

1 Thursday, 6 December 2018

2 (10.02 am)

3 MR KWAN PAK HEI, LOUIS (on former oath in Puntì)

4 Examination by MR PENNICOTT (continued)

5 MR PENNICOTT: Sir, good morning, and professor.

6 Good morning, Mr Kwan.

7 A. Good morning, Mr Chairman. Good morning, Professor.

8 Q. When we finished last night, we were discussing certain  
9 issues concerning the RISC forms; you'll remember that?

10 A. I remember that.

11 Q. One of the points we were discussing was at what point  
12 in time were the RISC forms actually submitted in  
13 relation to the completion of the bottom mat of rebar  
14 and the top mat. You'll remember that discussion?

15 A. I remember that.

16 Q. I'd like to -- have you had any further thoughts  
17 overnight about that? Have you given it some thought or  
18 not?

19 A. 我有嘗試去搵番--refresh我一啲嘅記憶，去尋求番尋日嗰個問題嗰個答案  
20 嘅，我有。

21 Q. Would you like to tell us what you've been thinking  
22 about?

23 A. 冇問題，根據我嘅記憶，其實尋日我哋望到嗰張RISC form寫嘅日子，就係  
24 嗰個接收日期就係我哋嘅inspector team我哋嘅SIOW去收咗嗰個RISC  
25 form之後就寫個日子嚟嘅。但係我有記憶，就係可能當中會有一啲嘅advance

1           format嘅RISC form就會係喺個bottom mat做咗個--做緊當做--當個  
2           rebar fixing喺個bottom mat進行緊嘅時候，就會有一個advance嘅  
3           format嘅RISC form就會由禮頓嘅工程師嗰面就通知我嘞，喺咁嘅情況底  
4           下，有occasion，即係喺certain嘅occasion上面就有咁嘅情況發生嘅，  
5           但係我都再重申多一次...

6           CHAIRMAN: Sorry, I don't follow that. I do apologise.

7           A. Sorry, if I can explain in English. Actually, I just  
8           explained that I actually received advance copy of that  
9           RISC form, so, by the time we received the actual copy  
10          of the RISC form, the date written on the RISC form is  
11          actually written by our SIO, our senior inspector of  
12          works. But then, before that, during the process of the  
13          bottom mat rebar fixing in progress, actually  
14          I received -- on occasions, I received an advance format  
15          of the form, so that I know that the rebar fixing is in  
16          progress at that time, at that particular time. Then  
17          the Leighton engineer would further ask me to go on site  
18          for the formal inspection.

19          CHAIRMAN: All right. So you get an advance copy of the  
20          RISC form, which means -- has the rebar fixing started  
21          in a particular bay at that time, or is this a form  
22          saying it will commence shortly?

23          A. I cannot confirm with what actually -- when actually the  
24          advance RISC form has been given to me, but I believe it  
25          is during the process of the rebar fixing.

1 CHAIRMAN: All right. And the purpose is to let you know  
2 that the rebar fixing is taking place and that you will  
3 be required to complete this form in due course?

4 A. Yes.

5 CHAIRMAN: And then?

6 A. Then, when the bottom mat rebar fixing has been  
7 completed, I will go on site to have an inspection for  
8 the bottom mat.

9 CHAIRMAN: Yes?

10 A. Then, after I inspect, when I find it's okay, then the  
11 Leighton engineer will instruct the Fang Sheung workers  
12 to commence the top layers -- top mat, sorry.

13 CHAIRMAN: And do you do anything with this advance copy?  
14 Do you fill it out or make a note on it or anything like  
15 that?

16 A. No, I didn't.

17 CHAIRMAN: Okay. Thank you.

18 A. Because from my point of view that advance form is  
19 a notification to me, for me to have -- okay, Leighton  
20 is now carrying out the rebar fixing works at that  
21 particular bay.

22 COMMISSIONER HANSFORD: So, Mr Kwan, you saw the advanced  
23 form as being some form of alert that this work was now  
24 taking place so that you could organise your time  
25 accordingly; is that correct?

26 A. Correct.

1 COMMISSIONER HANSFORD: Okay. Thank you.

2 MR PENNICOTT: Right. Now, I looked at a couple of RISC  
3 forms for a couple of areas with you yesterday  
4 afternoon, and I think, in the light of that answer,  
5 Mr Kwan, we'd better look at a couple more, just to see  
6 whether we can hone this down a little bit more for our  
7 purposes.

8 Could we look at -- let's have a look at area C1-4.  
9 Could you be given, please, bundle B17/24199, and 98,  
10 but it's 99 really for current purposes that we need.  
11 It's the plan helpfully provided by the MTRC.

12 A. I see that.

13 Q. You'll be given a hard copy. It will be a bit easier.

14 It's the next page, sir. Both pages should be in  
15 there, I think.

16 CHAIRMAN: Yes.

17 MR PENNICOTT: So if we look at B24199, and we look at  
18 area C1 on the left-hand side of this sheet, and then we  
19 look underneath at area C1-4, that's the one I'm looking  
20 at.

21 A. I see that.

22 Q. And we can see that the rebar commenced on 14 September  
23 2015; do you see that?

24 A. I see that.

25 Q. And completed on 26 September 2015?

26 A. I see that.

1 Q. That shows a period of 12 days for both the bottom and  
2 top rebar to be completed, as I understand this  
3 document?

4 A. Right, correct.

5 Q. Indeed, if one casts one's eye along this, depending  
6 upon the precise size and configuration of the bays,  
7 they would take between 12 and 14 days to complete,  
8 broadly speaking? There were one or two that were  
9 longer, some of them shorter, but normally 13 or 14 days  
10 was about the sort of average?

11 A. On average, yes.

12 Q. So if you're right, Mr Kwan, one would be expecting,  
13 what, the advance copy that you mentioned to us about  
14 halfway through that period; is that right? Have I got  
15 that right, or would you get it at the beginning? At  
16 what point in time during the 12 days would you think  
17 you would receive it?

18 A. I would say it's about midway, halfway of the process of  
19 the rebar fixing.

20 Q. Yes. If one makes the assumption -- I don't know  
21 whether it's a correct assumption or not, but if one  
22 makes the assumption that the bottom and the top rebar  
23 take approximately about the same amount of time to do,  
24 then that would be, I suppose, another assumption one  
25 can make, that you would get the advance RISC form  
26 halfway through?

1 A. Correct.

2 Q. Now, if we look at the RISC form for this particular  
3 area, which is to be found at H1/174.

4 Do you have that, Mr Kwan?

5 A. I see that.

6 Q. Now, help us with this. When you got, as you suggest  
7 you did, an advance copy of this document, what would be  
8 on it?

9 A. 會有個範圍，B1-4 EWL slab top mat and bottom mat -- top  
10 and bottom steel。

11 Q. So item, "Part A", (1) and (2) would be filled in,  
12 presumably (3), the drawing references, would be filled  
13 in, (4) could be filled in without any difficulty?

14 A. Yes.

15 Q. What about the next bit?

16 A. As I recall, the date and the time of the inspection  
17 works, from the advance copy of the RISC form, that was  
18 not filled in.

19 Q. So you would not, when you had the advance copy, see the  
20 date of 26 September or the time, and what about  
21 Mr Edward Mok's name and his position and his signature;  
22 would that be there?

23 A. I cannot recall precisely whether the name of the  
24 engineer is on there, but I believe so. I believe the  
25 name was on it. Just the date is missing from the  
26 advance format of the form.

1 Q. Okay. Pause there. So at what point did the date of  
2 26 September and the time of 15:00 hours -- when did  
3 that get inserted onto the form, or did you receive  
4 a completely different and new form?

5 A. I would say the time and the date, 26 September 2015,  
6 and the 15:00 hours, that was inserted by Leighton, and  
7 when I received the actual original form, which is  
8 received by our inspector team, the date and the time  
9 was already there.

10 So I cannot be sure when that was inserted.

11 Q. All right. So I think you're telling us, if I've  
12 understood it correctly, that you, in addition to the  
13 advance copy, would then receive a copy with these dates  
14 on it?

15 A. Correct.

16 Q. And what did you do with the advance copies?

17 A. That is, the advance copy will be a notification to me,  
18 and my note -- what I mean by "note" is -- that is one  
19 kind of notification to me that the rebar fixing for  
20 that particular bay, for example for this one, C1-4, has  
21 already commenced, and I can remind myself by the  
22 advance copy that I have actually inspected the bottom  
23 mat.

24 Q. Let me put the question a different way: did you keep  
25 the copies, the advance copies, in your files?

26 A. All right. After I signed the original form for this,

1 with the date on the RISC form, I regrettably did not  
2 keep that record.

3 Q. All right. So we don't have any of the, as it were --  
4 I'm not using this pejoratively but any of the blank  
5 advance copies, as it were? We presumably don't have  
6 them?

7 A. Correct.

8 COMMISSIONER HANSFORD: Can I just ask: were the advance  
9 copies in soft form or hard form?

10 A. That was in hard form.

11 COMMISSIONER HANSFORD: The advance forms were in hard form?

12 A. Yes.

13 COMMISSIONER HANSFORD: Okay.

14 CHAIRMAN: And, as I understand it now, the advanced forms  
15 helped you in two ways: generally, they let you know  
16 that the rebar fixing was taking place in a particular  
17 bay; and secondly, that information enabled you to go  
18 down and check the bottom mat, at a convenient time.  
19 And then you received a brand-new, second copy, with  
20 a date on it for inspection, which would indicate to you  
21 that, on that date, the bottom mat, which you had  
22 already inspected, and now the top mat, which you had  
23 not yet inspected, were ready for overall inspection?

24 A. I would say so, yes.

25 CHAIRMAN: But you didn't keep the advance copy, that was  
26 sort of just a kind of a reminder to you, a notice to



1           you. But would you ever write down things on that  
2           advance copy related to your inspection of the bottom  
3           mat?

4           A. Unfortunately, no, because, per my inspection, for  
5           example for this C1-4 bay, when I went down on site to  
6           carry out the inspection, I would normally take photo  
7           records, and if I see any I would say defects or  
8           something not according to the drawings, then I would  
9           ask the Leighton engineer to rectify it immediately  
10          on site.

11                  So that would be my routine inspection.

12          CHAIRMAN: All right. The only problem I have, as  
13          a layperson, is -- what you seem to be saying is that  
14          the only record that you actually kept was  
15          a photographic one?

16          A. Correct.

17          CHAIRMAN: So you didn't write down in a notebook or you  
18          didn't inscribe onto a tablet or anything like that --  
19          for example, "Half a dozen couplers are at slightly  
20          wrong angles, check [something or other]"; do you see  
21          what I mean? You didn't have anything more detailed  
22          written down?

23          A. Sorry, Mr Chairman, but I didn't keep that kind of list  
24          or record.

25          CHAIRMAN: You don't have to apologise to me. It may be  
26          that what I'm -- I'm just asking to try to get

1 an understanding of how the whole process worked, that's  
2 all.

3 A. Right. Because the RISC form, no matter the advance  
4 format or the original format, there is no list attached  
5 to the RISC form.

6 MR PENNICOTT: Yes.

7 A. So I presumably -- when I went on site, I just checked  
8 against the drawings, the working drawings, and took the  
9 photo records, but I didn't write down anything on that  
10 particular bay.

11 MR PENNICOTT: Yes.

12 COMMISSIONER HANSFORD: Mr Kwan, when you talk about the  
13 original copy, it's not actually original, is it? Do  
14 you mean the formal copy?

15 A. Formal copy, right.

16 COMMISSIONER HANSFORD: Because obviously the advance copy  
17 comes before the formal copy, so the advance copy is  
18 actually original?

19 A. I would use the formal copy then.

20 COMMISSIONER HANSFORD: Formal copy, okay.

21 MR PENNICOTT: Mr Kwan, when you inspected the bottom mat of  
22 rebar, did you regard that as a formal inspection?

23 A. I would say yes.

24 Q. So the problem we have, or perhaps the gap we have, is  
25 there is actually no specific record of that particular  
26 formal inspection?

1 A. In terms of RISC form, I think you're correct, because  
2 we just put down top and bottom mats into one RISC form.

3 Q. Yes. And if you look at the RISC form that's on the  
4 screen at the moment, and we now look at "Part B", this  
5 RISC form, as I understand it, was received by one of  
6 your colleagues -- is it Mr Kung?

7 A. Yes.

8 Q. He was a senior inspector of works?

9 A. At that time, yes.

10 Q. And he signed it, and am I right in thinking that, what,  
11 he received it on 29 September; is that right? Is that  
12 what one infers from that date?

13 A. I think so. That was received on 29 September.

14 Q. All right. Then he has -- presumably this is all his  
15 writing -- he's then circled "ConE"; yes?

16 A. I see that.

17 Q. Which is you, and he's written your name?

18 A. Yes.

19 Q. And so he has passed the form to you, so that you know  
20 that you've got to go and do the inspection of the top  
21 mat?

22 A. Correct.

23 Q. And he's also written -- I think we covered this  
24 yesterday, it's his writing, "Late submission", not  
25 yours?

26 A. The "Late submission" was written by Mr Kung.

1 Q. Mr Kung, yes. You then have -- either he has or you  
2 have -- put your name in, your position, and you've  
3 signed it; do you see that? Is that your signature,  
4 I presume?

5 A. That is my signature, yes.

6 Q. But you haven't dated it?

7 A. Right.

8 Q. Is there any reason for that?

9 A. Perhaps I forgot to do so.

10 Q. All right. But anyway, that's the way it would work: he  
11 would receive it, he would pass it to you, you do the  
12 inspection and you sign it off?

13 A. After my inspection, I would sign it off, yes.

14 Q. Right. And it follows that you could not have done the  
15 inspection if you didn't receive this before  
16 29 September, before 29 September; is that right?

17 A. Sorry, can you repeat the question again?

18 Q. Yes. If Mr Kung did not receive this document until  
19 29 September, the earliest he could have passed it to  
20 you was on that date?

21 A. Yes.

22 Q. And therefore the earliest that you could have done the  
23 inspection of the top rebar was the 29th?

24 A. I may disagree on that, because, in a way, perhaps  
25 I actually discussed this point yesterday when we talked  
26 about the bottom mat, because the engineers from the

1           Leighton side, they would inform me to tell me that,  
2           "Okay, Louis, the top mat is now completed, so would you  
3           mind going on site for the formal inspection", and given  
4           that the RISC form, perhaps due to some administration  
5           reasons from Leighton side, the form has not been passed  
6           to us in a timely manner, so the form, I would say the  
7           formal RISC form, would be delivered to us perhaps on  
8           a later date or a later time.

9           But, from my memories, I would say that the Leighton  
10          engineers would ask me to go on site for formal  
11          inspection.

12         Q. Well, Mr Kwan, this is getting even more confusing. The  
13          relevance of that last point is that we know -- you can  
14          look on the MTR sheet that I've showed you, on the  
15          plan -- that the concrete was actually poured in this  
16          bay on 29 September.

17         A. I see that.

18         Q. So you seem to be saying you inspected the top mat  
19          before 29 September.

20         A. That would be a normal case.

21         Q. Yes, despite not having received the formal RISC form?

22         A. Right.

23         Q. So you just had a call or a WhatsApp or a message from  
24          one of the Leighton engineers to go along and inspect?

25         A. Some occasions, yes.

26         Q. Okay.

1 CHAIRMAN: So what these RISC forms are saying, effectively,  
2 then -- would I be correct -- is this: "I have inspected  
3 both the bottom mat and the top mat, and although I have  
4 not put down or in any way recorded any problems that  
5 were initially found with either the bottom mat or the  
6 top mat, and although the actual date of my inspections  
7 are no longer known, because the date on this formal  
8 document may not tie in with that, whatever problems may  
9 have been have been checked and rectified, and I'm  
10 giving the all-clear"?

11 A. That was correct.

12 CHAIRMAN: All right. So if there were, for example, three  
13 or four couplers that were out of alignment and you had  
14 to do some remedial work, put in a dowel, as it's been  
15 called here, or something like that, that wouldn't be  
16 recorded in any way?

17 A. May I add one point?

18 CHAIRMAN: Yes.

19 A. I was not actually assigned for the inspection of the  
20 couplers for the EWL slab and also -- I mean, between  
21 the slab and slab connections and the D-wall to slab  
22 connections, I was not assigned for -- I was only  
23 responsible for the inspection for the couplers.

24 CHAIRMAN: You were just inspecting the steel cage work?

25 A. The rebars within the slab, the 3 metre slab.

26 CHAIRMAN: Okay. So the same principle would apply: you

1 would inspect, see everything was okay; if you had to  
2 fix something, you would do that on the spot, in the  
3 sense that you would get it done?

4 A. Correct.

5 CHAIRMAN: Then there wouldn't be a record kept of that  
6 anywhere?

7 A. Because let's say the spacing of the rebar is not  
8 correct, not according to the drawings, I would ask the  
9 engineer from Leighton to correct that, and right on the  
10 spot that was solved already, right on the spot.

11 CHAIRMAN: Yes.

12 A. So that was -- when the problem was solved on the spot,  
13 I don't think it's necessary to record down on the RISC  
14 form.

15 CHAIRMAN: No. Okay. So you would then either be there  
16 while that's done or come back a bit later to check that  
17 it has been done?

18 A. Both correct.

19 MR PENNICOTT: Can I just go back to your answer a moment  
20 ago to the Chairman's question regarding the couplers.  
21 What do you mean when you say you weren't responsible  
22 for inspecting the couplers?

23 A. Perhaps I can explain this in Cantonese, if you --

24 Q. Please do, if it's easier.

25 A. 當我喺2014年4月1號joint MTR嘅時候，其實我知道當時係有個連續牆去  
26 進行緊嘅，而當時嘅時候，我知道連續牆都係有coupler做一個connection

1 嘅，而當時嗰個分工就係我哋嘅inspector team就會負責連續牆嘅  
2 couplers嘅connection嘅inspection嘅，okay。當連續牆完成咗之後，  
3 去到東西走廊嘅3 metre slab做嘅時候，亦都有上司去同我哋engineer講  
4 話「Okay，engineer，你哋要負責番嗰個coupler嗰個inspection  
5 record，你哋要負責番」，當冇呢個清楚嘅指示嘅時候，其實我就以為係喺--  
6 嗰個coupler嗰個inspection嗰個responsibility都係仲係喺我哋  
7 inspector team度嘅。

8 Q. But let's just suppose you're going along to inspect the  
9 top mat of rebar. Surely you're checking to ensure that  
10 the rebar is properly screwed into the couplers, if  
11 there are couplers, I'm sure you're checking that, are  
12 you not?

13 A. To be precise, I personally didn't make that record,  
14 because I was not assigned to inspect the coupler  
15 record.

16 CHAIRMAN: Sorry, I must have this wrong. I'm sure I do  
17 have it wrong and I apologise before I start. But what  
18 you seem to be suggesting is that your job was to check  
19 the rebar cages, if I can put it that way, in the slab;  
20 okay?

21 A. The top mat and bottom mat for the slab.

22 CHAIRMAN: Yes, top mat, bottom. You didn't check the  
23 connection of that into the diaphragm walls or into the  
24 joints or anything like that. You didn't check the  
25 couplers?



1 A. Formally, I was not assigned to check the coupler.

2 CHAIRMAN: All right. Now, you had somebody else checking  
3 the couplers, and did they have their own RISC forms  
4 that they completed, just purely for couplers?

5 A. From the records that we've got so far, I do not think  
6 so.

7 CHAIRMAN: Okay.

8 A. In terms of the RISC form, sorry.

9 CHAIRMAN: And this is where I have to be wrong -- obviously  
10 I am -- would it be correct to say, then, that nobody  
11 recorded that they had actually checked the couplers?

12 A. I can only speak for myself. I didn't make that record.  
13 But I'm not sure whether my other colleagues -- whether  
14 they did the records or not, they did the inspection or  
15 not.

16 COMMISSIONER HANSFORD: Sorry, Mr Kwan, I wonder if we're  
17 mixing things up here. You're being asked about who  
18 inspected and the answers you're giving is about  
19 records. I don't think the question here is about  
20 records. I think the question is: did you do those  
21 inspections?

22 A. I did the inspection for the EWL slab.

23 COMMISSIONER HANSFORD: Including the couplers?

24 A. Not including the couplers.

25 MR PENNICOTT: Not including couplers.

26 COMMISSIONER HANSFORD: Okay.

1 A. Because -- may I add one more point?

2 CHAIRMAN: Yes.

3 A. Actually I mentioned one point, which is the way that  
4 we -- between the engineer and the inspector; right?

5 CHAIRMAN: Yes.

6 A. The other point is when you can refer to the BD approval  
7 letter, acceptance letter, there is a condition that the  
8 CP should assign a quality supervisor for the couplers  
9 inspection. That person will be equivalent as -- at  
10 least he or she should have a minimum qualification  
11 equivalent to a T3. But in that particular point,  
12 none -- I don't think, at least myself, I was not  
13 assigned to carry out to be that quality control  
14 supervisor for the CP stream.

15 So, for that particular point, I didn't go out and  
16 check the couplers.

17 CHAIRMAN: All right. I appreciate that. And we're not  
18 talking here about whether there was any checking or  
19 not. We're just talking about records, I think, at the  
20 moment. You're saying that your formal inspections of  
21 the bottom mat and the top mat did not include couplers;  
22 right?

23 A. Correct.

24 CHAIRMAN: So your completion of the RISC forms did not  
25 include an assertion that the couplers had been  
26 inspected by you?

1 A. Correct.

2 CHAIRMAN: The inspection of couplers, as you understood it,  
3 was done by duly qualified people, that is people who  
4 stood at T3 status?

5 A. And also suggested by the CP.

6 CHAIRMAN: And it was done separately? You didn't go  
7 together and do this?

8 A. No, I didn't.

9 CHAIRMAN: They did their inspection at some stage, and you  
10 did yours at some stage?

11 A. I suppose, yes.

12 CHAIRMAN: And, if they kept records of their particular  
13 inspection, because they were duly qualified and they  
14 had the obligation to do so in terms of the contract,  
15 you don't know what records they kept?

16 A. I don't know.

17 CHAIRMAN: Thank you.

18 Sorry, one final thing, therefore, just so that  
19 I understand it. The RISC forms, therefore, which were  
20 not -- they don't have anything there to be completed by  
21 the T3 person; right? So those RISC forms in fact are  
22 not a confirmation that the couplers have been inspected  
23 and found to be all in good order?

24 A. I can only speak for myself, because when I signed this  
25 RISC form, I just signed based on my inspection.

26 CHAIRMAN: I appreciate that, yes. But from looking at the

1 RISC forms that you handed in, day by day, week by week,  
2 and signed, looking back on those now, there's nothing  
3 contained in them, to your memory, that is a specific  
4 confirmation by the T3 inspector -- we'll call that  
5 person the T3 inspector -- that the couplers have  
6 actually been inspected and found all to be in good  
7 order?

8 A. Based on this RISC form, I don't think you can say that  
9 the couplers were inspected based on this record,  
10 because I signed this record, and I can confirm that  
11 I didn't do the couplers record. I only based on the  
12 top mats and bottom mats.

13 CHAIRMAN: Apologies. Last question. So, in other words,  
14 these RISC forms are not confirmation in any way that  
15 the couplers were inspected; they are confirmation of  
16 what you inspected?

17 A. Correct.

18 COMMISSIONER HANSFORD: I'm sorry to further delay it, but  
19 I just want to clear up one thing, because the Chairman  
20 was talking about the T3 person. Am I right you're also  
21 a T3?

22 A. I was. I was a T3 for this CP stream.

23 COMMISSIONER HANSFORD: All right. Thank you.

24 MR PENNICOTT: So who was the T3 person from MTR, the CP  
25 stream -- forget about Leighton, let's just focus on  
26 MTR -- who was the T3 person in the CP stream who was

1 inspecting the couplers on behalf of the MTR?

2 A. Well, in the CP stream, at that time, the T3 included  
3 myself and Mr Derek Ma. We were the TCP-T3.

4 But I would like to add one more point: because the  
5 spirit of the approval clause, CP should advise, should  
6 suggest a person, a quality supervisor who should have  
7 a minimum qualification of a T3. That doesn't say the  
8 CP stream T3 has to be that quality control supervisor.  
9 That is how I interpret that particular paragraph in the  
10 acceptance letter.

11 So, in my opinion, because I was not informed by any  
12 of my senior management members, including my  
13 construction manager at that time, my senior  
14 construction engineer at the time, so I'm not sure  
15 whether I was the suitable person to carry out the  
16 coupler inspection, given that at that time, for the  
17 diaphragm wall, our inspector team were the persons to  
18 carry out the coupler inspections and complete the QSP  
19 at that time. So that was my opinion.

20 CHAIRMAN: So the result was you carried out your inspection  
21 of what I'll call the rebar or the cages, the steel  
22 cages --

23 A. Top mats and bottom mats, yes.

24 CHAIRMAN: -- you did all of that, you satisfied yourself  
25 all of that was correct, correctly spaced, correctly  
26 tied and everything else, but you did not check the

1           viability of the attachment of those cages by way of the  
2           couplers or --

3           A. Based on this RISC form, yes.

4           MR PENNICOTT: I just simply don't understand that, Mr Kwan.  
5           You were going around, inspecting the rebar. It was  
6           known that obviously one of the key features, where  
7           there were couplers -- of course we know there weren't  
8           couplers everywhere -- was the connection, whether or  
9           not the rebar had been properly screwed into the  
10          couplers. And you didn't see that as your  
11          responsibility, to check whether that connection was  
12          done properly?

13          A. If you can refer to my witness statement. Actually  
14          I have mentioned that I personally, despite that, I am  
15          not sure whether I should carry out, to do the QSP  
16          records, the coupler inspection records, I personally  
17          had gone on site on occasions that I actually asked  
18          Leighton to check the couplers, with the Leighton  
19          engineers.

20          Q. But we're talking about the formal inspections now,  
21          Mr Kwan, both the bottom mat and the top mat, when you  
22          came to do the formal inspections, and it seems to be,  
23          from what you've been telling us, that you didn't see it  
24          as your responsibility at that point in time, when you  
25          were doing the formal inspections, that you were  
26          required to ensure -- inspect and ensure -- that the

1 threaded rebar was properly connected into the couplers.

2 A. I would say that the inspector would have inspected  
3 the --

4 Q. Which inspector?

5 A. We've got our inspector team and I'm not sure which  
6 inspector has actually inspected the couplers, but  
7 I think --

8 Q. Sorry, but in the T3 stream --

9 A. Yes, CP stream.

10 Q. -- so far we've got you and we've got Mr Ma. Who are  
11 the other candidates for doing the inspection of the EWL  
12 slab coupler connections with the rebar?

13 A. Like I mentioned earlier, I took the fact that our  
14 inspector team carried out the coupler inspection for  
15 the diaphragm walls, so I assume that the inspector team  
16 would carry on to carry out the coupler inspection for  
17 the EWL slabs.

18 Q. And you can't identify these people?

19 A. Our inspector team, could be Mr Kobe Wong, Mr Dick Kung.  
20 They are our inspector team. They are the inspectors  
21 within our team at the time.

22 Q. So, if I've got this right, when it came to the formal  
23 inspections of the bottom and top mats of rebar, you  
24 didn't -- you'd received the RISC form, an advance copy,  
25 you'd received the actual RISC form, albeit --

26 A. Formal.

1 Q. -- you may have received it a bit later; I understand  
2 that.

3 There was at that stage, at the formal stage, by the  
4 MTR, no inspection of the connection of the rebar to the  
5 couplers, at that stage?

6 A. You mean the top or bottom?

7 Q. The top and bottom, both.

8 A. I can only say that I was not the one to carry out the  
9 formal inspection of the couplers, but I did carry out  
10 the formal inspection for the top mats and bottom mats.

11 Q. Yes, but there's no -- let's assume, at the moment, we  
12 can find the RISC form simply to the rebar but without  
13 any of the connections, which I have to say seems  
14 slightly strange to me but there we are. There's no  
15 other form that I'm aware of which records, in the way  
16 the RISC form seeks to do, the inspection of the  
17 connection of the rebar to the couplers. From what  
18 you're saying, there almost ought to be a separate RISC  
19 form for that function or for that inspection.

20 A. I'm sorry, I cannot be so sure about whether there is  
21 another RISC form for the coupler inspections. But as  
22 far as I'm concerned, about the top and bottom steel,  
23 for this particular RISC form shown on the screen right  
24 now, they were for the top and bottom mats.

25 Q. All right. Because we do have -- and let's just look at  
26 this -- if one goes to page H172, just a bit further on



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,  
26 rather, that he ticked the box on number 5 because he

1           was aware that the RISC form in relation to the rebar  
2           had been served and the inspections had been carried  
3           out, and there was no question of doing a re-inspection;  
4           he knew that that had been done, so he ticked the box,  
5           and that may well be right.

6           But, in relation to the couplers, which is item 6,  
7           "Starter bar boxes and couplers", again we've got the  
8           tick there, there's something from Leighton but there's  
9           nothing from the MTRC, is there, in relation to  
10          couplers? They're not asked to countersign this  
11          document or anything?

12         A. Sorry, Mr Pennicott, because I wasn't aware there was  
13          such a form when I carried out the rebar inspection,  
14          because, if I remember correctly, that is attached to  
15          the pre-pour checklist which I was not responsible for.

16         Q. Right, but you're also right. It is, yes.

17         A. So I'm not sure why they ticked that box and based on  
18          what information they have ticked the box.

19         Q. Understood.

20         A. But we were -- at least I was not asked to countersign  
21          on this form.

22         Q. Right. I haven't quite finished on this, I'm afraid,  
23          Mr Kwan, because I want to ask you about a slight  
24          problem that you may be able to explain for us, in  
25          relation to area C1-2.

26                 Could we just look at the plan again, and you will

1 see area C1-2 there.

2 A. I see that.

3 Q. And the rebar commenced on 1 August and finished on  
4 19 August; do you see that?

5 A. I see that.

6 Q. So a period of some 19 days to do that particular area.

7 If we could then go to the RISC form for that area,  
8 which you will find at H1/129.

9 A. I see the form.

10 Q. Let's just make sure -- it relates to C1-2, the area  
11 that we're looking at?

12 A. According to part A, number (2), yes it is for C1-2, EWL  
13 slab, yes.

14 Q. It was sent apparently on the 12th, this one, 12 August.

15 A. I see that.

16 Q. And anticipated an inspection on 13 August?

17 A. I see that.

18 Q. It's signed by Mr -- I think it's Pedro So, is it, on --

19 A. I suppose, yes.

20 Q. -- 13 August. And I assume that you carried out  
21 an inspection of the rebar thereafter?

22 A. Correct.

23 Q. Have you any idea when you carried out that inspection?

24 A. Do you mean when ...

25 Q. Either the top or the bottom rebar. Have you any idea  
26 when you carried out --

1 A. Sorry, I cannot recall 100 per cent correctly.

2 Q. All right. Because this is an example of where the form  
3 does appear to have been sent, certainly in advance of  
4 the completion of the top rebar on 19 August, some six  
5 days beforehand, and although I see it's still called  
6 a late submission. Have you any idea why that is?

7 A. I cannot recall precisely why I put the "Late  
8 submission", but -- no, I cannot recall 100 per cent  
9 correctly, sorry.

10 Q. All right. But we're asked to assume, are we, Mr Kwan,  
11 that you must have inspected the bottom, and presumably  
12 the top, sometime before 19 August?

13 A. Yes, correct.

14 Q. Okay, when the concrete was poured -- sorry, when the  
15 rebar had completed?

16 A. When the rebar completed for both top and bottom.

17 Q. Yes, all right.

18 CHAIRMAN: So the date here of 13 August, they have their  
19 own relevance, but the inspection would have been  
20 carried out sometime on or after 19 August?

21 MR PENNICOTT: On or after 19 August, yes. Sorry, the  
22 bottom rebar could have been completed -- inspected  
23 anytime after --

24 CHAIRMAN: Oh, no, that would have been done. Yes.

25 MR PENNICOTT: Well, who knows? Sometime before the 19th,  
26 and the top on the 19th or thereafter, yes.

1 CHAIRMAN: Thank you.

2 You worked with other -- did you have somebody else  
3 who you worked with, I don't mean shoulder to shoulder,  
4 but were you aware that there were people, other  
5 engineers who had your qualifications and your job, who,  
6 when you were not on duty, were doing the same sort of  
7 work as you, or were doing the same sort of work as you  
8 further along the line in different parts of the  
9 project?

10 A. Well, I think within our CM team, the construction  
11 management team at that time, I was responsible for  
12 area B1 -- sorry, area B and C1, and actually there are  
13 other engineers, if you can refer to the organisation  
14 chart, Mr Chairman, that actually we got other engineers  
15 carry out the inspection for other places, in particular  
16 for areas B and C1.

17 Actually, if you can refer to the SSP submission,  
18 actually myself and Mr Derek Ma were the T3, so I would  
19 say Mr Derek Ma would be my -- well, he was my ConE-I at  
20 that time, so we actually will swap. If I am on leave,  
21 if I was on leave, or either he was on leave, we both  
22 take turns to carry out the duties.

23 CHAIRMAN: Was there any discussion ever or understanding  
24 between you as to formal inspections of the couplers?

25 A. At that time, we didn't have such discussion.

26 CHAIRMAN: All right.

1 MR PENNICOTT: And there's certainly no question, is there,  
2 Mr Kwan, of Mr Ma, Derek Ma, who we've heard from  
3 already, being responsible for inspecting the coupler  
4 connections with the rebar for the slab? Because he  
5 tells us in his witness statement you did the vast  
6 majority --

7 A. Correct.

8 Q. -- of the work on the site, and that's how you split the  
9 job up.

10 A. Correct, and that's why you can see so many forms that  
11 were signed by me in areas B and C.

12 Q. And there's very few documents signed by him and a lot  
13 signed by you?

14 A. That is correct.

15 Q. All right. Somebody else might be able to make more  
16 sense of some of that.

17 Can we just move on to a separate topic. No,  
18 actually, it's a related topic. Have you read the  
19 witness statement of Mr Andy Wong?

20 A. No, I don't think so.

21 Q. Could I ask you to just read a couple of paragraphs in  
22 his witness statement, please. It's B1/454, if you  
23 would like to start.

24 Mr Kwan, this is part of the witness statement of  
25 Andy Wong, who we're going to be hearing from soon,  
26 I hope.

1 A. Understood.

2 Q. He says, at the bottom of the page, at 454 -- he's got  
3 a heading, "Second incident"; do you see that?

4 A. I see that.

5 Q. He says:

6 "Sometime between 16 December 2015 and 31 December  
7 2015 ..."

8 Pausing there, just to put us in context, this is  
9 after the events that gave rise to NCR157, which  
10 happened on 15 December, so we are after that date. He  
11 goes on to say -- sorry, Andy Wong is one of the site  
12 inspectors?

13 A. Of course.

14 Q. He says:

15 "... during regular site surveillance in area C1  
16 bay 5 ..."

17 Now, as I understand it, that's an area that you're  
18 responsible for?

19 A. Correct.

20 Q. "... or area C3 bay 3 ..."

21 Which, as I understand it, is one of the areas you  
22 say Mr Jeff Cheung was responsible for; is that correct?

23 A. Based on the RISC form, yes.

24 Q. Based on the RISC form, yes. He says:

25 "... I saw that there were 5 or 6 threaded steel  
26 bars that were not screwed into the couplers. These

1 steel bars were located at the slab-to-slab  
2 (construction joint) ..."

3 So we're at the construction joints, we're not at  
4 the D-wall; okay?

5 A. Right.

6 Q. He says he immediately messaged Kobe Wong via WhatsApp  
7 to report the situation and made a telephone call, and  
8 then he received instructions from Kobe Wong.

9 Then he says this at 32:

10 "At the time when I noticed that the steel bars were  
11 not properly connected, concreting works of that bay had  
12 already commenced."

13 Now, was this a matter that was drawn to your  
14 attention at the time, Mr Kwan; do you recall?

15 A. No. Andy Wong did not discuss with me for this issue,  
16 at all.

17 Q. So you have no knowledge of this particular issue?

18 A. Correct.

19 Q. If it was in bay C1-5, that is the one that you're  
20 responsible for, is it likely that Mr Andy Wong would  
21 have contacted you, in those circumstances, rather than  
22 Mr Kobe Wong?

23 A. I'm not sure about that, because normally the inspector  
24 would report to their seniors, which I was not in the  
25 position -- I was not technically Andy Wong's direct  
26 supervisor.



1 Q. Okay.

2 A. So I'm not sure whether Andy Wong should have or would  
3 have called me.

4 Q. All right. Now, he's not suggesting that any of the bar  
5 was cut, and he's not suggesting, as I've indicated,  
6 that this was at the D-wall; it was at the construction  
7 joint connections. But he goes on to explain that, of  
8 the five bars that he saw that were not properly  
9 connected, only two could be remedied and three could  
10 not, in the lower part of the top reinforcement, and  
11 nonetheless it appears the concreting continued to be  
12 poured.

13 So are you sure that this matter wasn't drawn to  
14 your attention at all?

15 A. Not at all.

16 Q. All right. We can ask Mr Andy Wong and Mr Kobe Wong in  
17 due course, but thank you for that.

18 Now, in paragraphs -- can we go to a completely  
19 different topic now, Mr Kwan. In paragraphs 55 and  
20 onwards in your witness statement, you give some  
21 explanations in relation to a number of different  
22 panels, I think three panels, as to the manner in which  
23 you carried out the RISC inspections; do you see that?

24 A. I see that.

25 Q. I'm not going to go through all of this with you.

26 You've already explained that you weren't focusing on

1 the coupler connections, where there were couplers.

2 But, however, I think I'm right in saying, am I not,  
3 Mr Kwan, that the three panels that you deal with --  
4 that's EH42, at paragraph 56, EH47, at paragraph 56.2,  
5 and EM96 -- all ultimately had through-bars?

6 A. Yes.

7 Q. At the top layer?

8 A. At the top.

9 Q. Top mat?

10 A. Top mat.

11 Q. Sorry, top mat. My fault.

12 But, as I understand it -- a general point -- when  
13 you were carrying out your inspections of those areas  
14 that ultimately had through-bars in the top mat, the  
15 working drawing that you had available to you still  
16 showed the couplers; is that right?

17 A. Correct.

18 Q. But, since they had the two rows of rebar, you thought  
19 it was appropriate to use those working drawings for the  
20 purposes of inspecting the through-bars?

21 A. Correct.

22 Q. That's fine. Understood.

23 Now, if you then go back to paragraph 39 of your  
24 witness statement.

25 A. Sure.

26 Q. You say this:

1           "During my routine site surveillance activities,  
2           I have personally observed the top of the east diaphragm  
3           wall panels being hacked off, followed by the  
4           replacement of the coupler connections therein with  
5           through-bars. Based on the site photos of the east  
6           diaphragm wall which I have managed to review to this  
7           date within the limited time available, this change has  
8           been implemented in the majority of panels in the east  
9           diaphragm wall, except for a limited number of panel  
10          where the top of the panel was not trimmed and the  
11          coupler connections were retained".

12        A. Correct.

13        Q. Then, at 39.1, which is the one I want to focus on, you  
14        say:

15                "Underpinning in area B: panels EH44 (3 layers of  
16                coupler connections) and EH45, 48, 50, 51 and 57 ..."

17        A. Correct.

18        Q. And, Mr Kwan, were you, before you went off to the  
19        Airport Authority, involved in the process of putting  
20        together, on behalf of the MTRC, the as-built  
21        information by reference to photographs and other  
22        material? Were you --

23        A. Yes, I did assist in that process.

24        Q. Right. And it's as a consequence of your involvement in  
25        that process, as I understand, that you're able to give  
26        this evidence about the particular panels that you

1 mention in paragraph 39.1?

2 A. Right, because I just refer to the -- before, say, July  
3 to October, I base on the photo records to make that  
4 statement.

5 Q. Are you able to help me as to how it was concluded that  
6 EH45 is said to have couplers?

7 A. I try my best, sir.

8 Q. Can you recall now, or what do we need to look at?

9 A. If there is any photos that I can refer?

10 Q. Let me put it the other way around. To reach the  
11 conclusion that EH45 had couplers, what did you look at?  
12 Just photographs, or something more than photographs?

13 A. Actually, I looked at the photographs, and also  
14 I should -- not "I should". I refer to the diaphragm  
15 wall as-built drawing as well at that time. So  
16 I believe these are the two main sources I referred to.

17 Q. Did you have occasion to look at any Fang Sheung  
18 drawings?

19 A. You mean back in 2015?

20 Q. No, no, when you were doing this process of putting  
21 together the as-built situation.

22 A. I did not refer to that.

23 Q. Could I please show you a document at E3/542.

24 Sir, you will recall this is a document we looked at  
25 with I think Mr Pun of Fang Sheung some time ago, around  
26 about Day 12, I believe.

1 COMMISSIONER HANSFORD: Was it Mr Joe Cheung?

2 MR PENNICOTT: No, it was Mr Pun, sir. I did double-check.

3 COMMISSIONER HANSFORD: Thank you.

4 MR PENNICOTT: Actually the reference for everybody else is  
5 transcript Day 12, page 77.

6 This is a sketch, a drawing, as you can see, and  
7 it's in the Fang Sheung materials, and you can see at  
8 the bottom --

9 A. I see that.

10 Q. -- amongst others, EH45? Do you see that?

11 A. I see that.

12 Q. When I asked Mr Pun, the owner/managing director of  
13 Fang Sheung, what this showed so far as EH45 is  
14 concerned, he said through-bars. Presumably, looking at  
15 that diagram, you would agree with him? Perhaps you  
16 wouldn't.

17 A. I cannot comment on that because I didn't prepare this  
18 drawing and I don't know the intention behind how he  
19 used this particular drawing to prepare the rebar  
20 on site. So I cannot comment on that.

21 Q. Right.

22 A. But back to your question, I didn't refer to this  
23 drawing for the preparation of the as-built.

24 Q. Right. If you didn't personally look at these drawings,  
25 are you aware as to whether the team that was working to  
26 put the as-built material together, whether they had the

1 opportunity of looking at these drawings, or perhaps you  
2 don't know?

3 A. Well, actually, I saw this drawing when I was still in  
4 MTR, but I'm not sure whether my colleagues did refer to  
5 this drawing for the preparation of the as-built  
6 drawings, as-built details.

7 Q. Okay. Because, if Mr Pun is right, and if this drawing  
8 does show through-bars, it rather suggests that whatever  
9 photographs you might have been looking at, this rather  
10 suggests that there were indeed through-bars in those  
11 areas. I mean, would you agree, or perhaps you don't  
12 want to commit yourself?

13 A. Like I said before, I can't comment on that because, you  
14 know, I was not in the position to prepare this drawing.

15 Q. All right. The same point applies, Mr Kwan, in relation  
16 to EH48, just to the right there. The same question was  
17 put, in fact a composite question was put, to Mr Pun  
18 regarding EH48, and he again said that, as far as he was  
19 aware or concerned, by reference to this drawing, EH48  
20 also had through-bars. But again your evidence would be  
21 the same in relation to EH45?

22 A. Yes.

23 MR PENNICOTT: Okay.

24 Sir, can I have one second, to make sure ...

25 Thank you, Mr Kwan. I've got no further questions.

26 WITNESS: Thank you, Mr Pennicott.

1 MR CHANG: No questions from Leighton.

2 Cross-examination by MR TO

3 MR TO: Mr Chairman and Commissioner, I have just two  
4 questions.

5 Mr Kwan, I represent China Technology and I just  
6 have two questions.

7 A. Good morning.

8 Q. Good morning. Can I take you to your witness statement,  
9 B387, please, paragraph 45.

10 A. I see that.

11 Q. Mr Kwan, you were asked specific questions about, for  
12 example, whether there was shortening of rebars and so  
13 forth, and you were asked whether, for example, it's  
14 acceptable in terms of compliance with requirements,  
15 standards and practice.

16 If you turn over to B388, at the very beginning you  
17 said:

18 "... no need to cut the rebars or the threaded ends  
19 in the work areas, whether with wire cutters or  
20 otherwise."

21 Can you tell us your rationale behind why you are  
22 saying that statement?

23 A. Sorry, Mr Chairman and member, can I reply in Cantonese?

24 以我嘅理解，其實當時泛迅係有一部叫做bar bending machine嘅機  
25 器喺現場做一個--即係調校個rebar嘅長度嘅作用嘅，而我認為係唔需要有一  
26 個--用一個wire cutter去cut嘅原因就係因為佢哋喺用--可以--絕對

1 係需要喺呢個bar bending machine度佢哋需要嘅長度嘅時候，佢哋已經  
2 可以喺bar bending machine度做，而唔需要去到現場話長度唔啱要剪，  
3 呢個絕對唔係一個professional嘅處理手法。

4 Q. Okay. Can I ask you, for example, you mentioned the  
5 words "routine site surveillance" in your witness  
6 statement on paragraph 39 and also on paragraph 63. Can  
7 you tell us, in terms of routine site surveillance  
8 activities, what do you mean by that?

9 A. 我嘅意思，我所帶出嘅意思就係我會去地盤度巡查地盤嘅安全嘅情況，會  
10 check--如果可行嘅話，我都會check一啲quality上面嘅issue，亦都  
11 睇番除咗喺EWL slab嘅commitment之外，我仲有地盤嘅其他地方我都有  
12 其他工作需要做嘅，亦都會有時候都要同--可能同地鐵嘅其他部門去做一  
13 個地盤嘅巡查。

14 Q. Can you tell us, for example, on a weekly basis how many  
15 times --

16 COMMISSIONER HANSFORD: Sorry, we need to get it on the  
17 transcript. That's fine.

18 MR TO: Mr Kwan, sorry about that. I would like to ask you,  
19 for example, on a weekly basis, how many times do you  
20 visit the site?

21 A. 大概四次嘅。

22 Q. During the times, what times do you visit the site?

23 A. 唔一定有一個規定嘅時間嘅，depends on個地盤嗰個需要嗰個情況同埋我  
24 自己個當時嗰一刻嘅available嘅時間。



1 Q. Can you recollect, for example, whether you were on the  
2 site on 4 September? Can you just recollect, September,  
3 were you there?

4 MR PENNICOTT: Which year?

5 MR TO: In 2015.

6 A. 唔好意思，我有辦法去--究竟我有冇--即係事隔太耐。

7 Q. I fully understand. Can I take you to a diagram.  
8 Bundle D1/D227.

9 Mr Kwan, can you see that diagram or that photo?

10 A. I can see that. I see that.

11 Q. Can I take you to paragraph 63 of your witness  
12 statement. I'll just read it out:

13 "As far as I am concerned, I am not aware of and  
14 have never seen any cutting or shortening of rebars or  
15 threaded ends of rebars by Leighton and/or its  
16 sub-contractors using hydraulic cutters."

17 A. Yes, I confirm that.

18 Q. Do you confirm that statement is correct --

19 A. I confirm that.

20 Q. -- even after seeing the photograph?

21 A. 我並冇見過任何hydraulic cutter，I confirm that。

22 MR TO: Okay, thank you. No further questions.

23 CHAIRMAN: Sorry, the photograph, is that of a hydraulic  
24 cutter, from what you can see, or is it some other type  
25 of cutter?

26 A. I cannot confirm what type of cutter was that shown in

1 the photo, Mr Chairman.

2 CHAIRMAN: Put it this way: would it fall into the general  
3 category of a hydraulic cutter and the fact that you had  
4 not seen any such cutters on site?

5 A. I personally did not see any such cutters on site during  
6 my surveillance inspection.

7 CHAIRMAN: That seems to clash with evidence given elsewhere  
8 that in fact they were not uncommon, because vertical  
9 bars had to be cut and things like that, and openings.

10 COMMISSIONER HANSFORD: I'm just trying to help the Chairman  
11 here, I think, because I wonder if we've got a confusion  
12 here about hydraulic cutters and hand-held electrical  
13 cutters, because I don't think they're the same thing.  
14 Do you know what type of cutter this is? Have you any  
15 idea, Mr Kwan?

16 A. Sorry, I do not have any idea.

17 COMMISSIONER HANSFORD: Was the statement in your witness  
18 statement that you're being asked about at the moment --  
19 are you referring to this type of cutter or a different  
20 type of cutter?

21 A. I think I meant to be referring to the other type of  
22 cutter, by means of the hydraulic cutters. I suppose  
23 there is -- because it looks to me this wire cutter  
24 is -- let me know if I'm wrong -- to me, that is a kind  
25 of wire cutter.

26 CHAIRMAN: And did you see those quite -- were they a fairly

1 regular thing to see on site?

2 A. Like I said before, I personally did not see that kind  
3 of cutters on site during my inspection, or during my  
4 site walk, my normal site walk.

5 MR TO: No further questions.

6 CHAIRMAN: Thank you.

7 MR CHOW: Mr Chairman, there are some questions from the  
8 government. I see that you are checking your watch.  
9 Would it be convenient?

10 CHAIRMAN: Whatever you think is best. How long do you  
11 imagine you will be?

12 MR CHOW: I think I'll be perhaps 30 minutes to 45 minutes.

13 CHAIRMAN: All right. Then maybe we might have the morning  
14 tea break now.

15 MR CHOW: I'm in your hands.

16 CHAIRMAN: Then you can continue through uninterrupted.

17 MR CHOW: Sure.

18 CHAIRMAN: Good. 15 minutes. Thank you.

19 MR CHOW: Thank you.

20 (11.19 am)

21 (A short adjournment)

22 (11.44 am)

23 Cross-examination by MR CHOW

24 MR CHOW: Good morning, Mr Kwan.

25 A. Good morning.

26 Q. My name is Anthony Chow and I represent the government.

1 The government has a few questions for you.

2 Mr Kwan, before I proceed to the questions  
3 I prepared for you, I would like to pick up on two  
4 aspects of the matter that Mr Pennicott has discussed  
5 with you this morning.

6 If I could refer you to the RISC form that we have  
7 looked at this morning. Bundle H1/174.

8 You will recall that this morning we have actually  
9 spent quite some time on this RISC form, and in the  
10 course of the discussion between you and Mr Pennicott  
11 I believe that some of the people in this room were  
12 a bit shocked by what you said.

13 But notwithstanding that, can I -- now, this morning  
14 you mentioned to us your understanding at the time of  
15 the construction of the EWL slab, your duty was only  
16 confined to the inspection of the steel cages in the  
17 slab but not the connection between the reinforcement  
18 cages and the diaphragm wall?

19 A. That was the understanding at that time.

20 Q. Right. You also mentioned that the party who ought to  
21 be responsible for checking the couplers connection  
22 should be the inspector team; do you recall that?

23 A. I recall that.

24 Q. You also mentioned two names, Kobe Wong, and another  
25 gentleman, Mr Kung?

26 A. Mr Dick Kung, yes.

1 Q. Mr Kung, Dick Kung; right? That's the reason I would  
2 like to refer you back to this RISC form.

3 Now, you explained to us how we should read this  
4 RISC form, and under "Part B", our understanding from  
5 your evidence this morning is -- the gentleman Mr Dick  
6 Kung is the one named under "Part B" of the RISC form?

7 A. Correct.

8 Q. You also told us that the date 29 September 2015 was  
9 probably the date when Mr Kung received the formal RISC  
10 form from Leighton?

11 A. I believe so.

12 Q. Our understanding from this form is that upon receipt of  
13 this form by Mr Kung, Mr Kung actually assigned the  
14 construction engineer to carry out the inspection of the  
15 reinforcement, and on the face of this document it was  
16 you who was appointed by Mr Kung to carry out the  
17 reinforcement inspection.

18 A. Yes.

19 Q. So, notwithstanding the fact that it was someone from  
20 the inspectors team who expressly appointed you to carry  
21 out the rebar fixing inspection, at that point you still  
22 believed that all that you needed to check was the  
23 reinforcement cage, not the connection between the cage  
24 and the diaphragm wall?

25 A. At that point in time, yes.

26 Q. This morning, Mr Pennicott also referred you to part of

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  
26 session, if you see the organisation chart within our

1 team, Andy Wong's reporting line is reporting to,  
2 I believe it's Mr Kobe Wong, and the senior inspector at  
3 that time. So the reporting line for him is to the  
4 senior inspectors, so not to engineers.

5 I'm not sure whether this is the reason why he  
6 didn't inform us, as the engineers.

7 Q. Thank you. Then I would like to proceed to the  
8 questions that I prepared.

9 Do you have a copy of your witness statement in  
10 front of you?

11 A. I believe I will be shown.

12 Q. Okay. Can I refer you to paragraph 25 of your first  
13 witness statement, please, at bundle B1, page 381,  
14 please.

15 A. Paragraph 25?

16 Q. Yes.

17 A. I see that.

18 Q. In paragraphs 25, 26 and 27 you explain to us that at  
19 the time of the construction of the EWL slab, you were  
20 not aware of the quality supervision plan?

21 A. I was not.

22 Q. But you at that point knew about the requirement set out  
23 by the Buildings Department in the acceptance letter?

24 A. I confirm that.

25 Q. So am I right to say, at that point, you were aware of  
26 the requirement as to enhanced supervision, which

1 includes appointment of a quality control supervisor and  
2 the inspection of the coupler installation work for at  
3 least, in the case of a transfer plate, which we believe  
4 the EWL slab was, 50 per cent of the splicing assembly  
5 has to be supervised and inspected by a grade T3 TCP?  
6 You were aware of that requirement at that time; right?

7 A. Yes, I have read the BD acceptance letter, but may I add  
8 one more point, that the minimum qualification should be  
9 equivalent to the TCP-T3, not necessarily in the CP  
10 stream T3. That is what I understand from the wordings  
11 of the acceptance letter.

12 Q. Sure, yes. Okay.

13 You told us that, at that time, your understanding  
14 was that it was someone else who was responsible for  
15 checking the couplers?

16 A. Correct, from the diaphragm wall construction, yes.

17 Q. And you were aware of this specific or special  
18 requirement from the BD in relation to inspection for  
19 those works?

20 A. I would say so, yes.

21 Q. My question is this. At the time when you carried out  
22 the formal inspection of the reinforcement, have you  
23 seen any inspector from MTRC doing the inspection of the  
24 couplers at that time?

25 A. You mean for any one particular site inspection or --

26 Q. From your recollection. Your understanding is that it



1           was the inspector who was responsible for doing that  
2           part of the inspection. You spent months in the  
3           project, carrying out your formal inspection of rebar.  
4           My question is, during that period, from your  
5           recollection, have you ever seen inspector doing  
6           inspection of the couplers?

7           A. I may not have seen any one particular inspector for the  
8           coupler inspection, because we may be in different time  
9           going to that particular bay, let me put it this way.

10          Q. Right.

11          A. So I may not see him or any one of the inspectors, but  
12          that doesn't mean that they didn't check the couplers.  
13          That is my view.

14          Q. Sure. Okay. Perhaps I know your answer before I ask,  
15          but nevertheless can I just confirm with you -- so far  
16          as you are aware, you haven't seen any contemporaneous  
17          record showing that 50 per cent of the splicing assembly  
18          has been carried out under the supervision or has been  
19          inspected by the inspectors of MTRC; is that your --

20          A. I have not seen that.

21          Q. And obviously you have not been -- well, we know that  
22          Leighton, according to the quality supervision plan, has  
23          to prepare contemporaneous record sheet and present it  
24          to MTRC's inspectors for countersigning, but can I take  
25          it from you that you have never been asked to  
26          countersign on any of the record sheets?

1 A. Correct, I have not been asked to countersign any of it.

2 Q. And you have never seen any record sheet as such in  
3 relation to the couplers?

4 A. I personally did not see any formal records, in 2015,  
5 I'm sorry.

6 Q. As to the internal communication between the engineers  
7 team and the inspectors team, would you be able to  
8 advise us or give us an idea as to how was it going on  
9 at the time? You know, you expect the inspector to  
10 carry out inspection of the couplers and you seldom see  
11 inspector actually doing the inspection of the couplers;  
12 have you questioned anyone as to whether the couplers  
13 have been properly checked in accordance with the BD, or  
14 BD's requirement?

15 A. At that time, personally I did not have -- I did not ask  
16 any question about the coupler installations, because  
17 what I understand at that time is our inspectors did  
18 have the records for the diaphragm wall. Okay? So that  
19 is my memories that I can recall.

20 COMMISSIONER HANSFORD: Sorry, I don't understand your  
21 answer, Mr Kwan, because I don't think the question was  
22 about the diaphragm wall, was it?

23 MR CHOW: No, it was not.

24 COMMISSIONER HANSFORD: The question is about the slab, not  
25 the diaphragm wall.

26 A. Maybe I should add further. Because we actually, within

1           our construction team, we got a system, when -- before  
2           I joined the team, when the project is concentrating on  
3           the diaphragm wall, we actually got a system, and for  
4           the coupler inspection I believe there is -- Leighton  
5           prepared a form and then countersigned by MTR. That is  
6           my point.

7                     Then I believe somehow the system should carry on  
8           for EWL slab, and at that particular time I was not  
9           informed or been asked to be the quality control  
10          supervisor for the couplers.

11       MR CHOW: Right.

12       A. So what I mean is we actually got a system carry on  
13       fro -- should be carry on from the D-wall to the slab.

14                     I would like to add one more point. I hope you  
15       appreciate that the site, the area of the site, is quite  
16       large, and perhaps let's say for any particular day at  
17       1 o'clock I was on site, and perhaps the inspectors were  
18       not at the same spot as mine as 1 o'clock. He may have  
19       gone to the site to have the coupler installation -- to  
20       inspect the coupler installation at, say, 3 to  
21       4 o'clock, which I may have already left the spot. So  
22       I didn't see the inspector's inspection doesn't mean  
23       that they didn't carry out the works. I need to stress  
24       that.

25       Q. Did the inspector share the same office as you?

26       A. Yes.

1 Q. At that time, did you know, for example, Kobe Wong or  
2 Mr Kung on a personal level? Do you know them --

3 A. Yes, sure.

4 Q. And presumably you would have casual chats in the  
5 office?

6 A. Definitely, yes.

7 Q. And you never talked about inspection of the couplers;  
8 right?

9 A. I believe no.

10 Q. Okay.

11 A. At that time, no.

12 Q. Okay. Have you ever informed your superior that when  
13 you signed on the RISC form, what you have checked was  
14 only confined to the reinforcing bars but not the  
15 couplers?

16 A. I did not in particular tell them the content of the  
17 RISC form.

18 Q. I see.

19 Can I refer you to Mr Kobe Wong's statement:  
20 bundle B1, page 421, paragraph 18, please. Now, in  
21 paragraph 18, Mr Kobe Wong says:

22 "... as far as I am aware, I was never assigned  
23 a role under the competent person stream by MTRC within  
24 any of the SSPs submitted to the BD. For the purposes  
25 of the diaphragm wall, EWL slab and ELS works, I have  
26 always been a T3 site supervisor under the RGE stream."

1           Then if we can go to paragraph 53 at page 433. In  
2 paragraph 53, he went on to say:

3           "... I distinctly remember raising the concern that  
4 I was only a T3 site supervisor for the ELS works ..."

5           Which stands for excavation and lateral support  
6 works, which concerned the installation of strutting for  
7 the purpose of excavation; right?

8           "... such that I did not consider myself to be the  
9 competent or appropriate person to sign the so-called  
10 record sheets retrospectively prepared and provided by  
11 Leighton."

12           This is what Mr Kobe Wong is going to say.

13           Now you have read his paragraphs, do you have any  
14 comment based on what you knew at the time?

15   A. I believe Mr Wong is correct, at that time, and I do not  
16 have any comment on what he said in his statement.

17   Q. Okay. Thank you.

18           Can I then go back to paragraph 48 of your  
19 statement, please.

20   A. Sure.

21   Q. Where you said:

22           "... I typically inspected the bottom layers of  
23 rebars once they had been completed ..., and then  
24 returned for a second inspection once the fixing of the  
25 top layers of rebars had also been completed."

26           Now, do you agree with me that if there were any

1           problem at the lower layers of, for example, the top mat  
2           or the bottom mat, that would be a bit too late for you  
3           to do anything, because several more layers had been  
4           laid on top of it?

5       A.   That is the case, yes.   I agree.

6       Q.   Would it be the reason why -- you remember the incident  
7           noticed by Andy Wong during concreting --

8       A.   At C1-5?   Bay C1-5, you mean?

9       Q.   Yes, mentioned about --

10      A.   I recall that, yes.

11      Q.   -- the discovery of improperly installed coupler  
12           assembly during concreting.   So that's the reason why  
13           I want to raise it with you.

14                The problem is if you only carry out formal  
15           inspection upon completion of the whole mat, which may  
16           comprise several layers of reinforcement, by that stage,  
17           even if you found some kind of problem in the coupling  
18           works at the lower layer, I would imagine that would be  
19           a problem; it would be difficult for you to request --

20   MR BOULDING:   Sir, I have to say that he says he didn't do  
21           it that way in this particular paragraph.   Look at the  
22           last sentence.

23   MR CHOW:   Mr Kwan, can I just clarify what you mean in the  
24           last sentence.   When you say, "I typically inspected the  
25           bottom layers", do you mean the bottom mat, comprising  
26           more than one layer?

1 A. Well, let me put it this way. What I mean in  
2 paragraph 48 is I carried out the inspection for the  
3 bottom mat first, and then, after completion of my  
4 inspection for the bottom mat, Leighton will start to  
5 carry out the rebar fixing for the top mat; right? And  
6 I think I have mentioned in my witness statement, saying  
7 that I carried out four surveillance site visits every  
8 week, and during each visit I would also inspect the  
9 quality of the rebar fixing.

10 So perhaps the wording here, it looks like  
11 I complete the whole mat and then I go to inspect for  
12 the bottom mat, but actually, in the real case, actually  
13 I was able to see layers by layers, but that, in terms  
14 of RISC form, the layers by layers, I wouldn't have  
15 checked it formally, let me put it this way.

16 CHAIRMAN: Sorry, just so that I understand -- the way we  
17 have approached it, and that's just for the purposes of  
18 this Commission of Inquiry, is that the mats are  
19 a number of individual layers.

20 A. (Nodded head).

21 CHAIRMAN: And I think the question was: would you inspect  
22 the individual layers first, or would you wait until the  
23 full mat, that is the combination of layers, had been  
24 completed?

25 A. Formally, Leighton would ask me to carry out the formal  
26 inspection after the whole mat is completed, but --

1 CHAIRMAN: So that is the bottom mat?

2 A. This is the bottom mat first.

3 CHAIRMAN: And then you would come back later and do the top  
4 mat?

5 A. And do the top mat for the formal inspection. So that's  
6 why I say --

7 CHAIRMAN: That's the formal inspection?

8 A. Yes. There are two formal inspections which I refer to  
9 in this statement, by my statement. So there are two  
10 formal inspections. But during my routine surveillance  
11 inspection I would have also checked the layers as well.  
12 So that is my point here.

13 MR CHOW: Okay. Can I confirm with you whether you have  
14 adopted this practice throughout? In other words, all  
15 the layers have been inspected separately by you during  
16 your routine surveillance?

17 A. I believe so, on a spot-check basis.

18 Q. Given that your understanding at the time is you were  
19 not required to check the couplers, can you explain why,  
20 in that case, you need to carry out layer-by-layer  
21 inspection?

22 CHAIRMAN: I think he said earlier -- please forgive me if  
23 I'm putting words into your mouth; you can correct me --  
24 that he had to check the integrity of the steel cages,  
25 as to spacing, as to correct length, as to lapping, as  
26 to ties, and everything like that. Would that be



1 correct?

2 A. You understand correctly, Mr Chairman.

3 MR CHOW: Okay.

4 Now, in paragraph 58 of your statement, you said:

5 "... I nonetheless observed the conditions of the  
6 coupler connections generally when inspecting the top  
7 and bottom layers of the rebars."

8 Can you explain what do you mean by "generally"?

9 Can you tell us what exactly did you check or did you  
10 look for, paragraph 58?

11 A. What I mean here is although I was not assigned to  
12 countersign Leighton's report or carry out the formal  
13 inspection or put my signature on the QSP form, although  
14 I know I wasn't assigned to carry out that form, but as  
15 a competent engineer and as an MTR engineer, I think  
16 I have the responsibility to have a spot-check, carry  
17 out on a spot-check basis, on several occasions, to  
18 ensure that the couplers under my observation at that  
19 time, at that particular time, are in compliance with  
20 the specifications.

21 Q. Right. By "spot-checking", can you tell us  
22 approximately what sort of percentage that you have  
23 picked, for example?

24 A. Sorry, Mr Chow, I cannot recall exactly, so I cannot  
25 give you a precise percentage of the couplers that I've  
26 indeed inspected.

1 Q. How about this: more than 50 per cent or less than  
2 50 per cent? We are very interested in the 50 per cent  
3 figure.

4 A. I really cannot recall exactly, I'm sorry.

5 Q. Okay, thank you.

6 Mr Kwan, I would like to move on to another topic.

7 A. Sure.

8 Q. About shear link. You recall that there was an NCR,  
9 NCR266. Perhaps we can go to the NCR first.

10 Bundle H19, page 39704, please.

11 A. I see the NCR, but I was not aware of that NCR.

12 Q. I see. Perhaps we can go to the photo first. At  
13 page 39706, according to what is put under those photos,  
14 it seems that we have two problems here. One is the  
15 spacing between the shear links; right? For example, if  
16 you look at photo 3, under photo 3, the description is,  
17 "Insufficient spacing of shear links, measured on site=  
18 280mm", while the requirement was 150mm.

19 Am I right to say that the shear links that we are  
20 talking about are the vertical reinforcement connecting  
21 the top mat with the bottom mat?

22 A. Yes, I agree.

23 Q. One of the problems is in relation to the spacing of the  
24 shear links, and the other problem concerns the  
25 anchorage length -- photo 1 and photo 2 talks about  
26 insufficient anchorage length.

1           Now, earlier you described to us how you carry out  
2           the inspection, rebar inspection, and Leighton's  
3           engineer, Mr Man Sze Ho, told the Commission that during  
4           the formal inspection of the top mat, the MTRC's  
5           inspector would not arrange to go under the top mat for  
6           rebar inspection. Can you confirm that was the  
7           position?

8           A. Correct.

9           Q. In your formal inspection, have you also checked the  
10          vertical shear link?

11          A. I believe so, yes, on a spot-check basis.

12          Q. I see. For example, for particular shear links that you  
13          have chosen to check, what exactly have you checked?  
14          Have you checked the spacing? Have you checked the  
15          anchorage length?

16          A. Indeed I -- yes, I actually have carried out the  
17          spacing. Well, if you determine on site for the  
18          spacing, it is quite easy, because you can just put down  
19          measuring tape in between the shear link, 150, that's  
20          it, easy.

21                 And for the anchorage length, actually I would  
22          spot-check, because actually before they put on the  
23          shear link in between the top mat and also the bottom  
24          mat, they would prepare a bunch of shear links on site,  
25          before they put it on. So I would actually, by example,  
26          on a spot-check basis, use a measuring tape to carry out

1 the anchorage length measurement.

2 Q. So you measure the anchorage length of the shear?

3 A. Anchorage length and also the spacing as well.

4 Q. Before they were installed; right?

5 A. Before they were installed.

6 Q. They were already cut and bent, delivered to the spot  
7 where they have to be erected?

8 A. Right.

9 Q. At that stage, you measure the anchorage length?

10 A. Yes, because it is impossible to measure the anchorage  
11 length once they put down to the bottom of the bottom  
12 mat. So that is the point I want to make.

13 Q. Okay. And obviously you would also check whether the  
14 vertical shear link was properly tied, was securely  
15 placed --

16 A. And also the size, the member size as well.

17 Q. Can you think of any reason why, after concreting, we  
18 see that the spacing was not right -- let's focus on the  
19 spacing first. Can you think of any reason why, after  
20 concreting, the spacing was off by almost double, from  
21 150 to 280 millimetres?

22 A. Sorry, I do not have any comment on that particular  
23 case, whether the distance -- the spacing is more than  
24 double -- more or less double of the required. I do not  
25 know the reason behind that.

26 Q. Right. I would like to move on to another subject,

1 about the change effected to the connection between the  
2 top of the east diaphragm wall and the EWL slab.

3 A. Sure.

4 Q. In paragraph 13.1 of your statement, you tell us, as  
5 a matter of general working procedure, you would check  
6 that the work carried out on site complies with the  
7 approved, accepted or submitted method statements. Do  
8 you see that?

9 A. I see that. 13.1, I see that.

10 Q. In relation to the change that I would like to talk  
11 about, am I right to say that, at that point, there was  
12 no method statement which described, for example,  
13 trimming down of the diaphragm wall to various depths at  
14 various locations?

15 A. I remember that, at that point in time, back in, say,  
16 early July 2015, Leighton had actually submitted  
17 a report to us, their design team at Leighton/Atkins,  
18 the name should be TWD-004B3, as I remember correctly.

19 Q. Quite right, yes.

20 A. And there is a section saying that perhaps due to what  
21 sort of sequence, they need to trim down the diaphragm  
22 wall by 420 millimetres, if I remember correctly. So  
23 that is in the design report that is going to be  
24 submitted to BD at that point in time.

25 Q. Right.

26 A. So that is the statement. I know that perhaps they

1 don't have the method statement, but Leighton has  
2 actually told us that, okay, they are going to trim down  
3 the top of the diaphragm wall, eastern side, in the form  
4 of design report.

5 Q. Okay. So that was, on that basis, you allowed Leighton  
6 to proceed to trim down the diaphragm wall --

7 A. Not I personally allowed, but I think there is -- at  
8 least they have a grounding, they have a reason they  
9 have put onto the report.

10 Q. Okay.

11 The last area I would like to explore with you  
12 relates to keeping of as-built records.

13 A. Right.

14 Q. It's also related to the change that we have just  
15 discussed.

16 Do you agree that the relevant period over which the  
17 change in question was carried out was between July 2015  
18 and January 2016; that was the time when area B and  
19 area C of the EWL slab was being carried out?

20 A. That is the period I recall, yes.

21 Q. Yes. So obviously, if any change was to be made to the  
22 top of the east diaphragm wall, it would have been done  
23 over that period?

24 A. Over that period, yes.

25 Q. Have you ever been informed of the requirement of the  
26 PIMS project management system of MTRC at that time?

1 Have you received any training?

2 A. I believe perhaps during my early days. I think MTR has  
3 an induction course, telling us there is a PIMS system  
4 in place that you can refer to. I think there is  
5 training on the PIMS.

6 Q. Okay. Can I refer you to a particular part of the PIMS.  
7 Bundle B6/3630, please. In paragraph 5.8.2, this  
8 particular provision provides that the CM, which stands  
9 for construction manager --

10 A. Agreed.

11 Q. "... /SConE [senior construction engineer]/construction  
12 engineer/senior inspector of works/inspector of  
13 works/assistant inspector of works shall keep regular  
14 constructional records, or review the preparation of  
15 such records, a typical schedule of the records required  
16 to be kept is provided in exhibit 7.15. This will vary  
17 between projects and the senior construction  
18 engineer/senior inspector of works should continually  
19 review the records kept as the works progresses.  
20 Whenever possible the site specific ePMS system should  
21 be used for this."

22 Now, if you can then go to exhibit 7.15, at  
23 page 3665. This is a table, the schedule of regular  
24 constructional records.

25 Before we move down, if we can take a look at the  
26 heading of the column, the most right-hand side,

1 "Notes"; do you see that?

2 A. I can see that.

3 Q. What is put down here -- the "P" stands for preparer and  
4 "R" stands for reviewer.

5 A. I see that.

6 Q. If we can then scroll down to the lower part of the  
7 table -- here, right -- about "Supervision", do you see  
8 the second item, under the section "Supervision  
9 (general)", relates to as-built records?

10 A. I see that.

11 Q. We have the second column -- the second column, if we  
12 can then scroll up again, this stands for senior  
13 construction engineer; do you see that?

14 A. Yes.

15 Q. Then the one to the right of the senior construction  
16 engineer is the construction engineer, which was the  
17 role that you played at the time; right? And further to  
18 the right is the senior inspector of works.

19 If you can then now scroll down to the bottom, lower  
20 half of the page, you see that the construction engineer  
21 and the senior inspector of works were supposed to keep  
22 as-built records, while the senior construction engineer  
23 was supposed to review the as-built records; right?

24 Now, as far as as-built records are concerned, do  
25 you agree with me it does not necessarily mean the  
26 preparation of as-built drawings, like the kind of



1 drawings that one would have to prepare for the purpose  
2 of submission to BD upon completion of work?

3 A. I believe as-built records contains a lot of  
4 information. Within that, as-built drawing is one of  
5 them, and as-built records contains, for example,  
6 concrete cube test for an RC structure, and a new  
7 certificate for any steel structure. I think we had  
8 a system to contain all that for EWL slab.

9 Q. Now, do you agree with me that for the purpose of  
10 keeping as-built records in relation to the change, the  
11 change at the top of the diaphragm wall, it can be in  
12 the form of photos and can be in the form of some  
13 hand-sketches showing a cross-section, indicating the  
14 extent of the trimming down of the diaphragm wall, the  
15 reinforcement arrangement, the number of layers,  
16 diameter of the rebars to be put in, the spacing, all  
17 that -- that can be put in the form of a sketch, and  
18 that would satisfy the requirement of keeping as-built  
19 records; would you agree with that?

20 A. I may disagree with you on that basis, because if we  
21 talk about as-built records in the form, under the PIMS,  
22 I believe this should be in the form of drawings, proper  
23 drawings. Sketches could be appended into the as-built  
24 record, I suppose, from my -- I speak for myself, from  
25 my opinion.

26 Q. Okay.

1 A. But as-built records, photos could be one of them, as  
2 I said, there can be many forms, but if you talk about  
3 drawings then I suppose proper drawings would be much  
4 appropriate.

5 Q. By "proper drawing" you mean something has to be printed  
6 out by computer?

7 A. Proper drawings -- perhaps incorporate all the changes  
8 issued in previous DAMS, sketches, that kind of  
9 hand-sketches, incorporate into one proper drawings, or  
10 one set of proper drawings. That's what I mean.

11 Q. Okay. But you agree with me that at the time of the  
12 construction of the EWL slab, when the changes were  
13 effected at various locations, in different ways, no  
14 such as-built record has been kept by you, as  
15 construction engineer?

16 A. I don't think, at that time, we considered that as the  
17 as-built period, because the RC structure is just  
18 commenced, had just commenced at that time, and as-built  
19 records, it could be -- the as-built records can be  
20 prepared towards the end of the project, I suppose,  
21 and -- yes, that is my view.

22 Q. Perhaps you would like to look at -- under the column  
23 "Notes", corresponding to as-built records, what was  
24 required of you is:

25 "Construction engineer and SIOW shall ensure that  
26 these records are prepared as a continuous operation as

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

4 So would you agree with me that on the basis of the  
5 requirement as set out in this part of the PIMS, the  
6 as-built record, even though it has to be in the form  
7 that you have just described, has to be prepared  
8 contemporaneously as the work proceeds, so that, at the  
9 end of the day, we won't have the problem that we have  
10 now, by opening up to ascertain what was actually built?

11 A. In an ideal world, that is the case. That is the case.  
12 But may I add just one more point --

13 Q. Of course.

14 A. -- that we actually do have the continuous monitoring of  
15 the as-built preparation process, because we have  
16 records on all the changes in terms of drawings and we  
17 have all the records for the materials. So I think, in  
18 a sense, based on the requirement as stated here in the  
19 PIMS, we as a ConE team actually carry out according to  
20 the PIMS.

21 Q. As far as you know, did the senior inspector of works  
22 prepare any as-built records of that time?

23 A. As-built records? Yes, they would put the as-built  
24 records in the form of site diaries, I suppose. We have  
25 a site diary system, and everyone in the inspector team  
26 has contribution to that site diaries. So I believe,

1 under this system, under the SIOW team, they have  
2 carried out their works.

3 Q. My further question is under this schedule, the senior  
4 construction engineer, can you confirm that at that  
5 time, in relation to EWL slab, the senior construction  
6 engineer was Mr James Ho?

7 A. I confirm that.

8 Q. He was supposed to reviewed the as-built record kept  
9 by -- or prepared and kept by the construction engineer  
10 and the senior inspector of works. Has Mr James Ho ever  
11 asked you as to the status of the as-built records in  
12 relation to the changes made to the top of the east  
13 diaphragm wall?

14 A. From time to time, he would actually request us three,  
15 the ConE-II or -- perhaps three ConE-Is and three  
16 ConE-IIIs under his team, to give him the status of the  
17 as-built preparations. And indeed we actually submitted  
18 some as-built records to BD back in 2017. We started  
19 the as-built record process handing to BD.

20 Q. When you say as-built records handing to the BD, can you  
21 be more precise: what as-built records are you talking  
22 about?

23 A. May I just elaborate furthermore on that? In the  
24 beginning of 2017, we, as the construction management  
25 team, had submitted some concrete cube test report and  
26 structural steel new certificates to BD under several

1 cover letters by MTR, back in, say, from February 2017  
2 towards the end of 2017, we actually kicked off this  
3 process.

4 Q. And were these records related to the changes made to  
5 the top of the east diaphragm wall?

6 A. I'm sorry but I cannot recall precisely what is in  
7 those -- I mean, what sort of precise information within  
8 the submissions back then.

9 Q. Mr Kwan, I have no more questions for you. Thank you.

10 A. Thank you.

11 MR CHOW: Thank you, Chairman.

12 Cross-examination by MR CONNOR

13 MR CONNOR: Good afternoon, Mr Kwan.

14 A. Good afternoon.

15 Q. I'm Vincent Connor. I have a few questions for you, if  
16 I may, in relation to just one area, and I represent  
17 Atkins China.

18 A. Good afternoon.

19 Q. Good afternoon. It is just one area I want to ask you  
20 about. Probably it's best if you have your witness  
21 statement in front of you, please, which, as you  
22 probably now know, is B16/B373.

23 If you would turn, in particular, to paragraph 39 of  
24 that. I'd just like to take you across the surface of  
25 a few paragraphs there.

26 At paragraph 39 on page B384, you describe your

1           personal observation of the hacking off of the top the  
2           east diaphragm wall; do you see that?

3       A.   I see that, yes, 39.

4       Q.   You describe then, continuing that observation, that the  
5           hacking off was, as you have told Mr Pennicott and  
6           Mr Chow, followed by the replacement of the coupler  
7           connections with through-bars; yes?

8       A.   Yes.

9       Q.   I won't take you through the rest of the paragraph, but  
10          you describe where that was carried out, and some  
11          exceptions to that, where other coupler details were  
12          used?

13      A.   Covering that, yes.

14      Q.   You then go on in paragraph 40 to describe some  
15          communications, but before I ask that, can I just  
16          confirm with you, from your recollection, when this work  
17          was being carried out? For example, I think we have  
18          been told by other witnesses it was around August 2015.  
19          Does that seem to fit your recollection?

20      A.   You mean the construction of the EWL slab or just the  
21          hacking off?

22      Q.   No, the hacking off.

23      A.   The hacking off, I believe it was towards the end of  
24          July 2015, and then to perhaps January, early January,  
25          in 2016, if my recollection is correct.

26      Q.   That's helpful. Thank you.

1 I was just about to take you to paragraph 40, which  
2 you will see is on page B385. You go on to talk about  
3 an awareness that you had of the agreement within the CM  
4 team, that's MTR's CM team, that the change in  
5 construction detail, namely the hacking off and use of  
6 through-bars, was considered acceptable at that time.

7 Then you go on to refer to various emails; do you  
8 see that?

9 A. I see that.

10 Q. I'm not going to take you through those emails because  
11 the Commissioners have heard quite a lot of evidence on  
12 these already, but taking you across to paragraph 41,  
13 which is on the next page, and that is at page B386, you  
14 then talk about who was involved in the email chains you  
15 refer to Atkins, you refer to some MTRC colleagues,  
16 including Mr Andy Leung and Mr Ho who we just heard  
17 about, and you go on to say that you implemented what  
18 Atkins proposed and what the more senior members of the  
19 CM team had discussed and agreed.

20 Just pausing at that point, yours was a significant  
21 role so I'm not meaning to suggest otherwise, but  
22 really, what I think you're telling the Commissioners at  
23 this point is that you weren't involved in the  
24 development of the proposal in question?

25 A. I was not.

26 Q. And you weren't involved in the discussions about it,

1 but your role was to implement it?

2 A. I was not involved in the design consideration and  
3 preparation of that report.

4 Q. Just to make very clear what we're talking about, the  
5 change in detail, namely the hacking off and use of  
6 through-bars, was not a proposal which you were  
7 personally involved in?

8 A. I was not involved in that.

9 Q. And so the way in which it was proposed or who proposed  
10 it, et cetera, is not something you can help the  
11 Commissioners with, from your own knowledge?

12 A. It depends on how much information you want me to give,  
13 because I can refer those -- a number of emails, and  
14 within that email there is a number of Atkins personnel,  
15 so I may just give those names to the Commissioner and  
16 Chairman.

17 Q. I think the Commissioners have that evidence. Thank  
18 you.

19 A. Right.

20 Q. But when you talk about implementing what was proposed,  
21 can you help us with that: "I implemented what by Atkins  
22 proposed", what did you do to implement it?

23 A. Right. Actually what I mean is certainly I have read  
24 through those emails saying that, okay, because there  
25 are some kind of site issues that perhaps we need to  
26 hack off a portion of the diaphragm wall, regardless



1           it's one layer or, like I mentioned earlier, the report  
2           TWD-004B3, the hacking off of 420, and basically I take  
3           that is Atkins proposed, because from the TWD-004B3 --  
4           I will simply say for B3 report -- that is prepared by  
5           Leighton and Atkins. So what I mean is I just take that  
6           report.

7           Q. Again, just to make sure that we understand it -- or at  
8           least I understand it -- you took that, you read it to  
9           understand it, but your implementation of it is really  
10          in terms of for the inspection --

11          A. Right.

12          Q. -- of what was done; is that right?

13          A. You can say that, yes.

14          Q. Thank you.

15                 Then, in paragraph 42, that is where we see, on the  
16                 third line, the specific use of through-bars being used  
17                 instead of several bars connected by couplers. So  
18                 that's a key element of this change, for these purposes,  
19                 so that's what you're looking at as an inspector?

20          A. I agree.

21          Q. Then just going on to 43.1, what you say there is, for  
22                 your part, you carried out inspections by checking the  
23                 rebar fixing works against the working drawings for the  
24                 EWL slab issued to LCAL for construction in August and  
25                 September 2015 respectively; yes?

26          A. Yes, agree.

1 Q. I don't think I need to take you to it, but I can if you  
2 wish, but you refer on to a section in your statement  
3 later on, paragraph 53, where you give dates of issue of  
4 various drawings, et cetera.

5 A. Correct.

6 Q. But am I right in understanding that what you're  
7 referring to here in terms of working drawings, and in  
8 particular the connection detail within them, is from  
9 the original working drawing, that is the 2013 drawings,  
10 in terms of the connection detail?

11 A. Sorry, can you repeat once again?

12 Q. You referred to working drawings at that point. We'll  
13 come to look at them. Let's move on to see if this  
14 helps you further. At 43.1, you go on to expand upon  
15 that, and you say:

16 "The working drawings issued by Atkins team A for  
17 the construction of the EWL slab only showed the rebars  
18 within the slab, which were not subject to any changes.  
19 The connection details had to be ascertained from  
20 a separate coupler schedule, which indicated two layers  
21 (T1 and T3) of top rebars connecting the EWL slab to the  
22 top of panels EH40 to EH115 in the east diaphragm  
23 wall ..."

24 Yes?

25 A. Yes, I see that.

26 Q. You refer then to a working drawing.

1 A. Yes.

2 Q. So let me just, for the sake of completeness, ask you to  
3 look, please, at B5/2851, just so we orientate ourselves  
4 around what you are referring to.

5 This is one of the drawings you are referring to and  
6 it's no doubt one of a sequence that follow through  
7 here, but is this what you intended to refer to, namely  
8 a working drawing which included coupler schedules?

9 A. Right, this is the drawings that I referred in my  
10 witness statement. May I add one more point, that this  
11 particular drawing, revision A, was issued in 2013.  
12 When the project commenced, we issued the original  
13 working drawing to Leighton. And I believe it's back in  
14 2015, in June, there is a second version, revision B,  
15 issued under the same number, C12/607/B.

16 Q. That's very helpful indeed. So I think, really, the  
17 point that I would suggest arises from what you are  
18 helping us with here, Mr Kwan, is when it came to the  
19 work that you had to do, you didn't have the benefit of  
20 a drawing which would show you the breaking down of the  
21 D-wall and the replacement of through-bars? What you  
22 had to do is to go back to the 2013 drawing and work on  
23 that?

24 A. I agree with that, because we didn't have a drawing  
25 showing the hacking off of the top of the D-wall.

26 Q. Understood. Thank you.

1           If you go back to your statement, please -- I beg  
2           your pardon, Professor.

3           COMMISSIONER HANSFORD: Sorry, Mr Connor, is that right?

4           I thought Mr Kwan said he went back to revision B of  
5           2015.

6           A. Actually, I referred to 607/B, but the point is, no  
7           matter it's revision A or B, the coupler schedule for  
8           areas B and C for the EWL slab, they are the same.

9           COMMISSIONER HANSFORD: They are the same? Thank you very  
10          much.

11          MR CONNOR: Thank you for clarifying that, Professor.

12          A. Thank you.

13          Q. Thank you, Mr Kwan. Going back to your statement, you  
14          continue the story at 43.2, and there you say:

15                 "Accordingly, for the panels in which coupler  
16                 connections were replaced with through-bars, I inspected  
17                 the connection details based on the working drawings  
18                 issued for construction, and I checked the through-bars  
19                 extending from the EWL slab across the east diaphragm  
20                 wall based on the same spacing and T1/T3 layers as  
21                 specified in the original coupler schedule."

22                 Yes?

23          A. Yes.

24          Q. You go on to refer to examples, but I think there's just  
25          really one point I wish to clarify from you there,  
26          because it's my understanding therefore that you would

1           have gone back to these working drawings because,  
2           although they included couplers, and those were no  
3           longer going to be utilised in these particular areas,  
4           nonetheless the spacing was such that you could utilise  
5           the spacing layout, et cetera, and effectively  
6           superimpose through-bars in those areas, in  
7           a straightforward way?

8           A. That is correct.

9           Q. Thank you for that. Just against that background of the  
10          process you went through and the thinking that you  
11          adopted at that time, could I ask you then to look at  
12          another statement, which is a statement of Mr Andy Leung  
13          of MTR, and his statement appears at B1/18, and in  
14          particular page B239.

15                 Just before proceeding, that's the witness statement  
16          of Leung Fok Veng, Mr Andy Leung. Have you had the  
17          chance of reading this statement before today?

18          A. Yes. Not today but previously.

19          Q. That's helpful. Thank you.

20                 Could you turn to page B250 of that. You will see  
21          that this is a section of Mr Leung's statement where  
22          he's talking about drawings relating to the connection  
23          details between the EWL slab and the east diaphragm  
24          wall; do you see that?

25          A. Yes, I see that.

26          Q. He takes us through a few things which I just would like

1 to put to you, to see whether you understand what is  
2 being said and whether you agree.

3 He's saying at paragraph 40 that:

4 "On 20 August 2015, LCAL submitted a set of EWL slab  
5 drawings ..."

6 And he goes on to give the reference number, and you  
7 will see he says:

8 "This set of drawings included the proposed  
9 connection between the EWL slab and east diaphragm wall  
10 to match with the re-arrangement of couplers as  
11 described in section E2."

12 He then goes on to refer to the typical connection  
13 details were as per detail E3 and E, and he then refers  
14 to a tab which we may come back to.

15 He then goes on at paragraph 41 to say:

16 "The DM team [that's design management team of MTR]  
17 and Atkins team A reviewed the drawings submitted by  
18 Leighton. On 26 August 2015, the DM team issued  
19 an advanced DAmS 310 to the CM team by email in relation  
20 to the drawings submitted by LCAL on 20 August 2015."

21 Do you see that?

22 A. I see that.

23 Q. Before we turn to look at that email, DAmS 310, as  
24 a reference, does that ring a bell with you?

25 A. Well, of course I know what is DAmS --

26 Q. Yes.

1 A. -- but what sort of information included in 310,  
2 I cannot recall precisely, I'm sorry.

3 Q. That's helpful but I will put something to you in  
4 a moment, to see if that helps.

5 If you might just have before you the email, which  
6 is B10/7362. Thank you.

7 You see that's an email from a Mr Tan to a number of  
8 colleagues, including yourself, in relation to DAmS 310,  
9 which is described as a "VE proposal for the EWL slab"?

10 A. I see that.

11 Q. Do you see that?

12 A. Yes.

13 Q. That's dated 26 August and describes what's in it.

14 If you scroll down, please, just so we can see the  
15 background to it, previously -- just before I go on,  
16 Mr Tan, can you help the Commission with who he was?

17 A. He was the design engineer I in the design management  
18 team.

19 Q. So the design management team at this point is sending  
20 this DAmS 310 to the construction management team?

21 A. Yes.

22 Q. And that's at 26 August?

23 A. Yes.

24 Q. If you go on down, you will see there's a message from  
25 a Mr Rocky Cheung, and Mr Cheung is described as  
26 an engineer-structure within Atkins; do you see that?

1 A. Yes.

2 Q. And that's a continuation attaching a file. And again,  
3 scrolling on down, I think that's another message from  
4 Mr Cheung to Mr Tan with an advance copy again with  
5 links.

6 So that is fine for that. Just again, in fairness  
7 to you, it's quite a few years ago, do you remember any  
8 of this in terms of the receipt of that email and the  
9 attachment, et cetera?

10 A. Honestly, I don't remember what is included in the  
11 email.

12 Q. Okay. That's very fair of you. I just therefore will  
13 have a couple of isolated questions for you about it, to  
14 see again if there's anything you can help the  
15 Commission with.

16 You then see at paragraph 42, if you go back to Andy  
17 Leung's statement at B250, he goes on to say:

18 "DAmS 310 included changes to many working  
19 drawings", and he goes on to specify which ones, and he  
20 says, "Revised drawing no. 605 and 606 of DAmS 301" --  
21 I think that might be a typographical error and that  
22 should be 310 but perhaps we can clarify that later --  
23 "contained new [details] which showed the typical EWL  
24 slab top rebar with three layers of T40 rebars and  
25 couplers as in the drawing set from LCAL."

26 He finishes that paragraph by saying:



1           "Further, there was a remark that the section of OTE  
2 wall concrete cast together with (at the same time) as  
3 EWL slab."

4           I will ask you a question in just a moment, but to  
5 complete your understanding of what I'm putting to you,  
6 you'll then see extracts of the details which, for the  
7 transcript -- but we will not refer to them unless you  
8 wish to -- are described as B10/7428 and 7429, but they  
9 are effectively reproduced on page B251. Do you see two  
10 figures there, Mr Kwan?

11       A. I see that.

12       Q. Again, in fairness to you, because it's not intended to  
13 be a memory test, having seen these now, do these ring  
14 any bell with you at all, a recollection of the receipt,  
15 as it appears you did, in August 2015, of DAmS 310 and  
16 the drawings which are reproduced here?

17       A. I can only say that I definitely have seen these two  
18 details, but whether or not it was under DAmS 310, I'm  
19 not sure at this moment, but I definitely saw those two  
20 details before.

21       Q. That's helpful. Again, tell us if you can help us or  
22 not, there are two propositions there from Mr Leung, it  
23 appears, one that if you look at figure 3 detail E3,  
24 which is the upper of the two on page B251, that that  
25 includes many details but in particular it includes  
26 configuration of rebars and couplers; do you see that?

1 A. Yes.

2 Q. And do you think you can see from what is represented  
3 there and is now on the screen that that is a fair  
4 description of what we see there?

5 A. Yes, I can see that.

6 Q. And you see, in the lower detail, a reference to, in the  
7 top right-hand corner, the thing that he quoted,  
8 "Section of OTE wall concrete cast together with (at the  
9 same time) EWL slab"; do you see that?

10 A. I see that.

11 Q. Given that it is at least three years ago and you fairly  
12 told the Commission that you don't have a lot of  
13 recollection of this, it would seem -- perhaps you can  
14 tell me if you agree or not -- that at the very least,  
15 at the end of August 2015, there appear to have been  
16 issued to the construction team a DAmS 310, which you  
17 have presumably been told to do something with, which  
18 included, amongst other things, coupler details and  
19 a description as to how the slabs were to be cast, but  
20 no mention of breaking down of D-wall and no mention of  
21 through-bars, at least as far as what I've put to you is  
22 concerned?

23 A. From these details, no, the hacking off has not been  
24 mentioned in these two details that you just showed me.

25 Q. Thank you. So then you will see, if you turn the page  
26 of Mr Leung's statement, he then goes on, at

1 paragraph 44, which is on page B252, to say:

2 "In relation to the coupler schedule for area C in  
3 the working drawing, it was amended in the 8th and 9th  
4 amendment to the permanent works in area C on 4 November  
5 2015 and 11 February 2016 respectively ..."

6 Now, again, it's not a memory test: did you have any  
7 knowledge at the time of the submission of these for  
8 permanent works design changes in November 2015 and  
9 February 2016?

10 A. I did not have any knowledge, because that was the scope  
11 of the design management team's work.

12 Q. Understood. But it would seem that whatever else  
13 happened, DAmS 310, if we accept what Mr Leung is  
14 saying, was then followed through and submitted to BD,  
15 if he's right in that?

16 A. I cannot be 100 per cent sure about that.

17 Q. That's fair.

18 Just really two questions for you, against the  
19 background of what I've just shared with you. Do you  
20 recall then, in that period from July 2015 up to January  
21 2016, during which time you've described the hacking  
22 down of the D-wall and the placement of through-bars,  
23 any action which you personally were required to take to  
24 implement DAmS 310?

25 A. What do you mean by "implement", if you can explain?

26 Q. You described to the Commissioners earlier what you

1           meant by way of implementation, so I'm not suggesting  
2           you were involved in the physical work of it, but your  
3           work is as an inspector. So having received DAmS 310 in  
4           August 2015, did you do anything or were you asked to do  
5           anything to implement DAmS 310, to the best of your  
6           recollection?

7           A. I believe I was not asked by anyone to implement,  
8           just -- if I received the email back on 26 August  
9           I should have taken the drawings, and basically I used  
10          that set of drawings for my reference as an inspection  
11          reference, I go on site and check the rebar details.

12          Q. And against that background my second and final question  
13          is really this, Mr Kwan, that given what you've told the  
14          Commissioners about the work that was ongoing on the  
15          D-wall, and the through-bar installation, and the  
16          absence of drawings to help you with that, other than  
17          the original working drawings, there was, on the face of  
18          what we have looked at, in parallel being issued to the  
19          construction management team drawings which included  
20          quite different details, and in particular coupler  
21          details and so on. You see where the comparison lies;  
22          they are quite different things, aren't they?

23          A. Mmm.

24          Q. Do you recall any discussion in which you were involved,  
25          in August 2015 or subsequently, about how those two  
26          things might be reconciled? On the one hand, DAmS 310,

1 with those details, and on the other hand what was being  
2 implemented.

3 A. I cannot recall there was any discussion I personally  
4 involved. I cannot recall any. Perhaps I don't have --  
5 I was not involved in any of the discussion.

6 MR CONNOR: Thank you very much. I have no further  
7 questions for you, Mr Kwan. Please remain there,  
8 because Mr Boulding may.

9 MR PENNICOTT: I'm sorry, before Mr Boulding does, I'm  
10 afraid I'm going to have to make an application to ask  
11 Mr Kwan some more questions. It is unfortunate but it  
12 arises out of some of the evidence he gave earlier this  
13 morning regarding the inspection or lack of inspection  
14 of the coupler connections.

15 The concern I have is that, first of all, that point  
16 took me slightly by surprise and I'm happy to admit  
17 that. One reason it took me by surprise is we have  
18 of course had some evidence from other witnesses about  
19 those inspections, and I'm concerned that there's going  
20 to be a complete clash of evidence, and I think I ought  
21 really to put to Mr Kwan the evidence of one of the  
22 Leighton witnesses as to the circumstances in which  
23 those formal inspections took place, how they took  
24 place, and what was looked at by both the Leighton  
25 witness concerned and the MTRC engineer, who  
26 I understand to be Mr Kwan. And so there is going to be

1 a complete clash of evidence if those matters are not  
2 put to Mr Kwan, and I would like to do so. It will take  
3 me about 10 or 15 minutes, I anticipate, to do that  
4 exercise. It won't take long.

5 CHAIRMAN: Mr Boulding, do you have --

6 MR BOULDING: Sir, as I've said before, the MTR are here to  
7 assist you. If you'd be assisted by that, we welcome  
8 giving my learned friend the opportunity to ask a few  
9 more questions.

10 CHAIRMAN: All right. Thank you very much.

11 Yes?

12 MR PENNICOTT: Sir, would you like me to do it now -- I see  
13 it's 1 minute to 1, I'm quite happy to do it now, and it  
14 may assist Mr Boulding if I do --

15 CHAIRMAN: Yes, it may do.

16 MR PENNICOTT: But that will delay us by 10 or 15 minutes,  
17 provided nobody needs to rush off for lunch.

18 CHAIRMAN: I think so, and then Mr Boulding has an  
19 opportunity to consider his position at a little more  
20 leisure.

21 Further examination by MR PENNICOTT

22 MR PENNICOTT: Mr Kwan, my apologies.

23 A. It's all right. my pleasure.

24 Q. Can you first of all confirm this point, that so far as  
25 area C is concerned, and I mean by "area C" C1, C2 and  
26 C3, that apart from the two areas you identified where

1           Jeff Cheung was responsible, C3-2/C3-3, you were the  
2           engineer who carried out the formal inspections on  
3           behalf of the MTRC?

4           A. I confirm that.

5           Q. Could I please ask you to be shown the witness statement  
6           of Edward Mok from Leighton, which I believe is at  
7           bundle C12/8107.

8                     Could I ask you, please, to be shown, first of all,  
9           paragraph 24, where there's a heading, "Formal  
10          inspections"; do you see that?

11          A. I see that.

12          Q. This is against the backdrop of Mr Edward Mok explaining  
13          that he was responsible, so far as Leighton are  
14          concerned, for inspecting and carrying out the formal  
15          inspections in area C; do you understand?

16          A. I understand.

17          Q. He says at 24(c):

18                     "MTRC's engineer and I would jointly conduct the  
19          formal inspection for rebar fixing (which I discuss  
20          further below)."

21                     Do you see that?

22          A. I see that.

23          Q. Pausing there, I should ask this first: I know, Mr Kwan,  
24          that you've seen this witness statement before.

25          A. Yes, I saw that.

26          Q. Because you've actually replied to certain aspects of it

1 in your reply statement.

2 A. I confirm.

3 Q. Then over the page, at paragraph 25 -- that's  
4 page 8112 -- Mr Mok says this:

5 "The practical aspects of the formal inspection for  
6 rebar fixing were as follows:

7 (a) There were in fact two formal inspections. The  
8 first was undertaken after Fang Sheung had completed the  
9 bottom layers of rebars and the second after the top  
10 layers were completed."

11 And, as I understand it, you would agree with that,  
12 Mr Kwan?

13 A. Correct.

14 Q. Then he says this:

15 "(b) Each of the two inspections of rebar fixing  
16 comprised checking the arrangement of rebars, the  
17 spacing of the rebars, lap length of rebars ..."

18 And so far I think you would agree with that,  
19 Mr Kwan?

20 A. I agree, yes.

21 Q. Then importantly for present purposes what Mr Mok goes  
22 on to say is:

23 "... and the connections between rebars and  
24 couplers."

25 Do you see that?

26 A. I see that.



1 Q. Is he right?

2 A. In terms of the connections between rebars and couplers,  
3 he is right.

4 Q. So you inspected them and he inspected them; is he  
5 right?

6 A. He is right.

7 Q. So you did inspect the connections between the rebars  
8 and the couplers; is that the position?

9 A. Right. Perhaps I put it this way. Sorry, I got carried  
10 away, sorry. "And the connections between rebars and  
11 couplers", I would say that because if you see bay C1-1  
12 and C1-2, there are couplers from the D-wall, coming out  
13 from the D-wall to the slabs; okay?

14 So, at that particular case, I personally, like  
15 I said earlier this morning, I did not -- well,  
16 actually, I would say I did not carry out the formal  
17 inspection for the QSP. What I mean by that is I did  
18 not put it in terms of the QSP form. So that is my  
19 intention of saying that.

20 Q. I'll ask you the more direct question in a moment, but  
21 let's just read on in Mr Mok's statement.

22 Over the page, at 8113, subparagraph (c) at the top  
23 of the page, he says this:

24 "As noted above, for the connections ... between  
25 rebars and couplers, I would check that the threads of  
26 the rebars were screwed into the couplers and not

1 exposed (or that only one or two threads were exposed).  
2 Both MTRC's engineer and I would often use a torch to  
3 inspect the connections. This was not essential (you  
4 could see adequately without it), but it did give us  
5 a slightly better view of the coupler connections.

6 (d) Both MTRC's engineer and I would walk along the  
7 bay looking down at rows of rebars (the MTRC's engineer  
8 was normally a couple of metres ahead of me) and check  
9 for ourselves that rebars were properly connected to the  
10 coupler."

11 Now, that could not be clearer, Mr Kwan. Do you  
12 agree with what Mr Mok says in those subparagraphs that  
13 I have read to you?

14 A. I think I have replied, I have given my second  
15 statement, based on what Mr Mok has said in his  
16 statement here.

17 Q. In your reply statement, you don't mention these  
18 paragraphs, and that's one of the reasons why certainly  
19 I had deduced that you agreed with him.

20 A. Because what I try to -- what I want to say is what  
21 Mr Mok says here, from paragraph 25(c) and (d), he  
22 mentioned MTR's engineer, but he doesn't specifically  
23 say that that engineer is myself.

24 Q. I appreciate that. That's why I asked you, right at the  
25 beginning of this line of questions, whether you were  
26 the engineer for MTRC in relation to area C, and you

1 said -- you confirmed that that was the case.

2 A. I was responsible for the formal inspection of area C,  
3 I confirm that, yes.

4 Q. And that's what he's talking about, "The practical  
5 aspects of the formal inspection for rebar fixing",  
6 that's how that paragraph is introduced.

7 A. Right, but I personally did not carry out the coupler  
8 inspection with Edward.

9 Q. So you say there must have been somebody else -- if  
10 Mr Mok is right, what, there was some other MTRC  
11 engineer who carried out the formal inspections in  
12 area C, and if so who was he or her?

13 A. Well, because I cannot confirm who actually Mr Mok is  
14 referring, based on his statement. He's only said the  
15 MTRC's engineer. So of course I was one of -- I was  
16 within the team, I was one of them; okay? But --

17 Q. Mr Kwan, sorry, you were the only one in area C who,  
18 apart from the two areas that we've discussed where  
19 Mr Cheung was responsible, you're the only person whose  
20 signature appears on the RISC forms and therefore the  
21 only engineer, as I understand it, who would have  
22 carried out the formal inspections of the mats of rebar.

23 A. Yes. Like I said earlier with this morning, yes,  
24 I carried out the inspection for the top mats and bottom  
25 mats.

26 Q. And although, unfortunately, we did not or I did not, or

1 nobody else did, ask Mr Mok who precisely the MTRC  
2 engineer was, I can't see that there are any other  
3 candidates, in area C, other than you, Mr Kwan.

4 A. But there are other -- well, I'm not putting the  
5 responsibility to my colleagues, but I was not the only  
6 one within my team, and since Mr Mok cannot confirm who  
7 he is referring to in his statement -- so I agree to the  
8 fact that I was responsible for the rebar fixing  
9 inspection, I appreciate that and I agree to that, but  
10 who he is actually referring to, I'm not quite sure  
11 about that.

12 MR PENNICOTT: All right.

13 Sir, I thought it appropriate that that should be  
14 put.

15 CHAIRMAN: Certainly.

16 So would it be correct to say, then, that you don't  
17 have any memory at this stage of, for example, together  
18 with Mr Edward Mok, using a torch to light up the  
19 threads of reinforcing bars as they go into couplers to  
20 see whether they were properly installed or not?

21 A. I would say that I may have used a torch, but not at the  
22 couplers' locations. Perhaps at other rebar locations  
23 I may have used that.

24 CHAIRMAN: All right. So you don't remember doing what  
25 Mr Mok has suggested in paragraph (c)?

26 A. I don't precisely recall that.

1 CHAIRMAN: All right. Paragraph (d) perhaps you might agree  
2 with, would you, that you would walk along through the  
3 area and you would look down to check whether the  
4 couplers were in? Because you had said that you would  
5 sort of keep -- you couldn't really miss the couplers as  
6 you were inspecting, so you would have a look at them as  
7 well, in passing?

8 A. I would have noticed that.

9 CHAIRMAN: Okay.

10 MR PENNICOTT: And presumably, Mr Kwan, if you had been  
11 carrying out these formal inspections, and you had  
12 spotted threaded rebar that was not connected into the  
13 couplers, that is not something you would have ignored?

14 A. Of course. Of course. If I see any couplers which is  
15 not properly screwed, of course I would raise up the  
16 problems to the Leighton engineer. This is the usual  
17 practice.

18 MR PENNICOTT: All right.

19 CHAIRMAN: All right. But you didn't see it as your job, at  
20 that time, to actually conduct a very careful inspection  
21 of the connection with couplers, checking actual threads  
22 and testing and things like that?

23 A. I didn't do it, because, as I mentioned earlier today,  
24 I was not assigned that responsibility --

25 CHAIRMAN: Good. Thank you.

26 A. -- by my senior management.

1 CHAIRMAN: Thank you very much. Good. Then we'll adjourn  
2 for lunch.

3 You are still giving your evidence. You may have to  
4 answer a few more questions, just after lunch. Is that  
5 okay?

6 WITNESS: Yes, sure, definitely.

7 CHAIRMAN: But until your evidence is completed, you are not  
8 entitled to discuss it with anybody else at all.

9 WITNESS: Understood.

10 CHAIRMAN: Do you understand?

11 WITNESS: Understand, yes.

12 CHAIRMAN: Thank you very much.

13 MR PENNICOTT: Shall we say 2.20?

14 CHAIRMAN: Yes. We'll make it an hour and 15 minutes.  
15 2.30.

16 MR PENNICOTT: 2.30. Thank you.

17 (1.13 pm)

18 (The luncheon adjournment)

19 (2.33 pm)

20 Re-examination by MR BOULDING

21 MR BOULDING: Good afternoon, sir. Good afternoon,  
22 Professor.

23 Good afternoon, Mr Kwan.

24 A. Good afternoon. Good afternoon, Chairman, and good  
25 afternoon, professor.

26 Q. I have two or three matters that I would like to take

1           you with you, if I may, Mr Kwan. The first matter  
2           relates to the hacking off of the east diaphragm wall  
3           panels. Do you remember being asked about that matter  
4           by my learned friend Mr Pennicott?

5       A. Yes.

6       Q. In particular, do you remember being questioned about  
7           whether panels EH45 and EH48 actually had couplers in  
8           them, as you describe in paragraph 39 of your witness  
9           statement?

10      A. I remember that.

11      Q. You will also remember, I suppose, that by reference to  
12           the Fang Sheung bar bending schedule, it was suggested  
13           to you that they didn't have couplers in them anymore  
14           but just through-bars; do you remember that suggestion  
15           being put to you?

16      A. I remember that.

17      Q. The transcript records that you said that in concluding  
18           together with the MTR construction management team that  
19           EH45 and EH48 had couplers in them, you'd looked at both  
20           the D-wall as-built drawings and the contemporaneous  
21           photographs. Do you remember giving that answer to  
22           Mr Pennicott?

23      A. Yes, I remember that.

24      Q. I wonder whether we could have a look, please, at one or  
25           two photographs together. Could you be taken to B19,  
26           and then 25569.

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.  
26          Thank you.



1 Does this show it more clearly, Mr Kwan?

2 A. Yes. You can see there are two vertical columns --

3 I would say columns -- on top of EH45, sir. So if you  
4 can imagine there are two leg supports of the steel  
5 frame sitting on top, we cannot actually remove the top  
6 of the D-wall.

7 COMMISSIONER HANSFORD: Thank you.

8 MR BOULDING: Perhaps, with the learned professor's question  
9 in mind, we could go to another photograph, B25574,  
10 please. Perhaps that can be blown up a little bit.

11 Again, do we see panel EH45 in that photograph?

12 A. I see that.

13 Q. With the learned professor's question in mind,  
14 am I right in thinking that the structure shown  
15 immediately above EH45 would be the legs of the  
16 underpinning frame?

17 A. Yes, agree. Correct.

18 Q. Could you show the professor and of course the  
19 Commissioner exactly what you're referring to? Because  
20 I don't want there to be any doubt about this.

21 A. Sorry, can you repeat your question? Sorry.

22 Q. Yes. I don't want there to be any doubt about this, so  
23 can you show the professor and the Commissioner exactly  
24 what you're referring to as the legs of the underpinning  
25 frame? Ah, we've got the assistance of the little hand.

26 MR PENNICOTT: Just say "right", "left", "up", "down".

1 CHAIRMAN: Yes, just indicate where you're going on the  
2 screen and then the lady on this side here will move the  
3 hand.

4 A. Right. The support, the legs, I'm referring to -- if  
5 you can show the hand of the cursor -- this is the  
6 right-hand side, if you read the photo in that  
7 direction, this is one of the legs, and the other leg is  
8 that one, yes, the cursor is pointing the legs.

9 So these are the supports of the underpinning frame.

10 CHAIRMAN: How far down do those legs go?

11 A. I believe the legs sit on the top of the wall, if  
12 I remember correctly.

13 CHAIRMAN: Thank you.

14 COMMISSIONER HANSFORD: So there's a base plate or  
15 something, is there, on the top of the wall, to take  
16 those legs?

17 A. I believe so.

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

19 MR BOULDING: Just, if we may, move on to EH48, although  
20 I suspect it might be more of the same. Could we go on  
21 to B19 and then page 25573.

22 Do we there see an arrow pointing to panel EH48?

23 A. Yes, I see that.

24 Q. Do we see there, Mr Kwan, an underpinning frame located  
25 above that panel?

26 A. I see that.

1 Q. For the avoidance of any doubt, and with the assistance  
2 of the little hand again, perhaps you could just point  
3 that out to the Commissioner, the Chairman, and the  
4 professor.

5 A. The cursor pointing right now, is the double I-beam of  
6 the underpinning frame, as there is a label "Temporary  
7 underpinning frame (double I-beam above D-wall  
8 panel 48)", that is consistent with the photos, the  
9 description.

10 Q. I see. Then, just for good measure, if we can go on to  
11 B19 at 25575.

12 Again, am I correct in thinking that we're looking  
13 at a part of panel EH48 here, Mr Kwan?

14 A. Correct.

15 Q. And, again, do we see part of the underpinning frame  
16 above that panel?

17 A. Yes. The cursor pointing right now is the support of  
18 the temporary underpinning frame.

19 Q. If you'd like to come down the left-hand side of the  
20 panel, am I right in thinking that we can actually see  
21 couplers present?

22 A. Yes, we do.

23 Q. I see.

24 Then finally, B19/25577. Again, I'm right in  
25 thinking, am I not, that this is a picture which shows  
26 panel EH48?

1 A. I see that, yes.

2 Q. Do we see, in this particular picture, because of the  
3 angle it's taken from, a better view of the underpinning  
4 frame?

5 A. Correct.

6 Q. And again, with the little -- yes, splendid -- is that  
7 the underpinning frame we're talking about?

8 A. That is the underpinning frame, the cursor pointing  
9 right now, yes.

10 Q. Again, it's perhaps not as clear as the previous  
11 photograph, but if we came down the side of panel EH48,  
12 can I ask you whether I'm right in thinking that we can  
13 see couplers in that picture?

14 A. If you can blow up a little bit more -- actually, you  
15 would see the couplers at EH48.

16 Q. Can you actually see them there, and if so can you use  
17 the little hand to signify exactly where they are?

18 A. I try my best from the view. If you can put the cursor  
19 on the photo, in the middle -- yes -- if you can move  
20 a little bit to the left -- yes -- the cursor pointing  
21 right now, I suppose that is the retained couplers. If  
22 you can blow it up a bit, it appears to me that -- yes.

23 Q. Thank you very much, Mr Kwan. That's the first matter  
24 that I wanted to get your further assistance on.

25 Moving on to the second matter, do you remember  
26 being asked by Mr Chow, counsel for the government,

1 about PIMS?

2 A. Remember.

3 Q. And in particular, that part of PIMS which we can see at  
4 B3665. You will see there, will you not, the reference  
5 to as-built records?

6 A. I see that.

7 Q. Do you remember being asked several questions by Mr Chow  
8 about as-built records and how they ought to have been  
9 produced and checked and signed off?

10 A. I remember.

11 Q. The transcript -- and for the record, it's [draft]  
12 pages 71 and 72 -- Mr Chow says:

13 "My further question is under this schedule, the  
14 senior construction engineer, can you confirm that at  
15 that time, in relation to EWL slab, the senior  
16 construction engineer was Mr James Ho?

17 Answer: I confirm that.

18 Question: He was supposed to review the as-built  
19 record kept by -- or prepared and kept by the  
20 construction engineer and the senior inspector of works.  
21 Has Mr James Ho ever asked you as to the status of the  
22 as-built records in relation to the changes made to the  
23 top of the east diaphragm wall?

24 Answer: From time to time, he would actually  
25 request us three, the ConE-II or -- perhaps three  
26 ConE-Is and three ConE-IIIs under his team, to give him

1 the status of the as-built preparations. And indeed we  
2 actually submitted some as-built records to BD back in  
3 2017. We started the as-built record process handing to  
4 BD."

5 Do you remember giving that answer?

6 A. I remember.

7 Q. I wonder whether you can assist me with one or two  
8 documents. First of all, please could we go to  
9 bundle B5, and once we're in B5, TS31866.

10 There, do we see a letter of 13 February 2017,  
11 addressed by the MTR to the BD, Buildings Department?

12 A. Yes, I see that.

13 Q. Would I be right in thinking that the heading, "Concrete  
14 cube compressive test report, rebar and coupler test  
15 report for Hung Hom Station", and so on and so forth,  
16 would be one of the as-built record requirements as  
17 referred to in the PIMS that we've just looked at?

18 A. I believe so, yes.

19 Q. Then if we could go on -- we see it's signed off by Andy  
20 Leung -- to TS31869, and there do we see Jason Wong was  
21 the competent person certifying the preparation of the  
22 plans or documents referred to in this letter?

23 A. Yes.

24 Q. Then finally, for record purposes, TS31870, please.

25 Again, do we see, in relation to the test reports which  
26 are referred to in the letter -- and indeed attached,

1           because they run to many pages -- but do we see various  
2           confirmations given so far as those test reports are  
3           concerned?

4           A. Yes, I see that.

5           Q. A couple of other documents. Could we go to TS32930.  
6           Thank you.

7                     Here do we see a letter from MTR to the BD,  
8           Mr Humphrey Ho, dated 15 May 2017?

9           A. Yes, I see that, see the letter.

10          Q. Can you see that it's headed, in bold, "Concrete cube  
11          compressive test report, rebar and coupler test report  
12          for Hung Hom Station", and so on and so forth? Again,  
13          would I be right in thinking that these are part of the  
14          as-built records that are referred to and required by  
15          the PIMS?

16          A. Correct.

17          Q. Finally and for good measure, perhaps you could go on to  
18          TS39560. Thank you very much.

19                     Here, we've moved on to November 2017, but do you  
20          see a further letter from MTR to BD, once again Mr Ho  
21          Hon Kit Humphrey?

22          A. Yes, I see that.

23          Q. And the heading, pretty similar to what we've seen  
24          before, "Concrete cube compressive test report and rebar  
25          test report for Hung Hom Station ... as-built plan  
26          index".

1           Again, would I be right in thinking that the  
2           documentation referred to and appended to this letter is  
3           the as-built material required by PIMS that has to go to  
4           the BD?

5       A.   Yes, indeed.

6       Q.   Just one further matter.  You'll recall, just before the  
7           lunch break, my learned friend Mr Pennicott applied to  
8           ask you one or two further questions concerning Mr Mok's  
9           statement.  Do you remember that?

10      A.   I remember that.

11      Q.   In particular, the questioning was directed at the  
12           inspection of coupler splicing assemblies.

13      A.   I remember that.

14      Q.   Do you recall stating, indeed emphasising, that it was  
15           not your responsibility to inspect them because you were  
16           not the QSP supervisor?

17      A.   Do you mind if I can elaborate furthermore on this  
18           particular point?

19      Q.   Please do.

20      A.   I would say that it is -- I was not assigned to  
21           countersign the QSP form in the sense that actually  
22           no one in our team informed me in particular for the  
23           inspection of countersigning the QSP form.

24           However, as I'm a competent engineer and  
25           a responsible engineer within the team, I actually  
26           inspected the couplers, just like what I have written in



1 my statement. So, in that sense, I do occasionally, on  
2 a spot-check basis, inspect the couplers, just not  
3 countersigning on the QSP form.

4 Q. I see. And you've referred to your statement. Let's  
5 see if I've identified, or can identify it. B396,  
6 please, and if paragraphs 58 and 59 could be blown up.

7 Are these the paragraphs in your statement that  
8 you're referring to, Mr Kwan?

9 A. Correct.

10 Q. You say in 58:

11 "Although my understanding at the time of the EWL  
12 slab works was that the IoWs were responsible for  
13 conducting site surveillance in respect of the coupler  
14 splicing assemblies, I nonetheless observed the  
15 conditions of the coupler connections generally when  
16 inspecting the top and bottom layers of the rebars."

17 That's correct, is it?

18 A. Sure, yes, it's correct.

19 Q. Then you say in 59:

20 "As part of my inspections, there were occasions  
21 when I spot-checked the splicing assemblies by asking  
22 Leighton's representatives (eg Mr Edward Mok) to  
23 instruct the workers on site to unscrew certain starter  
24 bars from the couplers and expose the threaded end of  
25 those rebars, and then screw the bars back into the  
26 couplers."

1           Did you actually ask Mr Mok or someone else from  
2           Leighton that that should be done?

3           A. I believe so. I believe I did, yes.

4           MR BOULDING: Thank you very much, Mr Kwan. I've got no  
5           further questions. It may well be that the professor  
6           and the Chairman have.

7           WITNESS: Thank you, Mr Boulding.

8           CHAIRMAN: Sorry, just to help me on this last point. You  
9           say:

10           "As part of my inspections, there were occasions  
11           when I spot-checked the splicing assemblies ..."

12           That tends to suggest to me, perhaps wrongly, when  
13           you said "there were occasions", that this was not  
14           a regular practice of yours?

15           A. I may not have checked every time I went on site, put it  
16           this way.

17           CHAIRMAN: I appreciate that, every time. And when formal  
18           inspections took place for purposes of signing the RISC  
19           forms?

20           A. For the RISC form sign-off process, as I mentioned  
21           earlier this morning, actually I know my responsibility  
22           is on the top mat and the bottom mat of the rebar  
23           fixing. So, in that regard, I would treat that RISC  
24           form, my signing-off RISC form, is not on the purpose of  
25           sign-off for the couplers. That is my opinion at that  
26           time.

1 CHAIRMAN: All right.

2 COMMISSIONER HANSFORD: Perhaps I can just follow up on  
3 that, Mr Kwan. We understand, from what you're saying,  
4 that you did not sign the QSP forms and you didn't see  
5 that as your responsibility, and we understand that.

6 However, when you did the formal inspections with  
7 Mr Mok for the rebars, in order to ultimately be able to  
8 sign the RISC form, did you and Mr Mok together inspect  
9 the reinforcement and the connection between the  
10 reinforcement and the couplers?

11 A. May I put it this way: for the reinforcement, that is  
12 absolutely yes, because that is the purpose of the RISC  
13 form, of the formal RISC form, I would say. And for the  
14 couplers, I do not recall precisely that I -- or I would  
15 say I cannot name any particular formal inspection that  
16 I specifically had an inspection with Mr Mok on the  
17 coupler installations.

18 COMMISSIONER HANSFORD: So was that or was that not part of  
19 your formal inspection of rebar in order to be able to  
20 sign the RISC form? I'm still unclear about that.

21 A. Right. From my understanding at that time, the reason  
22 I signed off the --

23 COMMISSIONER HANSFORD: No, sorry, I'm not asking the reason  
24 why you signed it off. I'm asking whether you inspected  
25 it as part of the inspection that you did prior to  
26 signing the RISC forms?

1 A. Perhaps I can say it this way. From what I understand  
2 back then, in 2015, the couplers would be signed off  
3 by -- would be checked under the form of QSP.

4 COMMISSIONER HANSFORD: I'm sorry, I'm not asking under what  
5 form the records would be signed off. I'm asking what  
6 you did whilst inspecting the rebar for the purposes of  
7 signing off the RISC form. I just want to understand  
8 whether or not, in accompanying Mr Mok for those  
9 inspections, you also, with him, looked at couplers.

10 A. Right. Like I said earlier, I may not recall precisely  
11 that I actually carried out the coupler inspection  
12 together with Mr Mok. I cannot recall precisely on  
13 that.

14 COMMISSIONER HANSFORD: Okay. Thank you.

15 MR BOULDING: Just to pick up that questioning, and looking  
16 back at paragraph 58 of your statement, you say:

17 "Although my understanding at the time of the EWL  
18 slab works was that the IoWs were responsible for  
19 conducting site surveillance in respect of the coupler  
20 splicing assemblies, I nonetheless observed the  
21 conditions of the coupler connections generally when  
22 inspecting the top and bottom layers of the rebars."

23 So those observations, is that something you did  
24 when you were carrying out something which you had to  
25 formally inspect?

26 A. I would say so, yes.

1 Q. Okay. Moving on to 59, you say there were occasions  
2 when you "spot-checked the splicing assemblies by asking  
3 LCAL's representatives to instruct the workers on site  
4 to unscrew certain starter bars from the couplers and  
5 expose the threaded end of those rebars, and then screw  
6 'them' back into the couplers."

7 What were you doing on site when you would ask one  
8 of LCAL's representatives to issue an instruction like  
9 that? What were you actually doing on the site?

10 A. Actually, when I walked past -- when I carried out my  
11 surveillance inspection, during my routine inspection  
12 on site, actually I would have questioned the LCAL  
13 representative, by asking them, "Okay, can you show me  
14 that that particular coupler or particular rebar is  
15 being properly fixed into the couplers?" That is  
16 I actually carried out on some occasions, that I asked  
17 them to show me, "How do you ensure that the couplers  
18 are properly fixed?"

19 Q. And did you actually watch them unscrewing the bars from  
20 the couplers? Did you actually watch them?

21 A. I watched that.

22 Q. You did?

23 A. Yes.

24 Q. Then did you watch them screwing it back into the  
25 coupler?

26 A. Yes, I did.

1 Q. Did that satisfy you that the coupler splicing  
2 assemblies were properly connected?

3 A. Like I said, these occasions, what I saw on site is they  
4 actually unscrewed and then put it back and all the  
5 threads are within the couplers. So, on that basis,  
6 from what I observed, based on these occasions, I was  
7 satisfied that the couplers connections is probably done  
8 by the Fang Sheung workers on site.

9 Q. I'm right in thinking that you did that notwithstanding  
10 the fact that you didn't regard it as your  
11 responsibility to sign off on the coupler splicing  
12 assemblies; is that correct?

13 A. That is correct, because I just want to say that, as  
14 an engineer, I think I should ask more on site, no  
15 matter whether that particular responsibility or  
16 particular form is going to be signed by me or by any  
17 other colleagues, but as an engineer I think I should  
18 ask them to show me how they properly do it, and if they  
19 don't then I need to make sure that they -- they need to  
20 properly do the works.

21 MR BOULDING: Thank you, Mr Kwan.

22 I don't know if there's anything arising out of  
23 that.

24 CHAIRMAN: Just to avoid any misapprehension, because it's  
25 been a little difficult on occasions. So you had the  
26 formal inspection for the RISC purposes and your general

1 supervision, and what you're talking about where you  
2 would sometimes stop and say, "Look, let's test this",  
3 that would be on the general supervision or on both?  
4 A. For the coupler case, I would say I would do it more on  
5 general inspection rather than formal inspection,  
6 because -- I've got reason behind that, because if you  
7 can look at the photo, Mr Chairman and Professor,  
8 actually it is quite difficult to go to the connection,  
9 like the D-wall and the slab, it's quite difficult to go  
10 there and try to unscrew one rebar and then put it back  
11 (demonstrating), under that formal inspection condition,  
12 because it's layers of couplers, layers of rebars, like  
13 perhaps four to five layers, five to six layers, top and  
14 bottom, it's quite difficult.

15 So I would say I did that on purpose, like in the  
16 general inspection.

17 CHAIRMAN: All right. Thank you.

18 Thank you very much.

19 MR BOULDING: Thank you very much, Mr Kwan.

20 WITNESS: Thank you.

21 COMMISSIONER HANSFORD: That's all.

22 CHAIRMAN: Thank you very much indeed, Mr Kwan. Your  
23 evidence is now completed. That means you can go.

24 WITNESS: Thank you, Mr Chairman, thank you, Professor,  
25 thank you, everyone, thank you, Mr Boulding.

26 (The witness was released)

1 MR BOULDING: Thank you. Now, Chairman and Professor, my  
2 next witness, the next MTR witness, is Mr Kobe Wong.

3 Good afternoon, Mr Wong.

4 WITNESS: Good afternoon. Good afternoon, Chairman. Good  
5 afternoon, Professor.

6 MR WONG CHI CHIU, KOBE (affirmed in Puntì)

7 Examination-in-chief by MR BOULDING

8 MR BOULDING: You've told us that your full name is Kobe  
9 Wong Chi Chiu, and it's correct, is it not, that you  
10 have produced two witness statements for the learned  
11 Commissioners in this public inquiry?

12 You have produced two witness statements for the  
13 assistance of the Commissioners in this public inquiry,  
14 have you not, Mr Wong?

15 A. 正確，係。

16 Q. I wonder if we can go to the first one, which is  
17 page B417, and do we there see the first page of your  
18 first witness statement, Mr Wong?

19 A. 冇錯。

20 Q. If we go on to page B447.1, we can see, can we not, that  
21 you want to make a correction to that particular witness  
22 statement; is that right?

23 A. 係，冇錯。

24 Q. Then if we go to page B447 -- splendid -- do we there  
25 see your signature under the date of 20 August?



1 A. 正確，係。

2 Q. We've seen the correction you want to make, and are the  
3 contents of that statement true to the best of your  
4 knowledge and belief, Mr Wong?

5 A. 冇錯。

6 Q. Then there's also a reply statement that you've  
7 prepared, and that's at B13654. Do we there see the  
8 first page of your reply statement, Mr Wong?

9 A. 係，冇錯。

10 Q. If we could go on, please, to B13671, and again we'll  
11 see your signature under the date, this time, of  
12 12 October 2018; correct?

13 A. 係，冇錯。

14 Q. Are the contents of that statement true to the best of  
15 your knowledge and belief?

16 A. 係，冇錯。

17 Q. I'd just like to see where you fit in the MTR  
18 organisation, if I may, Mr Wong. I wonder if you can be  
19 shown page B559. Thank you.

20 Do we see your name and face there, Mr Wong?

21 A. 係，冇錯。

22 Q. And this is the organisation chart as at 2 October 2013;  
23 that's correct, is it not?

24 A. 喺。

25 Q. And do we see the lines of reporting as at that time?

1 A. 係，冇錯。

2 Q. Then it didn't always stay like that because, by October  
3 2015, it had changed slightly. B573. If that can be  
4 blown up again, do we there see your photo again,  
5 Mr Kobe Wong? Do you see it, on the left?

6 A. 見到，係。

7 Q. With Pedro So immediately above you?

8 A. 係，冇錯。

9 Q. Okay, Mr Wong. Thank you. What's going to happen now  
10 is that the counsel for the Commission is going to ask  
11 you some questions, probably Mr Pennicott, then various  
12 lawyers in this room get the opportunity to ask you  
13 questions, one after the other. The learned professor  
14 and the Chairman can ask you questions at any time, and  
15 then I might ask you a few questions at the end; okay?

16 A. (Nodded head).

17 MR BOULDING: Thank you very much, for the time being.

18 Examination by MR PENNICOTT

19 MR PENNICOTT: Mr Wong, good afternoon.

20 A. Good afternoon.

21 Q. My name is Pennicott and I'm one of the counsel for the  
22 Commission. Although I was going to invite somebody  
23 else to go first this time, unfortunately I can't do  
24 that.

25 You were involved, Mr Wong, with the diaphragm  
26 walls; is that right?

1 A. 係，冇錯。

2 Q. You were involved with the inspection of the EWL slab  
3 subsequently; is that correct?

4 A. 正確。

5 Q. You were involved in what we describe or you describe as  
6 five incidents of the discovery of either unconnected or  
7 cut rebar; is that right?

8 A. 正確。

9 Q. And you were involved, earlier this year, in the  
10 production of some retrospective records; is that right?

11 A. 正確。

12 Q. That's why I was going to ask somebody else to go first.

13 Now, you were an inspector of works between June  
14 2013 and October 2015?

15 A. 正確。

16 Q. And in November 2015 through to March 2018, you were the  
17 senior inspector of works?

18 A. 係高級工務督察二，senior inspector of works II。

19 Q. II, okay. In the first part of the story, as I said  
20 just now, you were involved in the inspection of the  
21 fabrication of the rebar cages for the diaphragm walls?

22 A. 正確。

23 Q. And we've seen a number of documents, the cage-by-cage  
24 documents, as I call them, that you, on behalf of the  
25 MTRC, amongst others, signed as you inspected the rebar

1 cages as they were being built?

2 A. 正確。

3 Q. Prior to this project and you doing that work, Mr Wong,  
4 is that something you had had experience of before?

5 A. 你意思係連續牆?

6 Q. Yes, diaphragm wall rebar cages. Had you carried out  
7 any inspections of that nature before?

8 A. 如果你淨係講連續牆嘅方籠，呢一單job 1112係我第一次接觸嘅。

9 Q. Right. So what sort of tuition were you given as to  
10 what you should be looking out for?

11 A. 你意思係檢查連續牆嘅豬籠，即係方籠喇你意思係?

12 Q. At the moment, I'm just focusing on the diaphragm walls.  
13 We'll move on to other matters in a moment.

14 What tuition were you given regarding what to look  
15 out for when you were inspecting the rebar cages to the  
16 diaphragm walls?

17 A. 連續牆，如果我哋話去睇嗰個豬籠，跟番Intrafor提供嘅shop drawing，  
18 主要其實check嗰個main bar嘅size，個shear link，個cast-in  
19 item，例如嗰個reserved pipe，可能for將來solid test用或者for  
20 shear pin，同埋有啲coupler，大概就係會睇番呢啲。

21 主要其實就係跟番嗰張shop drawing，shop drawing show咗出  
22 嚟有嘅，我哋就去現場度番晒所有嗰個尺寸同埋應該出現嘅嘢。

23 Q. Mr Wong, let me try again. In your witness statement at  
24 paragraph 22, you refer to a briefing session that you  
25 attended on 2 October 2013 with representatives of BOSA

1 and other colleagues from MTR and representatives from  
2 Intrafor, and that, as I understand it, was a briefing  
3 session in relation to the installation and inspection  
4 of the couplers?

5 A. 正確。

6 Q. Now, apart from that briefing session from BOSA, were  
7 you given any other training or tuition about what you  
8 should be looking for when you were inspecting the  
9 fabrication of the rebar cages for the D-walls?

10 A. 特別一個training就有嘅，或者一個briefing，其實因為我哋一向都係  
11 跟番個圖則去收貨，所以我哋有嗰個shop drawing，即係我哋Intrafor  
12 提供嗰個，我哋一定base on嗰個shop drawing去收嗰個豬籠，所以就係  
13 有特定一個briefing話特別去介紹如何收豬籠，就有嘅。

14 Q. All right. Can I ask you this. In paragraph 24.4 of  
15 your witness statement, Mr Wong, you refer to the  
16 quality supervision plan on the enhanced site  
17 supervision for the installation of couplers, to put it  
18 shortly?

19 A. 係。

20 Q. Were you aware of that QSP back in the middle of 2013,  
21 when you started your work on this project?

22 A. 係，冇錯。

23 Q. You looked at it at that time -- it would have been  
24 August 2013 and thereafter, I think -- but you would  
25 have looked at it at the time?

1 A. 係，2013年嘅時候係睇過嗰份QSP。

2 Q. Right. Good. So it was something you were fully aware  
3 of when you were doing your inspections of the rebar  
4 cages for diaphragm walls?

5 A. 正確。

6 Q. I'm not going to look at the cage-by-cage documents  
7 which we know you've signed some of them, but could  
8 I just ask you, please, to be shown a related document:  
9 bundle G17, page 12661.310.

10 It's not terribly distinct on the screen, Mr Wong --  
11 you'll be shown an A3 copy which will be much clearer  
12 for you -- but is this a document you're generally  
13 familiar with?

14 A. 有見過，係。

15 Q. Would you have seen it back in 2013, documents like  
16 this, back in 2013?

17 A. 冇錯，見過。

18 Q. Can you explain to the Commission what it is, what it  
19 shows? This is just obviously one example of many.

20 A. 呢一個format就係正正QSP裏面appendix B所講嗰個coupler  
21 installation嘅checklist嚟嘅，你見到佢有個cut section，就係一  
22 個diaphragm wall豬籠嘅section，佢側邊有晒numbering，就show到  
23 邊粒coupler係點樣check，咁出嚟嗰個結果側邊隔離有“S”同“MS”，  
24 大概係喇，就係咁喇。

25 但係呢一張form，我講解埋，佢應該就係EM98，cage 5 to 4，應該

1 係相信佢係講第五隻籠同第四隻籠嘅接駁。

2 Q. And this is a document, as I understand it, prepared and  
3 signed by Intrafor; is that right? I mean, I know it  
4 comes from appendix B, but --

5 A. 正確。

6 Q. If we can go down to the bottom, please, of the page,  
7 signed by Intrafor?

8 A. 最底嗰個簽名應該係。

9 Q. While this isn't signed by either Leighton or MTR, is it  
10 the case that you would see this document and sometimes  
11 endorse it by signing it?

12 A. 可唔可以重複一次個問題?

13 Q. Yes. Whilst this document is not signed by anybody  
14 other than Intrafor, it appears, would you see this  
15 document at the time and sometimes sign it yourself, on  
16 behalf of MTR?

17 A. 會。

18 Q. And Leighton would sign as well sometimes?

19 A. 或者咁講，當時如果我簽嘅時候，一定係會有禮頓嘅簽名嘅，我先至再喺佢  
20 個簽名上面countersign。

21 Q. All right. So we can see that this document is not  
22 signed by either Leighton or MTR, so is it the case that  
23 sometimes these documents were given to you for  
24 signature and sometimes they weren't? What was the  
25 position?

1 A. 如果你講呢個QSP嘅appendix B簽名，因為QSP裏面講咗MTRC要  
2 supervision 20%，所以你整體二百八十幾版嘅diaphragm wall裏面嘅  
3 coupler installation呢個record唔會全部都有MTRC嘅同事簽名嘅，  
4 佢係裏面minimum最少有20%，就見到MTRC嘅同事會有簽名，所以唔會係  
5 張張都有。

6 Q. Thank you, that's very helpful.

7 Now, we're moving on from the diaphragm walls,  
8 Mr Wong, and we are going to switch to the EWL slab. My  
9 understanding is that you were one of the inspectors of  
10 the rebar fixed at the EWL slab, before the concrete was  
11 poured. Am I right?

12 A. 想更正一下，如果你淨係講東西線層板嘅鋼筋inspection，即係rebar  
13 fixing嘅inspection，係由我哋嘅ConE負責，即係由MTRC嘅engine  
14 負責嘅。

15 Q. What was your role in relation to the supervision of the  
16 rebar fixing at the EWL slab?

17 A. 鋼筋安裝每一日嘅routine嘅site surveillance，以我為例，我就會每  
18 一日都會有巡視地盤嘅，當特定某一個位置佢係做緊一啲rebar fixing嘅  
19 activity，我係會去做一個質量嘅巡查，但係就並唔係一個official嘅  
20 inspection，因為東西線層板EWL slab嘅steel fixing嘅inspection  
21 就係由engine負責，所以mainly嘅收貨同埋你話對番圖則同埋現場嗰個施  
22 工啱唔啱就主要都係畀番engine負責。

23 Inspector 當其時係我，做呢個routine嘅site surveillance，  
24 係會take care埋佢嗰個coupler嘅安裝嘅。如果你話正正喺一個紮鐵施工



1 上面我出現嘅角色。

2 Q. Right. I appreciate, I think, Mr Wong, that you were  
3 not responsible for what we are describing as the formal  
4 inspections of the bottom mat and top mat of rebar and  
5 as a consequence of RISC forms being submitted. You  
6 were more responsible for the day-to-day surveillance  
7 and observation of the rebar as it was being fixed; is  
8 that a reasonable description?

9 A. 或者我再仔細少少，我為例，我喺我嘅位置裏面發生嘅大部分事情或者可以  
10 話所有，我都會去巡查嘅，首先就係睇安全，然後就會睇嗰個品質嘅監控同  
11 埋地盤嘅進度，let's say，當嗰個位置，我假設嗰度係叫做C1-1，佢係  
12 開始準備做紮鐵，我亦都會去留意佢紮鐵有冇一啲好大範圍嘅失誤，例如或  
13 者佢可能紮錯咗鐵，或者嗰個spacing唔啱，嗰啲其實係可以唔需要睇一個  
14 圖則上面都可以睇得出嚟嘅失誤。

15 同時，我哋亦都會睇埋嗰個coupler嘅安裝嘅，因為地盤發生嘅所有  
16 activity，我哋都有責任去睇嘅，所以唔係話engine--即係我哋MTR嘅  
17 engine去收貨，我哋幫辦就唔會去理或者無視嗰個activity嘅，我哋都  
18 會有特定嘅巡查。

19 Q. Yes, because we know -- and we're going to come to this  
20 in a moment -- that there are five incidents that you  
21 talk about in your witness statement, where you  
22 discovered either cut threaded rebar or rebar that  
23 wasn't properly connected into the couplers.

24 So is it right for us to infer from your discovery

1 of those five incidents, which as I say we'll come to in  
2 a moment, that you paid particular attention to the  
3 coupler connections, that is the rebar and the coupler  
4 connections, both in the diaphragm wall and on the  
5 construction joints; would that be fair?

6 A. 正確。

7 Q. Right. As I understand it, I don't think there's any  
8 real dispute about this now, Mr Wong, there are no  
9 contemporary records of the inspections that you carried  
10 out, of those connections?

11 A. 同意。

12 Q. Given your involvement, very detailed involvement, with  
13 the inspection and signing of records in the context of  
14 the diaphragm walls, were you surprised that there were  
15 no records kept in relation to the inspection of the  
16 connections of the rebar to the couplers on the EWL  
17 slab?

18 A. 當其時連續牆嘅紀錄係有嘅，因為喺我2013年嘅時候我睇過一份QSP，佢就  
19 係一份CFI嚟嘅，佢嗰個title就係for嗰個coupler，佢淨係就形容咗話  
20 係用喺diaphragm wall同埋bar rack上面嘅，佢就有好清晰寫住話係for  
21 嗰塊slab都需要嘅。

22 去到EWL slab，即係東西線層板建造嘅時候，我都有正正粗略咁樣問過  
23 禮頓同事呢個問題「diaphragm wall有呢個紀錄，其實同一個product，  
24 喺東西線層板建築嘅時候係咪理應都會有呢？」佢都答覆我話當其時佢哋自己  
25 睇嗰份文件，就淨係for diaphragm wall，即係連續牆嘅啫，就有話包括

1 落喺嗰個EWL slab裏面嘅。

2 我直至去到2017年，我先至見過我哋有一封信就入畀屋宇署，呢個  
3 coupler嘅QSP其實都包括埋喺嗰塊東西線，即係EWL slab裏面，嗰一刻  
4 我先知嘅。所以喺2015年建造呢個EWL slab嘅時候，我都有太aware點解  
5 diaphragm wall係有呢個record，EWL slab嗰陣時係有呢個record。

6 Q. Right. So does it come to this, Mr Wong, that you at  
7 least asked yourself the question as to whether the QSP  
8 for the couplers applied to the rebar on the EWL slab;  
9 you at least asked yourself that question, and then you  
10 asked a question of Leighton as a consequence of that?  
11 So it did actually occur to you?

12 A. 有冇--唔係，可唔可以再問多一次？

13 Q. Yes. You've just told us, I think, that you raised  
14 a query with Leighton as to whether or not there ought  
15 to be records of the connection inspections of the rebar  
16 at the EWL slab.

17 A. 係，冇錯。

18 Q. So the point I'm making is: because you asked them, it  
19 obviously occurred to you, you thought to yourself,  
20 "Well, why aren't we keeping records? I'd better ask  
21 Leighton." So it did occur to you?

22 A. 當時有諗過。

23 Q. Right. So you asked Leighton and they said "QSP doesn't  
24 apply to EWL slab"; is that what you're telling us?

25 A. 正確。

1 Q. Thank you. And do you remember who at Leighton you  
2 spoke to about that point?

3 A. 我唔肯定，不過應該係Andy Ip，當其時嘅sub-agent。

4 Q. So, anyway, having had that conversation with Leighton  
5 or perhaps Mr Ip, you were satisfied, were you, that his  
6 explanation was correct and that you didn't need to keep  
7 any records of your inspections?

8 A. 係。

9 Q. Did it occur to you to speak to any of your superiors or  
10 your colleagues at MTRC about the matter that had  
11 occurred to you?

12 A. 當其時應該有，因為我手頭上揸嗰份QSP其實都係有講話係for EWL slab嘅。

13 Q. Right. But there's no reference, perhaps, in the QSP  
14 specifically to the EWL slab, but it does refer to the  
15 fixing of steel rebar, and presumably that's possibly  
16 why you had your query and why it occurred to you that  
17 it might apply to the fixing of the EWL rebar?

18 A. 唔好意思，可唔可以問多次？

19 Q. I'll put it in a slightly different way. Why did it  
20 occur to you to raise the query with Leighton?

21 A. 因為嗰個QSP個submission係禮頓人畀我哋MTR，所以我問番人畀我哋嘅  
22 禮頓，我相信佢應該係最清晰嘅。同埋我手頭上嗰份文件亦都真係淨係寫住  
23 for diaphragm wall同埋bar rack嘅，係有寫到係會for個slab嘅。

24 Q. When you say the document you had at hand, was it the  
25 QSP itself? I mean, I can show it to you. It's in H9.

1           Let's just have a look at that. H9/4265.

2           Have you got 4265? It's the front sheet, I think,  
3           Mr Wong? Is this the document you had, or was it  
4           something else?

5           A. 我明白，如果呢一份唔係cover letter嚟嘍嘛，第一頁係咪呢一份？因為  
6           我2013年建造緊連續牆嘅時候就唔係睇呢一份嘅。

7           Q. This is not the document you read?

8           A. 或者因為佢係出現--唔好意思，我可唔可以喺前面揭多幾頁睇睇？

9           Q. Of course. Sorry, keep that open there, Mr Wong, but  
10           let me just show you B5/2640. Behind that letter should  
11           be another version of the site supervision plan. Turn  
12           on a couple of pages. Sorry, the quality supervision  
13           plan.

14          MR BOULDING: Sir, I hesitate to intervene, and I could  
15           leave this for a day or so and re-examine on it, but my  
16           understanding is that Mr Kobe Wong was looking at  
17           B5/B2659, which is a version dated 23 August. I don't  
18           know whether that helps my learned friend.

19          MR PENNICOTT: I was just looking at the one that referenced  
20           in his witness statement, starting at B5/2640, where  
21           we've gone, and we will no doubt now find it.

22           If you go to 2659, Mr Wong.

23          A. 2013年我睇嗰份應該就係呢個B2659呢一份嚟嘅。

24          Q. Okay. Can we turn over the page, please. Now, the  
25           front sheet is exactly the same as the one in the other

1 file.

2 A. 係。

3 Q. If you could please go to paragraph 2 on -- keep going.

4 Stop there.

5 So this is the document you saw at the time; yes?

6 A. 係。

7 Q. So what led you to believe that it only applied to the  
8 diaphragm walls, if that's what you're saying?

9 A. 因為睇番個cover letter最前面嗰一頁，佢document title嗰度佢就  
10 冇講到話係畀人埋for嗰塊slab嘅。

11 Q. Right. So you're just getting it from the cover sheet  
12 sent by Mr Plummer to MTRC, as opposed to the document  
13 itself?

14 A. 唔係，文件本身都有睇，先睇咗個title先，先再睇文件裏面本身個內容。

15 Q. All right. At least we've identified what you looked  
16 at, Mr Wong, and there are very minor differences  
17 between this and the later ones.

18 But anyway, going back to where we were, it occurred  
19 to you, and you raised a query with Leighton when you  
20 came to do your work on the EWL slab -- you were told at  
21 that time that this QSP didn't apply and therefore no  
22 records needed to be kept; is that what it comes to?

23 A. 係。

24 MR PENNICOTT: Sir, perhaps that would be a convenient  
25 moment to stop.

1 MR BOULDING: Sir, if we're stopping there, can I just have  
2 ten seconds, because it's been drawn to my attention  
3 that there's probably a transcript error that the girls  
4 might like to consider.

5 At [draft] page 127, line 8, there's a reference to  
6 "Kung Yi Chu", which I am told should be "ConE". I just  
7 wonder whether someone could listen and confirm that or  
8 otherwise. Thank you.

9 MR PENNICOTT: That must be right.

10 CHAIRMAN: One second, sorry.

11 MR BOULDING: It's also being suggested to me that the  
12 previous sentence -- perhaps, again, they can listen to  
13 the tape -- it's suggested "it should not be". There  
14 appears to be a missing "not". But obviously I invite  
15 their attention to the tape on that.

16 CHAIRMAN: Yes. I think, just for general instruction,  
17 I may be wrong, in which case I'll be corrected, that at  
18 the end of the day, when we go about our separate  
19 businesses, they do in fact go back over the transcript  
20 with the assistance of the recording.

21 MR BOULDING: That's right, and as you said the other day,  
22 sir, and I associate myself with your remarks, it's  
23 a fantastic job. Thank you.

24 CHAIRMAN: Yes.

25 Could I ask you just one thing, Mr Wong. You say  
26 that when you started, you were told that the QSP did

1 not apply. Was that common knowledge among the  
2 engineers working with you, the other inspection teams,  
3 to your knowledge?

4 A. 當其時我有問到當其時嘅工程師，因為喺diaphragm wall連續牆同埋去到  
5 東西線月台層板嘅時候，我哋嘅MTR嘅工程師嗰個團隊嗰個換人嗰個密都幾  
6 高嘅，因為喺diaphragm wall時間出現嘅工程師去到EWL層板嘅時候其實  
7 都已經走晒，所以我唔清楚佢哋自己本身有冇hand over佢哋自己嘅duty  
8 畀對方，所以我都有問佢哋究竟知唔知呢個問題。

9 CHAIRMAN: All right. Thank you very much.

10 15 minutes.

11 (3.47 pm)

12 (A short adjournment)

13 (4.07 pm)

14 MR PENNICOTT: Mr Wong, just a couple of questions to finish  
15 off the topic we were discussing before the tea break.

16 Just so I've got this clear, because I've looked at  
17 the transcript and it may not be as clear as it should  
18 be. When it occurred to you that there were no records  
19 being kept of your inspection and you queried this with  
20 Leighton -- you mentioned Mr Andy Ip -- did you in fact  
21 raise that query with anybody else at MTR?

22 A. 印象，應該冇。

23 Q. Okay. Secondly, can I ask you, please, to look at  
24 page B1/428, part of your witness statement, and if we  
25 could please blow the photograph up, please.



1 Mr Wong, as I understand it, this is a photograph  
2 that you took of the diaphragm wall cage in February  
3 2015; would that be right?

4 A. 正確嚟講，2015年10月2號呢一張相影個位置係area C2-3，佢應該係做  
5 緊EWL slab嘅時候嚟嘅，呢個coupler係on top of個diaphragm wall  
6 嘅，就並唔係連續牆建築期間嚟嘅，因為佢2015年連續牆已經造完㗎喇。

7 Q. Yes, that's why I was a bit puzzled by the date. So you  
8 think this is 2 October 2015; is that right?

9 CHAIRMAN: It's got it there, hasn't it?

10 MR PENNICOTT: We weren't sure which way around it was, but  
11 yes.

12 You think it's 2 October rather than 10 February?

13 A. 我個部相機，即係呢一張相係我影，即係個部相機係我本人，我本人個部  
14 相機個個日子應該可能係月份行先嘅，月、日、年。

15 Q. Excellent. So what are we actually looking at then?

16 First of all, how do you know it's area C2-3?

17 A. 呢個當其時當日2015年10月2號嘅時候，我巡視到去C2-3區，C2-3區有一  
18 個應該係紮鐵嘅activity做緊，所以佢下面呢個description應該係--  
19 我相信係我當時當年將呢個record photo擺上去個公司個server嘅時  
20 候個個final name嚟嘅，因為我哋慣性所有inspector放呢啲record  
21 photo上去嘅時候，都會打埋個個description嘅。

22 同埋如果你想對番，其實可以睇番日子，2015年10月2號EWL嘅C2-3  
23 佢應該係紮緊鐵嘅。

24 Q. Yes, I accept that, Mr Wong. As it happens, the

1 request, the RISC request for rebar checking for C2-3,  
2 was made on this very day, 2 October 2015, suggesting  
3 that the rebar would have been completed on that day or  
4 thereabouts.

5 Are we looking at the top rebar or the bottom rebar,  
6 Mr Wong?

7 A. 唔好意思，可唔可以問多一次？

8 Q. Yes. Which rebar are we actually looking at? You say  
9 it's in the diaphragm wall. That's the description  
10 you've given it. I'm just trying to understand what  
11 we're looking at. Do you say this is rebar in the EWL  
12 slab? You say it's in the diaphragm wall. Can you  
13 explain -- and we can see lots of thread visible into  
14 the couplers. It's got to be, as you say, type B rebar  
15 as a consequence; yes?

16 A. 我仔細少少形容下呢張相，呢一張相就係應該係western D-wall西面嘅，  
17 並唔係而家大家都concern嘅東面嘅，因為西面diaphragm wall嘅cut-  
18 off level就比較低嘅，正確數字我唔記得咗。佢嗰個cut-off level，  
19 佢嗰個做法就並冇一個shear key嘅，佢就係exactly而家大家喺張相睇  
20 到嘅一個接駁嘅方法，佢係先有一個垂直嘅vertical rebar，佢有個  
21 type B嘅thread嘅rebar，就將嗰個coupler裝嵌落去下面，相嘅底部  
22 嘅連續牆之前留番落嚟嗰啲鋼筋上面嘅，所以呢一邊係西面嘅。

23 你意思話邊一啲係連續牆嘅鐵、邊一啲EWL slab嘅鐵呢，如果你呢  
24 個問題，我應該可以答到你，上面，呢個coupler對上打直，即係大家眼

1 望見到嗰條鐵比較多鐵色呢一個就應該係屬於EWL slab嘅。下面，張相嘅  
2 底部嗰個銹色比較重，即係唔係horizontal，唔係打橫嗰啲，即係相後面  
3 有啲石屎凸出嚟有少少嗰一part--有冇一個手仔可以幫一幫我？手仔，唔該。  
4 喺呢個，係喇，coupler底嗰個位嗰一條，嗰個先係屬於diaphragm wall  
5 嘅鐵嚟嘅。

6 COMMISSIONER HANSFORD: Can I ask a question here, Mr Wong,  
7 to help me understand this photograph: is the tape  
8 measure vertical or horizontal?

9 A. 打直。

10 COMMISSIONER HANSFORD: That's vertical. So you're telling  
11 us that's couplers coming out vertically from the top of  
12 the diaphragm wall; is that correct?

13 A. 應該係上面你見到有threaded bar絞啲牙嗰條鐵，由上面裝落去嗰個連續  
14 牆嘅頂上面，垂直裝，係，冇錯。

15 COMMISSIONER HANSFORD: Now I understand what I'm looking  
16 at. I'm not sure I know where it is, but I understand  
17 what I'm looking at, thank you.

18 MR PENNICOTT: The clue, the biggest clue that you've given  
19 us, Mr Wong, which I perhaps overlooked, in my keenness  
20 to discuss the eastern diaphragm wall, is that this is  
21 the western diaphragm wall, and therefore it has  
22 vertical couplers coming out and rebar screwed in, and  
23 then the monolithic construction on the western  
24 diaphragm wall is constructed accordingly. So this is  
25 the western diaphragm wall, which of course I should

1 have twigged.

2 COMMISSIONER HANSFORD: Okay. That's helpful to me. Thank  
3 you.

4 MR PENNICOTT: So it's illustrative of the process of your  
5 inspections, this time on the western diaphragm wall,  
6 Mr Wong.

7 A. 正確。

8 Q. The only reason I took you to this photograph -- it  
9 wasn't to ask you all those questions -- was this.  
10 There's another photograph on the next page as well,  
11 429. That's in area C1-1, but you tell us this time  
12 it's on the EWL slab, area C1-1.

13 What I wanted to ask you was this. When you were  
14 inspecting the connections, on your routine  
15 surveillance, inspecting the connections of the rebar to  
16 the couplers on the east diaphragm wall, did you take  
17 many photographs, on your routine inspections?

18 A. 喺我仲係inspector of works嘅時候，相係會比較多，去到15年10月後  
19 我升咗做SIoW-II喇簡稱，當其時就會影相比較少。

20 Q. Right. Would you make a habit, every time you were  
21 doing the surveillance of the connections of the rebar  
22 to the couplers, make a habit of taking photographs on  
23 a fairly frequent basis, when you were the inspector of  
24 works?

25 A. 習慣會有影相嘅。

1 Q. So the couple of photos you've given us here are just  
2 two of a large quantity; is that right?

3 A. 其中嘅兩張相，冇錯。

4 Q. All right. Can we just move on, Mr Wong, to discuss,  
5 I hope reasonably briefly, the five incidents that you  
6 start dealing with at the bottom of page 437 in your  
7 witness statement.

8 It's paragraph 66 at the bottom. You say:

9 "From my own recollection, there were five incidents  
10 of non-compliant rebars/couplers which were observed  
11 on site during the EWL slab works -- four of these  
12 incidents are from memory, and one was put on record (ie  
13 the third incident on 15 December 2015)."

14 Just to follow up on the last few questions, save  
15 for the third incident, that gave rise to NCR157,  
16 am I right in thinking that you did not take any  
17 photographs in relation to the other four incidents?

18 A. 應該冇。

19 Q. Okay. You deal with the first incident starting at  
20 paragraph 68 of your witness statement. You've slightly  
21 amended paragraph 69.4 of your witness statement to say:

22 "Accordingly, the first incident was most likely to  
23 have been in areas C1-1 to C1-4."

24 A. 係，應該係C1-2到C1-4。

25 Q. I'm sorry, C1-2 to C1-4. And that makes sense, because  
26 C1-1 had already been concreted by the end of July.

1           What you observed, on that first incident, as  
2           I understand it, is at paragraph 70. You say:

3           "During this first incident, I noticed one or two  
4           non-compliant threaded rebars (which I suspect had been  
5           cut by a portable wire cutter, such that they were  
6           shorter than the rebar length required by BOSA) on the  
7           ground, at a time when there were rebar fixing works in  
8           progress in the area. The threaded ends of the  
9           non-compliant rebars (which were intended to be used  
10          with 86 millimetre long couplers for type A connections)  
11          were shortened by half, compared to the length they  
12          should have been. I do not know who was responsible for  
13          cutting the threaded ends."

14          You say that you immediately contacted Chan Chi Yip,  
15          and asked what was the deal with the threaded rebars,  
16          and he assured you that he would resolve the problem  
17          immediately.

18          As I understand it, you go on to say that he did  
19          indeed resolve the problem, because when you went back  
20          the problem had been resolved.

21        A. 係。

22        Q. You go on to say that in relation to this first  
23          incident, you didn't mention it to any of your  
24          colleagues or any other parties, and you say that the  
25          reason for that was that you would only report serious  
26          site safety issues, changes in the design drawings, or

1 serious delays in the progress of the works.

2 So are we to conclude from that, Mr Wong, that you  
3 didn't regard the cutting of threaded rebars with  
4 a portable wire cutter as a serious matter?

5 A. 喺一個routine嘅site surveillance裏面發現到一啲唔合格嘅質素，而  
6 禮頓都作出即時嘅修正，同埋佢呢個紮鐵呢個工序仲係喺一個進行期間嘅，  
7 以我嘅理解，佢都仲未構成一個好嚴重嘅失誤，所以我都係話界定佢為一個  
8 唔太過嚴重嘅defect。

9 CHAIRMAN: Could you just assist me here, just very briefly.  
10 You noticed one or two non-compliant threaded rebars.  
11 Now, in English, "one or two" doesn't mean necessarily  
12 exactly one or exactly two. It's a term often meaning  
13 a very small number. To the best of your recollection,  
14 were there more than one threaded ends there? If you  
15 had to give it a number, what would you say?

16 A. 如果--應該係一或者兩條，唔會多過兩條。

17 CHAIRMAN: All right. Thank you.

18 MR PENNICOTT: Could we then turn to the second incident,  
19 which you deal with at paragraph 74, and you say that  
20 this took place in area B in or around October/November  
21 2015, and you explain why that is the case. You say:

22 "After being promoted to SIOW-II, you recall that  
23 you did not immediately reshuffle the division of  
24 labour, such that I continued to carry out site  
25 surveillance in respect of all areas ... Therefore, the

1 second incident was most likely to take place in area B.

2 The facts were largely the same as the first  
3 incident, except that I did not personally oversee the  
4 rectification process. I do not know who was  
5 responsible for cutting the threaded ends."

6 On this occasion, because I've missed it, how many  
7 bars do you say had been cut?

8 A. 第二次事件都係一或者兩條。

9 Q. Okay. Could I ask you, please, to look at some  
10 photographs, at bundle C12, page 8121. I think there  
11 should be two photographs. That's 8123 and -- keep  
12 going -- yes, that one as well. So there's a photograph  
13 at 8123 and a photograph at 8125.

14 Mr Wong, have you seen either of these two  
15 photographs before?

16 A. 好似Edward Mok作供嘅時候，我喺出面見過。

17 Q. Right. So was that the first time you'd seen these  
18 photographs?

19 A. 係，冇錯。

20 Q. Because, in Mr Mok's statement, in relation to the  
21 second incident that he gives evidence about, he says he  
22 took these two photographs on that occasion. That's  
23 what he says; okay?

24 A. 唔好意思，可唔可以重複一次？

25 Q. Yes. Edward Mok --



1 A. 係。

2 Q. -- you know Edward Mok, and it sounds to me as though  
3 you might have been in the building when he was giving  
4 evidence -- he tells us that on the second incident that  
5 he witnessed, he took some photographs, and these two  
6 photographs are the ones that he took.

7 A. 佢嘅第二次事件？

8 Q. Yes.

9 A. 佢嘅第二次事件即係邊次？我唔清楚。

10 Q. What I'm gearing up to is simply to ask you whether,  
11 looking at these photographs, that reminds you whether  
12 this is what you saw on your second incident.

13 A. 即係你意思問我嘅第二次事件係咪類似呢張相嘅情況？

14 Q. Indeed I do. We can look back at 8123 as well, if you'd  
15 like.

16 A. 我唔肯定，有機會係。

17 Q. Right. What I'm trying to work out, Mr Wong, is whether  
18 or not it might be the case that you and Mr Mok saw the  
19 same incident, but anyway. It may be, and it may be  
20 not.

21 A. 如果大家--即係我同莫生發現咗一個絞牙鐵係被斬短之後放咗喺現場，呢兩  
22 張相係類似當其時會發生嘅情況嚟嘅，但係你話e唔exactly係佢嘅第二次  
23 就等於我嘅第二次，我就唔可以喺度好作實咁話畀你聽係嘅，因為其實我都  
24 太有印象記得。

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

1 the first and second incidents, you say they were  
2 similar, and my impression is that what you saw were one  
3 or two threaded ends of rebars. In other words, you saw  
4 something like that lying on the ground, as opposed to  
5 an actual rebar such as that. Am I right or wrong?  
6 Of course there would have been both, I appreciate that,  
7 if you'd cut the ends off a rebar, but I imagine you  
8 found -- what you'd done is you'd come across them and  
9 picked them up, like you can pick one up in your hand  
10 now?

11 A. 正確，我係見到一條鋼筋，一個端係有被剪短咗牙嘅鋼筋。

12 COMMISSIONER HANSFORD: Sorry, Mr Wong -- so you saw the  
13 piece that had been cut off; is that correct? You saw  
14 the piece that had been cut away from the rest of the  
15 bar; is that correct?

16 A. 唔係，我係見到整段鋼筋，並唔係見到剪短出嚟嘅pieces，...

17 COMMISSIONER HANSFORD: Okay.

18 A. ... 即係嗰一小嚟，我係見到整條鋼筋。

19 COMMISSIONER HANSFORD: Okay. So the only way this could be  
20 the same as the one you saw, then, would be that you saw  
21 it before this photo was taken --

22 A. 正確。

23 COMMISSIONER HANSFORD: -- and before it was installed; is  
24 that right?

25 A. 因為我記憶番，我唔太好肯定嗰條絞牙鐵就好似呢張相咁樣接駁去嗰個杯咩，

1 定係佢係喺一個area裏面做緊一個紮鐵工程嘅附近。

2 MR PENNICOTT: I think the point that's being made, Mr Wong,  
3 if I understand it, and it's quite right, is that in  
4 paragraph 70 of your witness statement, in relation to  
5 the first incident, you said you saw one or two  
6 non-compliant threaded rebars on the ground. That's the  
7 point. Then, with regard to the second incident,  
8 because you say the facts were largely the same, it's  
9 perhaps the case that -- is it the case that on the  
10 second incident you saw the rebars on the ground, or  
11 were they cut rebar that had already been fixed and  
12 installed, if you can recall?

13 A. 第二次同第一次應該係類似嘅，應該都係喺on ground，而嗰個地方附近  
14 係做緊紮鐵呢個工序嘅，即係rebar fixing in process嘅。

15 Q. Okay. So, if that's right, then it's unlikely that the  
16 photographs I've just shown you relate to your second  
17 incident, because they are clearly showing rebar that's  
18 already been fixed and installed?

19 A. 正確。

20 Q. In relation to that second incident, you say, in  
21 paragraph 76:

22 "Again, I did not mention the incident back at the  
23 site office or report it to any other parties in  
24 meetings or otherwise, as the issue was resolved  
25 immediately on site to my satisfaction."

1           So did you report it to anybody at Leighton?

2       A.    應該冇。

3       COMMISSIONER HANSFORD: I still don't understand. In  
4       paragraph 76 you say "as the issue was resolved  
5       immediately on site". What issue was resolved  
6       immediately on site? What was the issue?

7       A.    我頭先提及嗰個絞牙鐵被剪短發現咗之後，禮頓嘅supervisor佢即刻去處  
8       理番，第一次佢嘅處理方法就係...

9       COMMISSIONER HANSFORD: Sorry, what do you mean "dealt with  
10       that"?

11      A.    Rectified.

12      COMMISSIONER HANSFORD: But he can't stick it back together  
13      again, so how did he rectify it?

14      A.    所以我而家就交代理，佢係trim咗嗰啲石屎，replace，換咗一個新嘅  
15      coupler，同埋用番一支新、啱規格嘅絞牙鐵裝番落去嗰個位置上。

16      COMMISSIONER HANSFORD: And do you know what they did with  
17      the old one, the one that had been cut?

18      A.    佢撓咗嘅。

19      COMMISSIONER HANSFORD: Right. Sorry, Mr Pennicott.

20      MR PENNICOTT: Not at all. All right.

21           Then the third incident is one which we've looked at  
22           and pored over a number of times. It's the one that led  
23           to Leighton issuing NCR157.

24           As I understand it, this time it was Mr Andy Wong  
25           who was inspecting, when he discovered the fact that at

1           least two rebars, as he informed you, had their threaded  
2           ends trimmed down?

3       A.   係，冇錯。

4       Q.   As a consequence of you being informed by Mr Andy Wong  
5           about this incident, you went down, you inspected, and  
6           as a result of more thorough inspection five cut rebar  
7           were discovered?

8       A.   正確。

9       Q.   We know that a number of photographs were taken -- they  
10          were taken by Mr Andy Wong; is that right?

11      A.   你意思係NCR157裏面嗰啲photo?

12      Q.   Yes.

13      A.   應該大部分係佢哋嘅。

14      Q.   I am, yes. Okay.

15           And what happened was you contacted Leighton,  
16          Mr Chan, you asked Mr Andy Wong to remain on site and to  
17          oversee the rectification works. As we then know,  
18          Leighton were sent an email by MTR, by you?

19      A.   係，正確。

20      Q.   And you set out the contents of your email, most of it,  
21          in paragraph 82 of your witness statement?

22      A.   係。

23      Q.   Can I ask you this: in relation to that incident and the  
24          email, who was the most senior person in MTR that -- to  
25          your knowledge, thinking back to December 2015, who was

1 the most senior person at MTR who knew about this  
2 incident?

3 A. 你意思係呢個email定係...

4 Q. Let's start with the email, yes. It's a good starting  
5 point.

6 A. 如果你睇番我send番出去嘅email，我有CC畀當其時我嘅直屬上司Pedro  
7 So，佢係senior inspector of works嘅，繼而我再CC埋另外嗰幾位  
8 engineer，Derek Ma、Louis Kwan、Jeff Cheung，同埋CC埋畀番  
9 我自己嘅同事Andy Wong、Joe Wong同Tommy Leung嘅。喺呢個email  
10 裏面，我嘅senior就係Pedro So。

11 Q. All right. We saw him on the organisation chart  
12 a little while ago. Does that mean that essentially it  
13 was up to Mr Pedro So as to whether -- was it up to  
14 Mr Pedro So, as you saw it, to inform anybody, as it  
15 were, further up the organisation chart?

16 A. 正確。

17 Q. So you thought that you had done -- and I'm not in any  
18 sense criticising you, Mr Wong -- the fact that you had  
19 informed your superior, Mr So, you thought, "Okay, I've  
20 done my job; if anybody else needs to know, Mr So will  
21 deal with it"?

22 A. 正確。

23 Q. Then you deal with the fourth and fifth incidents quite  
24 briefly in paragraphs 85 to 88, and you say:

25 "The fourth incident was in area C1 5, and the fifth

1 incident was in areas B-4/B-5 (where the rebar fixing  
2 works were done concurrently) -- I recall clearly that  
3 each of these incidents were in different locations from  
4 the previous incidents."

5 So, just for clarity, Mr Wong, these fourth and  
6 fifth incidents definitely happened, is this right,  
7 after the third incident giving rise to NCR157?

8 A. 正確。

9 Q. You say:

10 "The facts were again largely the same as the  
11 previous incidents, and I do not know who was  
12 responsible for cutting the threaded ends. I did not  
13 personally oversee the process of rectification, and  
14 I simply returned to site shortly afterwards or on the  
15 next day to inspect the rectified rebars and couplers,  
16 which I considered to be satisfactory.

17 On the whole, there were only a very small number of  
18 non-compliant rebars/couplers observed on site, and  
19 other than the five incidents outlined above, I do not  
20 recall ever seeing any other problems or  
21 non-conformances in relation to the rebars or couplers  
22 in the diaphragm wall and EWL slab works."

23 I'm a bit puzzled by this paragraph 86, first of  
24 all, Mr Wong:

25 "The facts were again largely the same as the  
26 previous incidents ..."

1           Now, the first and the second incidents involved one  
2           or two rebars, as you've indicated. The third incident  
3           involved five cut threaded rebar. So let's take the  
4           fourth incident which you say happened in area C1-5. Do  
5           you recall how many bars were cut?

6       A.   第一次同第二次一樣，係一或者兩支。

7       Q.   Right. Given what had happened in relation to the third  
8           incident, which was obviously taken pretty seriously by  
9           everybody, did it not surprise you, concern you, that  
10          yet another incident had happened in area C1-5, even  
11          though it's perhaps only one or two rebar?

12      A.   或者我解釋一下，當其時2015年製造呢個EWL slab層板嘅時候，泛迅呢間  
13          公司佢其實去到高峰期佢有大約五十至到六十個工人嘅，佢大概係分咗三  
14          team嘅工人喺大約最多有三個workfront嘅時間同時去進行紮鐵呢個項目嘅，  
15          以第四次為例，即係點解出現咗第三次NCR之後第四次依然會繼續有呢？因為  
16          其實我都要再觀察一下，因為佢有機會其實係唔同工人做咗一啲呢一個相關嘅  
17          incident出嚟嘅，亦都要繼續去觀察究竟會唔會陸陸續續再有類似嘅發生，  
18          或者咁樣講，因為而家大家呢個COI睇嘅係只係EWL slab，當其時本人就係  
19          由diaphragm wall連續牆去到東西牆EWL slab去到NSL東西走廊，嗰個時  
20          間段係會去到2016年嘅年中嘅，so far如果喺呢一個比較長嘅時間段去觀察，  
21          佢喺15年12月發生第三次之後再有第四同第五次嘅發生，喺我嘅經驗同埋認為，  
22          係可以接受嘅，因為佢去到NSL嘅時候已經有再類似嘅事件發生。

23                    所以你問我我會唔會覺得好驚訝呢，你話十分驚訝就應該唔會嘅，因為泛  
24          迅佢哋自己都有不同--有啲啲--可能外來嘅工人，可能佢嗰個訊息，當NC157--



1           yes , chairman .

2           CHAIRMAN: Sorry to interrupt again. When were the fourth  
3           and fifth incidents, very roughly? You don't put that  
4           down there. How much time had passed since the NCR? A  
5           couple of weeks? A couple of months?

6           A. 我印象中，係應該緊接住NC157之後，喺EWL slab完成，即係應該大概二  
7           至三個星期。

8           CHAIRMAN: And the fifth incident?

9           MR PENNICOTT: Sorry, can we just do the fourth incident  
10          first, sir.

11          Can I just perhaps assist. First of all, how sure  
12          are you it was C1-5?

13          A. 因為去到嗰個時間段只有C1-5係會做緊紮鐵。

14          Q. All right. The bar fixing in C1-5 started on 8 December  
15          and completed on 21 December. So let's focus on the  
16          completion of the rebar on 21 December, so six days  
17          after the incident that gave rise to NCR157.

18          Can I ask you this: do you recall whether the fourth  
19          incident occurred to the top mat of rebar or the bottom  
20          mat of rebar?

21          A. 喺我印象中，五次嘅incident都係喺bottom mat底浸嘅。

22          Q. That's a little problematical, Mr Wong, if one looks at  
23          it as a matter of chronology, because, as I say, the  
24          rebar in C1-5 was completed on 21 December 2015. We  
25          know the third incident was on 15 December. And so the

1 bottom rebar must have been completed, I would have  
2 thought, if they are going roughly at the same pace,  
3 bottom and top, before the third incident occurred.

4 A. 未必一定係嘅，因為佢C1-5嗰一倉其實佢唔係好大倉嘅。

5 Q. Do you recall -- I'll put it the other way around. Was  
6 it your practice, when you were inspecting the rebar and  
7 the fixing, that once the bottom rebar mat had been  
8 completed, that was it, as far as you were concerned;  
9 there were no more inspections of the bottom rebar, you  
10 would then focus on the top mat?

11 A. 唔可以咁講，如果我仲有一個合適嘅通道畀我可以行落去檢查到底浸嘅，我  
12 都係依然會去睇嘅，除非佢有一條合適嘅通道。

13 Q. All right.

14 COMMISSIONER HANSFORD: Can I just -- I'm puzzled. Mr Wong,  
15 you've just said C1-5 is not a big bay. I think it's  
16 the biggest bay, isn't it? It's got 1,235 cubic metres  
17 of concrete, which is more than any of the others  
18 have -- well, in C1 anyway. So why do you say it's not  
19 a big bay? Why do you say C1-5 is not a big bay?

20 A. 可唔可以借畀我睇一睇嗰個？

21 我應該記錯咗，嗰個應該係C1-4，細嗰個就。

22 COMMISSIONER HANSFORD: But that's in September.

23 A. 唔係，我意思我記嗰個size，我記錯咗係C1-4，C1-4、C1-5，我記錯咗個  
24 size。

25 COMMISSIONER HANSFORD: All right. So you are saying C1-5

1 is a big bay?

2 A. 係，係。

3 COMMISSIONER HANSFORD: Okay.

4 MR PENNICOTT: Right.

5 So you maintain your position that the fourth  
6 incident was in area C1-5, it took place after the third  
7 incident that gave rise to NCR157, and you did not  
8 report the fourth incident to anybody?

9 A. 正確。

10 Q. And that fourth incident was like the first and second  
11 incidents; that is, it involved one or two cut rebar,  
12 threaded rebar?

13 A. 正確。

14 Q. Now, so far as the fifth incident concerned, you say  
15 that was in areas B4/B5, and can you put an approximate  
16 date on that incident, Mr Wong?

17 A. 實際日期唔記得，但係都係喺嗰個時段裏面。

18 Q. Yes, because if you look at the document -- sorry, can  
19 we give Mr Wong back -- you'll need the first sheet,  
20 this time, the other sheet; thank you -- we can see,  
21 Mr Wong, that the rebar in B4 commenced on 28 December  
22 2015 and finished on 9 January 2016; yes?

23 A. 係，正確。

24 Q. So is it likely to have been during that period?

25 A. 應該係。

1 Q. And again, in relation to that fifth incident, one or  
2 two rebar concerned?

3 A. 一樣，係一或者兩條。

4 Q. And again not reported by you to anybody at MTR?

5 A. 正確。

6 Q. Presumably for all the same reasons that you explained  
7 a short while ago in relation to the fourth incident?

8 A. 正確。

9 MR PENNICOTT: Sir, I see it's nearly 5 o'clock, with  
10 a minute or so to spare.

11 CHAIRMAN: Yes.

12 MR PENNICOTT: I have one more topic that I need to deal  
13 with. How long will it last? Well, it's the  
14 retrospective records I've got to deal with, so it will  
15 probably take more than ten minutes.

16 CHAIRMAN: Yes.

17 Can I ask you just a couple of questions on why it  
18 was that with these fourth and fifth incidents you  
19 decided not to formalise the position by making  
20 a report? You say that one of your concerns was trying  
21 to find out whether the people who had done this were  
22 perhaps new workers; is that right?

23 A. 正確。

24 CHAIRMAN: But surely, on a worksite, like anything else --  
25 Fang Sheung has now been put under an indictment, so to

1 speak, been told, "Look, make sure this doesn't happen",  
2 and Fang Sheung have their own workers; they have to  
3 control their own workers. It's not a question of you  
4 going along and saying, "I can identify one or two."  
5 Don't you just go back to the organisation and say,  
6 "Sorry, it's happened again"?

7 A. 我贊成Chairman嘅講法嘅，確實係應該由泛迅去管理番佢自己嘅工人嘅，  
8 喺第四、第五次嘅incident發生嘅時候，我亦都有--都係會搵番禮頓嘅前  
9 線人員，我相信佢都會再同泛迅佢會再繼續更正嗰個繼續出現嗰個情況，所  
10 以喺我嘅管轄範圍裏面，我繼續去觀察佢有冇再惡化嘅跡象出現。

11 CHAIRMAN: All right. So you did report it in the sense  
12 that you either worked with Leighton to fix it or you  
13 reported it to Leighton, the fourth and fifth incidents?

14 A. 有，每一次都有叫禮頓，話畀佢聽，然後佢就rectify番嘅，每一次禮頓都  
15 會有通知佢嘅。

16 CHAIRMAN: All right. So it was really up to Leighton what  
17 they were going to do? After all, they were the  
18 contractor, and Fang Sheung was their sub-contractor;  
19 would that be right?

20 A. 正確。

21 CHAIRMAN: All right.

22 Peter?

23 COMMISSIONER HANSFORD: No, that's all from me.

24 CHAIRMAN: Good. Thank you very much.

25 Mr Wong, you are still giving your evidence, and

1           it's something I say to all witnesses: while you are in  
2           the process of giving your evidence, you are not  
3           entitled to discuss your evidence with anybody; okay?  
4           Not your lawyer, should you have one, or anybody else.  
5           And at the end of your evidence, when you're told that  
6           it's finished, then obviously you can talk about it, but  
7           not until then; okay?

8                     Thank you very much indeed. We look forward to  
9           seeing you tomorrow morning at 10 am. Thank you.

10       (5.03 pm)

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

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