

Page 1	Page 3
<p>1 Thursday, 6 December 2018 2 (10.02 am) 3 MR KWAN PAK HEI, LOUIS (on former oath in Punt) 4 (Simultaneous interpretation used only where specified) 5 Examination by MR PENNICOTT (continued) 6 MR PENNICOTT: Sir, good morning, and professor. 7 Good morning, Mr Kwan. 8 A. Good morning, Mr Chairman. Good morning, Professor. 9 Q. When we finished last night, we were discussing certain 10 issues concerning the RISC forms; you'll remember that? 11 A. I remember that. 12 Q. One of the points we were discussing was at what point 13 in time were the RISC forms actually submitted in 14 relation to the completion of the bottom mat of rebar 15 and the top mat. You'll remember that discussion? 16 A. I remember that. 17 Q. I'd like to -- have you had any further thoughts 18 overnight about that? Have you given it some thought or 19 not? 20 A. (Via interpreter) I did try to refresh my memory to find 21 the answer to the question yesterday. 22 Q. Would you like to tell us what you've been thinking 23 about? 24 A. All right. According to my recollection, yesterday we 25 looked at the date on the RISC form. The acceptance</p>	<p>1 is during the process of the rebar fixing. 2 CHAIRMAN: All right. And the purpose is to let you know 3 that the rebar fixing is taking place and that you will 4 be required to complete this form in due course? 5 A. Yes. 6 CHAIRMAN: And then? 7 A. Then, when the bottom mat rebar fixing has been 8 completed, I will go on site to have an inspection for 9 the bottom mat. 10 CHAIRMAN: Yes? 11 A. Then, after I inspect, when I find it's okay, then the 12 Leighton engineer will instruct the Fang Sheung workers 13 to commence the top layers -- top mat, sorry. 14 CHAIRMAN: And do you do anything with this advance copy? 15 Do you fill it out or make a note on it or anything like 16 that? 17 A. No, I didn't. 18 CHAIRMAN: Okay. Thank you. 19 A. Because from my point of view that advance form is 20 a notification to me, for me to have -- okay, Leighton 21 is now carrying out the rebar fixing works at that 22 particular bay. 23 COMMISSIONER HANSFORD: So, Mr Kwan, you saw the advanced 24 form as being some form of alert that this work was now 25 taking place so that you could organise your time</p>
Page 2	Page 4
<p>1 date was by SIOW. We received the RISC form and that 2 was the date when we received the RISC form. I remember 3 there may be some RISC form with some advance format on 4 bottom mat rebar fixing, it was a RISC form of 5 an advanced format. Leighton engineers would inform us. 6 There are occasions when this had happened. 7 CHAIRMAN: Sorry, I don't follow that. I do apologise. 8 A. Sorry, if I can explain in English. Actually, I just 9 explained that I actually received advance copy of that 10 RISC form, so, by the time we received the actual copy 11 of the RISC form, the date written on the RISC form is 12 actually written by our SIOW, our senior inspector of 13 works. But then, before that, during the process of the 14 bottom mat rebar fixing in progress, actually 15 I received -- on occasions, I received an advance format 16 of the form, so that I know that the rebar fixing is in 17 progress at that time, at that particular time. Then 18 the Leighton engineer would further ask me to go on site 19 for the formal inspection. 20 CHAIRMAN: All right. So you get an advance copy of the 21 RISC form, which means -- has the rebar fixing started 22 in a particular bay at that time, or is this a form 23 saying it will commence shortly? 24 A. I cannot confirm with what actually -- when actually the 25 advance RISC form has been given to me, but I believe it</p>	<p>1 accordingly; is that correct? 2 A. Correct. 3 COMMISSIONER HANSFORD: Okay. Thank you. 4 MR PENNICOTT: Right. Now, I looked at a couple of RISC 5 forms for a couple of areas with you yesterday 6 afternoon, and I think, in the light of that answer, 7 Mr Kwan, we'd better look at a couple more, just to see 8 whether we can hone this down a little bit more for our 9 purposes. 10 Could we look at -- let's have a look at area C1-4. 11 Could you be given, please, bundle B17/24199, and 98, 12 but it's 99 really for current purposes that we need. 13 It's the plan helpfully provided by the MTRC. 14 A. I see that. 15 Q. You'll be given a hard copy. It will be a bit easier. 16 It's the next page, sir. Both pages should be in 17 there, I think. 18 CHAIRMAN: Yes. 19 MR PENNICOTT: So if we look at B24199, and we look at 20 area C1 on the left-hand side of this sheet, and then we 21 look underneath at area C1-4, that's the one I'm looking 22 at. 23 A. I see that. 24 Q. And we can see that the rebar commenced on 14 September 25 2015; do you see that?</p>

Page 5	Page 7
<p>1 A. I see that.</p> <p>2 Q. And completed on 26 September 2015?</p> <p>3 A. I see that.</p> <p>4 Q. That shows a period of 12 days for both the bottom and</p> <p>5 top rebar to be completed, as I understand this</p> <p>6 document?</p> <p>7 A. Right, correct.</p> <p>8 Q. Indeed, if one casts one's eye along this, depending</p> <p>9 upon the precise size and configuration of the bays,</p> <p>10 they would take between 12 and 14 days to complete,</p> <p>11 broadly speaking? There were one or two that were</p> <p>12 longer, some of them shorter, but normally 13 or 14 days</p> <p>13 was about the sort of average?</p> <p>14 A. On average, yes.</p> <p>15 Q. So if you're right, Mr Kwan, one would be expecting,</p> <p>16 what, the advance copy that you mentioned to us about</p> <p>17 halfway through that period; is that right? Have I got</p> <p>18 that right, or would you get it at the beginning? At</p> <p>19 what point in time during the 12 days would you think</p> <p>20 you would receive it?</p> <p>21 A. I would say it's about midway, halfway of the process of</p> <p>22 the rebar fixing.</p> <p>23 Q. Yes. If one makes the assumption -- I don't know</p> <p>24 whether it's a correct assumption or not, but if one</p> <p>25 makes the assumption that the bottom and the top rebar</p>	<p>1 would that be there?</p> <p>2 A. I cannot recall precisely whether the name of the</p> <p>3 engineer is on there, but I believe so. I believe the</p> <p>4 name was on it. Just the date is missing from the</p> <p>5 advance format of the form.</p> <p>6 Q. Okay. Pause there. So at what point did the date of</p> <p>7 26 September and the time of 15:00 hours -- when did</p> <p>8 that get inserted onto the form, or did you receive</p> <p>9 a completely different and new form?</p> <p>10 A. I would say the time and the date, 26 September 2015,</p> <p>11 and the 15:00 hours, that was inserted by Leighton, and</p> <p>12 when I received the actual original form, which is</p> <p>13 received by our inspector team, the date and the time</p> <p>14 was already there.</p> <p>15 So I cannot be sure when that was inserted.</p> <p>16 Q. All right. So I think you're telling us, if I've</p> <p>17 understood it correctly, that you, in addition to the</p> <p>18 advance copy, would then receive a copy with these dates</p> <p>19 on it?</p> <p>20 A. Correct.</p> <p>21 Q. And what did you do with the advance copies?</p> <p>22 A. That is, the advance copy will be a notification to me,</p> <p>23 and my note -- what I mean by "note" is -- that is one</p> <p>24 kind of notification to me that the rebar fixing for</p> <p>25 that particular bay, for example for this one, C1-4, has</p>
Page 6	Page 8
<p>1 take approximately about the same amount of time to do,</p> <p>2 then that would be, I suppose, another assumption one</p> <p>3 can make, that you would get the advance RISC form</p> <p>4 halfway through?</p> <p>5 A. Correct.</p> <p>6 Q. Now, if we look at the RISC form for this particular</p> <p>7 area, which is to be found at H1/174.</p> <p>8 Do you have that, Mr Kwan?</p> <p>9 A. I see that.</p> <p>10 Q. Now, help us with this. When you got, as you suggest</p> <p>11 you did, an advance copy of this document, what would be</p> <p>12 on it?</p> <p>13 A. (Via interpreter) There would be the area B1-4 EWL slab,</p> <p>14 top mat and -- top and bottom steel.</p> <p>15 Q. So item, "Part A", (1) and (2) would be filled in,</p> <p>16 presumably (3), the drawing references, would be filled</p> <p>17 in, (4) could be filled in without any difficulty?</p> <p>18 A. Yes.</p> <p>19 Q. What about the next bit?</p> <p>20 A. As I recall, the date and the time of the inspection</p> <p>21 works, from the advance copy of the RISC form, that was</p> <p>22 not filled in.</p> <p>23 Q. So you would not, when you had the advance copy, see the</p> <p>24 date of 26 September or the time, and what about</p> <p>25 Mr Edward Mok's name and his position and his signature;</p>	<p>1 already commenced, and I can remind myself by the</p> <p>2 advance copy that I have actually inspected the bottom</p> <p>3 mat.</p> <p>4 Q. Let me put the question a different way: did you keep</p> <p>5 the copies, the advance copies, in your files?</p> <p>6 A. All right. After I signed the original form for this,</p> <p>7 with the date on the RISC form, I regrettably did not</p> <p>8 keep that record.</p> <p>9 Q. All right. So we don't have any of the, as it were --</p> <p>10 I'm not using this pejoratively but any of the blank</p> <p>11 advance copies, as it were? We presumably don't have</p> <p>12 them?</p> <p>13 A. Correct.</p> <p>14 COMMISSIONER HANSFORD: Can I just ask: were the advance</p> <p>15 copies in soft form or hard form?</p> <p>16 A. That was in hard form.</p> <p>17 COMMISSIONER HANSFORD: The advance forms were in hard form?</p> <p>18 A. Yes.</p> <p>19 COMMISSIONER HANSFORD: Okay.</p> <p>20 CHAIRMAN: And, as I understand it now, the advanced forms</p> <p>21 helped you in two ways: generally, they let you know</p> <p>22 that the rebar fixing was taking place in a particular</p> <p>23 bay; and secondly, that information enabled you to go</p> <p>24 down and check the bottom mat, at a convenient time.</p> <p>25 And then you received a brand-new, second copy, with</p>

Page 9	Page 11
<p>1 a date on it for inspection, which would indicate to you</p> <p>2 that, on that date, the bottom mat, which you had</p> <p>3 already inspected, and now the top mat, which you had</p> <p>4 not yet inspected, were ready for overall inspection?</p> <p>5 A. I would say so, yes.</p> <p>6 CHAIRMAN: But you didn't keep the advance copy, that was</p> <p>7 sort of just a kind of a reminder to you, a notice to</p> <p>8 you. But would you ever write down things on that</p> <p>9 advance copy related to your inspection of the bottom</p> <p>10 mat?</p> <p>11 A. Unfortunately, no, because, per my inspection, for</p> <p>12 example for this C1-4 bay, when I went down on site to</p> <p>13 carry out the inspection, I would normally take photo</p> <p>14 records, and if I see any I would say defects or</p> <p>15 something not according to the drawings, then I would</p> <p>16 ask the Leighton engineer to rectify it immediately</p> <p>17 on site.</p> <p>18 So that would be my routine inspection.</p> <p>19 CHAIRMAN: All right. The only problem I have, as</p> <p>20 a layperson, is -- what you seem to be saying is that</p> <p>21 the only record that you actually kept was</p> <p>22 a photographic one?</p> <p>23 A. Correct.</p> <p>24 CHAIRMAN: So you didn't write down in a notebook or you</p> <p>25 didn't inscribe onto a tablet or anything like that --</p>	<p>1 actually original?</p> <p>2 A. I would use the formal copy then.</p> <p>3 COMMISSIONER HANSFORD: Formal copy, okay.</p> <p>4 MR PENNICOTT: Mr Kwan, when you inspected the bottom mat of</p> <p>5 rebar, did you regard that as a formal inspection?</p> <p>6 A. I would say yes.</p> <p>7 Q. So the problem we have, or perhaps the gap we have, is</p> <p>8 there is actually no specific record of that particular</p> <p>9 formal inspection?</p> <p>10 A. In terms of RISC form, I think you're correct, because</p> <p>11 we just put down top and bottom mats into one RISC form.</p> <p>12 Q. Yes. And if you look at the RISC form that's on the</p> <p>13 screen at the moment, and we now look at "Part B", this</p> <p>14 RISC form, as I understand it, was received by one of</p> <p>15 your colleagues -- is it Mr Kung?</p> <p>16 A. Yes.</p> <p>17 Q. He was a senior inspector of works?</p> <p>18 A. At that time, yes.</p> <p>19 Q. And he signed it, and am I right in thinking that, what,</p> <p>20 he received it on 29 September; is that right? Is that</p> <p>21 what one infers from that date?</p> <p>22 A. I think so. That was received on 29 September.</p> <p>23 Q. All right. Then he has -- presumably this is all his</p> <p>24 writing -- he's then circled "ConE"; yes?</p> <p>25 A. I see that.</p>
<p>Page 10</p> <p>1 for example, "Half a dozen couplers are at slightly</p> <p>2 wrong angles, check [something or other]"; do you see</p> <p>3 what I mean? You didn't have anything more detailed</p> <p>4 written down?</p> <p>5 A. Sorry, Mr Chairman, but I didn't keep that kind of list</p> <p>6 or record.</p> <p>7 CHAIRMAN: You don't have to apologise to me. It may be</p> <p>8 that what I'm -- I'm just asking to try to get</p> <p>9 an understanding of how the whole process worked, that's</p> <p>10 all.</p> <p>11 A. Right. Because the RISC form, no matter the advance</p> <p>12 format or the original format, there is no list attached</p> <p>13 to the RISC form.</p> <p>14 MR PENNICOTT: Yes.</p> <p>15 A. So I presumably -- when I went on site, I just checked</p> <p>16 against the drawings, the working drawings, and took the</p> <p>17 photo records, but I didn't write down anything on that</p> <p>18 particular bay.</p> <p>19 MR PENNICOTT: Yes.</p> <p>20 COMMISSIONER HANSFORD: Mr Kwan, when you talk about the</p> <p>21 original copy, it's not actually original, is it? Do</p> <p>22 you mean the formal copy?</p> <p>23 A. Formal copy, right.</p> <p>24 COMMISSIONER HANSFORD: Because obviously the advance copy</p> <p>25 comes before the formal copy, so the advance copy is</p>	<p>Page 12</p> <p>1 Q. Which is you, and he's written your name?</p> <p>2 A. Yes.</p> <p>3 Q. And so he has passed the form to you, so that you know</p> <p>4 that you've got to go and do the inspection of the top</p> <p>5 mat?</p> <p>6 A. Correct.</p> <p>7 Q. And he's also written -- I think we covered this</p> <p>8 yesterday, it's his writing, "Late submission", not</p> <p>9 yours?</p> <p>10 A. The "Late submission" was written by Mr Kung.</p> <p>11 Q. Mr Kung, yes. You then have -- either he has or you</p> <p>12 have -- put your name in, your position, and you've</p> <p>13 signed it; do you see that? Is that your signature,</p> <p>14 I presume?</p> <p>15 A. That is my signature, yes.</p> <p>16 Q. But you haven't dated it?</p> <p>17 A. Right.</p> <p>18 Q. Is there any reason for that?</p> <p>19 A. Perhaps I forgot to do so.</p> <p>20 Q. All right. But anyway, that's the way it would work: he</p> <p>21 would receive it, he would pass it to you, you do the</p> <p>22 inspection and you sign it off?</p> <p>23 A. After my inspection, I would sign it off, yes.</p> <p>24 Q. Right. And it follows that you could not have done the</p> <p>25 inspection if you didn't receive this before</p>

Page 13	Page 15
<p>1 29 September, before 29 September; is that right?</p> <p>2 A. Sorry, can you repeat the question again?</p> <p>3 Q. Yes. If Mr Kung did not receive this document until</p> <p>4 29 September, the earliest he could have passed it to</p> <p>5 you was on that date?</p> <p>6 A. Yes.</p> <p>7 Q. And therefore the earliest that you could have done the</p> <p>8 inspection of the top rebar was the 29th?</p> <p>9 A. I may disagree on that, because, in a way, perhaps</p> <p>10 I actually discussed this point yesterday when we talked</p> <p>11 about the bottom mat, because the engineers from the</p> <p>12 Leighton side, they would inform me to tell me that,</p> <p>13 "Okay, Louis, the top mat is now completed, so would you</p> <p>14 mind going on site for the formal inspection", and given</p> <p>15 that the RISC form, perhaps due to some administration</p> <p>16 reasons from Leighton side, the form has not been passed</p> <p>17 to us in a timely manner, so the form, I would say the</p> <p>18 formal RISC form, would be delivered to us perhaps on</p> <p>19 a later date or a later time.</p> <p>20 But, from my memories, I would say that the Leighton</p> <p>21 engineers would ask me to go on site for formal</p> <p>22 inspection.</p> <p>23 Q. Well, Mr Kwan, this is getting even more confusing. The</p> <p>24 relevance of that last point is that we know -- you can</p> <p>25 look on the MTR sheet that I've showed you, on the</p>	<p>1 to do some remedial work, put in a dowel, as it's been</p> <p>2 called here, or something like that, that wouldn't be</p> <p>3 recorded in any way?</p> <p>4 A. May I add one point?</p> <p>5 CHAIRMAN: Yes.</p> <p>6 A. I was not actually assigned for the inspection of the</p> <p>7 couplers for the EWL slab and also -- I mean, between</p> <p>8 the slab and slab connections and the D-wall to slab</p> <p>9 connections, I was not assigned for -- I was only</p> <p>10 responsible for the inspection for the couplers.</p> <p>11 CHAIRMAN: You were just inspecting the steel cage work?</p> <p>12 A. The rebars within the slab, the 3 metre slab.</p> <p>13 CHAIRMAN: Okay. So the same principle would apply: you</p> <p>14 would inspect, see everything was okay; if you had to</p> <p>15 fix something, you would do that on the spot, in the</p> <p>16 sense that you would get it done?</p> <p>17 A. Correct.</p> <p>18 CHAIRMAN: Then there wouldn't be a record kept of that</p> <p>19 anywhere?</p> <p>20 A. Because let's say the spacing of the rebar is not</p> <p>21 correct, not according to the drawings, I would ask the</p> <p>22 engineer from Leighton to correct that, and right on the</p> <p>23 spot that was solved already, right on the spot.</p> <p>24 CHAIRMAN: Yes.</p> <p>25 A. So that was -- when the problem was solved on the spot,</p>
Page 14	Page 16
<p>1 plan -- that the concrete was actually poured in this</p> <p>2 bay on 29 September.</p> <p>3 A. I see that.</p> <p>4 Q. So you seem to be saying you inspected the top mat</p> <p>5 before 29 September.</p> <p>6 A. That would be a normal case.</p> <p>7 Q. Yes, despite not having received the formal RISC form?</p> <p>8 A. Right.</p> <p>9 Q. So you just had a call or a WhatsApp or a message from</p> <p>10 one of the Leighton engineers to go along and inspect?</p> <p>11 A. Some occasions, yes.</p> <p>12 Q. Okay.</p> <p>13 CHAIRMAN: So what these RISC forms are saying, effectively,</p> <p>14 then -- would I be correct -- is this: "I have inspected</p> <p>15 both the bottom mat and the top mat, and although I have</p> <p>16 not put down or in any way recorded any problems that</p> <p>17 were initially found with either the bottom mat or the</p> <p>18 top mat, and although the actual date of my inspections</p> <p>19 are no longer known, because the date on this formal</p> <p>20 document may not tie in with that, whatever problems may</p> <p>21 have been have been checked and rectified, and I'm</p> <p>22 giving the all-clear"?</p> <p>23 A. That was correct.</p> <p>24 CHAIRMAN: All right. So if there were, for example, three</p> <p>25 or four couplers that were out of alignment and you had</p>	<p>1 I don't think it's necessary to record down on the RISC</p> <p>2 form.</p> <p>3 CHAIRMAN: No. Okay. So you would then either be there</p> <p>4 while that's done or come back a bit later to check that</p> <p>5 it has been done?</p> <p>6 A. Both correct.</p> <p>7 MR PENNICOTT: Can I just go back to your answer a moment</p> <p>8 ago to the Chairman's question regarding the couplers.</p> <p>9 What do you mean when you say you weren't responsible</p> <p>10 for inspecting the couplers?</p> <p>11 A. Perhaps I can explain this in Cantonese, if you --</p> <p>12 Q. Please do, if it's easier.</p> <p>13 A. (Via interpreter) On 1 April 2014, when I joined the MTR</p> <p>14 Corporation, I knew that there were diaphragm wall</p> <p>15 works, and at that time I knew that there were coupler</p> <p>16 connections at the diaphragm wall. The division of work</p> <p>17 went like this. Our inspector team would be responsible</p> <p>18 for the coupler connections at the diaphragm wall and</p> <p>19 the inspections, and after that was done for the 3 metre</p> <p>20 EWL slab, no superiors told our engineers to be</p> <p>21 responsible for the coupler inspection records. Without</p> <p>22 such clear instruction, I thought that the</p> <p>23 responsibility of coupler connection inspection still</p> <p>24 lied with our inspector team.</p> <p>25 Q. But let's just suppose you're going along to inspect the</p>

Page 17	Page 19
<p>1 top mat of rebar. Surely you're checking to ensure that 2 the rebar is properly screwed into the couplers, if 3 there are couplers, I'm sure you're checking that, are 4 you not? 5 A. To be precise, I personally didn't make that record, 6 because I was not assigned to inspect the coupler 7 record. 8 CHAIRMAN: Sorry, I must have this wrong. I'm sure I do 9 have it wrong and I apologise before I start. But what 10 you seem to be suggesting is that your job was to check 11 the rebar cages, if I can put it that way, in the slab; 12 okay? 13 A. The top mat and bottom mat for the slab. 14 CHAIRMAN: Yes, top mat, bottom. You didn't check the 15 connection of that into the diaphragm walls or into the 16 joints or anything like that. You didn't check the 17 couplers? 18 A. Formally, I was not assigned to check the coupler. 19 CHAIRMAN: All right. Now, you had somebody else checking 20 the couplers, and did they have their own RISC forms 21 that they completed, just purely for couplers? 22 A. From the records that we've got so far, I do not think 23 so. 24 CHAIRMAN: Okay. 25 A. In terms of the RISC form, sorry.</p>	<p>1 CP should assign a quality supervisor for the couplers 2 inspection. That person will be equivalent as -- at 3 least he or she should have a minimum qualification 4 equivalent to a T3. But in that particular point, 5 none -- I don't think, at least myself, I was not 6 assigned to carry out to be that quality control 7 supervisor for the CP stream. 8 So, for that particular point, I didn't go out and 9 check the couplers. 10 CHAIRMAN: All right. I appreciate that. And we're not 11 talking here about whether there was any checking or 12 not. We're just talking about records, I think, at the 13 moment. You're saying that your formal inspections of 14 the bottom mat and the top mat did not include couplers; 15 right? 16 A. Correct. 17 CHAIRMAN: So your completion of the RISC forms did not 18 include an assertion that the couplers had been 19 inspected by you? 20 A. Correct. 21 CHAIRMAN: The inspection of couplers, as you understood it, 22 was done by duly qualified people, that is people who 23 stood at T3 status? 24 A. And also suggested by the CP. 25 CHAIRMAN: And it was done separately? You didn't go</p>
Page 18	Page 20
<p>1 CHAIRMAN: And this is where I have to be wrong -- obviously 2 I am -- would it be correct to say, then, that nobody 3 recorded that they had actually checked the couplers? 4 A. I can only speak for myself. I didn't make that record. 5 But I'm not sure whether my other colleagues -- whether 6 they did the records or not, they did the inspection or 7 not. 8 COMMISSIONER HANSFORD: Sorry, Mr Kwan, I wonder if we're 9 mixing things up here. You're being asked about who 10 inspected and the answers you're giving is about 11 records. I don't think the question here is about 12 records. I think the question is: did you do those 13 inspections? 14 A. I did the inspection for the EWL slab. 15 COMMISSIONER HANSFORD: Including the couplers? 16 A. Not including the couplers. 17 MR PENNICOTT: Not including couplers. 18 COMMISSIONER HANSFORD: Okay. 19 A. Because -- may I add one more point? 20 CHAIRMAN: Yes. 21 A. Actually I mentioned one point, which is the way that 22 we -- between the engineer and the inspector; right? 23 CHAIRMAN: Yes. 24 A. The other point is when you can refer to the BD approval 25 letter, acceptance letter, there is a condition that the</p>	<p>1 together and do this? 2 A. No, I didn't. 3 CHAIRMAN: They did their inspection at some stage, and you 4 did yours at some stage? 5 A. I suppose, yes. 6 CHAIRMAN: And, if they kept records of their particular 7 inspection, because they were duly qualified and they 8 had the obligation to do so in terms of the contract, 9 you don't know what records they kept? 10 A. I don't know. 11 CHAIRMAN: Thank you. 12 Sorry, one final thing, therefore, just so that 13 I understand it. The RISC forms, therefore, which were 14 not -- they don't have anything there to be completed by 15 the T3 person; right? So those RISC forms in fact are 16 not a confirmation that the couplers have been inspected 17 and found to be all in good order? 18 A. I can only speak for myself, because when I signed this 19 RISC form, I just signed based on my inspection. 20 CHAIRMAN: I appreciate that, yes. But from looking at the 21 RISC forms that you handed in, day by day, week by week, 22 and signed, looking back on those now, there's nothing 23 contained in them, to your memory, that is a specific 24 confirmation by the T3 inspector -- we'll call that 25 person the T3 inspector -- that the couplers have</p>

Page 21	Page 23
<p>1 actually been inspected and found all to be in good 2 order? 3 A. Based on this RISC form, I don't think you can say that 4 the couplers were inspected based on this record, 5 because I signed this record, and I can confirm that 6 I didn't do the couplers record. I only based on the 7 top mats and bottom mats. 8 CHAIRMAN: Apologies. Last question. So, in other words, 9 these RISC forms are not confirmation in any way that 10 the couplers were inspected; they are confirmation of 11 what you inspected? 12 A. Correct. 13 COMMISSIONER HANSFORD: I'm sorry to further delay it, but 14 I just want to clear up one thing, because the Chairman 15 was talking about the T3 person. Am I right you're also 16 a T3? 17 A. I was. I was a T3 for this CP stream. 18 COMMISSIONER HANSFORD: All right. Thank you. 19 MR PENNICOTT: So who was the T3 person from MTR, the CP 20 stream -- forget about Leighton, let's just focus on 21 MTR -- who was the T3 person in the CP stream who was 22 inspecting the couplers on behalf of the MTR? 23 A. Well, in the CP stream, at that time, the T3 included 24 myself and Mr Derek Ma. We were the TCP-T3. 25 But I would like to add one more point: because the</p>	<p>1 MR PENNICOTT: I just simply don't understand that, Mr Kwan. 2 You were going around, inspecting the rebar. It was 3 known that obviously one of the key features, where 4 there were couplers -- of course we know there weren't 5 couplers everywhere -- was the connection, whether or 6 not the rebar had been properly screwed into the 7 couplers. And you didn't see that as your 8 responsibility, to check whether that connection was 9 done properly? 10 A. If you can refer to my witness statement. Actually 11 I have mentioned that I personally, despite that, I am 12 not sure whether I should carry out, to do the QSP 13 records, the coupler inspection records, I personally 14 had gone on site on occasions that I actually asked 15 Leighton to check the couplers, with the Leighton 16 engineers. 17 Q. But we're talking about the formal inspections now, 18 Mr Kwan, both the bottom mat and the top mat, when you 19 came to do the formal inspections, and it seems to be, 20 from what you've been telling us, that you didn't see it 21 as your responsibility at that point in time, when you 22 were doing the formal inspections, that you were 23 required to ensure -- inspect and ensure -- that the 24 threaded rebar was properly connected into the couplers. 25 A. I would say that the inspector would have inspected</p>
Page 22	Page 24
<p>1 spirit of the approval clause, CP should advise, should 2 suggest a person, a quality supervisor who should have 3 a minimum qualification of a T3. That doesn't say the 4 CP stream T3 has to be that quality control supervisor. 5 That is how I interpret that particular paragraph in the 6 acceptance letter. 7 So, in my opinion, because I was not informed by any 8 of my senior management members, including my 9 construction manager at that time, my senior 10 construction engineer at the time, so I'm not sure 11 whether I was the suitable person to carry out the 12 coupler inspection, given that at that time, for the 13 diaphragm wall, our inspector team were the persons to 14 carry out the coupler inspections and complete the QSP 15 at that time. So that was my opinion. 16 CHAIRMAN: So the result was you carried out your inspection 17 of what I'll call the rebar or the cages, the steel 18 cages -- 19 A. Top mats and bottom mats, yes. 20 CHAIRMAN: -- you did all of that, you satisfied yourself 21 all of that was correct, correctly spaced, correctly 22 tied and everything else, but you did not check the 23 viability of the attachment of those cages by way of the 24 couplers or -- 25 A. Based on this RISC form, yes.</p>	<p>1 the -- 2 Q. Which inspector? 3 A. We've got our inspector team and I'm not sure which 4 inspector has actually inspected the couplers, but 5 I think -- 6 Q. Sorry, but in the T3 stream -- 7 A. Yes, CP stream. 8 Q. -- so far we've got you and we've got Mr Ma. Who are 9 the other candidates for doing the inspection of the EWL 10 slab coupler connections with the rebar? 11 A. Like I mentioned earlier, I took the fact that our 12 inspector team carried out the coupler inspection for 13 the diaphragm walls, so I assume that the inspector team 14 would carry on to carry out the coupler inspection for 15 the EWL slabs. 16 Q. And you can't identify these people? 17 A. Our inspector team, could be Mr Kobe Wong, Mr Dick Kung 18 They are our inspector team. They are the inspectors 19 within our team at the time. 20 Q. So, if I've got this right, when it came to the formal 21 inspections of the bottom and top mats of rebar, you 22 didn't -- you'd received the RISC form, an advance copy, 23 you'd received the actual RISC form, albeit -- 24 A. Formal. 25 Q. -- you may have received it a bit later; I understand</p>

	Page 25		Page 27
1 that. 2 There was at that stage, at the formal stage, by the 3 MTR, no inspection of the connection of the rebar to the 4 couplers, at that stage? 5 A. You mean the top or bottom? 6 Q. The top and bottom, both. 7 A. I can only say that I was not the one to carry out the 8 formal inspection of the couplers, but I did carry out 9 the formal inspection for the top mats and bottom mats. 10 Q. Yes, but there's no -- let's assume, at the moment, we 11 can find the RISC form simply to the rebar but without 12 any of the connections, which I have to say seems 13 slightly strange to me but there we are. There's no 14 other form that I'm aware of which records, in the way 15 the RISC form seeks to do, the inspection of the 16 connection of the rebar to the couplers. From what 17 you're saying, there almost ought to be a separate RISC 18 form for that function or for that inspection. 19 A. I'm sorry, I cannot be so sure about whether there is 20 another RISC form for the coupler inspections. But as 21 far as I'm concerned, about the top and bottom steel, 22 for this particular RISC form shown on the screen right 23 now, they were for the top and bottom mats. 24 Q. All right. Because we do have -- and let's just look at 25 this -- if one goes to page H172, just a bit further on	1 rather, that he ticked the box on number 5 because he 2 was aware that the RISC form in relation to the rebar 3 had been served and the inspections had been carried 4 out, and there was no question of doing a re-inspection; 5 he knew that that had been done, so he ticked the box, 6 and that may well be right. 7 But, in relation to the couplers, which is item 6, 8 "Starter bar boxes and couplers", again we've got the 9 tick there, there's something from Leighton but there's 10 nothing from the MTRC, is there, in relation to 11 couplers? They're not asked to countersign this 12 document or anything? 13 A. Sorry, Mr Pennicott, because I wasn't aware there was 14 such a form when I carried out the rebar inspection, 15 because, if I remember correctly, that is attached to 16 the pre-pour checklist which I was not responsible for. 17 Q. Right, but you're also right. It is, yes. 18 A. So I'm not sure why they ticked that box and based on 19 what information they have ticked the box. 20 Q. Understood. 21 A. But we were -- at least I was not asked to countersign 22 on this form. 23 Q. Right. I haven't quite finished on this, I'm afraid, 24 Mr Kwan, because I want to ask you about a slight 25 problem that you may be able to explain for us, in		
1 from where we were just now, we have this document that 2 Leighton have referred to, and we've looked at with one 3 or two witnesses. This is the cast in situ concrete 4 quality control checklist, and it's -- sorry, I thought 5 it was for the area we were on, but that's not right. 6 It doesn't matter for present purposes. 7 We can see that on this form, as I understand it, 8 "Signed by Leighton"; is that right, Mr Kwan? 9 A. I see that, I see Edward Mok's name. 10 Q. And at number 5 here, there's a heading "Reinforcement 11 fixing": "Size, number, length and spacing of bars", 12 et cetera. 13 Then at number 6 it says, "Starter bar boxes and 14 couplers": "Size, number, spacing, anchorage length, 15 level, rigidly fixed in position"; do you see that? 16 A. I see that. 17 Q. And the boxes have been ticked, to the right; do you see 18 that? 19 A. I see that. 20 Q. When I asked Mr Man Sze Ho about this particular form, 21 I accept I only asked him about it in relation to 22 item 5, and perhaps that was a mistake on my part -- 23 I should perhaps have asked him in relation to item 6 as 24 well but I assumed the answer was going to be similarly 25 applicable -- he told me, or told the Commission,	1 relation to area C1-2. 2 Could we just look at the plan again, and you will 3 see area C1-2 there. 4 A. I see that. 5 Q. And the rebar commenced on 1 August and finished on 6 19 August; do you see that? 7 A. I see that. 8 Q. So a period of some 19 days to do that particular area. 9 If we could then go to the RISC form for that area, 10 which you will find at H1/129. 11 A. I see the form. 12 Q. Let's just make sure -- it relates to C1-2, the area 13 that we're looking at? 14 A. According to part A, number (2), yes it is for C1-2, EWL 15 slab, yes. 16 Q. It was sent apparently on the 12th, this one, 12 August. 17 A. I see that. 18 Q. And anticipated an inspection on 13 August? 19 A. I see that. 20 Q. It's signed by Mr -- I think it's Pedro So, is it, on -- 21 A. I suppose, yes. 22 Q. -- 13 August. And I assume that you carried out 23 an inspection of the rebar thereafter? 24 A. Correct. 25 Q. Have you any idea when you carried out that inspection?		

Page 29	Page 31
<p>1 A. Do you mean when ...</p> <p>2 Q. Either the top or the bottom rebar. Have you any idea</p> <p>3 when you carried out --</p> <p>4 A. Sorry, I cannot recall 100 per cent correctly.</p> <p>5 Q. All right. Because this is an example of where the form</p> <p>6 does appear to have been sent, certainly in advance of</p> <p>7 the completion of the top rebar on 19 August, some six</p> <p>8 days beforehand, and although I see it's still called</p> <p>9 a late submission. Have you any idea why that is?</p> <p>10 A. I cannot recall precisely why I put the "Late</p> <p>11 submission", but -- no, I cannot recall 100 per cent</p> <p>12 correctly, sorry.</p> <p>13 Q. All right. But we're asked to assume, are we, Mr Kwan,</p> <p>14 that you must have inspected the bottom, and presumably</p> <p>15 the top, sometime before 19 August?</p> <p>16 A. Yes, correct.</p> <p>17 Q. Okay, when the concrete was poured -- sorry, when the</p> <p>18 rebar had completed?</p> <p>19 A. When the rebar completed for both top and bottom.</p> <p>20 Q. Yes, all right.</p> <p>21 CHAIRMAN: So the date here of 13 August, they have their</p> <p>22 own relevance, but the inspection would have been</p> <p>23 carried out sometime on or after 19 August?</p> <p>24 MR PENNICOTT: On or after 19 August, yes. Sorry, the</p> <p>25 bottom rebar could have been completed -- inspected</p>	<p>1 take turns to carry out the duties.</p> <p>2 CHAIRMAN: Was there any discussion ever or understanding</p> <p>3 between you as to formal inspections of the couplers?</p> <p>4 A. At that time, we didn't have such discussion.</p> <p>5 CHAIRMAN: All right.</p> <p>6 MR PENNICOTT: And there's certainly no question, is there,</p> <p>7 Mr Kwan, of Mr Ma, Derek Ma, who we've heard from</p> <p>8 already, being responsible for inspecting the coupler</p> <p>9 connections with the rebar for the slab? Because he</p> <p>10 tells us in his witness statement you did the vast</p> <p>11 majority --</p> <p>12 A. Correct.</p> <p>13 Q. -- of the work on the site, and that's how you split the</p> <p>14 job up.</p> <p>15 A. Correct, and that's why you can see so many forms that</p> <p>16 were signed by me in areas B and C.</p> <p>17 Q. And there's very few documents signed by him and a lot</p> <p>18 signed by you?</p> <p>19 A. That is correct.</p> <p>20 Q. All right. Somebody else might be able to make more</p> <p>21 sense of some of that.</p> <p>22 Can we just move on to a separate topic. No,</p> <p>23 actually, it's a related topic. Have you read the</p> <p>24 witness statement of Mr Andy Wong?</p> <p>25 A. No, I don't think so.</p>
Page 30	Page 32
<p>1 anytime after --</p> <p>2 CHAIRMAN: Oh, no, that would have been done. Yes.</p> <p>3 MR PENNICOTT: Well, who knows? Sometime before the 19th,</p> <p>4 and the top on the 19th or thereafter, yes.</p> <p>5 CHAIRMAN: Thank you.</p> <p>6 You worked with other -- did you have somebody else</p> <p>7 who you worked with, I don't mean shoulder to shoulder,</p> <p>8 but were you aware that there were people, other</p> <p>9 engineers who had your qualifications and your job, who,</p> <p>10 when you were not on duty, were doing the same sort of</p> <p>11 work as you, or were doing the same sort of work as you</p> <p>12 further along the line in different parts of the</p> <p>13 project?</p> <p>14 A. Well, I think within our CM team, the construction</p> <p>15 management team at that time, I was responsible for</p> <p>16 area B1 -- sorry, area B and C1, and actually there are</p> <p>17 other engineers, if you can refer to the organisation</p> <p>18 chart, Mr Chairman, that actually we got other engineers</p> <p>19 carry out the inspection for other places, in particular</p> <p>20 for areas B and C1.</p> <p>21 Actually, if you can refer to the SSP submission,</p> <p>22 actually myself and Mr Derek Ma were the T3, so I would</p> <p>23 say Mr Derek Ma would be my -- well, he was my ConE-I at</p> <p>24 that time, so we actually will swap. If I am on leave,</p> <p>25 if I was on leave, or either he was on leave, we both</p>	<p>1 Q. Could I ask you to just read a couple of paragraphs in</p> <p>2 his witness statement, please. It's B1/454, if you</p> <p>3 would like to start.</p> <p>4 Mr Kwan, this is part of the witness statement of</p> <p>5 Andy Wong, who we're going to be hearing from soon,</p> <p>6 I hope.</p> <p>7 A. Understood.</p> <p>8 Q. He says, at the bottom of the page, at 454 -- he's got</p> <p>9 a heading, "Second incident"; do you see that?</p> <p>10 A. I see that.</p> <p>11 Q. He says:</p> <p>12 "Sometime between 16 December 2015 and 31 December</p> <p>13 2015 ..."</p> <p>14 Pausing there, just to put us in context, this is</p> <p>15 after the events that gave rise to NCR157, which</p> <p>16 happened on 15 December, so we are after that date. He</p> <p>17 goes on to say -- sorry, Andy Wong is one of the site</p> <p>18 inspectors?</p> <p>19 A. Of course.</p> <p>20 Q. He says:</p> <p>21 "... during regular site surveillance in area C1</p> <p>22 bay 5 ..."</p> <p>23 Now, as I understand it, that's an area that you're</p> <p>24 responsible for?</p> <p>25 A. Correct.</p>

Page 33	Page 35
<p>1 Q. "... or area C3 bay 3 ..." 2 Which, as I understand it, is one of the areas you 3 say Mr Jeff Cheung was responsible for; is that correct? 4 A. Based on the RISC form, yes. 5 Q. Based on the RISC form, yes. He says: 6 "... I saw that there were 5 or 6 threaded steel 7 bars that were not screwed into the couplers. These 8 steel bars were located at the slab-to-slab 9 (construction joint) ..." 10 So we're at the construction joints, we're not at 11 the D-wall; okay? 12 A. Right. 13 Q. He says he immediately messaged Kobe Wong via WhatsApp 14 to report the situation and made a telephone call, and 15 then he received instructions from Kobe Wong. 16 Then he says this at 32: 17 "At the time when I noticed that the steel bars were 18 not properly connected, concreting works of that bay had 19 already commenced." 20 Now, was this a matter that was drawn to your 21 attention at the time, Mr Kwan; do you recall? 22 A. No. Andy Wong did not discuss with me for this issue, 23 at all. 24 Q. So you have no knowledge of this particular issue? 25 A. Correct.</p>	<p>1 Now, in paragraphs -- can we go to a completely 2 different topic now, Mr Kwan. In paragraphs 55 and 3 onwards in your witness statement, you give some 4 explanations in relation to a number of different 5 panels, I think three panels, as to the manner in which 6 you carried out the RISC inspections; do you see that? 7 A. I see that. 8 Q. I'm not going to go through all of this with you. 9 You've already explained that you weren't focusing on 10 the coupler connections, where there were couplers. 11 But, however, I think I'm right in saying, am I not, 12 Mr Kwan, that the three panels that you deal with -- 13 that's EH42, at paragraph 56, EH47, at paragraph 56.2, 14 and EM96 -- all ultimately had through-bars? 15 A. Yes. 16 Q. At the top layer? 17 A. At the top. 18 Q. Top mat? 19 A. Top mat. 20 Q. Sorry, top mat. My fault. 21 But, as I understand it -- a general point -- when 22 you were carrying out your inspections of those areas 23 that ultimately had through-bars in the top mat, the 24 working drawing that you had available to you still 25 showed the couplers; is that right?</p>
Page 34	Page 36
<p>1 Q. If it was in bay C1-5, that is the one that you're 2 responsible for, is it likely that Mr Andy Wong would 3 have contacted you, in those circumstances, rather than 4 Mr Kobe Wong? 5 A. I'm not sure about that, because normally the inspector 6 would report to their seniors, which I was not in the 7 position -- I was not technically Andy Wong's direct 8 supervisor. 9 Q. Okay. 10 A. So I'm not sure whether Andy Wong should have or would 11 have called me. 12 Q. All right. Now, he's not suggesting that any of the bar 13 was cut, and he's not suggesting, as I've indicated, 14 that this was at the D-wall; it was at the construction 15 joint connections. But he goes on to explain that, of 16 the five bars that he saw that were not properly 17 connected, only two could be remedied and three could 18 not, in the lower part of the top reinforcement, and 19 nonetheless it appears the concreting continued to be 20 poured. 21 So are you sure that this matter wasn't drawn to 22 your attention at all? 23 A. Not at all. 24 Q. All right. We can ask Mr Andy Wong and Mr Kobe Wong in 25 due course, but thank you for that.</p>	<p>1 A. Correct. 2 Q. But, since they had the two rows of rebar, you thought 3 it was appropriate to use those working drawings for the 4 purposes of inspecting the through-bars? 5 A. Correct. 6 Q. That's fine. Understood. 7 Now, if you then go back to paragraph 39 of your 8 witness statement. 9 A. Sure. 10 Q. You say this: 11 "During my routine site surveillance activities, 12 I have personally observed the top of the east diaphragm 13 wall panels being hacked off, followed by the 14 replacement of the coupler connections therein with 15 through-bars. Based on the site photos of the east 16 diaphragm wall which I have managed to review to this 17 date within the limited time available, this change has 18 been implemented in the majority of panels in the east 19 diaphragm wall, except for a limited number of panel 20 where the top of the panel was not trimmed and the 21 coupler connections were retained". 22 A. Correct. 23 Q. Then, at 39.1, which is the one I want to focus on, you 24 say: 25 "Underpinning in area B: panels EH44 (3 layers of</p>

Page 37	Page 39
<p>1 coupler connections) and EH45, 48, 50, 51 and 57 ..."</p> <p>2 A. Correct.</p> <p>3 Q. And, Mr Kwan, were you, before you went off to the</p> <p>4 Airport Authority, involved in the process of putting</p> <p>5 together, on behalf of the MTRC, the as-built</p> <p>6 information by reference to photographs and other</p> <p>7 material? Were you --</p> <p>8 A. Yes, I did assist in that process.</p> <p>9 Q. Right. And it's as a consequence of your involvement in</p> <p>10 that process, as I understand, that you're able to give</p> <p>11 this evidence about the particular panels that you</p> <p>12 mention in paragraph 39.1?</p> <p>13 A. Right, because I just refer to the -- before, say, July</p> <p>14 to October, I base on the photo records to make that</p> <p>15 statement.</p> <p>16 Q. Are you able to help me as to how it was concluded that</p> <p>17 EH45 is said to have couplers?</p> <p>18 A. I try my best, sir.</p> <p>19 Q. Can you recall now, or what do we need to look at?</p> <p>20 A. If there is any photos that I can refer?</p> <p>21 Q. Let me put it the other way around. To reach the</p> <p>22 conclusion that EH45 had couplers, what did you look at?</p> <p>23 Just photographs, or something more than photographs?</p> <p>24 A. Actually, I looked at the photographs, and also</p> <p>25 I should -- not "I should". I refer to the diaphragm</p>	<p>1 concerned, he said through-bars. Presumably, looking at</p> <p>2 that diagram, you would agree with him? Perhaps you</p> <p>3 wouldn't.</p> <p>4 A. I cannot comment on that because I didn't prepare this</p> <p>5 drawing and I don't know the intention behind how he</p> <p>6 used this particular drawing to prepare the rebar</p> <p>7 on site. So I cannot comment on that.</p> <p>8 Q. Right.</p> <p>9 A. But back to your question, I didn't refer to this</p> <p>10 drawing for the preparation of the as-built.</p> <p>11 Q. Right. If you didn't personally look at these drawings,</p> <p>12 are you aware as to whether the team that was working to</p> <p>13 put the as-built material together, whether they had the</p> <p>14 opportunity of looking at these drawings, or perhaps you</p> <p>15 don't know?</p> <p>16 A. Well, actually, I saw this drawing when I was still in</p> <p>17 MTR, but I'm not sure whether my colleagues did refer to</p> <p>18 this drawing for the preparation of the as-built</p> <p>19 drawings, as-built details.</p> <p>20 Q. Okay. Because, if Mr Pun is right, and if this drawing</p> <p>21 does show through-bars, it rather suggests that whatever</p> <p>22 photographs you might have been looking at, this rather</p> <p>23 suggests that there were indeed through-bars in those</p> <p>24 areas. I mean, would you agree, or perhaps you don't</p> <p>25 want to commit yourself?</p>
Page 38	Page 40
<p>1 wall as-built drawing as well at that time. So</p> <p>2 I believe these are the two main sources I referred to.</p> <p>3 Q. Did you have occasion to look at any Fang Sheung</p> <p>4 drawings?</p> <p>5 A. You mean back in 2015?</p> <p>6 Q. No, no, when you were doing this process of putting</p> <p>7 together the as-built situation.</p> <p>8 A. I did not refer to that.</p> <p>9 Q. Could I please show you a document at E3/542.</p> <p>10 Sir, you will recall this is a document we looked at</p> <p>11 with I think Mr Pun of Fang Sheung some time ago, around</p> <p>12 about Day 12, I believe.</p> <p>13 COMMISSIONER HANSFORD: Was it Mr Joe Cheung?</p> <p>14 MR PENNICOTT: No, it was Mr Pun, sir. I did double-check.</p> <p>15 COMMISSIONER HANSFORD: Thank you.</p> <p>16 MR PENNICOTT: Actually the reference for everybody else is</p> <p>17 transcript Day 12, page 77.</p> <p>18 This is a sketch, a drawing, as you can see, and</p> <p>19 it's in the Fang Sheung materials, and you can see at</p> <p>20 the bottom --</p> <p>21 A. I see that.</p> <p>22 Q. -- amongst others, EH45? Do you see that?</p> <p>23 A. I see that.</p> <p>24 Q. When I asked Mr Pun, the owner/managing director of</p> <p>25 Fang Sheung, what this showed so far as EH45 is</p>	<p>1 A. Like I said before, I can't comment on that because, you</p> <p>2 know, I was not in the position to prepare this drawing.</p> <p>3 Q. All right. The same point applies, Mr Kwan, in relation</p> <p>4 to EH48, just to the right there. The same question was</p> <p>5 put, in fact a composite question was put, to Mr Pun</p> <p>6 regarding EH48, and he again said that, as far as he was</p> <p>7 aware or concerned, by reference to this drawing, EH48</p> <p>8 also had through-bars. But again your evidence would be</p> <p>9 the same in relation to EH45?</p> <p>10 A. Yes.</p> <p>11 MR PENNICOTT: Okay.</p> <p>12 Sir, can I have one second, to make sure ...</p> <p>13 Thank you, Mr Kwan. I've got no further questions.</p> <p>14 WITNESS: Thank you, Mr Pennicott.</p> <p>15 MR CHANG: No questions from Leighton.</p> <p>16 Cross-examination by MR TO</p> <p>17 MR TO: Mr Chairman and Commissioner, I have just two</p> <p>18 questions.</p> <p>19 Mr Kwan, I represent China Technology and I just</p> <p>20 have two questions.</p> <p>21 A. Good morning.</p> <p>22 Q. Good morning. Can I take you to your witness statement,</p> <p>23 B387, please, paragraph 45.</p> <p>24 A. I see that.</p> <p>25 Q. Mr Kwan, you were asked specific questions about, for</p>

Page 41	Page 43
<p>1 example, whether there was shortening of rebars and so 2 forth, and you were asked whether, for example, it's 3 acceptable in terms of compliance with requirements, 4 standards and practice. 5 If you turn over to B388, at the very beginning you 6 said: 7 "... no need to cut the rebars or the threaded ends 8 in the work areas, whether with wire cutters or 9 otherwise." 10 Can you tell us your rationale behind why you are 11 saying that statement? 12 A. Sorry, Mr Chairman and member, can I reply in Cantonese? 13 (Via interpreter) As far as I understand, at that 14 time there was a bar bending machine at the site. The 15 machine belonged to Fang Sheung. The machine is used to 16 adjust the length of rebar. The reason why I think 17 there was no need to use wire cutter: because they could 18 use the bar bending machine to measure to the required 19 length, instead of having to do it at the worksite by 20 using other cutters to cut to the right length. 21 Q. Okay. Can I ask you, for example, you mentioned the 22 words "routine site surveillance" in your witness 23 statement on paragraph 39 and also on paragraph 63. Can 24 you tell us, in terms of routine site surveillance 25 activities, what do you mean by that?</p>	<p>1 Q. I fully understand. Can I take you to a diagram. 2 Bundle D1/D227. 3 Mr Kwan, can you see that diagram or that photo? 4 A. I can see that. I see that. 5 Q. Can I take you to paragraph 63 of your witness 6 statement. I'll just read it out: 7 "As far as I am concerned, I am not aware of and 8 have never seen any cutting or shortening of rebars or 9 threaded ends of rebars by Leighton and/or its 10 sub-contractors using hydraulic cutters." 11 A. Yes, I confirm that. 12 Q. Do you confirm that statement is correct -- 13 A. I confirm that. 14 Q. -- even after seeing the photograph? 15 A. (Via interpreter) I have not seen any hydraulic cutters. 16 (In English) I confirm that. 17 MR TO: Okay, thank you. No further questions. 18 CHAIRMAN: Sorry, the photograph, is that of a hydraulic 19 cutter, from what you can see, or is it some other type 20 of cutter? 21 A. I cannot confirm what type of cutter was that shown in 22 the photo, Mr Chairman. 23 CHAIRMAN: Put it this way: would it fall into the general 24 category of a hydraulic cutter and the fact that you had 25 not seen any such cutters on site?</p>
Page 42	Page 44
<p>1 A. (Via interpreter) What I meant was I would go to the 2 site to conduct surveillance about safety issues. 3 I would, if possible, check quality issues, and apart 4 from my commitment at EWL slab, there are other duties 5 at the site that I had to do. Sometimes, I might have 6 to work with other departments of the MTR on site 7 inspections or surveillance. 8 Q. Can you tell us, for example, on a weekly basis how many 9 times -- 10 COMMISSIONER HANSFORD: Sorry, we need to get it on the 11 transcript. That's fine. 12 MR TO: Mr Kwan, sorry about that. I would like to ask you, 13 for example, on a weekly basis, how many times do you 14 visit the site? 15 A. (Via interpreter) Around four times. 16 Q. During the times, what times do you visit the site? 17 A. (Via interpreter) There are no fixed times. It depends 18 on the needs of the site as well as my available time. 19 Q. Can you recollect, for example, whether you were on the 20 site on 4 September? Can you just recollect, September, 21 were you there? 22 MR PENNICOTT: Which year? 23 MR TO: In 2015. 24 A. (Via interpreter) I'm sorry, I can't recall whether 25 I was there, because it was a very long time ago.</p>	<p>1 A. I personally did not see any such cutters on site during 2 my surveillance inspection. 3 CHAIRMAN: That seems to clash with evidence given elsewhere 4 that in fact they were not uncommon, because vertical 5 bars had to be cut and things like that, and openings. 6 COMMISSIONER HANSFORD: I'm just trying to help the Chairman 7 here, I think, because I wonder if we've got a confusion 8 here about hydraulic cutters and hand-held electrical 9 cutters, because I don't think they're the same thing. 10 Do you know what type of cutter this is? Have you any 11 idea, Mr Kwan? 12 A. Sorry, I do not have any idea. 13 COMMISSIONER HANSFORD: Was the statement in your witness 14 statement that you're being asked about at the moment -- 15 are you referring to this type of cutter or a different 16 type of cutter? 17 A. I think I meant to be referring to the other type of 18 cutter, by means of the hydraulic cutters. I suppose 19 there is -- because it looks to me this wire cutter 20 is -- let me know if I'm wrong -- to me, that is a kind 21 of wire cutter. 22 CHAIRMAN: And did you see those quite -- were they a fairly 23 regular thing to see on site? 24 A. Like I said before, I personally did not see that kind 25 of cutters on site during my inspection, or during my</p>

Page 45	Page 47
<p>1 site walk, my normal site walk. 2 MR TO: No further questions. 3 CHAIRMAN: Thank you. 4 MR CHOW: Mr Chairman, there are some questions from the 5 government. I see that you are checking your watch. 6 Would it be convenient? 7 CHAIRMAN: Whatever you think is best. How long do you 8 imagine you will be? 9 MR CHOW: I think I'll be perhaps 30 minutes to 45 minutes. 10 CHAIRMAN: All right. Then maybe we might have the morning 11 tea break now. 12 MR CHOW: I'm in your hands. 13 CHAIRMAN: Then you can continue through uninterrupted. 14 MR CHOW: Sure. 15 CHAIRMAN: Good. 15 minutes. Thank you. 16 MR CHOW: Thank you. 17 (11.19 am) 18 (A short adjournment) 19 (11.44 am) 20 Cross-examination by MR CHOW 21 MR CHOW: Good morning, Mr Kwan. 22 A. Good morning. 23 Q. My name is Anthony Chow and I represent the government. 24 The government has a few questions for you. 25 Mr Kwan, before I proceed to the questions</p>	<p>1 like to refer you back to this RISC form. 2 Now, you explained to us how we should read this 3 RISC form, and under "Part B", our understanding from 4 your evidence this morning is -- the gentleman Mr Dick 5 Kung is the one named under "Part B" of the RISC form? 6 A. Correct. 7 Q. You also told us that the date 29 September 2015 was 8 probably the date when Mr Kung received the formal RISC 9 form from Leighton? 10 A. I believe so. 11 Q. Our understanding from this form is that upon receipt of 12 this form by Mr Kung, Mr Kung actually assigned the 13 construction engineer to carry out the inspection of the 14 reinforcement, and on the face of this document it was 15 you who was appointed by Mr Kung to carry out the 16 reinforcement inspection. 17 A. Yes. 18 Q. So, notwithstanding the fact that it was someone from 19 the inspectors team who expressly appointed you to carry 20 out the rebar fixing inspection, at that point you still 21 believed that all that you needed to check was the 22 reinforcement cage, not the connection between the cage 23 and the diaphragm wall? 24 A. At that point in time, yes. 25 Q. This morning, Mr Pennicott also referred you to part of</p>
Page 46	Page 48
<p>1 I prepared for you, I would like to pick up on two 2 aspects of the matter that Mr Pennicott has discussed 3 with you this morning. 4 If I could refer you to the RISC form that we have 5 looked at this morning. Bundle H1/174. 6 You will recall that this morning we have actually 7 spent quite some time on this RISC form, and in the 8 course of the discussion between you and Mr Pennicott 9 I believe that some of the people in this room were 10 a bit shocked by what you said. 11 But notwithstanding that, can I -- now, this morning 12 you mentioned to us your understanding at the time of 13 the construction of the EWL slab, your duty was only 14 confined to the inspection of the steel cages in the 15 slab but not the connection between the reinforcement 16 cages and the diaphragm wall? 17 A. That was the understanding at that time. 18 Q. Right. You also mentioned that the party who ought to 19 be responsible for checking the couplers connection 20 should be the inspector team; do you recall that? 21 A. I recall that. 22 Q. You also mentioned two names, Kobe Wong, and another 23 gentleman, Mr Kung? 24 A. Mr Dick Kung, yes. 25 Q. Mr Kung, Dick Kung; right? That's the reason I would</p>	<p>1 the witness statement of Mr Andy Wong; do you recall 2 that? 3 A. Yes, I recall that. 4 Q. About the second incident that happened between 5 16 December and the end of December; do you recall that? 6 A. I recall that. 7 Q. You were asked whether you at that time were notified by 8 Mr Andy Wong about what he found, and you said you have 9 never been informed of that incident? 10 A. Correct. 11 Q. Would it be because for this very reason, that he knew 12 you were not responsible for checking the couplers, 13 that's why, notwithstanding the fact that he found 14 something wrong in the connection of the couplers, he 15 didn't see it appropriate to inform you? Would it be 16 the reason? 17 A. I'm not sure about why he didn't inform me at that 18 particular time, because I'm not quite sure about that, 19 I'm sorry. 20 Q. All right. Perhaps I will put it another way around. 21 Would you expect that for something like this happened, 22 would you expect that Mr Andy Wong informed you about 23 the problem in the connection of couplers? 24 A. It is difficult to tell, for me to tell, really, because 25 I think, like I said this morning in the earlier</p>

Page 49	Page 51
<p>1 session, if you see the organisation chart within our 2 team, Andy Wong's reporting line is reporting to, 3 I believe it's Mr Kobe Wong, and the senior inspector at 4 that time. So the reporting line for him is to the 5 senior inspectors, so not to engineers. 6 I'm not sure whether this is the reason why he 7 didn't inform us, as the engineers. 8 Q. Thank you. Then I would like to proceed to the 9 questions that I prepared. 10 Do you have a copy of your witness statement in 11 front of you? 12 A. I believe I will be shown. 13 Q. Okay. Can I refer you to paragraph 25 of your first 14 witness statement, please, at bundle B1, page 381, 15 please. 16 A. Paragraph 25? 17 Q. Yes. 18 A. I see that. 19 Q. In paragraphs 25, 26 and 27 you explain to us that at 20 the time of the construction of the EWL slab, you were 21 not aware of the quality supervision plan? 22 A. I was not. 23 Q. But you at that point knew about the requirement set out 24 by the Buildings Department in the acceptance letter? 25 A. I confirm that.</p>	<p>1 couplers at that time? 2 A. You mean for any one particular site inspection or -- 3 Q. From your recollection. Your understanding is that it 4 was the inspector who was responsible for doing that 5 part of the inspection. You spent months in the 6 project, carrying out your formal inspection of rebar. 7 My question is, during that period, from your 8 recollection, have you ever seen inspector doing 9 inspection of the couplers? 10 A. I may not have seen any one particular inspector for the 11 coupler inspection, because we may be in different time 12 going to that particular bay, let me put it this way. 13 Q. Right. 14 A. So I may not see him or any one of the inspectors, but 15 that doesn't mean that they didn't check the couplers. 16 That is my view. 17 Q. Sure. Okay. Perhaps I know your answer before I ask, 18 but nevertheless can I just confirm with you -- so far 19 as you are aware, you haven't seen any contemporaneous 20 record showing that 50 per cent of the splicing assembly 21 has been carried out under the supervision or has been 22 inspected by the inspectors of MTRC; is that your -- 23 A. I have not seen that. 24 Q. And obviously you have not been -- well, we know that 25 Leighton, according to the quality supervision plan, has</p>
Page 50	Page 52
<p>1 Q. So am I right to say, at that point, you were aware of 2 the requirement as to enhanced supervision, which 3 includes appointment of a quality control supervisor and 4 the inspection of the coupler installation work for at 5 least, in the case of a transfer plate, which we believe 6 the EWL slab was, 50 per cent of the splicing assembly 7 has to be supervised and inspected by a grade T3 TCP? 8 You were aware of that requirement at that time; right? 9 A. Yes, I have read the BD acceptance letter, but may I add 10 one more point, that the minimum qualification should be 11 equivalent to the TCP-T3, not necessarily in the CP 12 stream T3. That is what I understand from the wordings 13 of the acceptance letter. 14 Q. Sure, yes. Okay. 15 You told us that, at that time, your understanding 16 was that it was someone else who was responsible for 17 checking the couplers? 18 A. Correct, from the diaphragm wall construction, yes. 19 Q. And you were aware of this specific or special 20 requirement from the BD in relation to inspection for 21 those works? 22 A. I would say so, yes. 23 Q. My question is this. At the time when you carried out 24 the formal inspection of the reinforcement, have you 25 seen any inspector from MTRC doing the inspection of the</p>	<p>1 to prepare contemporaneous record sheet and present it 2 to MTRC's inspectors for countersigning, but can I take 3 it from you that you have never been asked to 4 countersign on any of the record sheets? 5 A. Correct, I have not been asked to countersign any of it. 6 Q. And you have never seen any record sheet as such in 7 relation to the couplers? 8 A. I personally did not see any formal records, in 2015, 9 I'm sorry. 10 Q. As to the internal communication between the engineers 11 team and the inspectors team, would you be able to 12 advise us or give us an idea as to how was it going on 13 at the time? You know, you expect the inspector to 14 carry out inspection of the couplers and you seldom see 15 inspector actually doing the inspection of the couplers; 16 have you questioned anyone as to whether the couplers 17 have been properly checked in accordance with the BD, or 18 BD's requirement? 19 A. At that time, personally I did not have -- I did not ask 20 any question about the coupler installations, because 21 what I understand at that time is our inspectors did 22 have the records for the diaphragm wall. Okay? So that 23 is my memories that I can recall. 24 COMMISSIONER HANSFORD: Sorry, I don't understand your 25 answer, Mr Kwan, because I don't think the question was</p>

Page 53	Page 55
<p>1 about the diaphragm wall, was it?</p> <p>2 MR CHOW: No, it was not.</p> <p>3 COMMISSIONER HANSFORD: The question is about the slab, not</p> <p>4 the diaphragm wall.</p> <p>5 A. Maybe I should add further. Because we actually, within</p> <p>6 our construction team, we got a system, when -- before</p> <p>7 I joined the team, when the project is concentrating on</p> <p>8 the diaphragm wall, we actually got a system, and for</p> <p>9 the coupler inspection I believe there is -- Leighton</p> <p>10 prepared a form and then countersigned by MTR. That is</p> <p>11 my point.</p> <p>12 Then I believe somehow the system should carry on</p> <p>13 for EWL slab, and at that particular time I was not</p> <p>14 informed or been asked to be the quality control</p> <p>15 supervisor for the couplers.</p> <p>16 MR CHOW: Right.</p> <p>17 A. So what I mean is we actually got a system carry on</p> <p>18 fro -- should be carry on from the D-wall to the slab.</p> <p>19 I would like to add one more point. I hope you</p> <p>20 appreciate that the site, the area of the site, is quite</p> <p>21 large, and perhaps let's say for any particular day at</p> <p>22 1 o'clock I was on site, and perhaps the inspectors were</p> <p>23 not at the same spot as mine as 1 o'clock. He may have</p> <p>24 gone to the site to have the coupler installation -- to</p> <p>25 inspect the coupler installation at, say, 3 to</p>	<p>1 bundle B1, page 421, paragraph 18, please. Now, in</p> <p>2 paragraph 18, Mr Kobe Wong says:</p> <p>3 "... as far as I am aware, I was never assigned</p> <p>4 a role under the competent person stream by MTRC within</p> <p>5 any of the SSPs submitted to the BD. For the purposes</p> <p>6 of the diaphragm wall, EWL slab and ELS works, I have</p> <p>7 always been a T3 site supervisor under the RGE stream."</p> <p>8 Then if we can go to paragraph 53 at page 433. In</p> <p>9 paragraph 53, he went on to say:</p> <p>10 "... I distinctly remember raising the concern that</p> <p>11 I was only a T3 site supervisor for the ELS works ..."</p> <p>12 Which stands for excavation and lateral support</p> <p>13 works, which concerned the installation of strutting for</p> <p>14 the purpose of excavation; right?</p> <p>15 "... such that I did not consider myself to be the</p> <p>16 competent or appropriate person to sign the so-called</p> <p>17 record sheets retrospectively prepared and provided by</p> <p>18 Leighton."</p> <p>19 This is what Mr Kobe Wong is going to say.</p> <p>20 Now you have read his paragraphs, do you have any</p> <p>21 comment based on what you knew at the time?</p> <p>22 A. I believe Mr Wong is correct, at that time, and I do not</p> <p>23 have any comment on what he said in his statement.</p> <p>24 Q. Okay. Thank you.</p> <p>25 Can I then go back to paragraph 48 of your</p>
Page 54	Page 56
<p>1 4 o'clock, which I may have already left the spot. So</p> <p>2 I didn't see the inspector's inspection doesn't mean</p> <p>3 that they didn't carry out the works. I need to stress</p> <p>4 that.</p> <p>5 Q. Did the inspector share the same office as you?</p> <p>6 A. Yes.</p> <p>7 Q. At that time, did you know, for example, Kobe Wong or</p> <p>8 Mr Kung on a personal level? Do you know them --</p> <p>9 A. Yes, sure.</p> <p>10 Q. And presumably you would have casual chats in the</p> <p>11 office?</p> <p>12 A. Definitely, yes.</p> <p>13 Q. And you never talked about inspection of the couplers;</p> <p>14 right?</p> <p>15 A. I believe no.</p> <p>16 Q. Okay.</p> <p>17 A. At that time, no.</p> <p>18 Q. Okay. Have you ever informed your superior that when</p> <p>19 you signed on the RISC form, what you have checked was</p> <p>20 only confined to the reinforcing bars but not the</p> <p>21 couplers?</p> <p>22 A. I did not in particular tell them the content of the</p> <p>23 RISC form.</p> <p>24 Q. I see.</p> <p>25 Can I refer you to Mr Kobe Wong's statement:</p>	<p>1 statement, please.</p> <p>2 A. Sure.</p> <p>3 Q. Where you said:</p> <p>4 "... I typically inspected the bottom layers of</p> <p>5 rebars once they had been completed ..., and then</p> <p>6 returned for a second inspection once the fixing of the</p> <p>7 top layers of rebars had also been completed."</p> <p>8 Now, do you agree with me that if there were any</p> <p>9 problem at the lower layers of, for example, the top mat</p> <p>10 or the bottom mat, that would be a bit too late for you</p> <p>11 to do anything, because several more layers had been</p> <p>12 laid on top of it?</p> <p>13 A. That is the case, yes. I agree.</p> <p>14 Q. Would it be the reason why -- you remember the incident</p> <p>15 noticed by Andy Wong during concreting --</p> <p>16 A. At C1-5? Bay C1-5, you mean?</p> <p>17 Q. Yes, mentioned about --</p> <p>18 A. I recall that, yes.</p> <p>19 Q. -- the discovery of improperly installed coupler</p> <p>20 assembly during concreting. So that's the reason why</p> <p>21 I want to raise it with you.</p> <p>22 The problem is if you only carry out formal</p> <p>23 inspection upon completion of the whole mat, which may</p> <p>24 comprise several layers of reinforcement, by that stage,</p> <p>25 even if you found some kind of problem in the coupling</p>

Page 57	Page 59
<p>1 works at the lower layer, I would imagine that would be 2 a problem; it would be difficult for you to request -- 3 MR BOULDING: Sir, I have to say that he says he didn't do 4 it that way in this particular paragraph. Look at the 5 last sentence. 6 MR CHOW: Mr Kwan, can I just clarify what you mean in the 7 last sentence. When you say, "I typically inspected the 8 bottom layers", do you mean the bottom mat, comprising 9 more than one layer? 10 A. Well, let me put it this way. What I mean in 11 paragraph 48 is I carried out the inspection for the 12 bottom mat first, and then, after completion of my 13 inspection for the bottom mat, Leighton will start to 14 carry out the rebar fixing for the top mat; right? And 15 I think I have mentioned in my witness statement, saying 16 that I carried out four surveillance site visits every 17 week, and during each visit I would also inspect the 18 quality of the rebar fixing. 19 So perhaps the wording here, it looks like 20 I complete the whole mat and then I go to inspect for 21 the bottom mat, but actually, in the real case, actually 22 I was able to see layers by layers, but that, in terms 23 of RISC form, the layers by layers, I wouldn't have 24 checked it formally, let me put it this way. 25 CHAIRMAN: Sorry, just so that I understand -- the way we</p>	<p>1 your routine surveillance? 2 A. I believe so, on a spot-check basis. 3 Q. Given that your understanding at the time is you were 4 not required to check the couplers, can you explain why, 5 in that case, you need to carry out layer-by-layer 6 inspection? 7 CHAIRMAN: I think he said earlier -- please forgive me if 8 I'm putting words into your mouth; you can correct me -- 9 that he had to check the integrity of the steel cages, 10 as to spacing, as to correct length, as to lapping, as 11 to ties, and everything like that. Would that be 12 correct? 13 A. You understand correctly, Mr Chairman. 14 MR CHOW: Okay. 15 Now, in paragraph 58 of your statement, you said: 16 "... I nonetheless observed the conditions of the 17 coupler connections generally when inspecting the top 18 and bottom layers of the rebars." 19 Can you explain what do you mean by "generally"? 20 Can you tell us what exactly did you check or did you 21 look for, paragraph 58? 22 A. What I mean here is although I was not assigned to 23 countersign Leighton's report or carry out the formal 24 inspection or put my signature on the QSP form, although 25 I know I wasn't assigned to carry out that form, but as</p>
Page 58	Page 60
<p>1 have approached it, and that's just for the purposes of 2 this Commission of Inquiry, is that the mats are 3 a number of individual layers. 4 A. (Nodded head). 5 CHAIRMAN: And I think the question was: would you inspect 6 the individual layers first, or would you wait until the 7 full mat, that is the combination of layers, had been 8 completed? 9 A. Formally, Leighton would ask me to carry out the formal 10 inspection after the whole mat is completed, but -- 11 CHAIRMAN: So that is the bottom mat? 12 A. This is the bottom mat first. 13 CHAIRMAN: And then you would come back later and do the top 14 mat? 15 A. And do the top mat for the formal inspection. So that's 16 why I say -- 17 CHAIRMAN: That's the formal inspection? 18 A. Yes. There are two formal inspections which I refer to 19 in this statement, by my statement. So there are two 20 formal inspections. But during my routine surveillance 21 inspection I would have also checked the layers as well. 22 So that is my point here. 23 MR CHOW: Okay. Can I confirm with you whether you have 24 adopted this practice throughout? In other words, all 25 the layers have been inspected separately by you during</p>	<p>1 a competent engineer and as an MTR engineer, I think 2 I have the responsibility to have a spot-check, carry 3 out on a spot-check basis, on several occasions, to 4 ensure that the couplers under my observation at that 5 time, at that particular time, are in compliance with 6 the specifications. 7 Q. Right. By "spot-checking", can you tell us 8 approximately what sort of percentage that you have 9 picked, for example? 10 A. Sorry, Mr Chow, I cannot recall exactly, so I cannot 11 give you a precise percentage of the couplers that I've 12 indeed inspected. 13 Q. How about this: more than 50 per cent or less than 14 50 per cent? We are very interested in the 50 per cent 15 figure. 16 A. I really cannot recall exactly, I'm sorry. 17 Q. Okay, thank you. 18 Mr Kwan, I would like to move on to another topic. 19 A. Sure. 20 Q. About shear link. You recall that there was an NCR, 21 NCR266. Perhaps we can go to the NCR first. 22 Bundle H19, page 39704, please. 23 A. I see the NCR, but I was not aware of that NCR. 24 Q. I see. Perhaps we can go to the photo first. At 25 page 39706, according to what is put under those photos,</p>

Page 61	Page 63
<p>1 it seems that we have two problems here. One is the</p> <p>2 spacing between the shear links; right? For example, if</p> <p>3 you look at photo 3, under photo 3, the description is,</p> <p>4 "Insufficient spacing of shear links, measured on site=</p> <p>5 280mm", while the requirement was 150mm.</p> <p>6 Am I right to say that the shear links that we are</p> <p>7 talking about are the vertical reinforcement connecting</p> <p>8 the top mat with the bottom mat?</p> <p>9 A. Yes, I agree.</p> <p>10 Q. One of the problems is in relation to the spacing of the</p> <p>11 shear links, and the other problem concerns the</p> <p>12 anchorage length -- photo 1 and photo 2 talks about</p> <p>13 insufficient anchorage length.</p> <p>14 Now, earlier you described to us how you carry out</p> <p>15 the inspection, rebar inspection, and Leighton's</p> <p>16 engineer, Mr Man Sze Ho, told the Commission that during</p> <p>17 the formal inspection of the top mat, the MTRC's</p> <p>18 inspector would not arrange to go under the top mat for</p> <p>19 rebar inspection. Can you confirm that was the</p> <p>20 position?</p> <p>21 A. Correct.</p> <p>22 Q. In your formal inspection, have you also checked the</p> <p>23 vertical shear link?</p> <p>24 A. I believe so, yes, on a spot-check basis.</p> <p>25 Q. I see. For example, for particular shear links that you</p>	<p>1 mat. So that is the point I want to make.</p> <p>2 Q. Okay. And obviously you would also check whether the</p> <p>3 vertical shear link was properly tied, was securely</p> <p>4 placed --</p> <p>5 A. And also the size, the member size as well.</p> <p>6 Q. Can you think of any reason why, after concreting, we</p> <p>7 see that the spacing was not right -- let's focus on the</p> <p>8 spacing first. Can you think of any reason why, after</p> <p>9 concreting, the spacing was off by almost double, from</p> <p>10 150 to 280 millimetres?</p> <p>11 A. Sorry, I do not have any comment on that particular</p> <p>12 case, whether the distance -- the spacing is more than</p> <p>13 double -- more or less double of the required. I do not</p> <p>14 know the reason behind that.</p> <p>15 Q. Right. I would like to move on to another subject,</p> <p>16 about the change effected to the connection between the</p> <p>17 top of the east diaphragm wall and the EWL slab.</p> <p>18 A. Sure.</p> <p>19 Q. In paragraph 13.1 of your statement, you tell us, as</p> <p>20 a matter of general working procedure, you would check</p> <p>21 that the work carried out on site complies with the</p> <p>22 approved, accepted or submitted method statements. Do</p> <p>23 you see that?</p> <p>24 A. I see that. 13.1, I see that.</p> <p>25 Q. In relation to the change that I would like to talk</p>
<p>Page 62</p> <p>1 have chosen to check, what exactly have you checked?</p> <p>2 Have you checked the spacing? Have you checked the</p> <p>3 anchorage length?</p> <p>4 A. Indeed I -- yes, I actually have carried out the</p> <p>5 spacing. Well, if you determine on site for the</p> <p>6 spacing, it is quite easy, because you can just put down</p> <p>7 measuring tape in between the shear link, 150, that's</p> <p>8 it, easy.</p> <p>9 And for the anchorage length, actually I would</p> <p>10 spot-check, because actually before they put on the</p> <p>11 shear link in between the top mat and also the bottom</p> <p>12 mat, they would prepare a bunch of shear links on site,</p> <p>13 before they put it on. So I would actually, by example,</p> <p>14 on a spot-check basis, use a measuring tape to carry out</p> <p>15 the anchorage length measurement.</p> <p>16 Q. So you measure the anchorage length of the shear?</p> <p>17 A. Anchorage length and also the spacing as well.</p> <p>18 Q. Before they were installed; right?</p> <p>19 A. Before they were installed.</p> <p>20 Q. They were already cut and bent, delivered to the spot</p> <p>21 where they have to be erected?</p> <p>22 A. Right.</p> <p>23 Q. At that stage, you measure the anchorage length?</p> <p>24 A. Yes, because it is impossible to measure the anchorage</p> <p>25 length once they put down to the bottom of the bottom</p>	<p>Page 64</p> <p>1 about, am I right to say that, at that point, there was</p> <p>2 no method statement which described, for example,</p> <p>3 trimming down of the diaphragm wall to various depths at</p> <p>4 various locations?</p> <p>5 A. I remember that, at that point in time, back in, say,</p> <p>6 early July 2015, Leighton had actually submitted</p> <p>7 a report to us, their design team at Leighton/Atkins,</p> <p>8 the name should be TWD-004B3, as I remember correctly.</p> <p>9 Q. Quite right, yes.</p> <p>10 A. And there is a section saying that perhaps due to what</p> <p>11 sort of sequence, they need to trim down the diaphragm</p> <p>12 wall by 420 millimetres, if I remember correctly. So</p> <p>13 that is in the design report that is going to be</p> <p>14 submitted to BD at that point in time.</p> <p>15 Q. Right.</p> <p>16 A. So that is the statement. I know that perhaps they</p> <p>17 don't have the method statement, but Leighton has</p> <p>18 actually told us that, okay, they are going to trim down</p> <p>19 the top of the diaphragm wall, eastern side, in the form</p> <p>20 of design report.</p> <p>21 Q. Okay. So that was, on that basis, you allowed Leighton</p> <p>22 to proceed to trim down the diaphragm wall --</p> <p>23 A. Not I personally allowed, but I think there is -- at</p> <p>24 least they have a grounding, they have a reason they</p> <p>25 have put onto the report.</p>

Page 65	Page 67
<p>1 Q. Okay.</p> <p>2 The last area I would like to explore with you</p> <p>3 relates to keeping of as-built records.</p> <p>4 A. Right.</p> <p>5 Q. It's also related to the change that we have just</p> <p>6 discussed.</p> <p>7 Do you agree that the relevant period over which the</p> <p>8 change in question was carried out was between July 2015</p> <p>9 and January 2016; that was the time when area B and</p> <p>10 area C of the EWL slab was being carried out?</p> <p>11 A. That is the period I recall, yes.</p> <p>12 Q. Yes. So obviously, if any change was to be made to the</p> <p>13 top of the east diaphragm wall, it would have been done</p> <p>14 over that period?</p> <p>15 A. Over that period, yes.</p> <p>16 Q. Have you ever been informed of the requirement of the</p> <p>17 PIMS project management system of MTRC at that time?</p> <p>18 Have you received any training?</p> <p>19 A. I believe perhaps during my early days. I think MTR has</p> <p>20 an induction course, telling us there is a PIMS system</p> <p>21 in place that you can refer to. I think there is</p> <p>22 training on the PIMS.</p> <p>23 Q. Okay. Can I refer you to a particular part of the PIMS.</p> <p>24 Bundle B6/3630, please. In paragraph 5.8.2, this</p> <p>25 particular provision provides that the CM, which stands</p>	<p>1 the second item, under the section "Supervision</p> <p>2 (general)", relates to as-built records?</p> <p>3 A. I see that.</p> <p>4 Q. We have the second column -- the second column, if we</p> <p>5 can then scroll up again, this stands for senior</p> <p>6 construction engineer; do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Then the one to the right of the senior construction</p> <p>9 engineer is the construction engineer, which was the</p> <p>10 role that you played at the time; right? And further to</p> <p>11 the right is the senior inspector of works.</p> <p>12 If you can then now scroll down to the bottom, lower</p> <p>13 half of the page, you see that the construction engineer</p> <p>14 and the senior inspector of works were supposed to keep</p> <p>15 as-built records, while the senior construction engineer</p> <p>16 was supposed to review the as-built records; right?</p> <p>17 Now, as far as as-built records are concerned, do</p> <p>18 you agree with me it does not necessarily mean the</p> <p>19 preparation of as-built drawings, like the kind of</p> <p>20 drawings that one would have to prepare for the purpose</p> <p>21 of submission to BD upon completion of work?</p> <p>22 A. I believe as-built records contains a lot of</p> <p>23 information. Within that, as-built drawing is one of</p> <p>24 them, and as-built records contains, for example,</p> <p>25 concrete cube test for an RC structure, and a new</p>
Page 66	Page 68
<p>1 for construction manager --</p> <p>2 A. Agreed.</p> <p>3 Q. "... /SConE [senior construction engineer]/construction</p> <p>4 engineer/senior inspector of works/inspector of</p> <p>5 works/assistant inspector of works shall keep regular</p> <p>6 constructional records, or review the preparation of</p> <p>7 such records, a typical schedule of the records required</p> <p>8 to be kept is provided in exhibit 7.15. This will vary</p> <p>9 between projects and the senior construction</p> <p>10 engineer/senior inspector of works should continually</p> <p>11 review the records kept as the works progresses.</p> <p>12 Whenever possible the site specific ePMS system should</p> <p>13 be used for this."</p> <p>14 Now, if you can then go to exhibit 7.15, at</p> <p>15 page 3665. This is a table, the schedule of regular</p> <p>16 constructional records.</p> <p>17 Before we move down, if we can take a look at the</p> <p>18 heading of the column, the most right-hand side,</p> <p>19 "Notes"; do you see that?</p> <p>20 A. I can see that.</p> <p>21 Q. What is put down here -- the "P" stands for preparer and</p> <p>22 "R" stands for reviewer.</p> <p>23 A. I see that.</p> <p>24 Q. If we can then scroll down to the lower part of the</p> <p>25 table -- here, right -- about "Supervision", do you see</p>	<p>1 certificate for any steel structure. I think we had</p> <p>2 a system to contain all that for EWL slab.</p> <p>3 Q. Now, do you agree with me that for the purpose of</p> <p>4 keeping as-built records in relation to the change, the</p> <p>5 change at the top of the diaphragm wall, it can be in</p> <p>6 the form of photos and can be in the form of some</p> <p>7 hand-sketches showing a cross-section, indicating the</p> <p>8 extent of the trimming down of the diaphragm wall, the</p> <p>9 reinforcement arrangement, the number of layers,</p> <p>10 diameter of the rebars to be put in, the spacing, all</p> <p>11 that -- that can be put in the form of a sketch, and</p> <p>12 that would satisfy the requirement of keeping as-built</p> <p>13 records; would you agree with that?</p> <p>14 A. I may disagree with you on that basis, because if we</p> <p>15 talk about as-built records in the form, under the PIMS,</p> <p>16 I believe this should be in the form of drawings, proper</p> <p>17 drawings. Sketches could be appended into the as-built</p> <p>18 record, I suppose, from my -- I speak for myself, from</p> <p>19 my opinion.</p> <p>20 Q. Okay.</p> <p>21 A. But as-built records, photos could be one of them, as</p> <p>22 I said, there can be many forms, but if you talk about</p> <p>23 drawings then I suppose proper drawings would be much</p> <p>24 appropriate.</p> <p>25 Q. By "proper drawing" you mean something has to be printed</p>

Page 69	Page 71
<p>1 out by computer?</p> <p>2 A. Proper drawings -- perhaps incorporate all the changes</p> <p>3 issued in previous DAMS, sketches, that kind of</p> <p>4 hand-sketches, incorporate into one proper drawings, or</p> <p>5 one set of proper drawings. That's what I mean.</p> <p>6 Q. Okay. But you agree with me that at the time of the</p> <p>7 construction of the EWL slab, when the changes were</p> <p>8 effected at various locations, in different ways, no</p> <p>9 such as-built record has been kept by you, as</p> <p>10 construction engineer?</p> <p>11 A. I don't think, at that time, we considered that as the</p> <p>12 as-built period, because the RC structure is just</p> <p>13 commenced, had just commenced at that time, and as-built</p> <p>14 records, it could be -- the as-built records can be</p> <p>15 prepared towards the end of the project, I suppose,</p> <p>16 and -- yes, that is my view.</p> <p>17 Q. Perhaps you would like to look at -- under the column</p> <p>18 "Notes", corresponding to as-built records, what was</p> <p>19 required of you is:</p> <p>20 "Construction engineer and SIOW shall ensure that</p> <p>21 these records are prepared as a continuous operation as</p> <p>22 construction proceeds, and that brand-names of actual</p> <p>23 materials used, instructed and proposed changes, actual</p> <p>24 details of works determined on site are recorded."</p> <p>25 So would you agree with me that on the basis of the</p>	<p>1 construction engineer, can you confirm that at that</p> <p>2 time, in relation to EWL slab, the senior construction</p> <p>3 engineer was Mr James Ho?</p> <p>4 A. I confirm that.</p> <p>5 Q. He was supposed to reviewed the as-built record kept</p> <p>6 by -- or prepared and kept by the construction engineer</p> <p>7 and the senior inspector of works. Has Mr James Ho ever</p> <p>8 asked you as to the status of the as-built records in</p> <p>9 relation to the changes made to the top of the east</p> <p>10 diaphragm wall?</p> <p>11 A. From time to time, he would actually request us three,</p> <p>12 the ConE-II or -- perhaps three ConE-Is and three</p> <p>13 ConE-IIs under his team, to give him the status of the</p> <p>14 as-built preparations. And indeed we actually submitted</p> <p>15 some as-built records to BD back in 2017. We started</p> <p>16 the as-built record process handing to BD.</p> <p>17 Q. When you say as-built records handing to the BD, can you</p> <p>18 be more precise: what as-built records are you talking</p> <p>19 about?</p> <p>20 A. May I just elaborate furthermore on that? In the</p> <p>21 beginning of 2017, we, as the construction management</p> <p>22 team, had submitted some concrete cube test report and</p> <p>23 structural steel new certificates to BD under several</p> <p>24 cover letters by MTR, back in, say, from February 2017</p> <p>25 towards the end of 2017, we actually kicked off this</p>
Page 70	Page 72
<p>1 requirement as set out in this part of the PIMS, the</p> <p>2 as-built record, even though it has to be in the form</p> <p>3 that you have just described, has to be prepared</p> <p>4 contemporaneously as the work proceeds, so that, at the</p> <p>5 end of the day, we won't have the problem that we have</p> <p>6 now, by opening up to ascertain what was actually built?</p> <p>7 A. In an ideal world, that is the case. That is the case.</p> <p>8 But may I add just one more point --</p> <p>9 Q. Of course.</p> <p>10 A. -- that we actually do have the continuous monitoring of</p> <p>11 the as-built preparation process, because we have</p> <p>12 records on all the changes in terms of drawings and we</p> <p>13 have all the records for the materials. So I think, in</p> <p>14 a sense, based on the requirement as stated here in the</p> <p>15 PIMS, we as a ConE team actually carry out according to</p> <p>16 the PIMS.</p> <p>17 Q. As far as you know, did the senior inspector of works</p> <p>18 prepare any as-built records of that time?</p> <p>19 A. As-built records? Yes, they would put the as-built</p> <p>20 records in the form of site diaries, I suppose. We have</p> <p>21 a site diary system, and everyone in the inspector team</p> <p>22 has contribution to that site diaries. So I believe,</p> <p>23 under this system, under the SIOW team, they have</p> <p>24 carried out their works.</p> <p>25 Q. My further question is under this schedule, the senior</p>	<p>1 process.</p> <p>2 Q. And were these records related to the changes made to</p> <p>3 the top of the east diaphragm wall?</p> <p>4 A. I'm sorry but I cannot recall precisely what is in</p> <p>5 those -- I mean, what sort of precise information within</p> <p>6 the submissions back then.</p> <p>7 Q. Mr Kwan, I have no more questions for you. Thank you.</p> <p>8 A. Thank you.</p> <p>9 MR CHOW: Thank you, Chairman.</p> <p>10 Cross-examination by MR CONNOR</p> <p>11 MR CONNOR: Good afternoon, Mr Kwan.</p> <p>12 A. Good afternoon.</p> <p>13 Q. I'm Vincent Connor. I have a few questions for you, if</p> <p>14 I may, in relation to just one area, and I represent</p> <p>15 Atkins China.</p> <p>16 A. Good afternoon.</p> <p>17 Q. Good afternoon. It is just one area I want to ask you</p> <p>18 about. Probably it's best if you have your witness</p> <p>19 statement in front of you, please, which, as you</p> <p>20 probably now know, is B16/B373.</p> <p>21 If you would turn, in particular, to paragraph 39 of</p> <p>22 that. I'd just like to take you across the surface of</p> <p>23 a few paragraphs there.</p> <p>24 At paragraph 39 on page B384, you describe your</p> <p>25 personal observation of the hacking off of the top the</p>

Page 73	Page 75
<p>1 east diaphragm wall; do you see that?</p> <p>2 A. I see that, yes, 39.</p> <p>3 Q. You describe then, continuing that observation, that the</p> <p>4 hacking off was, as you have told Mr Pennicott and</p> <p>5 Mr Chow, followed by the replacement of the coupler</p> <p>6 connections with through-bars; yes?</p> <p>7 A. Yes.</p> <p>8 Q. I won't take you through the rest of the paragraph, but</p> <p>9 you describe where that was carried out, and some</p> <p>10 exceptions to that, where other coupler details were</p> <p>11 used?</p> <p>12 A. Covering that, yes.</p> <p>13 Q. You then go on in paragraph 40 to describe some</p> <p>14 communications, but before I ask that, can I just</p> <p>15 confirm with you, from your recollection, when this work</p> <p>16 was being carried out? For example, I think we have</p> <p>17 been told by other witnesses it was around August 2015.</p> <p>18 Does that seem to fit your recollection?</p> <p>19 A. You mean the construction of the EWL slab or just the</p> <p>20 hacking off?</p> <p>21 Q. No, the hacking off.</p> <p>22 A. The hacking off, I believe it was towards the end of</p> <p>23 July 2015, and then to perhaps January, early January,</p> <p>24 in 2016, if my recollection is correct.</p> <p>25 Q. That's helpful. Thank you.</p>	<p>1 Q. And you weren't involved in the discussions about it,</p> <p>2 but your role was to implement it?</p> <p>3 A. I was not involved in the design consideration and</p> <p>4 preparation of that report.</p> <p>5 Q. Just to make very clear what we're talking about, the</p> <p>6 change in detail, namely the hacking off and use of</p> <p>7 through-bars, was not a proposal which you were</p> <p>8 personally involved in?</p> <p>9 A. I was not involved in that.</p> <p>10 Q. And so the way in which it was proposed or who proposed</p> <p>11 it, et cetera, is not something you can help the</p> <p>12 Commissioners with, from your own knowledge?</p> <p>13 A. It depends on how much information you want me to give,</p> <p>14 because I can refer those -- a number of emails, and</p> <p>15 within that email there is a number of Atkins personnel,</p> <p>16 so I may just give those names to the Commissioner and</p> <p>17 Chairman.</p> <p>18 Q. I think the Commissioners have that evidence. Thank</p> <p>19 you.</p> <p>20 A. Right.</p> <p>21 Q. But when you talk about implementing what was proposed,</p> <p>22 can you help us with that: "I implemented what by Atkins</p> <p>23 proposed", what did you do to implement it?</p> <p>24 A. Right. Actually what I mean is certainly I have read</p> <p>25 through those emails saying that, okay, because there</p>
Page 74	Page 76
<p>1 I was just about to take you to paragraph 40, which</p> <p>2 you will see is on page B385. You go on to talk about</p> <p>3 an awareness that you had of the agreement within the CM</p> <p>4 team, that's MTR's CM team, that the change in</p> <p>5 construction detail, namely the hacking off and use of</p> <p>6 through-bars, was considered acceptable at that time.</p> <p>7 Then you go on to refer to various emails; do you</p> <p>8 see that?</p> <p>9 A. I see that.</p> <p>10 Q. I'm not going to take you through those emails because</p> <p>11 the Commissioners have heard quite a lot of evidence on</p> <p>12 these already, but taking you across to paragraph 41,</p> <p>13 which is on the next page, and that is at page B386, you</p> <p>14 then talk about who was involved in the email chains you</p> <p>15 refer to Atkins, you refer to some MTRC colleagues,</p> <p>16 including Mr Andy Leung and Mr Ho who we just heard</p> <p>17 about, and you go on to say that you implemented what</p> <p>18 Atkins proposed and what the more senior members of the</p> <p>19 CM team had discussed and agreed.</p> <p>20 Just pausing at that point, yours was a significant</p> <p>21 role so I'm not meaning to suggest otherwise, but</p> <p>22 really, what I think you're telling the Commissioners at</p> <p>23 this point is that you weren't involved in the</p> <p>24 development of the proposal in question?</p> <p>25 A. I was not.</p>	<p>1 are some kind of site issues that perhaps we need to</p> <p>2 hack off a portion of the diaphragm wall, regardless</p> <p>3 it's one layer or, like I mentioned earlier, the report</p> <p>4 TWD-004B3, the hacking off of 420, and basically I take</p> <p>5 that is Atkins proposed, because from the TWD-004B3 --</p> <p>6 I will simply say for B3 report -- that is prepared by</p> <p>7 Leighton and Atkins. So what I mean is I just take that</p> <p>8 report.</p> <p>9 Q. Again, just to make sure that we understand it -- or at</p> <p>10 least I understand it -- you took that, you read it to</p> <p>11 understand it, but your implementation of it is really</p> <p>12 in terms of for the inspection --</p> <p>13 A. Right.</p> <p>14 Q. -- of what was done; is that right?</p> <p>15 A. You can say that, yes.</p> <p>16 Q. Thank you.</p> <p>17 Then, in paragraph 42, that is where we see, on the</p> <p>18 third line, the specific use of through-bars being used</p> <p>19 instead of several bars connected by couplers. So</p> <p>20 that's a key element of this change, for these purposes,</p> <p>21 so that's what you're looking at as an inspector?</p> <p>22 A. I agree.</p> <p>23 Q. Then just going on to 43.1, what you say there is, for</p> <p>24 your part, you carried out inspections by checking the</p> <p>25 rebar fixing works against the working drawings for the</p>

Page 77	Page 79
<p>1 EWL slab issued to LCAL for construction in August and 2 September 2015 respectively; yes? 3 A. Yes, agree. 4 Q. I don't think I need to take you to it, but I can if you 5 wish, but you refer on to a section in your statement 6 later on, paragraph 53, where you give dates of issue of 7 various drawings, et cetera. 8 A. Correct. 9 Q. But am I right in understanding that what you're 10 referring to here in terms of working drawings, and in 11 particular the connection detail within them, is from 12 the original working drawing, that is the 2013 drawings, 13 in terms of the connection detail? 14 A. Sorry, can you repeat once again? 15 Q. You referred to working drawings at that point. We'll 16 come to look at them. Let's move on to see if this 17 helps you further. At 43.1, you go on to expand upon 18 that, and you say: 19 "The working drawings issued by Atkins team A for 20 the construction of the EWL slab only showed the rebars 21 within the slab, which were not subject to any changes. 22 The connection details had to be ascertained from 23 a separate coupler schedule, which indicated two layers 24 (T1 and T3) of top rebars connecting the EWL slab to the 25 top of panels EH40 to EH115 in the east diaphragm</p>	<p>1 had to do is to go back to the 2013 drawing and work on 2 that? 3 A. I agree with that, because we didn't have a drawing 4 showing the hacking off of the top of the D-wall. 5 Q. Understood. Thank you. 6 If you go back to your statement, please -- I beg 7 your pardon, Professor. 8 COMMISSIONER HANSFORD: Sorry, Mr Connor, is that right? 9 I thought Mr Kwan said he went back to revision B of 10 2015. 11 A. Actually, I referred to 607/B, but the point is, no 12 matter it's revision A or B, the coupler schedule for 13 areas B and C for the EWL slab, they are the same. 14 COMMISSIONER HANSFORD: They are the same? Thank you very 15 much. 16 MR CONNOR: Thank you for clarifying that, Professor. 17 A. Thank you. 18 Q. Thank you, Mr Kwan. Going back to your statement, you 19 continue the story at 43.2, and there you say: 20 "Accordingly, for the panels in which coupler 21 connections were replaced with through-bars, I inspected 22 the connection details based on the working drawings 23 issued for construction, and I checked the through-bars 24 extending from the EWL slab across the east diaphragm 25 wall based on the same spacing and T1/T3 layers as</p>
Page 78	Page 80
<p>1 wall ..." 2 Yes? 3 A. Yes, I see that. 4 Q. You refer then to a working drawing. 5 A. Yes. 6 Q. So let me just, for the sake of completeness, ask you to 7 look, please, at B5/2851, just so we orientate ourselves 8 around what you are referring to. 9 This is one of the drawings you are referring to and 10 it's no doubt one of a sequence that follow through 11 here, but is this what you intended to refer to, namely 12 a working drawing which included coupler schedules? 13 A. Right, this is the drawings that I referred in my 14 witness statement. May I add one more point, that this 15 particular drawing, revision A, was issued in 2013. 16 When the project commenced, we issued the original 17 working drawing to Leighton. And I believe it's back in 18 2015, in June, there is a second version, revision B, 19 issued under the same number, C12/607/B. 20 Q. That's very helpful indeed. So I think, really, the 21 point that I would suggest arises from what you are 22 helping us with here, Mr Kwan, is when it came to the 23 work that you had to do, you didn't have the benefit of 24 a drawing which would show you the breaking down of the 25 D-wall and the replacement of through-bars? What you</p>	<p>1 specified in the original coupler schedule." 2 Yes? 3 A. Yes. 4 Q. You go on to refer to examples, but I think there's just 5 really one point I wish to clarify from you there, 6 because it's my understanding therefore that you would 7 have gone back to these working drawings because, 8 although they included couplers, and those were no 9 longer going to be utilised in these particular areas, 10 nonetheless the spacing was such that you could utilise 11 the spacing layout, et cetera, and effectively 12 superimpose through-bars in those areas, in 13 a straightforward way? 14 A. That is correct. 15 Q. Thank you for that. Just against that background of the 16 process you went through and the thinking that you 17 adopted at that time, could I ask you then to look at 18 another statement, which is a statement of Mr Andy Leung 19 of MTR, and his statement appears at B1/18, and in 20 particular page B239. 21 Just before proceeding, that's the witness statement 22 of Leung Fok Veng, Mr Andy Leung. Have you had the 23 chance of reading this statement before today? 24 A. Yes. Not today but previously. 25 Q. That's helpful. Thank you.</p>

Page 81	Page 83
<p>1 Could you turn to page B250 of that. You will see</p> <p>2 that this is a section of Mr Leung's statement where</p> <p>3 he's talking about drawings relating to the connection</p> <p>4 details between the EWL slab and the east diaphragm</p> <p>5 wall; do you see that?</p> <p>6 A. Yes, I see that.</p> <p>7 Q. He takes us through a few things which I just would like</p> <p>8 to put to you, to see whether you understand what is</p> <p>9 being said and whether you agree.</p> <p>10 He's saying at paragraph 40 that:</p> <p>11 "On 20 August 2015, LCAL submitted a set of EWL slab</p> <p>12 drawings ..."</p> <p>13 And he goes on to give the reference number, and you</p> <p>14 will see he says:</p> <p>15 "This set of drawings included the proposed</p> <p>16 connection between the EWL slab and east diaphragm wall</p> <p>17 to match with the re-arrangement of couplers as</p> <p>18 described in section E2."</p> <p>19 He then goes on to refer to the typical connection</p> <p>20 details were as per detail E3 and E, and he then refers</p> <p>21 to a tab which we may come back to.</p> <p>22 He then goes on at paragraph 41 to say:</p> <p>23 "The DM team [that's design management team of MTR]</p> <p>24 and Atkins team A reviewed the drawings submitted by</p> <p>25 Leighton. On 26 August 2015, the DM team issued</p>	<p>1 team.</p> <p>2 Q. So the design management team at this point is sending</p> <p>3 this DAmS 310 to the construction management team?</p> <p>4 A. Yes.</p> <p>5 Q. And that's at 26 August?</p> <p>6 A. Yes.</p> <p>7 Q. If you go on down, you will see there's a message from</p> <p>8 a Mr Rocky Cheung, and Mr Cheung is described as</p> <p>9 an engineer-structure within Atkins; do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And that's a continuation attaching a file. And again,</p> <p>12 scrolling on down, I think that's another message from</p> <p>13 Mr Cheung to Mr Tan with an advance copy again with</p> <p>14 links.</p> <p>15 So that is fine for that. Just again, in fairness</p> <p>16 to you, it's quite a few years ago, do you remember any</p> <p>17 of this in terms of the receipt of that email and the</p> <p>18 attachment, et cetera?</p> <p>19 A. Honestly, I don't remember what is included in the</p> <p>20 email.</p> <p>21 Q. Okay. That's very fair of you. I just therefore will</p> <p>22 have a couple of isolated questions for you about it, to</p> <p>23 see again if there's anything you can help the</p> <p>24 Commission with.</p> <p>25 You then see at paragraph 42, if you go back to Andy</p>
Page 82	Page 84
<p>1 an advanced DAmS 310 to the CM team by email in relation</p> <p>2 to the drawings submitted by LCAL on 20 August 2015."</p> <p>3 Do you see that?</p> <p>4 A. I see that.</p> <p>5 Q. Before we turn to look at that email, DAmS 310, as</p> <p>6 a reference, does that ring a bell with you?</p> <p>7 A. Well, of course I know what is DAmS --</p> <p>8 Q. Yes.</p> <p>9 A. -- but what sort of information included in 310,</p> <p>10 I cannot recall precisely, I'm sorry.</p> <p>11 Q. That's helpful but I will put something to you in</p> <p>12 a moment, to see if that helps.</p> <p>13 If you might just have before you the email, which</p> <p>14 is B10/7362. Thank you.</p> <p>15 You see that's an email from a Mr Tan to a number of</p> <p>16 colleagues, including yourself, in relation to DAmS 310,</p> <p>17 which is described as a "VE proposal for the EWL slab"?</p> <p>18 A. I see that.</p> <p>19 Q. Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. That's dated 26 August and describes what's in it.</p> <p>22 If you scroll down, please, just so we can see the</p> <p>23 background to it, previously -- just before I go on,</p> <p>24 Mr Tan, can you help the Commission with who he was?</p> <p>25 A. He was the design engineer I in the design management</p>	<p>1 Leung's statement at B250, he goes on to say:</p> <p>2 "DAmS 310 included changes to many working</p> <p>3 drawings", and he goes on to specify which ones, and he</p> <p>4 says, "Revised drawing no. 605 and 606 of DAmS 301" --</p> <p>5 I think that might be a typographical error and that</p> <p>6 should be 310 but perhaps we can clarify that later --</p> <p>7 "contained new [details] which showed the typical EWL</p> <p>8 slab top rebar with three layers of T40 rebars and</p> <p>9 couplers as in the drawing set from LCAL."</p> <p>10 He finishes that paragraph by saying:</p> <p>11 "Further, there was a remark that the section of OTE</p> <p>12 wall concrete cast together with (at the same time) as</p> <p>13 EWL slab."</p> <p>14 I will ask you a question in just a moment, but to</p> <p>15 complete your understanding of what I'm putting to you,</p> <p>16 you'll then see extracts of the details which, for the</p> <p>17 transcript -- but we will not refer to them unless you</p> <p>18 wish to -- are described as B10/7428 and 7429, but they</p> <p>19 are effectively reproduced on page B251. Do you see two</p> <p>20 figures there, Mr Kwan?</p> <p>21 A. I see that.</p> <p>22 Q. Again, in fairness to you, because it's not intended to</p> <p>23 be a memory test, having seen these now, do these ring</p> <p>24 any bell with you at all, a recollection of the receipt,</p> <p>25 as it appears you did, in August 2015, of DAmS 310 and</p>

Page 85	Page 87
<p>1 the drawings which are reproduced here?</p> <p>2 A. I can only say that I definitely have seen these two</p> <p>3 details, but whether or not it was under DAmS 310, I'm</p> <p>4 not sure at this moment, but I definitely saw those two</p> <p>5 details before.</p> <p>6 Q. That's helpful. Again, tell us if you can help us or</p> <p>7 not, there are two propositions there from Mr Leung, it</p> <p>8 appears, one that if you look at figure 3 detail E3,</p> <p>9 which is the upper of the two on page B251, that that</p> <p>10 includes many details but in particular it includes</p> <p>11 configuration of rebars and couplers; do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And do you think you can see from what is represented</p> <p>14 there and is now on the screen that that is a fair</p> <p>15 description of what we see there?</p> <p>16 A. Yes, I can see that.</p> <p>17 Q. And you see, in the lower detail, a reference to, in the</p> <p>18 top right-hand corner, the thing that he quoted,</p> <p>19 "Section of OTE wall concrete cast together with (at the</p> <p>20 same time) EWL slab"; do you see that?</p> <p>21 A. I see that.</p> <p>22 Q. Given that it is at least three years ago and you fairly</p> <p>23 told the Commission that you don't have a lot of</p> <p>24 recollection of this, it would seem -- perhaps you can</p> <p>25 tell me if you agree or not -- that at the very least,</p>	<p>1 saying, was then followed through and submitted to BD,</p> <p>2 if he's right in that?</p> <p>3 A. I cannot be 100 per cent sure about that.</p> <p>4 Q. That's fair.</p> <p>5 Just really two questions for you, against the</p> <p>6 background of what I've just shared with you. Do you</p> <p>7 recall then, in that period from July 2015 up to January</p> <p>8 2016, during which time you've described the hacking</p> <p>9 down of the D-wall and the placement of through-bars,</p> <p>10 any action which you personally were required to take to</p> <p>11 implement DAmS 310?</p> <p>12 A. What do you mean by "implement", if you can explain?</p> <p>13 Q. You described to the Commissioners earlier what you</p> <p>14 meant by way of implementation, so I'm not suggesting</p> <p>15 you were involved in the physical work of it, but your</p> <p>16 work is as an inspector. So having received DAmS 310 in</p> <p>17 August 2015, did you do anything or were you asked to do</p> <p>18 anything to implement DAmS 310, to the best of your</p> <p>19 recollection?</p> <p>20 A. I believe I was not asked by anyone to implement,</p> <p>21 just -- if I received the email back on 26 August</p> <p>22 I should have taken the drawings, and basically I used</p> <p>23 that set of drawings for my reference as an inspection</p> <p>24 reference, I go on site and check the rebar details.</p> <p>25 Q. And against that background my second and final question</p>
Page 86	Page 88
<p>1 at the end of August 2015, there appear to have been</p> <p>2 issued to the construction team a DAmS 310, which you</p> <p>3 have presumably been told to do something with, which</p> <p>4 included, amongst other things, coupler details and</p> <p>5 a description as to how the slabs were to be cast, but</p> <p>6 no mention of breaking down of D-wall and no mention of</p> <p>7 through-bars, at least as far as what I've put to you is</p> <p>8 concerned?</p> <p>9 A. From these details, no, the hacking off has not been</p> <p>10 mentioned in these two details that you just showed me.</p> <p>11 Q. Thank you. So then you will see, if you turn the page</p> <p>12 of Mr Leung's statement, he then goes on, at</p> <p>13 paragraph 44, which is on page B252, to say:</p> <p>14 "In relation to the coupler schedule for area C in</p> <p>15 the working drawing, it was amended in the 8th and 9th</p> <p>16 amendment to the permanent works in area C on 4 November</p> <p>17 2015 and 11 February 2016 respectively ..."</p> <p>18 Now, again, it's not a memory test: did you have any</p> <p>19 knowledge at the time of the submission of these for</p> <p>20 permanent works design changes in November 2015 and</p> <p>21 February 2016?</p> <p>22 A. I did not have any knowledge, because that was the scope</p> <p>23 of the design management team's work.</p> <p>24 Q. Understood. But it would seem that whatever else</p> <p>25 happened, DAmS 310, if we accept what Mr Leung is</p>	<p>1 is really this, Mr Kwan, that given what you've told the</p> <p>2 Commissioners about the work that was ongoing on the</p> <p>3 D-wall, and the through-bar installation, and the</p> <p>4 absence of drawings to help you with that, other than</p> <p>5 the original working drawings, there was, on the face of</p> <p>6 what we have looked at, in parallel being issued to the</p> <p>7 construction management team drawings which included</p> <p>8 quite different details, and in particular coupler</p> <p>9 details and so on. You see where the comparison lies;</p> <p>10 they are quite different things, aren't they?</p> <p>11 A. Mmm.</p> <p>12 Q. Do you recall any discussion in which you were involved,</p> <p>13 in August 2015 or subsequently, about how those two</p> <p>14 things might be reconciled? On the one hand, DAmS 310,</p> <p>15 with those details, and on the other hand what was being</p> <p>16 implemented.</p> <p>17 A. I cannot recall there was any discussion I personally</p> <p>18 involved. I cannot recall any. Perhaps I don't have --</p> <p>19 I was not involved in any of the discussion.</p> <p>20 MR CONNOR: Thank you very much. I have no further</p> <p>21 questions for you, Mr Kwan. Please remain there,</p> <p>22 because Mr Boulding may.</p> <p>23 MR PENNICOTT: I'm sorry, before Mr Boulding does, I'm</p> <p>24 afraid I'm going to have to make an application to ask</p> <p>25 Mr Kwan some more questions. It is unfortunate but it</p>

Page 89	Page 91
<p>1 arises out of some of the evidence he gave earlier this 2 morning regarding the inspection or lack of inspection 3 of the coupler connections.</p> <p>4 The concern I have is that, first of all, that point 5 took me slightly by surprise and I'm happy to admit 6 that. One reason it took me by surprise is we have 7 of course had some evidence from other witnesses about 8 those inspections, and I'm concerned that there's going 9 to be a complete clash of evidence, and I think I ought 10 really to put to Mr Kwan the evidence of one of the 11 Leighton witnesses as to the circumstances in which 12 those formal inspections took place, how they took 13 place, and what was looked at by both the Leighton 14 witness concerned and the MTRC engineer, who 15 I understand to be Mr Kwan. And so there is going to be 16 a complete clash of evidence if those matters are not 17 put to Mr Kwan, and I would like to do so. It will take 18 me about 10 or 15 minutes, I anticipate, to do that 19 exercise. It won't take long.</p> <p>20 CHAIRMAN: Mr Boulding, do you have --</p> <p>21 MR BOULDING: Sir, as I've said before, the MTR are here to 22 assist you. If you'd be assisted by that, we welcome 23 giving my learned friend the opportunity to ask a few 24 more questions.</p> <p>25 CHAIRMAN: All right. Thank you very much.</p>	<p>1 inspections"; do you see that?</p> <p>2 A. I see that.</p> <p>3 Q. This is against the backdrop of Mr Edward Mok explaining 4 that he was responsible, so far as Leighton are 5 concerned, for inspecting and carrying out the formal 6 inspections in area C; do you understand?</p> <p>7 A. I understand.</p> <p>8 Q. He says at 24(c): 9 "MTRC's engineer and I would jointly conduct the 10 formal inspection for rebar fixing (which I discuss 11 further below)." 12 Do you see that?</p> <p>13 A. I see that.</p> <p>14 Q. Pausing there, I should ask this first: I know, Mr Kwan, 15 that you've seen this witness statement before.</p> <p>16 A. Yes, I saw that.</p> <p>17 Q. Because you've actually replied to certain aspects of it 18 in your reply statement.</p> <p>19 A. I confirm.</p> <p>20 Q. Then over the page, at paragraph 25 -- that's 21 page 8112 -- Mr Mok says this: 22 "The practical aspects of the formal inspection for 23 rebar fixing were as follows: 24 (a) There were in fact two formal inspections. The 25 first was undertaken after Fang Sheung had completed the</p>
<p style="text-align: right;">Page 90</p> <p>1 Yes?</p> <p>2 MR PENNICOTT: Sir, would you like me to do it now -- I see 3 it's 1 minute to 1, I'm quite happy to do it now, and it 4 may assist Mr Boulding if I do --</p> <p>5 CHAIRMAN: Yes, it may do.</p> <p>6 MR PENNICOTT: But that will delay us by 10 or 15 minutes, 7 provided nobody needs to rush off for lunch.</p> <p>8 CHAIRMAN: I think so, and then Mr Boulding has an 9 opportunity to consider his position at a little more 10 leisure.</p> <p>11 Further examination by MR PENNICOTT</p> <p>12 MR PENNICOTT: Mr Kwan, my apologies.</p> <p>13 A. It's all right, my pleasure.</p> <p>14 Q. Can you first of all confirm this point, that so far as 15 area C is concerned, and I mean by "area C" C1, C2 and 16 C3, that apart from the two areas you identified where 17 Jeff Cheung was responsible, C3-2/C3-3, you were the 18 engineer who carried out the formal inspections on 19 behalf of the MTRC?</p> <p>20 A. I confirm that.</p> <p>21 Q. Could I please ask you to be shown the witness statement 22 of Edward Mok from Leighton, which I believe is at 23 bundle C12/8107.</p> <p>24 Could I ask you, please, to be shown, first of all, 25 paragraph 24, where there's a heading, "Formal</p>	<p style="text-align: right;">Page 92</p> <p>1 bottom layers of rebars and the second after the top 2 layers were completed."</p> <p>3 And, as I understand it, you would agree with that, 4 Mr Kwan?</p> <p>5 A. Correct.</p> <p>6 Q. Then he says this: 7 "(b) Each of the two inspections of rebar fixing 8 comprised checking the arrangement of rebars, the 9 spacing of the rebars, lap length of rebars ..." 10 And so far I think you would agree with that, 11 Mr Kwan?</p> <p>12 A. I agree, yes.</p> <p>13 Q. Then importantly for present purposes what Mr Mok goes 14 on to say is: 15 "... and the connections between rebars and 16 couplers." 17 Do you see that?</p> <p>18 A. I see that.</p> <p>19 Q. Is he right?</p> <p>20 A. In terms of the connections between rebars and couplers, 21 he is right.</p> <p>22 Q. So you inspected them and he inspected them; is he 23 right?</p> <p>24 A. He is right.</p> <p>25 Q. So you did inspect the connections between the rebars</p>

Page 93	Page 95
<p>1 and the couplers; is that the position?</p> <p>2 A. Right. Perhaps I put it this way. Sorry, I got carried</p> <p>3 away, sorry. "And the connections between rebars and</p> <p>4 couplers", I would say that because if you see bay C1-1</p> <p>5 and C1-2, there are couplers from the D-wall, coming out</p> <p>6 from the D-wall to the slabs; okay?</p> <p>7 So, at that particular case, I personally, like</p> <p>8 I said earlier this morning, I did not -- well,</p> <p>9 actually, I would say I did not carry out the formal</p> <p>10 inspection for the QSP. What I mean by that is I did</p> <p>11 not put it in terms of the QSP form. So that is my</p> <p>12 intention of saying that.</p> <p>13 Q. I'll ask you the more direct question in a moment, but</p> <p>14 let's just read on in Mr Mok's statement.</p> <p>15 Over the page, at 8113, subparagraph (c) at the top</p> <p>16 of the page, he says this:</p> <p>17 "As noted above, for the connections ... between</p> <p>18 rebars and couplers, I would check that the threads of</p> <p>19 the rebars were screwed into the couplers and not</p> <p>20 exposed (or that only one or two threads were exposed).</p> <p>21 Both MTRC's engineer and I would often use a torch to</p> <p>22 inspect the connections. This was not essential (you</p> <p>23 could see adequately without it), but it did give us</p> <p>24 a slightly better view of the coupler connections.</p> <p>25 (d) Both MTRC's engineer and I would walk along the</p>	<p>1 that's how that paragraph is introduced.</p> <p>2 A. Right, but I personally did not carry out the coupler</p> <p>3 inspection with Edward.</p> <p>4 Q. So you say there must have been somebody else -- if</p> <p>5 Mr Mok is right, what, there was some other MTRC</p> <p>6 engineer who carried out the formal inspections in</p> <p>7 area C, and if so who was he or her?</p> <p>8 A. Well, because I cannot confirm who actually Mr Mok is</p> <p>9 referring, based on his statement. He's only said the</p> <p>10 MTRC's engineer. So of course I was one of -- I was</p> <p>11 within the team, I was one of them; okay? But --</p> <p>12 Q. Mr Kwan, sorry, you were the only one in area C who,</p> <p>13 apart from the two areas that we've discussed where</p> <p>14 Mr Cheung was responsible, you're the only person whose</p> <p>15 signature appears on the RISC forms and therefore the</p> <p>16 only engineer, as I understand it, who would have</p> <p>17 carried out the formal inspections of the mats of rebar.</p> <p>18 A. Yes. Like I said earlier with this morning, yes,</p> <p>19 I carried out the inspection for the top mats and bottom</p> <p>20 mats.</p> <p>21 Q. And although, unfortunately, we did not or I did not, or</p> <p>22 nobody else did, ask Mr Mok who precisely the MTRC</p> <p>23 engineer was, I can't see that there are any other</p> <p>24 candidates, in area C, other than you, Mr Kwan.</p> <p>25 A. But there are other -- well, I'm not putting the</p>
Page 94	Page 96
<p>1 bay looking down at rows of rebars (the MTRC's engineer</p> <p>2 was normally a couple of metres ahead of me) and check</p> <p>3 for ourselves that rebars were properly connected to the</p> <p>4 coupler."</p> <p>5 Now, that could not be clearer, Mr Kwan. Do you</p> <p>6 agree with what Mr Mok says in those subparagraphs that</p> <p>7 I have read to you?</p> <p>8 A. I think I have replied, I have given my second</p> <p>9 statement, based on what Mr Mok has said in his</p> <p>10 statement here.</p> <p>11 Q. In your reply statement, you don't mention these</p> <p>12 paragraphs, and that's one of the reasons why certainly</p> <p>13 I had deduced that you agreed with him.</p> <p>14 A. Because what I try to -- what I want to say is what</p> <p>15 Mr Mok says here, from paragraph 25(c) and (d), he</p> <p>16 mentioned MTR's engineer, but he doesn't specifically</p> <p>17 say that that engineer is myself.</p> <p>18 Q. I appreciate that. That's why I asked you, right at the</p> <p>19 beginning of this line of questions, whether you were</p> <p>20 the engineer for MTRC in relation to area C, and you</p> <p>21 said -- you confirmed that that was the case.</p> <p>22 A. I was responsible for the formal inspection of area C,</p> <p>23 I confirm that, yes.</p> <p>24 Q. And that's what he's talking about, "The practical</p> <p>25 aspects of the formal inspection for rebar fixing",</p>	<p>1 responsibility to my colleagues, but I was not the only</p> <p>2 one within my team, and since Mr Mok cannot confirm who</p> <p>3 he is referring to in his statement -- so I agree to the</p> <p>4 fact that I was responsible for the rebar fixing</p> <p>5 inspection, I appreciate that and I agree to that, but</p> <p>6 who he is actually referring to, I'm not quite sure</p> <p>7 about that.</p> <p>8 MR PENNICOTT: All right.</p> <p>9 Sir, I thought it appropriate that that should be</p> <p>10 put.</p> <p>11 CHAIRMAN: Certainly.</p> <p>12 So would it be correct to say, then, that you don't</p> <p>13 have any memory at this stage of, for example, together</p> <p>14 with Mr Edward Mok, using a torch to light up the</p> <p>15 threads of reinforcing bars as they go into couplers to</p> <p>16 see whether they were properly installed or not?</p> <p>17 A. I would say that I may have used a torch, but not at the</p> <p>18 couplers' locations. Perhaps at other rebar locations</p> <p>19 I may have used that.</p> <p>20 CHAIRMAN: All right. So you don't remember doing what</p> <p>21 Mr Mok has suggested in paragraph (c)?</p> <p>22 A. I don't precisely recall that.</p> <p>23 CHAIRMAN: All right. Paragraph (d) perhaps you might agree</p> <p>24 with, would you, that you would walk along through the</p> <p>25 area and you would look down to check whether the</p>

Page 97	Page 99
<p>1 couplers were in? Because you had said that you would 2 sort of keep -- you couldn't really miss the couplers as 3 you were inspecting, so you would have a look at them as 4 well, in passing? 5 A. I would have noticed that. 6 CHAIRMAN: Okay. 7 MR PENNICOTT: And presumably, Mr Kwan, if you had been 8 carrying out these formal inspections, and you had 9 spotted threaded rebar that was not connected into the 10 couplers, that is not something you would have ignored? 11 A. Of course. Of course. If I see any couplers which is 12 not properly screwed, of course I would raise up the 13 problems to the Leighton engineer. This is the usual 14 practice. 15 MR PENNICOTT: All right. 16 CHAIRMAN: All right. But you didn't see it as your job, at 17 that time, to actually conduct a very careful inspection 18 of the connection with couplers, checking actual threads 19 and testing and things like that? 20 A. I didn't do it, because, as I mentioned earlier today, 21 I was not assigned that responsibility -- 22 CHAIRMAN: Good. Thank you. 23 A. -- by my senior management. 24 CHAIRMAN: Thank you very much. Good. Then we'll adjourn 25 for lunch.</p>	<p>1 relates to the hacking off of the east diaphragm wall 2 panels. Do you remember being asked about that matter 3 by my learned friend Mr Pennicott? 4 A. Yes. 5 Q. In particular, do you remember being questioned about 6 whether panels EH45 and EH48 actually had couplers in 7 them, as you describe in paragraph 39 of your witness 8 statement? 9 A. I remember that. 10 Q. You will also remember, I suppose, that by reference to 11 the Fang Sheung bar bending schedule, it was suggested 12 to you that they didn't have couplers in them anymore 13 but just through-bars; do you remember that suggestion 14 being put to you? 15 A. I remember that. 16 Q. The transcript records that you said that in concluding 17 together with the MTR construction management team that 18 EH45 and EH48 had couplers in them, you'd looked at both 19 the D-wall as-built drawings and the contemporaneous 20 photographs. Do you remember giving that answer to 21 Mr Pennicott? 22 A. Yes, I remember that. 23 Q. I wonder whether we could have a look, please, at one or 24 two photographs together. Could you be taken to B19, 25 and then 25569.</p>
Page 98	Page 100
<p>1 You are still giving your evidence. You may have to 2 answer a few more questions, just after lunch. Is that 3 okay? 4 WITNESS: Yes, sure, definitely. 5 CHAIRMAN: But until your evidence is completed, you are not 6 entitled to discuss it with anybody else at all. 7 WITNESS: Understood. 8 CHAIRMAN: Do you understand? 9 WITNESS: Understand, yes. 10 CHAIRMAN: Thank you very much. 11 MR PENNICOTT: Shall we say 2.20? 12 CHAIRMAN: Yes. We'll make it an hour and 15 minutes. 13 2.30. 14 MR PENNICOTT: 2.30. Thank you. 15 (1.13 pm) 16 (The luncheon adjournment) 17 (2.33 pm) 18 Re-examination by MR BOULDING 19 MR BOULDING: Good afternoon, sir. Good afternoon, 20 Professor. 21 Good afternoon, Mr Kwan. 22 A. Good afternoon. Good afternoon, Chairman, and good 23 afternoon, professor. 24 Q. I have two or three matters that I would like to take 25 you with you, if I may, Mr Kwan. The first matter</p>	<p>1 If that could be put on its ... 2 Do we see panel EH45 in that photograph, Mr Kwan? 3 A. I see that. 4 Q. I assume that's where it's actually marked as "EH45"; 5 correct? 6 A. Correct. 7 Q. Tell me this: why does this photograph lead you and the 8 construction management team to the conclusion that EH45 9 still has couplers? 10 A. If you can see from the photo, actually there is a steel 11 frame, which is for the underpinning purposes at that 12 time, sitting on top of EH45. 13 Q. I see. What is the relevance of the underpinning frame 14 so far as the absence or otherwise of couplers is 15 concerned? 16 A. Because if you can see more closely in the photo, you 17 will see, on top of EH45, there are actually supports -- 18 actually, the steel frame is actually sitting on top of 19 EH45. Based on this evidence, we cannot actually remove 20 the top of the D-wall because the steel frame at that 21 time is actually sitting on top, so we could not 22 possibly remove the top of the D-wall at that time. So 23 I presume there are couplers retained. 24 COMMISSIONER HANSFORD: Could we blow that photograph up 25 a little bit, please. A little bit more. That's it.</p>

Page 101	Page 103
<p>1 Thank you.</p> <p>2 Does this show it more clearly, Mr Kwan?</p> <p>3 A. Yes. You can see there are two vertical columns --</p> <p>4 I would say columns -- on top of EH45, sir. So if you</p> <p>5 can imagine there are two leg supports of the steel</p> <p>6 frame sitting on top, we cannot actually remove the top</p> <p>7 of the D-wall.</p> <p>8 COMMISSIONER HANSFORD: Thank you.</p> <p>9 MR BOULDING: Perhaps, with the learned professor's question</p> <p>10 in mind, we could go to another photograph, B25574,</p> <p>11 please. Perhaps that can be blown up a little bit.</p> <p>12 Again, do we see panel EH45 in that photograph?</p> <p>13 A. I see that.</p> <p>14 Q. With the learned professor's question in mind,</p> <p>15 am I right in thinking that the structure shown</p> <p>16 immediately above EH45 would be the legs of the</p> <p>17 underpinning frame?</p> <p>18 A. Yes, agree. Correct.</p> <p>19 Q. Could you show the professor and of course the</p> <p>20 Commissioner exactly what you're referring to? Because</p> <p>21 I don't want there to be any doubt about this.</p> <p>22 A. Sorry, can you repeat your question? Sorry.</p> <p>23 Q. Yes. I don't want there to be any doubt about this, so</p> <p>24 can you show the professor and the Commissioner exactly</p> <p>25 what you're referring to as the legs of the underpinning</p>	<p>1 Q. Do we see there, Mr Kwan, an underpinning frame located</p> <p>2 above that panel?</p> <p>3 A. I see that.</p> <p>4 Q. For the avoidance of any doubt, and with the assistance</p> <p>5 of the little hand again, perhaps you could just point</p> <p>6 that out to the Commissioner, the Chairman, and the</p> <p>7 professor.</p> <p>8 A. The cursor pointing right now, is the double I-beam of</p> <p>9 the underpinning frame, as there is a label "Temporary</p> <p>10 underpinning frame (double I-beam above D-wall</p> <p>11 panel 48)", that is consistent with the photos, the</p> <p>12 description.</p> <p>13 Q. I see. Then, just for good measure, if we can go on to</p> <p>14 B19 at 25575.</p> <p>15 Again, am I correct in thinking that we're looking</p> <p>16 at a part of panel EH48 here, Mr Kwan?</p> <p>17 A. Correct.</p> <p>18 Q. And, again, do we see part of the underpinning frame</p> <p>19 above that panel?</p> <p>20 A. Yes. The cursor pointing right now is the support of</p> <p>21 the temporary underpinning frame.</p> <p>22 Q. If you'd like to come down the left-hand side of the</p> <p>23 panel, am I right in thinking that we can actually see</p> <p>24 couplers present?</p> <p>25 A. Yes, we do.</p>
Page 102	Page 104
<p>1 frame? Ah, we've got the assistance of the little hand.</p> <p>2 MR PENNICOTT: Just say "right", "left", "up", "down".</p> <p>3 CHAIRMAN: Yes, just indicate where you're going on the</p> <p>4 screen and then the lady on this side here will move the</p> <p>5 hand.</p> <p>6 A. Right. The support, the legs, I'm referring to -- if</p> <p>7 you can show the hand of the cursor -- this is the</p> <p>8 right-hand side, if you read the photo in that</p> <p>9 direction, this is one of the legs, and the other leg is</p> <p>10 that one, yes, the cursor is pointing the legs.</p> <p>11 So these are the supports of the underpinning frame.</p> <p>12 CHAIRMAN: How far down do those legs go?</p> <p>13 A. I believe the legs sit on the top of the wall, if</p> <p>14 I remember correctly.</p> <p>15 CHAIRMAN: Thank you.</p> <p>16 COMMISSIONER HANSFORD: So there's a base plate or</p> <p>17 something, is there, on the top of the wall, to take</p> <p>18 those legs?</p> <p>19 A. I believe so.</p> <p>20 COMMISSIONER HANSFORD: Okay. I understand. Thank you.</p> <p>21 MR BOULDING: Just, if we may, move on to EH48, although</p> <p>22 I suspect it might be more of the same. Could we go on</p> <p>23 to B19 and then page 25573.</p> <p>24 Do we there see an arrow pointing to panel EH48?</p> <p>25 A. Yes, I see that.</p>	<p>1 Q. I see.</p> <p>2 Then finally, B19/25577. Again, I'm right in</p> <p>3 thinking, am I not, that this is a picture which shows</p> <p>4 panel EH48?</p> <p>5 A. I see that, yes.</p> <p>6 Q. Do we see, in this particular picture, because of the</p> <p>7 angle it's taken from, a better view of the underpinning</p> <p>8 frame?</p> <p>9 A. Correct.</p> <p>10 Q. And again, with the little -- yes, splendid -- is that</p> <p>11 the underpinning frame we're talking about?</p> <p>12 A. That is the underpinning frame, the cursor pointing</p> <p>13 right now, yes.</p> <p>14 Q. Again, it's perhaps not as clear as the previous</p> <p>15 photograph, but if we came down the side of panel EH48,</p> <p>16 can I ask you whether I'm right in thinking that we can</p> <p>17 see couplers in that picture?</p> <p>18 A. If you can blow up a little bit more -- actually, you</p> <p>19 would see the couplers at EH48.</p> <p>20 Q. Can you actually see them there, and if so can you use</p> <p>21 the little hand to signify exactly where they are?</p> <p>22 A. I try my best from the view. If you can put the cursor</p> <p>23 on the photo, in the middle -- yes -- if you can move</p> <p>24 a little bit to the left -- yes -- the cursor pointing</p> <p>25 right now, I suppose that is the retained couplers. If</p>

Page 105	Page 107
<p>1 you can blow it up a bit, it appears to me that -- yes.</p> <p>2 Q. Thank you very much, Mr Kwan. That's the first matter</p> <p>3 that I wanted to get your further assistance on.</p> <p>4 Moving on to the second matter, do you remember</p> <p>5 being asked by Mr Chow, counsel for the government,</p> <p>6 about PIMS?</p> <p>7 A. Remember.</p> <p>8 Q. And in particular, that part of PIMS which we can see at</p> <p>9 B3665. You will see there, will you not, the reference</p> <p>10 to as-built records?</p> <p>11 A. I see that.</p> <p>12 Q. Do you remember being asked several questions by Mr Chow</p> <p>13 about as-built records and how they ought to have been</p> <p>14 produced and checked and signed off?</p> <p>15 A. I remember.</p> <p>16 Q. The transcript -- and for the record, it's [draft]</p> <p>17 pages 71 and 72 -- Mr Chow says:</p> <p>18 "My further question is under this schedule, the</p> <p>19 senior construction engineer, can you confirm that at</p> <p>20 that time, in relation to EWL slab, the senior</p> <p>21 construction engineer was Mr James Ho?</p> <p>22 Answer: I confirm that.</p> <p>23 Question: He was supposed to review the as-built</p> <p>24 record kept by -- or prepared and kept by the</p> <p>25 construction engineer and the senior inspector of works.</p>	<p>1 Leung -- to TS31869, and there do we see Jason Wong was</p> <p>2 the competent person certifying the preparation of the</p> <p>3 plans or documents referred to in this letter?</p> <p>4 A. Yes.</p> <p>5 Q. Then finally, for record purposes, TS31870, please.</p> <p>6 Again, do we see, in relation to the test reports which</p> <p>7 are referred to in the letter -- and indeed attached,</p> <p>8 because they run to many pages -- but do we see various</p> <p>9 confirmations given so far as those test reports are</p> <p>10 concerned?</p> <p>11 A. Yes, I see that.</p> <p>12 Q. A couple of other documents. Could we go to TS32930.</p> <p>13 Thank you.</p> <p>14 Here do we see a letter from MTR to the BD,</p> <p>15 Mr Humphrey Ho, dated 15 May 2017?</p> <p>16 A. Yes, I see that, see the letter.</p> <p>17 Q. Can you see that it's headed, in bold, "Concrete cube</p> <p>18 compressive test report, rebar and coupler test report</p> <p>19 for Hung Hom Station", and so on and so forth? Again,</p> <p>20 would I be right in thinking that these are part of the</p> <p>21 as-built records that are referred to and required by</p> <p>22 the PIMS?</p> <p>23 A. Correct.</p> <p>24 Q. Finally and for good measure, perhaps you could go on to</p> <p>25 TS39560. Thank you very much.</p>
Page 106	Page 108
<p>1 Has Mr James Ho ever asked you as to the status of the</p> <p>2 as-built records in relation to the changes made to the</p> <p>3 top of the east diaphragm wall?</p> <p>4 Answer: From time to time, he would actually</p> <p>5 request us three, the ConE-II or -- perhaps three</p> <p>6 ConE-Is and three ConE-IIs under his team, to give him</p> <p>7 the status of the as-built preparations. And indeed we</p> <p>8 actually submitted some as-built records to BD back in</p> <p>9 2017. We started the as-built record process handing to</p> <p>10 BD."</p> <p>11 Do you remember giving that answer?</p> <p>12 A. I remember.</p> <p>13 Q. I wonder whether you can assist me with one or two</p> <p>14 documents. First of all, please could we go to</p> <p>15 bundle B5, and once we're in B5, TS31866.</p> <p>16 There, do we see a letter of 13 February 2017,</p> <p>17 addressed by the MTR to the BD, Buildings Department?</p> <p>18 A. Yes, I see that.</p> <p>19 Q. Would I be right in thinking that the heading, "Concrete</p> <p>20 cube compressive test report, rebar and coupler test</p> <p>21 report for Hung Hom Station", and so on and so forth,</p> <p>22 would be one of the as-built record requirements as</p> <p>23 referred to in the PIMS that we've just looked at?</p> <p>24 A. I believe so, yes.</p> <p>25 Q. Then if we could go on -- we see it's signed off by Andy</p>	<p>1 Here, we've moved on to November 2017, but do you</p> <p>2 see a further letter from MTR to BD, once again Mr Ho</p> <p>3 Hon Kit Humphrey?</p> <p>4 A. Yes, I see that.</p> <p>5 Q. And the heading, pretty similar to what we've seen</p> <p>6 before, "Concrete cube compressive test report and rebar</p> <p>7 test report for Hung Hom Station ... as-built plan</p> <p>8 index".</p> <p>9 Again, would I be right in thinking that the</p> <p>10 documentation referred to and appended to this letter is</p> <p>11 the as-built material required by PIMS that has to go to</p> <p>12 the BD?</p> <p>13 A. Yes, indeed.</p> <p>14 Q. Just one further matter. You'll recall, just before the</p> <p>15 lunch break, my learned friend Mr Pennicott applied to</p> <p>16 ask you one or two further questions concerning Mr Mok's</p> <p>17 statement. Do you remember that?</p> <p>18 A. I remember that.</p> <p>19 Q. In particular, the questioning was directed at the</p> <p>20 inspection of coupler splicing assemblies.</p> <p>21 A. I remember that.</p> <p>22 Q. Do you recall stating, indeed emphasising, that it was</p> <p>23 not your responsibility to inspect them because you were</p> <p>24 not the QSP supervisor?</p> <p>25 A. Do you mind if I can elaborate furthermore on this</p>

<p style="text-align: right;">Page 109</p> <p>1 particular point?</p> <p>2 Q. Please do.</p> <p>3 A. I would say that it is -- I was not assigned to</p> <p>4 countersign the QSP form in the sense that actually</p> <p>5 no one in our team informed me in particular for the</p> <p>6 inspection of countersigning the QSP form.</p> <p>7 However, as I'm a competent engineer and</p> <p>8 a responsible engineer within the team, I actually</p> <p>9 inspected the couplers, just like what I have written in</p> <p>10 my statement. So, in that sense, I do occasionally, on</p> <p>11 a spot-check basis, inspect the couplers, just not</p> <p>12 countersigning on the QSP form.</p> <p>13 Q. I see. And you've referred to your statement. Let's</p> <p>14 see if I've identified, or can identify it. B396,</p> <p>15 please, and if paragraphs 58 and 59 could be blown up.</p> <p>16 Are these the paragraphs in your statement that</p> <p>17 you're referring to, Mr Kwan?</p> <p>18 A. Correct.</p> <p>19 Q. You say in 58:</p> <p>20 "Although my understanding at the time of the EWL</p> <p>21 slab works was that the IoWs were responsible for</p> <p>22 conducting site surveillance in respect of the coupler</p> <p>23 splicing assemblies, I nonetheless observed the</p> <p>24 conditions of the coupler connections generally when</p> <p>25 inspecting the top and bottom layers of the rebars."</p>	<p style="text-align: right;">Page 111</p> <p>1 this way.</p> <p>2 CHAIRMAN: I appreciate that, every time. And when formal</p> <p>3 inspections took place for purposes of signing the RISC</p> <p>4 forms?</p> <p>5 A. For the RISC form sign-off process, as I mentioned</p> <p>6 earlier this morning, actually I know my responsibility</p> <p>7 is on the top mat and the bottom mat of the rebar</p> <p>8 fixing. So, in that regard, I would treat that RISC</p> <p>9 form, my signing-off RISC form, is not on the purpose of</p> <p>10 sign-off for the couplers. That is my opinion at that</p> <p>11 time.</p> <p>12 CHAIRMAN: All right.</p> <p>13 COMMISSIONER HANSFORD: Perhaps I can just follow up on</p> <p>14 that, Mr Kwan. We understand, from what you're saying,</p> <p>15 that you did not sign the QSP forms and you didn't see</p> <p>16 that as your responsibility, and we understand that.</p> <p>17 However, when you did the formal inspections with</p> <p>18 Mr Mok for the rebars, in order to ultimately be able to</p> <p>19 sign the RISC form, did you and Mr Mok together inspect</p> <p>20 the reinforcement and the connection between the</p> <p>21 reinforcement and the couplers?</p> <p>22 A. May I put it this way: for the reinforcement, that is</p> <p>23 absolutely yes, because that is the purpose of the RISC</p> <p>24 form, of the formal RISC form, I would say. And for the</p> <p>25 couplers, I do not recall precisely that I -- or I would</p>
<p style="text-align: right;">Page 110</p> <p>1 That's correct, is it?</p> <p>2 A. Sure, yes, it's correct.</p> <p>3 Q. Then you say in 59:</p> <p>4 "As part of my inspections, there were occasions</p> <p>5 when I spot-checked the splicing assemblies by asking</p> <p>6 Leighton's representatives (eg Mr Edward Mok) to</p> <p>7 instruct the workers on site to unscrew certain starter</p> <p>8 bars from the couplers and expose the threaded end of</p> <p>9 those rebars, and then screw the bars back into the</p> <p>10 couplers."</p> <p>11 Did you actually ask Mr Mok or someone else from</p> <p>12 Leighton that that should be done?</p> <p>13 A. I believe so. I believe I did, yes.</p> <p>14 MR BOULDING: Thank you very much, Mr Kwan. I've got no</p> <p>15 further questions. It may well be that the professor</p> <p>16 and the Chairman have.</p> <p>17 WITNESS: Thank you, Mr Boulding.</p> <p>18 CHAIRMAN: Sorry, just to help me on this last point. You</p> <p>19 say:</p> <p>20 "As part of my inspections, there were occasions</p> <p>21 when I spot-checked the splicing assemblies ..."</p> <p>22 That tends to suggest to me, perhaps wrongly, when</p> <p>23 you said "there were occasions", that this was not</p> <p>24 a regular practice of yours?</p> <p>25 A. I may not have checked every time I went on site, put it</p>	<p style="text-align: right;">Page 112</p> <p>1 say I cannot name any particular formal inspection that</p> <p>2 I specifically had an inspection with Mr Mok on the</p> <p>3 coupler installations.</p> <p>4 COMMISSIONER HANSFORD: So was that or was that not part of</p> <p>5 your formal inspection of rebar in order to be able to</p> <p>6 sign the RISC form? I'm still unclear about that.</p> <p>7 A. Right. From my understanding at that time, the reason</p> <p>8 I signed off the --</p> <p>9 COMMISSIONER HANSFORD: No, sorry, I'm not asking the reason</p> <p>10 why you signed it off. I'm asking whether you inspected</p> <p>11 it as part of the inspection that you did prior to</p> <p>12 signing the RISC forms?</p> <p>13 A. Perhaps I can say it this way. From what I understand</p> <p>14 back then, in 2015, the couplers would be signed off</p> <p>15 by -- would be checked under the form of QSP.</p> <p>16 COMMISSIONER HANSFORD: I'm sorry, I'm not asking under what</p> <p>17 form the records would be signed off. I'm asking what</p> <p>18 you did whilst inspecting the rebar for the purposes of</p> <p>19 signing off the RISC form. I just want to understand</p> <p>20 whether or not, in accompanying Mr Mok for those</p> <p>21 inspections, you also, with him, looked at couplers.</p> <p>22 A. Right. Like I said earlier, I may not recall precisely</p> <p>23 that I actually carried out the coupler inspection</p> <p>24 together with Mr Mok. I cannot recall precisely on</p> <p>25 that.</p>

Page 113	Page 115
<p>1 COMMISSIONER HANSFORD: Okay. Thank you. 2 MR BOULDING: Just to pick up that questioning, and looking 3 back at paragraph 58 of your statement, you say: 4 "Although my understanding at the time of the EWL 5 slab works was that the IoWs were responsible for 6 conducting site surveillance in respect of the coupler 7 splicing assemblies, I nonetheless observed the 8 conditions of the coupler connections generally when 9 inspecting the top and bottom layers of the rebars." 10 So those observations, is that something you did 11 when you were carrying out something which you had to 12 formally inspect? 13 A. I would say so, yes. 14 Q. Okay. Moving on to 59, you say there were occasions 15 when you "spot-checked the splicing assemblies by asking 16 LCAL's representatives to instruct the workers on site 17 to unscrew certain starter bars from the couplers and 18 expose the threaded end of those rebars, and then screw 19 'them' back into the couplers." 20 What were you doing on site when you would ask one 21 of LCAL's representatives to issue an instruction like 22 that? What were you actually doing on the site? 23 A. Actually, when I walked past -- when I carried out my 24 surveillance inspection, during my routine inspection 25 on site, actually I would have questioned the LCAL</p>	<p>1 assemblies; is that correct? 2 A. That is correct, because I just want to say that, as 3 an engineer, I think I should ask more on site, no 4 matter whether that particular responsibility or 5 particular form is going to be signed by me or by any 6 other colleagues, but as an engineer I think I should 7 ask them to show me how they properly do it, and if they 8 don't then I need to make sure that they -- they need to 9 properly do the works. 10 MR BOULDING: Thank you, Mr Kwan. 11 I don't know if there's anything arising out of 12 that. 13 CHAIRMAN: Just to avoid any misapprehension, because it's 14 been a little difficult on occasions. So you had the 15 formal inspection for the RISC purposes and your general 16 supervision, and what you're talking about where you 17 would sometimes stop and say, "Look, let's test this", 18 that would be on the general supervision or on both? 19 A. For the coupler case, I would say I would do it more on 20 general inspection rather than formal inspection, 21 because -- I've got reason behind that, because if you 22 can look at the photo, Mr Chairman and Professor, 23 actually it is quite difficult to go to the connection, 24 like the D-wall and the slab, it's quite difficult to go 25 there and try to unscrew one rebar and then put it back</p>
<p>1 representative, by asking them, "Okay, can you show me 2 that that particular coupler or particular rebar is 3 being properly fixed into the couplers?" That is 4 I actually carried out on some occasions, that I asked 5 them to show me, "How do you ensure that the couplers 6 are properly fixed?" 7 Q. And did you actually watch them unscrewing the bars from 8 the couplers? Did you actually watch them? 9 A. I watched that. 10 Q. You did? 11 A. Yes. 12 Q. Then did you watch them screwing it back into the 13 coupler? 14 A. Yes, I did. 15 Q. Did that satisfy you that the coupler splicing 16 assemblies were properly connected? 17 A. Like I said, these occasions, what I saw on site is they 18 actually unscrewed and then put it back and all the 19 threads are within the couplers. So, on that basis, 20 from what I observed, based on these occasions, I was 21 satisfied that the couplers connections is probably done 22 by the Fang Sheung workers on site. 23 Q. I'm right in thinking that you did that notwithstanding 24 the fact that you didn't regard it as your 25 responsibility to sign off on the coupler splicing</p>	<p>1 (demonstrating), under that formal inspection condition, 2 because it's layers of couplers, layers of rebars, like 3 perhaps four to five layers, five to six layers, top and 4 bottom, it's quite difficult. 5 So I would say I did that on purpose, like in the 6 general inspection. 7 CHAIRMAN: All right. Thank you. 8 Thank you very much. 9 MR BOULDING: Thank you very much, Mr Kwan. 10 WITNESS: Thank you. 11 COMMISSIONER HANSFORD: That's all. 12 CHAIRMAN: Thank you very much indeed, Mr Kwan. Your 13 evidence is now completed. That means you can go. 14 WITNESS: Thank you, Mr Chairman, thank you, Professor, 15 thank you, everyone, thank you, Mr Boulding. 16 (The witness was released) 17 MR BOULDING: Thank you. Now, Chairman and Professor, my 18 next witness, the next MTR witness, is Mr Kobe Wong. 19 Good afternoon, Mr Wong. 20 WITNESS: Good afternoon. Good afternoon, Chairman. Good 21 afternoon, Professor. 22 MR WONG CHI CHIU, KOBE (affirmed in Puntì) 23 (All answers given via simultaneous interpreter 24 except where otherwise specified) 25 Examination-in-chief by MR BOULDING</p>

Page 117	Page 119
<p>1 MR BOULDING: You've told us that your full name is Kobe 2 Wong Chi Chiu, and it's correct, is it not, that you 3 have produced two witness statements for the learned 4 Commissioners in this public inquiry? 5 You have produced two witness statements for the 6 assistance of the Commissioners in this public inquiry, 7 have you not, Mr Wong? 8 A. Correct. 9 Q. I wonder if we can go to the first one, which is 10 page B417, and do we there see the first page of your 11 first witness statement, Mr Wong? 12 A. Yes, correct. 13 Q. If we go on to page B447.1, we can see, can we not, that 14 you want to make a correction to that particular witness 15 statement; is that right? 16 A. Yes, correct. 17 Q. Then if we go to page B447 -- splendid -- do we there 18 see your signature under the date of 20 August? 19 A. Correct. 20 Q. We've seen the correction you want to make, and are the 21 contents of that statement true to the best of your 22 knowledge and belief, Mr Wong? 23 A. Yes, correct. 24 Q. Then there's also a reply statement that you've 25 prepared, and that's at B13654. Do we there see the</p>	<p>1 A. Yes, correct. 2 Q. Okay, Mr Wong. Thank you. What's going to happen now 3 is that the counsel for the Commission is going to ask 4 you some questions, probably Mr Pennicott, then various 5 lawyers in this room get the opportunity to ask you 6 questions, one after the other. The learned professor 7 and the Chairman can ask you questions at any time, and 8 then I might ask you a few questions at the end; okay? 9 A. (Nodded head). 10 MR BOULDING: Thank you very much, for the time being. 11 Examination by MR PENNICOTT 12 MR PENNICOTT: Mr Wong, good afternoon. 13 A. (In English) Good afternoon. 14 Q. My name is Pennicott and I'm one of the counsel for the 15 Commission. Although I was going to invite somebody 16 else to go first this time, unfortunately I can't do 17 that. 18 You were involved, Mr Wong, with the diaphragm 19 walls; is that right? 20 A. Yes, correct. 21 Q. You were involved with the inspection of the EWL slab 22 subsequently; is that correct? 23 A. Yes, correct. 24 Q. You were involved in what we describe or you describe as 25 five incidents of the discovery of either unconnected or</p>
<p>Page 118</p> <p>1 first page of your reply statement, Mr Wong? 2 A. Yes, that's correct. 3 Q. If we could go on, please, to B13671, and again we'll 4 see your signature under the date, this time, of 5 12 October 2018; correct? 6 A. Yes, correct. 7 Q. Are the contents of that statement true to the best of 8 your knowledge and belief? 9 A. Yes, correct. 10 Q. I'd just like to see where you fit in the MTR 11 organisation, if I may, Mr Wong. I wonder if you can be 12 shown page B559. Thank you. 13 Do we see your name and face there, Mr Wong? 14 A. Yes, correct. 15 Q. And this is the organisation chart as at 2 October 2013; 16 that's correct, is it not? 17 A. Yes, correct. 18 Q. And do we see the lines of reporting as at that time? 19 A. Yes, correct. 20 Q. Then it didn't always stay like that because, by October 21 2015, it had changed slightly. B573. If that can be 22 blown up again, do we there see your photo again, 23 Mr Kobe Wong? Do you see it, on the left? 24 A. Yes, I see it. 25 Q. With Pedro So immediately above you?</p>	<p>Page 120</p> <p>1 cut rebar; is that right? 2 A. Correct. 3 Q. And you were involved, earlier this year, in the 4 production of some retrospective records; is that right? 5 A. Correct. 6 Q. That's why I was going to ask somebody else to go first. 7 Now, you were an inspector of works between June 8 2013 and October 2015? 9 A. Yes, correct. 10 Q. And in November 2015 through to March 2018, you were the 11 senior inspector of works? 12 A. Senior inspector of works II. 13 (In English) Senior inspector of works II. 14 Q. II, okay. In the first part of the story, as I said 15 just now, you were involved in the inspection of the 16 fabrication of the rebar cages for the diaphragm walls? 17 A. Correct. 18 Q. And we've seen a number of documents, the cage-by-cage 19 documents, as I call them, that you, on behalf of the 20 MTRC, amongst others, signed as you inspected the rebar 21 cages as they were being built? 22 A. Yes, correct. 23 Q. Prior to this project and you doing that work, Mr Wong, 24 is that something you had had experience of before? 25 A. You mean for diaphragm wall?</p>

Page 121	Page 123
<p>1 Q. Yes, diaphragm wall rebar cages. Had you carried out 2 any inspections of that nature before? 3 A. If you are just referring to the diaphragm wall and the 4 cages for the diaphragm wall, this was the first time 5 I came across that in project 1112. 6 Q. Right. So what sort of tuition were you given as to 7 what you should be looking out for? 8 A. You mean during the inspection of the cages of the 9 diaphragm wall, right, the cages, the rebar cages? 10 Q. At the moment, I'm just focusing on the diaphragm walls. 11 We'll move on to other matters in a moment. 12 What tuition were you given regarding what to look 13 out for when you were inspecting the rebar cages to the 14 diaphragm walls? 15 A. For diaphragm wall -- if we are to inspect the cages, 16 then we would go by the shop drawings provided by 17 Intrafor. Mainly we would check the size of the main 18 bars, the shear links, the reserved pipes, the cast-in 19 items, that is for future test, or the shear pins, and 20 couplers. So more or less we will look at these items. 21 Mainly we will go by the shop drawings. For things 22 shown on the shop drawings, then we will go on site and 23 do the measurements, and we would check what should be 24 there. 25 Q. Mr Wong, let me try again. In your witness statement at</p>	<p>1 when you started your work on this project? 2 A. Yes. 3 Q. You looked at it at that time -- it would have been 4 August 2013 and thereafter, I think -- but you would 5 have looked at it at the time? 6 A. Yes, yes, I saw this QSP in August 2013. 7 Q. Right. Good. So it was something you were fully aware 8 of when you were doing your inspections of the rebar 9 cages for diaphragm walls? 10 A. Correct. 11 Q. I'm not going to look at the cage-by-cage documents 12 which we know you've signed some of them, but could 13 I just ask you, please, to be shown a related document: 14 bundle G17, page 12661.310. 15 It's not terribly distinct on the screen, Mr Wong -- 16 you'll be shown an A3 copy which will be much clearer 17 for you -- but is this a document you're generally 18 familiar with? 19 A. I have seen this before. 20 Q. Would you have seen it back in 2013, documents like 21 this, back in 2013? 22 A. Yes. 23 Q. Can you explain to the Commission what it is, what it 24 shows? This is just obviously one example of many. 25 A. This is appendix B to the QSP, the coupler installation</p>
<p>Page 122</p> <p>1 paragraph 22, you refer to a briefing session that you 2 attended on 2 October 2013 with representatives of BOSA 3 and other colleagues from MTR and representatives from 4 Intrafor, and that, as I understand it, was a briefing 5 session in relation to the installation and inspection 6 of the couplers? 7 A. Correct. 8 Q. Now, apart from that briefing session from BOSA, were 9 you given any other training or tuition about what you 10 should be looking for when you were inspecting the 11 fabrication of the rebar cages for the D-walls? 12 A. If you are talking about special training, no, or 13 briefing. This is because we would follow the shop 14 drawings for acceptance inspection. Now, we have shop 15 drawings from Intrafor, and we will inspect the rebar 16 cage based on the shop drawings. So there's no 17 particular briefing to tell us how to accept or to 18 inspect the rebar cages. 19 Q. All right. Can I ask you this. In paragraph 24.4 of 20 your witness statement, Mr Wong, you refer to the 21 quality supervision plan on the enhanced site 22 supervision for the installation of couplers, to put it 23 shortly? 24 A. Yes. 25 Q. Were you aware of that QSP back in the middle of 2013,</p>	<p>Page 124</p> <p>1 checklist. As you can see the cut section, there's 2 a dimension of the rebar cage and show how to check each 3 coupler, and the result of inspection, "S" and "NS", and 4 this form is for EM98, pages 5 to 4, and that is 5 connection between cage 5 to cage 4. 6 Q. And this is a document, as I understand it, prepared and 7 signed by Intrafor; is that right? I mean, I know it 8 comes from appendix B, but -- 9 A. Yes. 10 Q. If we can go down to the bottom, please, of the page, 11 signed by Intrafor? 12 A. The bottom signature? Yes, should be. 13 Q. While this isn't signed by either Leighton or MTR, is it 14 the case that you would see this document and sometimes 15 endorse it by signing it? 16 A. Could you repeat the question? 17 Q. Yes. Whilst this document is not signed by anybody 18 other than Intrafor, it appears, would you see this 19 document at the time and sometimes sign it yourself, on 20 behalf of MTR? 21 A. Yes. 22 Q. And Leighton would sign as well sometimes? 23 A. Perhaps I should put it this way. If I endorsed this 24 document by signing it, there must be a signature from 25 Leighton. I would countersign on top of Leighton.</p>

Page 125	Page 127
<p>1 Q. All right. So we can see that this document is not 2 signed by either Leighton or MTR, so is it the case that 3 sometimes these documents were given to you for 4 signature and sometimes they weren't? What was the 5 position?</p> <p>6 A. If you are talking about appendix B of QSP, under QSP 7 MTR had to supervise 20 per cent. For out of 280-odd 8 pages of coupler installation records, not all of them 9 would bear the signature of MTR colleagues. At 10 a minimum there should be 20 per cent which you would 11 see signature from MTR colleagues, so not every one 12 would bear the signature of MTRC.</p> <p>13 Q. Thank you, that's very helpful.</p> <p>14 Now, we're moving on from the diaphragm walls, 15 Mr Wong, and we are going to switch to the EWL slab. My 16 understanding is that you were one of the inspectors of 17 the rebar fixed at the EWL slab, before the concrete was 18 poured. Am I right?</p> <p>19 A. Perhaps I should correct something. If you are talking 20 about EWL slab, the inspection of rebars in EWL slab, in 21 particular rebar fixing inspection, it should be the 22 responsibility of the construction engineer of MTRC, 23 ConE-II.</p> <p>24 Q. What was your role in relation to the supervision of the 25 rebar fixing at the EWL slab?</p>	<p>1 quality assurance, and the progress of works on site. 2 For example, in a particular location, let's say C1-1, 3 they started doing rebar bending, then I would look at 4 the bar bending process to see whether there were any 5 major problems; for example, wrong bending of steel or 6 the spacing was put in incorrectly. That is matters we 7 did not need to compare with the shop drawings to know 8 that they were wrong. We would also look at coupler 9 installation.</p> <p>10 This is because, for matters happening on site or 11 activities on site, we have the responsibility to 12 supervise them. So it doesn't mean that although the 13 construction engineer was responsible for acceptance of 14 works, the other inspector of works would overlook or 15 did not pay attention to the works in progress. We 16 would also carry out surveillance.</p> <p>17 Q. Yes, because we know -- and we're going to come to this 18 in a moment -- that there are five incidents that you 19 talk about in your witness statement, where you 20 discovered either cut threaded rebar or rebar that 21 wasn't properly connected into the couplers.</p> <p>22 So is it right for us to infer from your discovery 23 of those five incidents, which as I say we'll come to in 24 a moment, that you paid particular attention to the 25 coupler connections, that is the rebar and the coupler</p>
<p>Page 126</p> <p>1 A. Concerning rebar fixing, I will conduct daily routine 2 site surveillance. For myself, I would inspect the site 3 every day. If rebar fixing was carried out in one 4 location, I would carry out quality surveillance in that 5 location.</p> <p>6 But this is not an official inspection. This is 7 because, for steel fixing inspection, it was the 8 responsibility of construction engineer. So, when it 9 comes to acceptance of work or comparing the 10 construction and the shop drawings, this was the 11 responsibility of construction engineer.</p> <p>12 For inspectors such as myself, I would carry out 13 routine site surveillance. I would also take care of 14 coupler installation. But if you are talking about bar 15 bending, that's the role I played.</p> <p>16 Q. Right. I appreciate, I think, Mr Wong, that you were 17 not responsible for what we are describing as the formal 18 inspections of the bottom mat and top mat of rebar and 19 as a consequence of RISC forms being submitted. You 20 were more responsible for the day-to-day surveillance 21 and observation of the rebar as it was being fixed; is 22 that a reasonable description?</p> <p>23 A. Perhaps I can provide more details about the work that 24 I did myself. I would carry out surveillance of all 25 matters within my responsibility. For example, safety,</p>	<p>Page 128</p> <p>1 connections, both in the diaphragm wall and on the 2 construction joints; would that be fair?</p> <p>3 A. Correct.</p> <p>4 Q. Right. As I understand it, I don't think there's any 5 real dispute about this now, Mr Wong, there are no 6 contemporary records of the inspections that you carried 7 out, of those connections?</p> <p>8 A. I agree.</p> <p>9 Q. Given your involvement, very detailed involvement, with 10 the inspection and signing of records in the context of 11 the diaphragm walls, were you surprised that there were 12 no records kept in relation to the inspection of the 13 connections of the rebar to the couplers on the EWL 14 slab?</p> <p>15 A. For the diaphragm wall, at the time there were records. 16 In 2013, I read the QSP. It's a CFI. The title was for 17 the couplers, and there's a description that it's 18 couplers used on diaphragm walls, and it did not state 19 specifically that even for the slabs the QSP applied. 20 Then, when there was the construction of the EWL slab, 21 I asked Leighton colleagues this question briefly. 22 There were such records for the diaphragm wall. So, for 23 the construction of the EWL slab, should there also be 24 such records? The reply given was, at the time, after 25 they read the document, they thought it was just for the</p>

Page 129

1 diaphragm wall. So the EWL slab was not covered.
2 Then, by 2017, then I saw a letter that we sent to
3 the Buildings Department, and so coupler QSP also
4 applied to the EWL slab. It's only then that I knew.
5 In 2015, when the EWL slab was built, I was not
6 aware of the need for such records for the EWL slab,
7 although there were such records for the diaphragm wall.
8 Q. Right. So does it come to this, Mr Wong, that you at
9 least asked yourself the question as to whether the QSP
10 for the couplers applied to the rebar on the EWL slab;
11 you at least asked yourself that question, and then you
12 asked a question of Leighton as a consequence of that?
13 So it did actually occur to you?
14 A. Sorry, can you repeat your question?
15 Q. Yes. You've just told us, I think, that you raised
16 a query with Leighton as to whether or not there ought
17 to be records of the connection inspections of the rebar
18 at the EWL slab.
19 A. Yes, I did ask them.
20 Q. So the point I'm making is: because you asked them, it
21 obviously occurred to you, you thought to yourself,
22 "Well, why aren't we keeping records? I'd better ask
23 Leighton." So it did occur to you?
24 A. At the time, yes, it did occur to me.
25 Q. Right. So you asked Leighton and they said "QSP doesn't

Page 130

1 apply to EWL slab"; is that what you're telling us?
2 A. Yes, correct.
3 Q. Thank you. And do you remember who at Leighton you
4 spoke to about that point?
5 A. I could not be sure. I think it could be Andy Ip, the
6 sub-agent at the time.
7 Q. So, anyway, having had that conversation with Leighton
8 or perhaps Mr Ip, you were satisfied, were you, that his
9 explanation was correct and that you didn't need to keep
10 any records of your inspections?
11 A. Yes.
12 Q. Did it occur to you to speak to any of your superiors or
13 your colleagues at MTRC about the matter that had
14 occurred to you?
15 A. At the time, no, because for the QSP I had, there's no
16 mention of the EWL slab either.
17 Q. Right. But there's no reference, perhaps, in the QSP
18 specifically to the EWL slab, but it does refer to the
19 fixing of steel rebar, and presumably that's possibly
20 why you had your query and why it occurred to you that
21 it might apply to the fixing of the EWL rebar?
22 A. Sorry, can you repeat your question, please?
23 Q. I'll put it in a slightly different way. Why did it
24 occur to you to raise the query with Leighton?
25 A. Because, for the QSP submission, it's from Leighton to

Page 131

1 MTR. So I asked Leighton, because I thought they would
2 know best, and also for the document I had at hand, it
3 only states it's for diaphragm wall, and it doesn't say
4 it's for the slab.
5 Q. When you say the document you had at hand, was it the
6 QSP itself? I mean, I can show it to you. It's in H9.
7 Let's just have a look at that. H9/4265.
8 Have you got 4265? It's the front sheet, I think,
9 Mr Wong? Is this the document you had, or was it
10 something else?
11 A. This is not the cover letter; right? This is the first
12 page. In 2013, when the diaphragm wall was built, this
13 was not the document I read.
14 Q. This is not the document you read?
15 A. Or perhaps -- sorry, can I go back a few pages to take
16 a look?
17 Q. Of course. Sorry, keep that open there, Mr Wong, but
18 let me just show you B5/2640. Behind that letter should
19 be another version of the site supervision plan. Turn
20 on a couple of pages. Sorry, the quality supervision
21 plan.
22 MR BOULDING: Sir, I hesitate to intervene, and I could
23 leave this for a day or so and re-examine on it, but my
24 understanding is that Mr Kobe Wong was looking at
25 B5/B2659, which is a version dated 23 August. I don't

Page 132

1 know whether that helps my learned friend.
2 MR PENNICOTT: I was just looking at the one that referenced
3 in his witness statement, starting at B5/2640, where
4 we've gone, and we will no doubt now find it.
5 If you go to 2659, Mr Wong.
6 A. For the 2013 document, this should be this B2659 one.
7 That's the one I read in 2013.
8 Q. Okay. Can we turn over the page, please. Now, the
9 front sheet is exactly the same as the one in the other
10 file.
11 A. Yes.
12 Q. If you could please go to paragraph 2 on -- keep going.
13 Stop there.
14 So this is the document you saw at the time; yes?
15 A. Yes.
16 Q. So what led you to believe that it only applied to the
17 diaphragm walls, if that's what you're saying?
18 A. Well, if you go back to the cover letter, the very first
19 page, the title of the document, it said it's for the
20 slab.
21 Q. Right. So you're just getting it from the cover sheet
22 sent by Mr Plummer to MTRC, as opposed to the document
23 itself?
24 A. Well, I did read the document too, but I first read the
25 title, and then I read the document itself.

Page 133	Page 135
<p>1 Q. All right. At least we've identified what you looked 2 at, Mr Wong, and there are very minor differences 3 between this and the later ones. 4 But anyway, going back to where we were, it occurred 5 to you, and you raised a query with Leighton when you 6 came to do your work on the EWL slab -- you were told at 7 that time that this QSP didn't apply and therefore no 8 records needed to be kept; is that what it comes to? 9 A. Yes. 10 MR PENNICOTT: Sir, perhaps that would be a convenient 11 moment to stop. 12 MR BOULDING: Sir, if we're stopping there, can I just have 13 ten seconds, because it's been drawn to my attention 14 that there's probably a transcript error that the girls 15 might like to consider. 16 At [draft] page 127, line 8, there's a reference to 17 "Kung Yi Chu", which I am told should be "ConE". I just 18 wonder whether someone could listen and confirm that or 19 otherwise. Thank you. 20 MR PENNICOTT: That must be right. 21 CHAIRMAN: One second, sorry. 22 MR BOULDING: It's also being suggested to me that the 23 previous sentence -- perhaps, again, they can listen to 24 the tape -- it's suggested "it should not be". There 25 appears to be a missing "not". But obviously I invite</p>	<p>1 15 minutes. 2 (3.47 pm) 3 (A short adjournment) 4 (4.07 pm) 5 MR PENNICOTT: Mr Wong, just a couple of questions to finish 6 off the topic we were discussing before the tea break. 7 Just so I've got this clear, because I've looked at 8 the transcript and it may not be as clear as it should 9 be. When it occurred to you that there were no records 10 being kept of your inspection and you queried this with 11 Leighton -- you mentioned Mr Andy Ip -- did you in fact 12 raise that query with anybody else at MTR? 13 A. To my recollection, no. 14 Q. Okay. Secondly, can I ask you, please, to look at 15 page B1/428, part of your witness statement, and if we 16 could please blow the photograph up, please. 17 Mr Wong, as I understand it, this is a photograph 18 that you took of the diaphragm wall cage in February 19 2015; would that be right? 20 A. I think the correct position of this photo should be 21 area C2-3, which was taken on 2 October 2015. It was in 22 the process of doing the EWL slab. This coupler was on 23 top of the diaphragm wall. It was not during the 24 construction of the diaphragm wall, because by 2015 the 25 diaphragm wall was already completed.</p>
Page 134	Page 136
<p>1 their attention to the tape on that. 2 CHAIRMAN: Yes. I think, just for general instruction, 3 I may be wrong, in which case I'll be corrected, that at 4 the end of the day, when we go about our separate 5 businesses, they do in fact go back over the transcript 6 with the assistance of the recording. 7 MR BOULDING: That's right, and as you said the other day, 8 sir, and I associate myself with your remarks, it's 9 a fantastic job. Thank you. 10 CHAIRMAN: Yes. 11 Could I ask you just one thing, Mr Wong. You say 12 that when you started, you were told that the QSP did 13 not apply. Was that common knowledge among the 14 engineers working with you, the other inspection teams, 15 to your knowledge? 16 A. At the time, I did not ask the engineers at the time, 17 because for the diaphragm wall and for the EWL slab, the 18 MTR engineering teams, you know, kept seeing their 19 members being replaced. So, for the diaphragm wall 20 engineers, by the time we moved on to the EWL slab, all 21 those engineers had left. 22 I don't know whether they handed over their work to 23 their successors, so that's why I did not ask them 24 whether they knew about it. 25 CHAIRMAN: All right. Thank you very much.</p>	<p>1 Q. Yes, that's why I was a bit puzzled by the date. So you 2 think this is 2 October 2015; is that right? 3 CHAIRMAN: It's got it there, hasn't it? 4 MR PENNICOTT: We weren't sure which way around it was, but 5 yes. 6 You think it's 2 October rather than 10 February? 7 A. This photo was taken with my camera. My camera, when 8 I set the date, the month came first: month, date and 9 year. 10 Q. Excellent. So what are we actually looking at then? 11 First of all, how do you know it's area C2-3? 12 A. At that time, on 2 October 2015, when I inspected area 13 C2-3, there was some bar bending activity. The 14 description in the photo below was perhaps what I put 15 in, when I put in the record photo into the company 16 server. This is because our practice is that when the 17 inspectors put the photos onto the company server, we 18 would type in a description. 19 If you want to check, you can look at the dates. In 20 October 2015, there should be bar bending activities in 21 area C2-3. 22 Q. Yes, I accept that, Mr Wong. As it happens, the 23 request, the RISC request for rebar checking for C2-3, 24 was made on this very day, 2 October 2015, suggesting 25 that the rebar would have been completed on that day or</p>

Page 137

1 thereabouts.
2 Are we looking at the top rebar or the bottom rebar,
3 Mr Wong?
4 A. Could you repeat the question?
5 Q. Yes. Which rebar are we actually looking at? You say
6 it's in the diaphragm wall. That's the description
7 you've given it. I'm just trying to understand what
8 we're looking at. Do you say this is rebar in the EWL
9 slab? You say it's in the diaphragm wall. Can you
10 explain -- and we can see lots of thread visible into
11 the couplers. It's got to be, as you say, type B rebar
12 as a consequence; yes?
13 A. Perhaps I will describe this photo in more detail. This
14 should be about western D-wall, not eastern D-wall, as
15 many are concerned about, because for the west diaphragm
16 wall the cut-off level is lower. I can't recall the
17 exact figure. And there's no shear key for western
18 D-wall. It's like what you can see here. They used
19 this connection method. First, there's a vertical
20 rebar, with a type B thread, and it would be fixed onto
21 the coupler underneath, and the D-wall at the bottom
22 would have some rebars on top. So this is the west
23 D-wall.
24 As to which rebars are the rebars of the west
25 diaphragm wall and which are the type B rebars, perhaps

Page 138

1 I can tell you that for the vertical rebars with some
2 rust, they should belong to the EWL slab. For those in
3 the bottom -- I'm not talking about the horizontal
4 ones -- you can see there are some portions exposed from
5 the concrete level, and perhaps you can use the cursor
6 to point out. That is underneath the couplers. That
7 should belong to the diaphragm wall.
8 COMMISSIONER HANSFORD: Can I ask a question here, Mr Wong,
9 to help me understand this photograph: is the tape
10 measure vertical or horizontal?
11 A. Vertical.
12 COMMISSIONER HANSFORD: That's vertical. So you're telling
13 us that's couplers coming out vertically from the top of
14 the diaphragm wall; is that correct?
15 A. For what you see on top, where there's the threaded bar,
16 it's screwed in from top, to the top of the diaphragm
17 wall, yes, it's a vertical installation.
18 COMMISSIONER HANSFORD: Now I understand what I'm looking
19 at. I'm not sure I know where it is, but I understand
20 what I'm looking at, thank you.
21 MR PENNICOTT: The clue, the biggest clue that you've given
22 us, Mr Wong, which I perhaps overlooked, in my keenness
23 to discuss the eastern diaphragm wall, is that this is
24 the western diaphragm wall, and therefore it has
25 vertical couplers coming out and rebar screwed in, and

Page 139

1 then the monolithic construction on the western
2 diaphragm wall is constructed accordingly. So this is
3 the western diaphragm wall, which of course I should
4 have twigged.
5 COMMISSIONER HANSFORD: Okay. That's helpful to me. Thank
6 you.
7 MR PENNICOTT: So it's illustrative of the process of your
8 inspections, this time on the western diaphragm wall,
9 Mr Wong.
10 A. Correct.
11 Q. The only reason I took you to this photograph -- it
12 wasn't to ask you all those questions -- was this.
13 There's another photograph on the next page as well,
14 429. That's in area C1-1, but you tell us this time
15 it's on the EWL slab, area C1-1.
16 What I wanted to ask you was this. When you were
17 inspecting the connections, on your routine
18 surveillance, inspecting the connections of the rebar to
19 the couplers on the east diaphragm wall, did you take
20 many photographs, on your routine inspections?
21 A. When I was still the inspector of works, I would take
22 more photos. After October 2015, after I was promoted
23 to SIoW-II, I would take less photos.
24 Q. Right. Would you make a habit, every time you were
25 doing the surveillance of the connections of the rebar

Page 140

1 to the couplers, make a habit of taking photographs on
2 a fairly frequent basis, when you were the inspector of
3 works?
4 A. Yes, I had the habit of taking photos.
5 Q. So the couple of photos you've given us here are just
6 two of a large quantity; is that right?
7 A. Two of some photos, yes.
8 Q. All right. Can we just move on, Mr Wong, to discuss,
9 I hope reasonably briefly, the five incidents that you
10 start dealing with at the bottom of page 437 in your
11 witness statement.
12 It's paragraph 66 at the bottom. You say:
13 "From my own recollection, there were five incidents
14 of non-compliant rebars/couplers which were observed
15 on site during the EWL slab works -- four of these
16 incidents are from memory, and one was put on record (ie
17 the third incident on 15 December 2015)."
18 Just to follow up on the last few questions, save
19 for the third incident, that gave rise to NCR157,
20 am I right in thinking that you did not take any
21 photographs in relation to the other four incidents?
22 A. I don't think I have taken any photos.
23 Q. Okay. You deal with the first incident starting at
24 paragraph 68 of your witness statement. You've slightly
25 amended paragraph 69.4 of your witness statement to say:

Page 141

1 "Accordingly, the first incident was most likely to
2 have been in areas C1-1 to C1-4."
3 A. Yes. It should be C1-2 to C1-4.
4 Q. I'm sorry, C1-2 to C1-4. And that makes sense, because
5 C1-1 had already been concreted by the end of July.
6 What you observed, on that first incident, as
7 I understand it, is at paragraph 70. You say:
8 "During this first incident, I noticed one or two
9 non-compliant threaded rebars (which I suspect had been
10 cut by a portable wire cutter, such that they were
11 shorter than the rebar length required by BOSA) on the
12 ground, at a time when there were rebar fixing works in
13 progress in the area. The threaded ends of the
14 non-compliant rebars (which were intended to be used
15 with 86 millimetre long couplers for type A connections)
16 were shortened by half, compared to the length they
17 should have been. I do not know who was responsible for
18 cutting the threaded ends."
19 You say that you immediately contacted Chan Chi Yip,
20 and asked what was the deal with the threaded rebars,
21 and he assured you that he would resolve the problem
22 immediately.
23 As I understand it, you go on to say that he did
24 indeed resolve the problem, because when you went back
25 the problem had been resolved.

Page 142

1 A. Yes.
2 Q. You go on to say that in relation to this first
3 incident, you didn't mention it to any of your
4 colleagues or any other parties, and you say that the
5 reason for that was that you would only report serious
6 site safety issues, changes in the design drawings, or
7 serious delays in the progress of the works.
8 So are we to conclude from that, Mr Wong, that you
9 didn't regard the cutting of threaded rebars with
10 a portable wire cutter as a serious matter?
11 A. In a routine site surveillance, I find non-compliance,
12 and in this case Leighton made immediate correction, and
13 also this was still bar fixing in progress. So my
14 understanding was that it still did not constitute
15 a serious mistake. So, therefore, I defined it as a not
16 so serious defect.
17 CHAIRMAN: Could you just assist me here, just very briefly.
18 You noticed one or two non-compliant threaded rebars.
19 Now, in English, "one or two" doesn't mean necessarily
20 exactly one or exactly two. It's a term often meaning
21 a very small number. To the best of your recollection,
22 were there more than one threaded ends there? If you
23 had to give it a number, what would you say?
24 A. It should be one or two. It won't be more than two.
25 CHAIRMAN: All right. Thank you.

Page 143

1 MR PENNICOTT: Could we then turn to the second incident,
2 which you deal with at paragraph 74, and you say that
3 this took place in area B in or around October/November
4 2015, and you explain why that is the case. You say:
5 "After being promoted to SIOW-II, you recall that
6 you did not immediately reshuffle the division of
7 labour, such that I continued to carry out site
8 surveillance in respect of all areas ... Therefore, the
9 second incident was most likely to take place in area B.
10 The facts were largely the same as the first
11 incident, except that I did not personally oversee the
12 rectification process. I do not know who was
13 responsible for cutting the threaded ends."
14 On this occasion, because I've missed it, how many
15 bars do you say had been cut?
16 A. In the second incident, it was still one or two rebars.
17 Q. Okay. Could I ask you, please, to look at some
18 photographs, at bundle C12, page 8121. I think there
19 should be two photographs. That's 8123 and -- keep
20 going -- yes, that one as well. So there's a photograph
21 at 8123 and a photograph at 8125.
22 Mr Wong, have you seen either of these two
23 photographs before?
24 A. I think, when Edward Mok was giving evidence, I saw
25 these photos outside of this room.

Page 144

1 Q. Right. So was that the first time you'd seen these
2 photographs?
3 A. Yes, right.
4 Q. Because, in Mr Mok's statement, in relation to the
5 second incident that he gives evidence about, he says he
6 took these two photographs on that occasion. That's
7 what he says; okay?
8 A. Sorry, can you repeat that, please?
9 Q. Yes. Edward Mok --
10 A. Yes.
11 Q. -- you know Edward Mok, and it sounds to me as though
12 you might have been in the building when he was giving
13 evidence -- he tells us that on the second incident that
14 he witnessed, he took some photographs, and these two
15 photographs are the ones that he took.
16 A. His second incident?
17 Q. Yes.
18 A. His second incident, which is which incident? I'm not
19 sure.
20 Q. What I'm gearing up to is simply to ask you whether,
21 looking at these photographs, that reminds you whether
22 this is what you saw on your second incident.
23 A. So you mean in my second incident whether the situation
24 was similar to this photo?
25 Q. Indeed I do. We can look back at 8123 as well, if you'd

Page 145

1 like.

2 A. I'm not sure. Maybe.

3 Q. Right. What I'm trying to work out, Mr Wong, is whether

4 or not it might be the case that you and Mr Mok saw the

5 same incident, but anyway. It may be, and it may be

6 not.

7 A. If I and Mr Mok discovered some trimmed threaded ends

8 being placed there, these two photos show what may have

9 happened on that occasion. But as to whether his second

10 incident was exactly the same as my second incident,

11 I cannot say categorically that that is the case,

12 because I do not have clear recollection.

13 CHAIRMAN: Sorry, again, just to assist me, in respect of

14 the first and second incidents, you say they were

15 similar, and my impression is that what you saw were one

16 or two threaded ends of rebars. In other words, you saw

17 something like that lying on the ground, as opposed to

18 an actual rebar such as that. Am I right or wrong?

19 Of course there would have been both, I appreciate that,

20 if you'd cut the ends off a rebar, but I imagine you

21 found -- what you'd done is you'd come across them and

22 picked them up, like you can pick one up in your hand

23 now?

24 A. Correct. I saw a threaded end of a rebar had been

25 trimmed. A threaded end of a rebar had been trimmed.

Page 146

1 COMMISSIONER HANSFORD: Sorry, Mr Wong -- so you saw the

2 piece that had been cut off; is that correct? You saw

3 the piece that had been cut away from the rest of the

4 bar; is that correct?

5 A. No. I saw the whole rebar, not the section that had

6 been cut out.

7 COMMISSIONER HANSFORD: Okay.

8 A. Not the little piece that was cut out. I'm talking

9 about the whole rebar.

10 COMMISSIONER HANSFORD: Okay. So the only way this could be

11 the same as the one you saw, then, would be that you saw

12 it before this photo was taken --

13 A. Correct.

14 COMMISSIONER HANSFORD: -- and before it was installed; is

15 that right?

16 A. I am not too sure whether the threaded rebar was exactly

17 in the same situation like this photo, and that is it

18 was being connected to a coupler, or it was in the

19 process of bar bending.

20 MR PENNICOTT: I think the point that's being made, Mr Wong,

21 if I understand it, and it's quite right, is that in

22 paragraph 70 of your witness statement, in relation to

23 the first incident, you said you saw one or two

24 non-compliant threaded rebars on the ground. That's the

25 point. Then, with regard to the second incident,

Page 147

1 because you say the facts were largely the same, it's

2 perhaps the case that -- is it the case that on the

3 second incident you saw the rebars on the ground, or

4 were they cut rebar that had already been fixed and

5 installed, if you can recall?

6 A. For the first and second incidents, I think the

7 situation was very similar, so on the ground, I would

8 say. And I think in the vicinity of that, I think there

9 were some bar bending activities.

10 Q. Okay. So, if that's right, then it's unlikely that the

11 photographs I've just shown you relate to your second

12 incident, because they are clearly showing rebar that's

13 already been fixed and installed?

14 A. Correct.

15 Q. In relation to that second incident, you say, in

16 paragraph 76:

17 "Again, I did not mention the incident back at the

18 site office or report it to any other parties in

19 meetings or otherwise, as the issue was resolved

20 immediately on site to my satisfaction."

21 So did you report it to anybody at Leighton?

22 A. Probably not.

23 COMMISSIONER HANSFORD: I still don't understand. In

24 paragraph 76 you say "as the issue was resolved

25 immediately on site". What issue was resolved

Page 148

1 immediately on site? What was the issue?

2 A. I was talking about a section of the threaded end of

3 a rebar had been cut. After I discovered that, the

4 Leighton supervisor immediately dealt with that. On the

5 first occasion --

6 COMMISSIONER HANSFORD: Sorry, what do you mean "dealt with

7 that"?

8 A. (In English) Rectified.

9 COMMISSIONER HANSFORD: But he can't stick it back together

10 again, so how did he rectify it?

11 A. That's what I try to explain now. They replaced a new

12 coupler and used a new compliant threaded rebar to be

13 installed into this new coupler, on the same position.

14 COMMISSIONER HANSFORD: And do you know what they did with

15 the old one, the one that had been cut?

16 A. They threw it away.

17 COMMISSIONER HANSFORD: Right. Sorry, Mr Pennicott.

18 MR PENNICOTT: Not at all. All right.

19 Then the third incident is one which we've looked at

20 and pored over a number of times. It's the one that led

21 to Leighton issuing NCR157.

22 As I understand it, this time it was Mr Andy Wong

23 who was inspecting, when he discovered the fact that at

24 least two rebars, as he informed you, had their threaded

25 ends trimmed down?

Page 149	Page 151
<p>1 A. Yes, correct.</p> <p>2 Q. As a consequence of you being informed by Mr Andy Wong</p> <p>3 about this incident, you went down, you inspected, and</p> <p>4 as a result of more thorough inspection five cut rebar</p> <p>5 were discovered?</p> <p>6 A. Correct.</p> <p>7 Q. We know that a number of photographs were taken -- they</p> <p>8 were taken by Mr Andy Wong; is that right?</p> <p>9 A. You are talking about the photos in the NCR157 report?</p> <p>10 Q. Yes.</p> <p>11 A. Yes, most of them, I think.</p> <p>12 Q. I am, yes. Okay.</p> <p>13 And what happened was you contacted Leighton,</p> <p>14 Mr Chan, you asked Mr Andy Wong to remain on site and to</p> <p>15 oversee the rectification works. As we then know,</p> <p>16 Leighton were sent an email by MTR, by you?</p> <p>17 A. Correct.</p> <p>18 Q. And you set out the contents of your email, most of it,</p> <p>19 in paragraph 82 of your witness statement?</p> <p>20 A. Yes.</p> <p>21 Q. Can I ask you this: in relation to that incident and the</p> <p>22 email, who was the most senior person in MTR that -- to</p> <p>23 your knowledge, thinking back to December 2015, who was</p> <p>24 the most senior person at MTR who knew about this</p> <p>25 incident?</p>	<p>1 works were done concurrently) -- I recall clearly that</p> <p>2 each of these incidents were in different locations from</p> <p>3 the previous incidents."</p> <p>4 So, just for clarity, Mr Wong, these fourth and</p> <p>5 fifth incidents definitely happened, is this right,</p> <p>6 after the third incident giving rise to NCR157?</p> <p>7 A. Correct.</p> <p>8 Q. You say:</p> <p>9 "The facts were again largely the same as the</p> <p>10 previous incidents, and I do not know who was</p> <p>11 responsible for cutting the threaded ends. I did not</p> <p>12 personally oversee the process of rectification, and</p> <p>13 I simply returned to site shortly afterwards or on the</p> <p>14 next day to inspect the rectified rebars and couplers,</p> <p>15 which I considered to be satisfactory.</p> <p>16 On the whole, there were only a very small number of</p> <p>17 non-compliant rebars/couplers observed on site, and</p> <p>18 other than the five incidents outlined above, I do not</p> <p>19 recall ever seeing any other problems or</p> <p>20 non-conformances in relation to the rebars or couplers</p> <p>21 in the diaphragm wall and EWL slab works."</p> <p>22 I'm a bit puzzled by this paragraph 86, first of</p> <p>23 all, Mr Wong:</p> <p>24 "The facts were again largely the same as the</p> <p>25 previous incidents ..."</p>
Page 150	Page 152
<p>1 A. You're talking about this email?</p> <p>2 Q. Let's start with the email, yes. It's a good starting</p> <p>3 point.</p> <p>4 A. If you look at the email I sent out, I have cced to my</p> <p>5 direct supervisor, Pedro So, SLoW, and also cced to the</p> <p>6 other gentlemen, they are engineers, Derek Ma, Jeff</p> <p>7 Cheung, Louis Kwan, and my colleagues Andy Wong, Joe</p> <p>8 Wong and Tommy Leong. In this email -- and my senior</p> <p>9 was Pedro So.</p> <p>10 Q. All right. We saw him on the organisation chart</p> <p>11 a little while ago. Does that mean that essentially it</p> <p>12 was up to Mr Pedro So as to whether -- was it up to</p> <p>13 Mr Pedro So, as you saw it, to inform anybody, as it</p> <p>14 were, further up the organisation chart?</p> <p>15 A. Correct.</p> <p>16 Q. So you thought that you had done -- and I'm not in any</p> <p>17 sense criticising you, Mr Wong -- the fact that you had</p> <p>18 informed your superior, Mr So, you thought, "Okay, I've</p> <p>19 done my job; if anybody else needs to know, Mr So will</p> <p>20 deal with it"?</p> <p>21 A. Correct.</p> <p>22 Q. Then you deal with the fourth and fifth incidents quite</p> <p>23 briefly in paragraphs 85 to 88, and you say:</p> <p>24 "The fourth incident was in area C1 5, and the fifth</p> <p>25 incident was in areas B-4/B-5 (where the rebar fixing</p>	<p>1 Now, the first and the second incidents involved one</p> <p>2 or two rebars, as you've indicated. The third incident</p> <p>3 involved five cut threaded rebar. So let's take the</p> <p>4 fourth incident which you say happened in area C1-5. Do</p> <p>5 you recall how many bars were cut?</p> <p>6 A. Same as for the first and second incidents. It's one or</p> <p>7 two rebars.</p> <p>8 Q. Right. Given what had happened in relation to the third</p> <p>9 incident, which was obviously taken pretty seriously by</p> <p>10 everybody, did it not surprise you, concern you, that</p> <p>11 yet another incident had happened in area C1-5, even</p> <p>12 though it's perhaps only one or two rebar?</p> <p>13 A. Let me explain. At the time, in 2015, when we built the</p> <p>14 EWL slab, Fang Sheung had about 50 to 60 workers during</p> <p>15 the peak period. They were about three teams of</p> <p>16 workers, at three workfronts at the most, where there</p> <p>17 was concurrent rebar fixing.</p> <p>18 For the fourth incident -- let's take that as</p> <p>19 an example. After the third incident, where there was</p> <p>20 an NCR, how come there was still the fourth incident?</p> <p>21 Because I had to observe further -- it's possible that</p> <p>22 it could be different workers who caused the incident,</p> <p>23 so I had to observe further whether there would be more</p> <p>24 of such similar incidents.</p> <p>25 Now, of course the COI would only focus on the EWL</p>

Page 153	Page 155
<p>1 slab. At the time, for the diaphragm wall, the EWL 2 slab, the NSL slab -- it would go all the way up to the 3 middle of 2016. So we are talking about a relatively 4 long period -- after the third incident in December 5 2015, there were the fourth and fifth incidents, in my 6 experience, I thought it was acceptable, because already 7 by the time we got to NSL, there were no more similar 8 incidents.</p> <p>9 So, if you ask me whether I was surprised -- 10 I wouldn't be very surprised, because Fang Sheung may 11 have different workers or they may have outside workers. 12 Perhaps --</p> <p>13 CHAIRMAN: Sorry to interrupt again. When were the fourth 14 and fifth incidents, very roughly? You don't put that 15 down there. How much time had passed since the NCR? A 16 couple of weeks? A couple of months?</p> <p>17 A. In my recollection, it should have followed closely 18 after NCR157, when EWL slab was completed, so it should 19 be about two to three weeks after.</p> <p>20 CHAIRMAN: And the fifth incident?</p> <p>21 MR PENNICOTT: Sorry, can we just do the fourth incident 22 first, sir.</p> <p>23 Can I just perhaps assist. First of all, how sure 24 are you it was C1-5?</p> <p>25 A. Because, by that time, it was only at C1-5 there was</p>	<p>1 A. Well, I wouldn't put it that way. Let's say there's 2 still suitable access and I could get to the bottom mat 3 and I could inspect it, and I would still check it, 4 unless there is no longer a suitable access to the 5 layer.</p> <p>6 Q. All right.</p> <p>7 COMMISSIONER HANSFORD: Can I just -- I'm puzzled. Mr Wong, 8 you've just said C1-5 is not a big bay. I think it's 9 the biggest bay, isn't it? It's got 1,235 cubic metres 10 of concrete, which is more than any of the others 11 have -- well, in C1 anyway. So why do you say it's not 12 a big bay? Why do you say C1-5 is not a big bay?</p> <p>13 A. Can I please take a look?</p> <p>14 Oh, I think I have got it wrong. It should be C1-4.</p> <p>15 COMMISSIONER HANSFORD: But that's in September.</p> <p>16 A. No, no, what I mean is in terms of size, I got it wrong. 17 I mixed up C1-4 and C1-5 in terms of size.</p> <p>18 COMMISSIONER HANSFORD: All right. So you are saying C1-5 19 is a big bay?</p> <p>20 A. Yes.</p> <p>21 COMMISSIONER HANSFORD: Okay.</p> <p>22 MR PENNICOTT: Right.</p> <p>23 So you maintain your position that the fourth 24 incident was in area C1-5, it took place after the third 25 incident that gave rise to NCR157, and you did not</p>
Page 154	Page 156
<p>1 rebar fixing.</p> <p>2 Q. All right. The bar fixing in C1-5 started on 8 December 3 and completed on 21 December. So let's focus on the 4 completion of the rebar on 21 December, so six days 5 after the incident that gave rise to NCR157.</p> <p>6 Can I ask you this: do you recall whether the fourth 7 incident occurred to the top mat of rebar or the bottom 8 mat of rebar?</p> <p>9 A. In my recollection, for all five incidents, they were to 10 do with the bottom mat.</p> <p>11 Q. That's a little problematical, Mr Wong, if one looks at 12 it as a matter of chronology, because, as I say, the 13 rebar in C1-5 was completed on 21 December 2015. We 14 know the third incident was on 15 December. And so the 15 bottom rebar must have been completed, I would have 16 thought, if they are going roughly at the same pace, 17 bottom and top, before the third incident occurred.</p> <p>18 A. It may not be the case, because for area C1-5, well, 19 that's not a big bay, that particular bay.</p> <p>20 Q. Do you recall -- I'll put it the other way around. Was 21 it your practice, when you were inspecting the rebar and 22 the fixing, that once the bottom rebar mat had been 23 completed, that was it, as far as you were concerned; 24 there were no more inspections of the bottom rebar, you 25 would then focus on the top mat?</p>	<p>1 report the fourth incident to anybody?</p> <p>2 A. Correct.</p> <p>3 Q. And that fourth incident was like the first and second 4 incidents; that is, it involved one or two cut rebar, 5 threaded rebar?</p> <p>6 A. Correct.</p> <p>7 Q. Now, so far as the fifth incident concerned, you say 8 that was in areas B4/B5, and can you put an approximate 9 date on that incident, Mr Wong?</p> <p>10 A. I don't recall the exact date. I think it's still 11 within that period.</p> <p>12 Q. Yes, because if you look at the document -- sorry, can 13 we give Mr Wong back -- you'll need the first sheet, 14 this time, the other sheet; thank you -- we can see, 15 Mr Wong, that the rebar in B4 commenced on 28 December 16 2015 and finished on 9 January 2016; yes?</p> <p>17 A. Yes, correct.</p> <p>18 Q. So is it likely to have been during that period?</p> <p>19 A. Yes, I suppose so.</p> <p>20 Q. And again, in relation to that fifth incident, one or 21 two rebar concerned?</p> <p>22 A. Yes, the same, one or two rebars.</p> <p>23 Q. And again not reported by you to anybody at MTR?</p> <p>24 A. Correct.</p> <p>25 Q. Presumably for all the same reasons that you explained</p>

Page 157	Page 159
<p>1 a short while ago in relation to the fourth incident?</p> <p>2 A. Correct.</p> <p>3 MR PENNICOTT: Sir, I see it's nearly 5 o'clock, with</p> <p>4 a minute or so to spare.</p> <p>5 CHAIRMAN: Yes.</p> <p>6 MR PENNICOTT: I have one more topic that I need to deal</p> <p>7 with. How long will it last? Well, it's the</p> <p>8 retrospective records I've got to deal with, so it will</p> <p>9 probably take more than ten minutes.</p> <p>10 CHAIRMAN: Yes.</p> <p>11 Can I ask you just a couple of questions on why it</p> <p>12 was that with these fourth and fifth incidents you</p> <p>13 decided not to formalise the position by making</p> <p>14 a report? You say that one of your concerns was trying</p> <p>15 to find out whether the people who had done this were</p> <p>16 perhaps new workers; is that right?</p> <p>17 A. Correct.</p> <p>18 CHAIRMAN: But surely, on a worksite, like anything else --</p> <p>19 Fang Sheung has now been put under an indictment, so to</p> <p>20 speak, been told, "Look, make sure this doesn't happen",</p> <p>21 and Fang Sheung have their own workers; they have to</p> <p>22 control their own workers. It's not a question of you</p> <p>23 going along and saying, "I can identify one or two."</p> <p>24 Don't you just go back to the organisation and say,</p> <p>25 "Sorry, it's happened again"?</p>	<p>1 the process of giving your evidence, you are not</p> <p>2 entitled to discuss your evidence with anybody; okay?</p> <p>3 Not your lawyer, should you have one, or anybody else.</p> <p>4 And at the end of your evidence, when you're told that</p> <p>5 it's finished, then obviously you can talk about it, but</p> <p>6 not until then; okay?</p> <p>7 Thank you very much indeed. We look forward to</p> <p>8 seeing you tomorrow morning at 10 am. Thank you.</p> <p>9 (5.03 pm)</p> <p>10 (The hearing adjourned until 10.00 am the following day)</p>
Page 158	Page 160
<p>1 A. I agree with what Chairman said. Fang Sheung should</p> <p>2 indeed control their workers. In the fourth and fifth</p> <p>3 incidents, after I found these incidents, I spoke to the</p> <p>4 frontline officers of Leighton. I believe they should</p> <p>5 have taken this matter up with Fang Sheung and followed</p> <p>6 up on why this recurred.</p> <p>7 Within my supervision responsibility, I continued to</p> <p>8 inspect and see whether there was any deterioration.</p> <p>9 CHAIRMAN: All right. So you did report it in the sense</p> <p>10 that you either worked with Leighton to fix it or you</p> <p>11 reported it to Leighton, the fourth and fifth incidents?</p> <p>12 A. Yes. Every time when that happened, I would tell</p> <p>13 Leighton, and Leighton would rectify the problem.</p> <p>14 I notified Leighton every time.</p> <p>15 CHAIRMAN: All right. So it was really up to Leighton what</p> <p>16 they were going to do? After all, they were the</p> <p>17 contractor, and Fang Sheung was their sub-contractor;</p> <p>18 would that be right?</p> <p>19 A. Correct.</p> <p>20 CHAIRMAN: All right.</p> <p>21 Peter?</p> <p>22 COMMISSIONER HANSFORD: No, that's all from me.</p> <p>23 CHAIRMAN: Good. Thank you very much.</p> <p>24 Mr Wong, you are still giving your evidence, and</p> <p>25 it's something I say to all witnesses: while you are in</p>	<p>1 INDEX</p> <p>2 PAGE</p> <p>3 MR KWAN PAK HEI, LOUIS (on former oath in Puntì)1</p> <p>4 Examination by MR PENNICOTT (continued)1</p> <p>5 Cross-examination by MR TO40</p> <p>6 Cross-examination by MR CHOW45</p> <p>7 Cross-examination by MR CONNOR72</p> <p>8 Further examination by MR PENNICOTT90</p> <p>9 Re-examination by MR BOULDING98</p> <p>10 (The witness was released)116</p> <p>11 MR WONG CHI CHIU, KOBE (affirmed in Puntì)116</p> <p>12 Examination-in-chief by MR BOULDING116</p> <p>13 Examination by MR PENNICOTT119</p>