTE slabs would not be possible with the separation

1 by the diaphragm wall in between -- the lowering of the  
2 diaphragm wall was necessary in order to allow such  
3 monolithic casting."

4 That is your further explanation of why monolithic  
5 casting, in your evidence, was required; is that right?

6 A. 喺我證供裏面係想解釋當我見到“monolithic”呢個字嘅時候，我回想番當  
7 年我，冇錯，我嗰個D-wall如果唔要削低，就唔可以將個EWL OTE slab同  
8 埋個D-wall就cast monolithically嘅。

9 Q. Thank you. Now, do you recall any other expressions  
10 being used in relation to the treatment that was to be  
11 applied to the EWL and OTE slabs, other than monolithic  
12 casting?

13 A. 當我哋喺今年，dig out番呢啲咁嘅TQ嗰陣時，大家再搵出嚟嗰陣時，我哋  
14 DM team嗰度係聽到另外一個講法嘅。

15 Q. Can you help the Commission with what that other way of  
16 saying this was?

17 A. 如果我有意會錯，另外一個講法就係冇knock down到D-wall嗰個高度，而  
18 同時間EWL同埋OTE個slab都係所謂同時間，cast at the same time，  
19 所以佢哋所謂演繹嗰個cast monolithically係咁嘅演繹嘅。

20 Q. Thank you. That's very helpful. Just to help you  
21 a little further on that, could you look at TQ33, which  
22 is B5/2986.

23 Thank you very much. There are several pages to  
24 this. That is the first page, where you will see that  
25 that's headed technical query no. 0033, and the first

1 page identifies the query that is being asked.

2 If you turn on, please, to the following pages, you  
3 then see a drawing. If you can move on to the next  
4 page, please, 2988, and turn over, please, 2989, and  
5 over, please, 2990, and keep going, please, and you will  
6 see there, at 2991, there is a further question.

7 Now, at this point, we see an explanation of what is  
8 being asked, really, in TQ33. Is that right, Mr Ma, the  
9 three points which are noted on this drawing?

10 A. 係，冇錯，呢三點都係禮頓當時raise up嗰個問題。

11 Q. We see the questions are about the fitting of an L-shape  
12 bar with the couplers, and the rebar could not fix as  
13 shown in the drawing, and there was not sufficient  
14 anchorage provided in relation to some panels, and  
15 an example is given; do you see that?

16 A. 你所謂畀咗個例子係？

17 Q. EH103.

18 A. Okay, 係。

19 Q. Thank you.

20 If you move on to the next page, please, a further  
21 drawing, and over to the next page, please, further  
22 sections; the next page, please; and follow on to 2995,  
23 please; and 2996, 2997.

24 Then, at this point, we see the response. If you  
25 look at the "Response" section itself, Mr Ma, you will  
26 see there the following:



1           "The maximum number of layer of rebar in the top  
2 section of 3 metre slab is 3, so adding the bending  
3 radius ..."

4           Just skipping over that detail, there is a comment  
5 there in the final subparagraph that says as follows:

6           "Please be reminded that in order to comply with the  
7 design assumption, the OTE wall must be concrete/pour  
8 together at the same time (monolithically) with the  
9 3 metre EWL slab and the wall to extend to  
10 300 millimetres above the chamfer section of the wall to  
11 provide the kicker for the OTE wall above."

12           Do you see that?

13   A.   Yes.

14   Q.   So when you told the Commission earlier that you had  
15 heard a reference to another way of putting the manner  
16 in which the slab was to be treated, namely there was to  
17 be concreting at OTE wall, et cetera, at the same time,  
18 is this similar to what you had heard?

19   A.   我聽到，佢就有特別refer呢一句statement嘅，就你話係咪類似呢？我如  
20 果佢呢度bracket咗“monolithically”，而我就咁睇，我都仍然會係覺  
21 得係應該係三個elements同時間落嘅，如果咁睇就。不過我如果喺--係喇，  
22 冇錯。

23   Q.   And, in addition, Mr Ma, the concept of concreting and  
24 pouring together of the OTE wall with the EWL slab at  
25 the same time is noted in express terms?

1 A. 冇錯，呢兩個EWL slab同埋嗰個OTE嗰個wall係要同時間一齊落，呢個好  
2 明顯寫咗出嚟，冇錯。

3 Q. Thank you.

4 Now, just coming away from this document for  
5 a moment, and if you could have before you, please, the  
6 statement of Mr WC Lee, which is J6/4526.

7 Pause at this point, Mr Ma. In fairness to you, you  
8 may not have seen this statement before?

9 A. 我今朝有機會都--不過好快咁望過。

10 Q. That's helpful. Thank you.

11 If you would turn, please, or be helped to turn to  
12 paragraph 22, you will see reference there by Mr Lee to  
13 a response that he made to a technical query from  
14 Mr Johnson Luk on 24 July 2015, and I think as we will  
15 see in a moment, this is an email that you refer to  
16 yourself in your own statement. He goes on to describe  
17 the nature of his response, which he then quotes from in  
18 the following paragraphs.

19 If you could be helped in turning the page to the  
20 end of that quote, that is again where we see the same  
21 reference to, as you will see at the top of that page:

22 "... the OTE wall must be concrete/pour together at  
23 the same time (monolithically) ..."

24 Do you see that?

25 A. Yes, 見到。

1 Q. In paragraph 23, you will then see he says as follows:

2 "By monolithically, I meant the OTE wall and the EWL  
3 slab on each side of the D-wall cast at the same time to  
4 ensure full tension anchorage for the 3 metre EWL slab."

5 Do you see that that is Mr Lee's evidence?

6 A. Yes, 我見到。

7 Q. And do you agree with his interpretation of the  
8 expression "monolithically"?

9 A. 以我嘅解說, monolithically 佢呢個咁嘅解說, 我第一次見嘅啫。至於我  
10 係唔係同意佢呢個咁嘅講法呢? 我喺現階段, 我有佢所謂嘅係咪因為咁樣,  
11 先至可以提供到嗰個 full tension anchorage, 或者係 fulfil 到佢一  
12 啲 design intent, 我同意唔到嘅, 喺度。

13 但係我可以話畀你聽, 我去對 monolithically 嗰個解說就並唔係佢呢  
14 個咁嘅 statement 裏面講嗰樣嘢, 當然佢係 designer 或者係佢自己喺裏面  
15 後面有一啲 design intent, 但係我唔可以單憑佢講呢兩句我可以認同到佢  
16 嘅睇法。

17 Q. Thank you. Just to summarise, if I may, to make sure  
18 I understand your evidence for the purposes of the  
19 Commission, you note what Mr Lee says, but you're not in  
20 a position to either agree with him -- because you do  
21 not -- but equally you are not in a position to quarrel  
22 with the view that he expresses as a designer?

23 A. 係, 如果我而家見到呢個 statement, 我當然會係, 冇錯。

24 Q. Thank you.

25 Now, if you might close over Mr Lee's statement and

1 return, please, to Mr Ma's own statement, at B1/21, at  
2 paragraph 45.1.

3 You will see this part of your statement continues  
4 from the part we just looked at a moment or two ago,  
5 Mr Ma, and it's here that you introduce, helpfully,  
6 three lines of communication that were shared with you  
7 by your colleague Mr Ho; do you see that?

8 A. Yes, 見到。

9 Q. Now, the first of these is an email dated 8 July 2015  
10 from Mr Luk of Leighton to MTR's Mr Tan, and it attached  
11 the design report for the HUH Station, in other words  
12 deliverable no. TWD-004B3; do you see that?

13 A. 見到。

14 Q. If we might have it on the screen, just so we know what  
15 it is you are referring to here. That is B10/7262.

16 I think, as you go on to explain, the relevant part  
17 for your purposes is section 6.2. If you turn then to  
18 page B10/7312, and I think we find here, under the  
19 heading of "Construction sequence", obviously a long  
20 description of certain technical matters, but in  
21 particular, helpfully highlighted, the same three  
22 paragraphs as you had quoted in your statement; is that  
23 right?

24 A. Yes.

25 Q. There are three parts to this:

26 "The top of the diaphragm wall panel will be trimmed

1 [down] to the lowest level of top rebar ..."

2 Then secondly:

3 "The top rebar of EWL slab at the D-wall panel will  
4 then fix to the top rebar of OTE slab ..."

5 Then finally:

6 "The EWL slab and OTE slab will be casted  
7 concurrently with temporary openings around the existing  
8 columns and pile caps."

9 Do you see that?

10 A. Yes.

11 Q. Thank you very much. Just pausing at that point, you  
12 will agree with me there's no mention of the word  
13 "monolithically" in this description?

14 A. 呢三句冇，係。

15 Q. No. Thank you. Indeed, and just for the sake of speed,  
16 are you able to help us with the earlier version of  
17 TWD-004B3, namely 4B2? Do you recall that there was  
18 an earlier version of this, that it had gone through  
19 various iterations?

20 A. 我唔係好清楚咁記得，可能係睇過，但係--即係你要問我，我要睇番先得。

21 Q. That's absolutely fine, Mr Ma. So the document that you  
22 need to have in front of you, please, is I think J2\_8.8.  
23 Yes, thank you very much.

24 Again, if we might scroll through that to  
25 paragraph 6.2. I'm grateful to my friend. That's  
26 J1/92. J1, page 92, please. Thank you, Mr Cheuk. If

1           you would be good enough to scroll through this, please,  
2           to find 6.2, please.

3           MR CHEUK: 142.

4           MR CONNOR: Thank you, page 142. I'm grateful to Mr Cheuk.  
5           Thank you.

6                     This is an earlier version of the document 4B3 that  
7           we looked at a moment ago, and again I think you will  
8           see this document, from several months earlier, again in  
9           paragraph 6.2 the expression that we have just looked at  
10          in the later version, that is, as you will see, the  
11          third highlighted paragraph in 6.2:

12                     "The EWL slab and OTE slab will be casted  
13          concurrently with temporary openings around the existing  
14          columns and pile caps."

15                     Do you see that?

16          A. Yes.

17          Q. So it would seem that as far as the purposes of this  
18          temporary works design amendment are concerned, in its  
19          earlier iteration and in the 4B3 version, Mr Ma, which  
20          was then submitted on to MTR, there is no mention of  
21          monolithic casting at all, but rather the expression is  
22          "concurrent"; do you see that?

23          A. 睇到。

24          Q. And that, from the extract that I shared with you from  
25          Mr Lee's statement, is again consistent with his view of  
26          the approach to be taken to the slab in terms of its

1 formation; is that correct?

2 A. 你講緊exactly嘅wording係compare with Mr Lee?我唔係好明,你  
3 想做個comparison係做咩嘢comparison?

4 Q. Thank you. He speaks of the work being done at the same  
5 time and poured at the same time, here we see the  
6 expression "concurrently", and here we do not see the  
7 word "monolithically". So all I wish to understand from  
8 you, Mr Ma, is that you have been very clear with us  
9 that you have understood that monolithic is the manner  
10 by which you expect this work to be done, that that is  
11 the design intent, and yet it would appear that in other  
12 documents, to which you were party, other expressions  
13 were used.

14 A. 我明白你嘅問題,我個答案就係話我哋唔會就咁單憑呢一個咁厚嘅文件  
15 裏面嘅得呢三句說話嚟到決定我哋會係點樣做或者係點樣去fulfil嗰個  
16 so-called monolithically嘅,我相信嗰陣時個設計團隊同埋我哋  
17 有關嗰啲人員一定係有一個詳細嘅discussion on呢樣嘢嘅,所以我唔  
18 可以就咁講呢三句嘢就可以--即係單憑睇呢句嘢,我就可以決定到當時  
19 我哋係咪就係淨係睇咗呢三句就決定咗所謂個monolithically嗰個做  
20 法,譬如dictate咗我哋嗰陣時嘅做法,即係我相信嗰陣時係有一啲再  
21 深入啲嘅discussion嘅,不過嗰啲咁嘅深入嘅discussion我有  
22 involve,所以我就唔太清楚嘅啫。

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

24 Returning then to your statement, at B1\_21,

1 paragraph 45.1 -- I think what you've told us is there  
2 must be other material that helps one settle down the  
3 view that monolithic casting is what is in mind. But it  
4 is only these three sentences that you choose to quote  
5 in 45.1 of your statement; is that right?

6 A. 冇錯，我簡單地，我係引述咗，base on James嗰個email，forward畀  
7 我個email，冇錯。

8 Q. Thank you.

9 Then in paragraph 45.2, you quote from an email of  
10 24 July from Mr WC Lee of Atkins, who then goes on to  
11 remind "that in order to comply with the design  
12 assumption, the OTE wall must be concrete/pour together  
13 at the same time (monolithically) with the 3 metre EWL  
14 slab".

15 So again we see the concept of concreting and  
16 pouring together at the same time, in other words  
17 concurrently, Mr Ma; do you see that?

18 A. 係，冇錯。

19 Q. So, just pausing at that point, Mr Ma, you have  
20 explained very fairly to the Commission what your view  
21 is of monolithic formation, and you distinguish that  
22 from concurrent pouring or pouring at the same time.  
23 But is there not, in the face of this, to your eye,  
24 something uncertain, something that might have caused  
25 a query to be raised?



1 A. 你講緊嘅「查詢」嘅意思即係查詢WC Lee所謂嘅“monolithically”嗰  
2 個字嘅解說㗎，定係查詢一啲咩嘢呢？

3 Q. I think, according to you, there is something different  
4 to be taken from the use of the word "monolithically" as  
5 opposed to the expression of concreting or pouring "at  
6 the same time" or "concurrently". Is that the case?

7 A. 你意思「我唔同意」即係講緊喺45.2，喺呢個statement裏面，係咪？

8 Q. That's part of what I'm referring to, Mr Ma. But what  
9 I just want to ascertain from you is when you read those  
10 words, you simply read "concreting and pouring together  
11 at the same time" as meaning the same as "monolithic",  
12 do you?

13 A. 如果你話“monolithically”同埋「同一幅，同一時間」當然唔同喇，  
14 你可以同一時間係可以喺area A、area B、area C，同時間落緊  
15 concreting都可以，嗰個同一時間，係咪？但係呢個唔係等於係  
16 “monolithically”㗎嘛。

17 Q. Thank you. I think I have your answer to that which no  
18 doubt can be considered in due course.

19 Then finally on this page, at paragraph 45.3, you  
20 conclude they're referring to an email of 25 July from  
21 Mr McCrae of Atkins to MTR:

22 "... which stated that the OTE slab could only be  
23 cast after the EWL slab if that was done before future  
24 activities would further load the structure."

25 Do you see that?

1 A. 呢個係佢嘅電郵裏面寫嘅，冇錯。

2 Q. Just so we understand, in terms of your reading and  
3 understanding at the time, and indeed now, of that  
4 email, do you regard that as a position of Mr McCrae  
5 consistent with your reading of the approach to the slab  
6 as being monolithic?

7 A. Rob McCrae喺呢度，我就睇唔到佢有特別address咗或者係有個所謂  
8 “monolithically” 嘅要求。

9 Q. No, he does not, you are quite correct, at least not in  
10 the quote we're looking at, but this is one of three  
11 email chains that you have included here that support  
12 your previous paragraph in relation to the monolithic  
13 casting of the EWL and OTE slabs. So I'm just wishing  
14 to understand whether you take the view that what  
15 Mr McCrae was saying at that time was consistent with  
16 your view that monolithic casting, as you define it, was  
17 the approach to be taken.

18 A. 你可唔可以show番畀我睇下佢嗰個電郵，exactly嗰個係...

19 Q. Yes, of course.

20 A. 唔該。

21 Q. The email is at B10/7254. It appears to be a short  
22 chain of emails.

23 MR CHEUK: The next page.

24 MR CONNOR: Yes, thank you. In fact the relevant one is on  
25 7255, as part of this chain. Thank you, Mr Cheuk.

1           You will see it is an email to Mr Reilly at MTR:

2           "Following your discussion with CK Chan on whether  
3           it is necessary to cast the EWL slab and OTE  
4           monolithically I confirm his conversation.

5           That is in the BD letter of 4/12/14 they stated in  
6           comment A3 that construction joint should be cast in  
7           accordance with PNAP APP-68. Within this document  
8           clause 2(a) does state that the structure should be cast  
9           monolithically unless unavoidable; in which case  
10          an alternative construction detail must be submitted  
11          prior to approval. The concern in the PNAP is about  
12          water ingress at the joint. Therefore a detail showing  
13          the waterproofing has been submitted and discussed with  
14          BD showing waterproofing including provision of  
15          a hydrophilic strip. This detail is understood to be  
16          accepted by BD.

17          Therefore the RSE view is that it is acceptable to  
18          cast the OTE slab after the EWL slab providing it is  
19          cast before future activities which would further load  
20          the structure, in particular dewatering or excavation  
21          below the EWL slab."

22          Then it goes on to refer to various checking, and  
23          finally, for completeness:

24          "On the basis that the CP does agree we confirm that  
25          the EWL slab (between panels EM72 and EH74) can be cast  
26          in advance of the OTE under the clear understanding that

1 the OTE will be cast before additional loading due to  
2 dewatering or excavation beneath the EWL takes place."

3 You see all of that?

4 A. Yes.

5 Q. Thank you, Mr Ma. I think probably the fairest thing is  
6 to ask you to tell the Commission what it is that you  
7 took from this email at the time and what you tell the  
8 Commission today that that conveys to you in relation to  
9 whether or not casting at the same time or close to the  
10 same time or monolithically was the message that was  
11 conveyed at this time.

12 A. 如果我就咁單憑呢個email，我就會睇好清楚Rob就話，第一句佢好清楚  
13 講明嗰個EWL個slab同埋OTE一定要cast monolithically，就但係  
14 佢喺下低略略就做咗一啲exemption嘅，就話喺--即係我嘅解說，就喺  
15 呢個EM72到EH74，因為某啲原因，我哋可能喺現場就做唔到嗰個cast  
16 monolithically嗰個要求，所以佢喺呢啲情況底下review咗一啲  
17 waterproofing嘅detail或者相關一啲用hydrophilic strip呢啲  
18 情況底下，佢覺得可以畀BD accept到嘅，所以喺呢啲情況之下，佢哋  
19 就畀咗個exemption當時嘅CM team喺一啲佢mention嘅呢啲咁嘅位置  
20 可以就in advance，cast in advance嗰個OTE under嗰個clear  
21 understanding of嗰個OTE，即係唔係--即係冇--fulfil唔到所謂  
22 嗰個cast monolithically嗰樣嘢，呢個就係我睇呢個電郵我自己個  
23 understanding嘅。

24 Q. Thank you very much.

1 A. Sorry, 再加埋佢特別講過嗰個PNAP APP-68, 其實呢個PNAP APP-68好  
2 清楚講到所謂嗰個“monolithically” 佢嗰個definition嘅, 所以我再  
3 cross-reference埋個APP-68, 咁好清楚就喺當時, 甚至而家都好, 界定  
4 到所謂cast monolithically就係講緊in one go, 中間係冇所謂嘅  
5 construction joint。

6 Q. No doubt more evidence will be put before the Commission  
7 in this regard in due course, Mr Ma, but if I just pause  
8 at this point to summarise what we have here. In the  
9 various communications that you have looked at so far,  
10 we've seen some reference to monolithic pouring, some  
11 references to concurrent pouring, some references to  
12 pouring at the same time, and we have what has just been  
13 described in that email of 25 July. But despite that  
14 variety of different expressions what you derive from  
15 all of that is nonetheless that monolithic formation is  
16 the design intent and therefore must be followed?

17 A. 係咪個設計原意呢? 我唔知, 但係base on佢呢啲咁嘅字眼同埋當時嗰個  
18 discussion出嚟, 係我哋要跟隨嘅。

19 Q. Thank you. Now, could you have before you, please,  
20 PWD-059, and that's at B7324. Thank you very much.

21 This is a permanent works design submission, and  
22 therefore different and self-evidently for different  
23 purposes from those other TWD submissions we have looked  
24 at, and indeed different from the technical query that  
25 we've already looked at. Is that right, Mr Ma?

1 A. 詳細我唔可以答你嘅，因為通常呢啲咁嘅，特別係呢個PWD，即係for  
2 permanent structure，係我哋design management team review嘅。

3 Q. Thank you. Would you turn to page 7334, please. What  
4 we have here is a set of conclusions. Now, just pausing  
5 at this point to help the Commission, have you seen this  
6 permanent works submission before, Mr Ma?

7 A. 我當時應該係睇過，但係我唔記得㗎。

8 Q. Thank you very much. That's very fair.

9 Just for the sake of completeness again, in terms of  
10 references, you will see in the penultimate paragraph on  
11 that page a paragraph beginning:

12 "To comply with the full tension anchorage lap  
13 length from the slab rebar principle, the OTE wall must  
14 be concrete[ed] monolithically (ie at the same time)  
15 with the EWL (3 metre) slab and the wall rebar to extend  
16 with full lap length (FLL) provision from the OTE wall  
17 construction joint (CJ) for future wall rebar  
18 connection."

19 Do you see that?

20 A. 睇到。

21 Q. Do you recall seeing that at the time of its issue in  
22 the summertime of 2015?

23 A. 我唔記得㗎喇。

24 Q. Thank you.

25 Just come away from that document and I'd like to

1 ask you this final question, I think, and that is -- we  
2 began this course of questions this afternoon looking at  
3 your witness statement and your reference to the  
4 monolithic casting of the EWL and OTE slabs. At that  
5 point, and in your evidence, you use only one  
6 expression, and that is "monolithic". But do you now  
7 accept that what appears to have been the case, in  
8 a variety of submissions, in a variety of  
9 communications, in the summer of 2015, the use of  
10 different expressions and not simply that in relation to  
11 monolithic casting but that in relation to concurrent  
12 and pouring at the same time?

13 A. 如果我而家諗番當時2015年嗰陣時，畀我印象最深刻嘅都係“monolithically”  
14 呢個字，至於頭先你講另外“cast at the same time”或者“concurrent”  
15 呢啲，畀我嚟講，而家我印象唔深嘅，喺嗰陣時。

16 Q. But you will accept that from the documents we have  
17 looked at, at least so far this afternoon, other  
18 expressions are clearly used?

19 A. 如果喺我哋香港project我自己嘅經驗嘅話，通常如果要cast所謂at the  
20 same time又好，因為佢係cantilever又好，或者因為其他咩嘢原因好，  
21 通常都係會用“monolithically”，“cast monolithically”呢個  
22 字嘅，至於用到其他喺我哋圖紙裏面嘅general notes又好，或者其他特  
23 別remark話要特別呢個structure要cast at the same time或者係  
24 concurrent，呢兩個terms，我好少好少見，呢個係我都喺香港做  
25 project都有一段時間，喺我自己嚟講，就呢兩個字就比較少見啲。

1 Q. Thank you, Mr Ma, and yet we have seen them, at least  
2 this afternoon.

3 So, against that background, Mr Ma, we have looked  
4 at different language, we have looked at different types  
5 of submission for different purposes; yes? And yet it  
6 is the case that all of those expressions that we've  
7 looked at have been in the context of permanent works  
8 design changes, have been in the context of temporary  
9 works design changes, have been in the context of  
10 technical queries, and yet none of them appears to refer  
11 expressly to the demolition of a D-wall or the use of  
12 through-bars consistent throughout the D-wall in its  
13 re-formed shape.

14 Is that correct?

15 A. 我諗如果你要睇到咁detail, 佢本身Atkins個team B同本身禮頓嗰陣時中  
16 間, 我諗唔會咁簡單就係一啲TQ嘅black and white, 就咁寫完之後, 就大  
17 家somehow已經意會到係點樣做嘅。所以我覺得除咗喺文件上black and  
18 white嘅response之外, 我諗佢哋自己本身一定會有一啲比較detail嘅  
19 discussion嘅。

20 除咗佢哋之外, Atkins個team B喺做呢個response之前, 我自己個  
21 gut feeling就係--因為嗰陣時老實講, 你問我, team A同team B我都唔  
22 係太分得開嘅, 嗰個Atkins嘅team A同team B, 所以我嗰陣--如果而家問  
23 我當時, 我有理由相信好多時佢哋team A同team B可能已經本身有一啲共識  
24 㗎喇, 所以頭先你講如果去到咁咬文嚼字, 即係去睇啲wording咁點樣做法,



1 我諗一定唔會係佢用一句或者一個paragraph去解釋完之後，然之後就後面有  
2 一啲咁大規模嘅要做嘅嘢，要做出嚟嘅。

3 所以我相信當時除咗係喺呢啲文字上面有呢啲咁嘅敘述之外，somehow  
4 一定有一啲相關嘅detail discussion係carry out過嘅。

5 Q. Thank you for that, Mr Ma, but if I can take you back to  
6 the question, which was really this, that we have seen  
7 different language in all the submissions that we've  
8 looked at in the last few minutes. We have seen  
9 certainly submissions used for different purposes. But  
10 what we don't see is any express reference in any of  
11 those documents to the casting monolithically or  
12 otherwise the slab in the context of breaking down the  
13 D-wall.

14 What I asked you was: do you agree with that? If  
15 you can't help us with it, please just say.

16 A. 即係你問我係咪同意或者唔同意，頭先我哋睇咁多嘅文件裏面都有提及過要  
17 trim down嗰個連續牆而去achieve嗰個cast monolithically，呢個  
18 係咪你嘅問題？

19 Q. Yes, it is.

20 A. 但係頭先我哋好似見到有一個--我唔記得咗，頭先其中有一個report係講  
21 我哋要trim down 430mm嘅，嗰個唔係已經somehow提過要trim down喇  
22 咩？所以如果你問我嘅話，就頭先我見到啲文件，就並唔係全部都有提及過  
23 呢樣嘢。

24 Q. Thank you. I think that's one of the technical queries;

1 is that right, Mr Ma?

2 A. 我記得好似係喺你show畀我其中一個，有個report好似係。

3 Q. So it is that particular document, which I believe is  
4 a TWD report, which is the one that you would say is  
5 specific and refers to the breaking down of the D-wall?

6 COMMISSIONER HANSFORD: Sorry, Mr Connor, can we be shown  
7 that document again?

8 MR CONNOR: Yes, of course.

9 MR BOULDING: Try B9034.

10 MR CONNOR: Thank you. Could you have in front of you  
11 B9034, please.

12 A. 係喇，冇錯，呢份佢曾經提及過，就係話要trim嗰個level去到minimum  
13 最少要420mm。

14 Q. Can you help the Commission with what specifically that  
15 refers to and which parts of the slab are affected by  
16 that?

17 A. 你講緊係highlight咗呢三句，係咪？

18 Q. Yes.

19 A. Okay，因為如果你要我講成個，可能要再畀多啲時間我睇。如果淨係講呢  
20 三句，第一句就話係個top of個D-wall，我哋叫diaphragm wall，個  
21 panel係需要trim down，lower過--即係最低嗰個top slab，top  
22 rebar for EWL slab，即係佢建議大概最少要有420mm below個top  
23 level of個EWL slab，即係個EWL slab嗰個structural level，撇  
24 落去最少420。呢個係答唔答到你個問題？

25 Q. Yes, of course you may.

1           Sorry, I think that might have been your answer.

2           Thank you.

3           Just so we understand the purpose of this  
4           submission, the document that you brought us to is the  
5           document which is TWD-4B3, and it is the version of  
6           a temporary works submission which, as you have rightly  
7           said, includes that trimming down reference.

8           Can you help the Commission with what the purpose of  
9           this submission was, and if I may put to you that the  
10          submission, in this case, was to deal with a couple of  
11          primary problems. It was to address the lack of U-bar  
12          continuity in the D-wall, and it also, because there  
13          were some as-built reinforcement differences, and as  
14          a result this particular document was produced which  
15          included some secondary measures for the provision of  
16          rebar due to missing U-bars in the D-wall, and it also  
17          referred to the trimming down of the D-wall, as you  
18          rightly say, but that that was to accommodate the fixing  
19          of the top rebar to the OTE slab to achieve full  
20          tension.

21          So the purpose of this submission, as I understand  
22          it, Mr Ma, was not for, shall I say, broad-scale  
23          trimming down of D-wall, but was for the limited  
24          purposes of dealing with a temporary works submission in  
25          the context of addressing some problems with U-bars and  
26          as-built reinforcement, and the addressing of

1           insufficient anchorage to the slab.

2           Does that meet with your recollection?

3       A.   多謝你嘅提點，因為呢一個係最主要就係for--頭先你講，全部都係基本上都  
4       係D-wall一啲問題嘅，而當時我有involve D-wall嗰個construction，  
5       甚至係個as-built嘅，所以頭先你講一啲我略略有印象，係略略知道D-wall  
6       係同個as-built有一啲問題，而令到要入一啲咁嘅report嘅。所以但係佢本  
7       身呢個人個report最終嘅目的或者佢想achieve一啲咩嘢，其實我唔太大清楚  
8       嘅，咁樣。

9       Q.   That's very fair, Mr Ma, and no doubt best left to  
10       others. Thank you very much for that.

11           So really, just to close, Mr Ma, against the  
12       background of what you've helped the Commission with  
13       this afternoon, in this particular respect -- you  
14       nonetheless retain the interpretation you shared with  
15       the Commission as regards the monolithic casting point  
16       that we've discussed, despite the different language  
17       that has been used in the submissions we've looked at  
18       and the different purposes to which those submissions  
19       were directed; is that right?

20       A.   係，冇錯，係，即係佢有啲唔同嘅language根本就。

21       Q.   And do you agree with the whole of my proposition, that  
22       notwithstanding that different language, that you retain  
23       your view of the monolithic casting that you have shared  
24       with the Commission this afternoon?

25       A.   係，冇錯。我仍然維持我對cast monolithically嗰個睇法係咁樣嘅，

1 縱使裏面係有唔同嘅language，可能佢唔同嘅language有其他唔同嘅  
2 意思，但係我暫時喺呢度，我睇唔到其他嗰啲意思會因為咁樣影響咗我對  
3 個definition of monolithically嗰個改變嘅，因為我仍然stick  
4 on我頭先講嘅，APP-68嗰度亦都好清楚話到畀我哋聽所謂咩嘢叫做  
5 “cast monolithically”。

6 MR CONNOR: Thank you very much, Mr Ma. I have no further  
7 questions, but please remain there because Mr Boulding  
8 may have some. Thank you.

9 Re-examination by MR BOULDING

10 MR BOULDING: Yes. Good afternoon, Mr Ma. I have just one  
11 or two questions for you.

12 Do you remember being asked many, many questions  
13 about retrospective records?

14 A. Yes.

15 Q. I wonder if we could have put on the monitor one of the  
16 documents you were asked about. That's B7, page 4555.

17 You will remember, will you not, being asked several  
18 questions about this document, Mr Ma?

19 A. Yes, I remember.

20 Q. Do you see, down at the bottom left-hand corner, Kobe  
21 Wong's signature against the date of 10 February 2017?

22 A. That's right.

23 Q. Do you recall it being suggested to you that this was  
24 misleading because it suggested that this record was  
25 prepared contemporaneously with the execution of the

1 coupler works?

2 A. Excuse me, can you repeat once again?

3 Q. Yes. Do you remember it being suggested to you that  
4 this document, and in particular the date of 10 February  
5 2017, could be thought to be misleading, as it suggested  
6 that the document had been prepared on that date,  
7 10 February 2017?

8 A. 冇人咁同我講過。

9 Q. No, but it was suggested to you; do you recall that  
10 being suggested to you?

11 A. 係, 冇, 冇錯, 冇人咁問我。

12 Q. I wonder if we could look at another document together:  
13 B5/2902.

14 I don't know whether you've seen this document  
15 before, Mr Ma, but it's a document produced by MTR, and  
16 it's a track slab construction pour summary. Have you  
17 seen this before?

18 A. Yes, 我見過。

19 Q. We can see, can we not, that on the left we've got the  
20 various areas of the Hung Hom construction works?

21 A. 係, 冇錯。

22 Q. Going across the top, we've got columns, have we not,  
23 firstly for "Bay number"?

24 A. 係。

25 Q. Secondly, "Completion of blinding"?

1 A. 冇錯。

2 Q. And then "Commencement of rebar"?

3 A. 係。

4 Q. "Completion of rebar"?

5 A. 喺。

6 Q. And then the "Concrete pour date"?

7 A. 係，正確。

8 Q. I think that will suffice for my purpose, but if we look  
9 at the completion of rebar dates -- and perhaps it's  
10 easier to work up from the bottom -- do we see that all  
11 of areas C1, C2 and C3, the rebar was all completed in  
12 2015?

13 A. 冇錯，即係除非去到area B有一、兩個bay係去到2016年頭，類似嗰啲，  
14 基本上係。

15 Q. You're ahead of me there because I was going to take you  
16 up to area B.

17 But then if we go above that to area HKC, we can  
18 see, can we not, that the last rebar was put in on  
19 11 August 2016; do you see that?

20 A. Yes，我見到。

21 Q. And indeed that was also the date of concrete pour?

22 A. 係，冇錯。

23 Q. Then, to complete this, if we just look at area A, we  
24 can see, can we not, that all of the rebar was completed  
25 in 2015?

1 A. For area A, yes, 冇錯。

2 Q. Going back to the document we were looking at, please,  
3 which is B4555, and if we go back down, please, to  
4 Mr Wong's signature and the date of 10 February 2017, we  
5 can see, can we not, that that date is, what, some six  
6 months after the last rebar was fixed; is that correct?

7 A. Correct.

8 Q. So would it follow from that that anyone looking at this  
9 document would realise that it could not have been  
10 prepared contemporaneously with the carrying out of the  
11 coupler works?

12 A. Correct.

13 Q. Thank you.

14 Now, I'd like to stay with the retrospective  
15 records, and I wonder if you can be kind enough to go to  
16 B7/4546, so we're probably pretty close. 4546.

17 Do you see that there are six items there?

18 A. 見到。

19 Q. Do you see that items 5 and 6 relate to "Additional  
20 drill-in bars drilled to correct depth" and "Additional  
21 drill-in bars fixed with Hilti RE500"?

22 A. 見到。

23 Q. Do you remember it being suggested to you by the learned  
24 Chairman that those two items should not have been on  
25 this form at all? Do you remember that being suggested  
26 to you?



1 A. I remember.

2 CHAIRMAN: Sorry, if I did -- I have no idea whether it  
3 should have been on the form or not.

4 MR PENNICOTT: I think it was Mr Khaw who might have said  
5 it.

6 MR BOULDING: Sorry, sir, Mr Khaw.

7 You will see that they have been crossed out. Do  
8 you know who crossed those out?

9 A. 如果有記錯，係我cross out嘅。

10 Q. And can you just tell us why you crossed them out?

11 A. 因為我發覺我忘記咗喺第5同第6個item係唔需要或者係我哋冇睇到呢兩個  
12 item嘅，所以我就cross out咗。

13 Q. Okay. Then if we could complete this part of our  
14 discussions, could you go to B7/4538.

15 This time, we've got items 1 to 4 shown, have we  
16 not?

17 A. 冇錯。

18 Q. But it's clear, is it not, that there are no items 5 to  
19 6 on this particular document?

20 A. 係，冇錯，因為我喺嗰個soft copy嗰陣時我已經delete咗。

21 Q. And again, I think I know your answer, why did you  
22 delete those two items?

23 A. 哦，係，冇錯，因為係唔需要我哋係對嗰兩個item有做inspection嘅。

24 Q. And insofar as items 5 and 6 were shown on these  
25 checklists, do I understand that that was a mistake on

1 your part?

2 A. 係一個mistake嚟嘅，冇錯。

3 Q. There is just one further matter I would like to ask you  
4 about. Do you remember being asked by -- again, I think  
5 it was Mr Khaw -- you were asked about the checklist  
6 shown to the BD and the RDO at the beginning of June,  
7 I think it was?

8 A. Yes.

9 Q. I think it was suggested to you, Mr Ma, that you and  
10 your supervisors had initiated the use of the template  
11 from Leighton; do you remember that being suggested to  
12 you?

13 A. 冇錯。

14 Q. I wonder if I can just read from the transcript.  
15 I don't think we can get it up, but I'll read slowly.  
16 This time the Chairman came in and said -- for the  
17 record, this is [draft] page 114:

18 "So, if I understand this correctly, the Buildings  
19 Department had seen your summary sheet; they were  
20 unhappy with that. You then went back and reported the  
21 unhappiness of the Buildings Department to your  
22 superiors, and they suggested that the template forms  
23 should be prepared; correct?"

24 Then you said:

25 "Yes, you could put it that way."

26 Then the Chairman pursues his line of questioning

1 and says:

2 "Then you went back to the Buildings Department,  
3 with these template forms, you did not say to them or to  
4 their representatives, 'We don't have any old forms but  
5 we've managed to make up some records recently and will  
6 these be sufficient?' You just gave them to them?

7 Answer: No, I did not say that."

8 Do you remember that exchange with the learned  
9 Chairman?

10 A. Yes.

11 Q. I wonder whether you could be shown document H40112.  
12 Splendid.

13 This is a witness statement of Wong Wing Wah, and  
14 you will see from paragraph 1 that he's a structural  
15 engineer in the Buildings Department, and that he was  
16 seconded to the Railway Development Office of the  
17 Highways Department since 8 August 2016.

18 Now, have you had an opportunity to read this  
19 statement, Mr Ma?

20 A. 我略略有睇過。

21 Q. Well, I wonder whether you would be kind enough to  
22 glance at it again, in particular paragraph 10 on  
23 H40114.

24 Then if you could just take the opportunity to  
25 familiarise yourself with that. You can see that he  
26 says:

1            "In addition, upon reading the relevant documents,  
2            I recall we requested MTR to provide the completed QSR  
3            from the contractors as well as MTR. Ben Chan said that  
4            the QSR from MTR was not available at that moment.  
5            I asked whether the responsible quality control  
6            supervisor could be invited to the site office.  
7            Afterwards, Kobe Wong, the inspector of works of MTR who  
8            claimed to be the quality control supervisor for coupler  
9            works, came to the site office. He showed me a document  
10           entitled '1112 coupler installation checklist', which  
11           was a one-page summary setting out the date of  
12           inspection, location and 'pass/fail'. He told me this  
13           one-page summary was the coupler checklist of MTR as  
14           required in the QSP. I told him that, under the QSP,  
15           the MTR's coupler inspection records should be in the  
16           same form as the sample checklist set out in the  
17           appendix to the QSP (which was meant to be an on-site  
18           checklist for coupler inspection). I also referred Kobe  
19           Wong to Leighton's coupler inspection checklists and  
20           told him that MTR checklists should be in the same form,  
21           but the frequency of inspection referred to in the two  
22           sets of checklists should be different."

23           Were you aware of this evidence from Mr Wong  
24           Wing Wah, Mr Ma?

25           A. 我係aware曾經有人講過呢啲嘢，究竟係咪黃永華（譯音）呢？我就唔知，  
26           因為嗰陣時我唔識佢嘅，但係有人同我講過呢啲咁嘅嘢。

1 Q. Anyway, we have now seen the source of the evidence,  
2 have we not?

3 A. 啱。

4 MR BOULDING: Thank you very much, Mr Ma.

5 Sir, I don't know whether you have any questions.

6 CHAIRMAN: No. Thank you very much indeed.

7 MR BOULDING: Thank you, Mr Ma. I assume you can be  
8 released.

9 WITNESS: Thank you very much.

10 (The witness was released)

11 MR PENNICOTT: Sir, that takes us neatly to 5 past 5.

12 CHAIRMAN: Yes.

13 MR PENNICOTT: Sir, I don't know whether I can just detain  
14 us for a few minutes longer, just to raise one matter.

15 CHAIRMAN: Yes.

16 H O U S E K E E P I N G

17 MR PENNICOTT: It's this. You may recall that on

18 26 November, some days ago, a few days ago, we received  
19 from the MTR -- sorry, it's bundle B19/25690; no need to  
20 get it up -- a document called "MTRC's holistic proposal  
21 for verification and assurance of as-constructed  
22 conditions and workmanship quality at the Hung Hom  
23 Station Extension", and it's a document listing  
24 proposals which, amongst many other things, proposes  
25 opening up of the slabs, and the EWL slab in particular.

26 At the same time as receiving that holistic

1       proposal, we were informed, the Commission was informed,  
2       that the government had commented on the proposal, and  
3       that the MTRC was considering those comments, with  
4       a view to revising the proposal to incorporate the  
5       government's comments. We were also, although this is  
6       by the by, informed that a press conference might take  
7       place in fact this week, which as far as I'm aware has  
8       not yet taken place.

9       Sir, earlier today, those instructing me first of  
10      all wrote to the MTRC, or those instructing Mr Boulding,  
11      rather, that is Mayer Brown, asking them whether, on the  
12      subject of the opening-up, they could provide us with  
13      an update, because of course this is a matter which  
14      directly affects the Commission and directly affects the  
15      timetabling of the Commission's work as we move forward.

16      We asked for various information regarding potential  
17      method statements and schedules of work, if that were  
18      indeed going to take place.

19      We subsequently thought it appropriate to copy that  
20      email requesting further information to the government,  
21      asking them to comment as well. It is right that we  
22      have asked for a formal response to our various queries  
23      about what is happening about the opening-up by close of  
24      business on Thursday this week. However, I stand up now  
25      because it occurs to me that this is a matter of some  
26      concern, certainly to me, and having had certain

1           communications with the Commission's expert, structural  
2           engineering expert, of some concern to him as well.

3           It really would be of great assistance to the  
4           Commission if both MTRC and the government could give us  
5           an update as soon as possible as to what is happening  
6           about the opening-up of the EWL slab, if that is what's  
7           going to happen, because the sooner we know what is  
8           going to happen, the sooner we are in a position to  
9           constructively move forward particularly with the expert  
10          evidence.

11          I appreciate, of course, that this is not  
12          straightforward, but it has taken an awful lot of time  
13          and I know there's been a lot of communication between  
14          MTRC and the government, most of which appears to have  
15          been disclosed to the Commission and which we've  
16          considered from time to time. But there is no doubt  
17          that every time the MTRC put forward a proposal, it gets  
18          met with a huge number of queries from the government,  
19          various government departments, and as we know also the  
20          expert advisory team assisting the government.

21          However, it seems to us that this is really a matter  
22          that's coming to a head, because either this is going to  
23          take place or it's not, and the Commission really does  
24          need to be put into the picture as to what is happening.

25          As I say, if either my learned friend Mr Boulding or  
26          Mr Khaw is able to assist before the formal response on

1 Thursday, we would be immensely grateful for any  
2 information that they are able to give us.

3 MR BOULDING: Sir, if I might just put on record that whilst  
4 I have not yet seen the email that Mr Pennicott referred  
5 to, he did have the courtesy to raise this matter with  
6 me at lunchtime. MTR realise just how urgent this is,  
7 but the reality of the situation is that the ball is  
8 very firmly in government's court.

9 We anticipate that there may well be approval  
10 tomorrow, and of course once there is approval we shall  
11 notify you immediately, and we will of course respond to  
12 the email that my learned friend has referred you to.

13 What I can say, though, is that we're up to 81  
14 opening-up locations at the moment. So I think anything  
15 further is best left to a written communication with my  
16 learned friend's solicitors so that there can be no  
17 misunderstanding of exactly where we are, where we want  
18 to be, and how we are going to get there. But certainly  
19 on our part we realise the need for considerable  
20 expedition because of the importance it must have to you  
21 and in particular writing your report.

22 CHAIRMAN: Yes. Thank you.

23 MR KHAW: Mr Chairman and Mr Commissioner, instead of saying  
24 whether the ball is in our court or it's in MTR's court,  
25 we can only say that we have given our comments, which  
26 have been considered by MTR. I have not been given



1 a chance to have any documentation yet in relation to  
2 an update from the last letter that we sent to MTR  
3 setting out our comments, but I have been told that  
4 something in writing will come out within the next  
5 couple of days. So I presume that something will come  
6 out on or before this Thursday. In fact, the legal team  
7 is equally anxious, if not more, to know what is going  
8 to happen in relation to the opening-up process.

9 CHAIRMAN: Thank you very much.

10 I will also mention, as far as developments are  
11 concerned, that I penned a letter to the Chief  
12 Executive-in-Council a while back, spelling out the fact  
13 that due to a number of compelling factors, more  
14 especially the inability to start this Commission of  
15 Inquiry earlier, the volume of evidence that is having  
16 to be considered and the complex issues that are  
17 collateral, such as the possibility of opening-up, and  
18 the fact that we would look to expert evidence which  
19 perhaps would be timely in respect of those issues as  
20 well, it's simply not been possible to meet the original  
21 reporting date.

22 The Chief Executive-in-Council, as I understand it,  
23 has been able, with the Executive Council, to consider  
24 the matter today, and our request to extend the date for  
25 the submission of the report to 26 February has been  
26 agreed. So that sort of very rough way forward that

1 I gave you a few days ago, I think hoping to finish  
2 factual evidence by the Christmas break, to come back on  
3 the 9th, when we have the Commission seated again, and  
4 to deal with the expert evidence as expeditiously as  
5 possible, to give you time then to put in your final  
6 submissions, and to give us, insofar as is possible, as  
7 close to one month as we can to hand in the report on  
8 the 26th. That, in broad terms, is the way forward now.  
9 Good.

10 MR PENNICOTT: Sir, I was tipped off that at 4 o'clock this  
11 afternoon the Chief Executive-in-Council indeed made  
12 that order for the time to be extended until  
13 26 February.

14 Sir, that just makes my observations regarding the  
15 opening-up even more pertinent, it would seem to me;  
16 that it is obvious that the sooner this gets underway  
17 the better, and even if, as Mr Boulding has indicated,  
18 it is contemplated something in the order of 81  
19 opening-up locations might be the ultimate goal,  
20 obviously that is going to take place, one would have  
21 thought, in stages, and the sooner it starts the better,  
22 and the sooner that the Commission's expert and no doubt  
23 other experts are able to observe and look at and  
24 consider and investigate what has been opened up, on  
25 a stage-by-stage basis, the better.

26 It seems highly unlikely to me that we are going to

1           have the benefit of viewing all 81 openings-up before  
2           you've got to report to the Chief Executive, but the  
3           more we see, the more that can be taken into account,  
4           surely that's got to be better for this Commission.

5   COMMISSIONER HANSFORD: Presumably, Mr Pennicott -- sorry to  
6           interrupt --

7   MR PENNICOTT: Not at all, sir.

8   COMMISSIONER HANSFORD: -- there must be a degree of  
9           prioritisation of these 81 locations?

10   MR PENNICOTT: Well, sir, indeed. Obviously I don't know --  
11           I'm not privy to the detail, but that must be right.  
12           Certainly looking at the holistic study that we were  
13           given a few days ago, at the end of November, there  
14           seems to be a prioritisation, maybe taking nine openings  
15           and then expanding to 20-something-odd, and then moving  
16           on in stages. Obviously we don't know what the revised  
17           proposal now says in that regard, but one hopes that  
18           there is indeed some sort of prioritisation taking  
19           place, yes, sir.

20   COMMISSIONER HANSFORD: Thank you.

21   CHAIRMAN: Good. Thank you all very much indeed.

22   MR PENNICOTT: Sir, tomorrow morning we will, I'm afraid, be  
23           going slightly out of order, as previously indicated, as  
24           Mr Aidan Rooney will be the first witness in the  
25           morning.

26   CHAIRMAN: Yes.

1 MR PENNICOTT: Then once Mr Rooney is finished, subject to  
2 any observations Mr Boulding has, we can then get back  
3 to the order we were going in, so it would then be  
4 Mr Louis Kwan, then followed by Mr Kobe Wong -- if  
5 Mr Kwan is available tomorrow.

6 MR BOULDING: That's absolutely correct, sir. Mr Rooney is  
7 very grateful for the indulgence he is being given by  
8 the Commission. He has to travel to Australia at the  
9 end of the week and wanted to give evidence in person as  
10 opposed to over a videolink, and in order to make sure  
11 he is finished Mr Pennicott has been kind enough to say  
12 he can be interposed tomorrow, then we are back to  
13 Mr Kwan. Thank you.

14 CHAIRMAN: Yes, thank you very much.

15 I would, as an aside -- and I think I'm joined by  
16 Prof Hansford in this -- say that obviously the  
17 questions of technology always play a role, but  
18 by and large, as a general overview, I think evidence  
19 given in this courtroom, in this Commission room, is  
20 preferable to evidence given by videolink, which (a)  
21 often is difficult to actually hear what's being said  
22 and (b) has a certain artificiality about it, no matter  
23 what the conditions. So it's very much to the  
24 Commission's advantage that we get to hear Mr Rooney in  
25 person.

26 Thank you all very much.

1 (5.19 pm)

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

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