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<p>1 Wednesday, 12 December 2018 2 (10.01 am) 3 MR BOULDING: Good morning, Chairman. Good morning, 4 Professor. 5 Before I call MTR's last witness, Prof Ma, who is 6 sitting in the witness box now, counsel to the Inquiry 7 has suggested that it might be a good idea if I update 8 the Commission on the issue of opening up. 9 CHAIRMAN: Thank you. 10 MR BOULDING: As you will have seen, it has started, but in 11 view of the tight time schedule of the Commission of 12 Inquiry, government has requested, and MTR has agreed, 13 to examine the opening-up work programme to identify 14 possible acceleration. Government wants to see whether 15 or not MTR can reduce the scheduled period of 16 weeks 16 down to 12 weeks. 17 I'm told, and I inform you, that by increasing the 18 number of concurrent working teams, it may be possible 19 to accelerate the work and compress the work duration 20 into 12 weeks. 21 However, and as you will probably realise, there are 22 major uncertainties and risks in this accelerated 23 programme, because of course the work has only just 24 started and the programme includes basic assumptions 25 which have not yet been verified, including the speed of</p>	<p>1 Against that background, Chairman and Professor, if 2 I could call MTR's last witness, Prof Ma. 3 PROF MA SI HANG, FREDERICK (sworn) 4 Examination-in-chief by MR BOULDING 5 Q. You've given your full name to the Commission, and we 6 know that you're the non-executive chairman of MTR. You 7 have produced one witness statement for the Commission's 8 assistance, and I hope we will find the first page at 9 B104. 10 Professor, do I there see the first page of your 11 witness statement? 12 A. Yes. 13 Q. If we go on to page B114, I hope we will find your 14 signature. Is that your signature under the date of 15 13 September, Professor? 16 A. Yes, Mr Boulding. 17 Q. Thank you very much. 18 I understand that you'd like to make a small 19 correction to that statement. I hope we find the 20 corrigendum at bundle B, page 114.1. Aha, good. Is 21 that the correction you would like to make, Professor? 22 A. Yes, sir. 23 Q. Subject to that correction, are the contents of that 24 statement true to the best of your knowledge and belief? 25 A. Absolutely, sir.</p>
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<p>1 the work and the extent of the practical difficulties 2 that might be encountered. 3 As a result, whilst the MTR cannot commit to the 4 12-week duration, I am instructed to say that MTR will 5 use its very best endeavours to accelerate the work and 6 to update the Commission with all interim results by the 7 end of January 2019. 8 With this in mind, MTR will prioritise the 9 opening-up work of the platform on the East West 10 Corridor, with the intention to complete as much of the 11 EWL platform work as is reasonably practicable by the 12 end of January 2019. 13 Obviously, after the opening-up work of the first 14 few locations has taken place, there will be a better 15 understanding of the speed of the work and the extent of 16 the practical difficulties, but of course, as always, 17 MTR will update the accelerated programme to allow 18 a better estimate of the work duration and keep you 19 informed, sir. 20 I hope that's helpful. As always, MTR are here to 21 provide all assistance it possibly can to the 22 Commission. 23 CHAIRMAN: Thank you, Mr Boulding. Thank you very much 24 indeed. That's welcome news. Thank you. 25 MR BOULDING: I thought you might say that.</p>	<p>1 Q. Excellent. Now, Professor, what's going to happen now 2 is that you will almost certainly be asked a few 3 questions by my learned friend Mr Pennicott for the 4 Commission of Inquiry. There are various lawyers 5 representing other interested parties in the room, and 6 they have the option of asking you questions. The 7 Chairman and the professor can ask you questions at any 8 time they consider appropriate. And it may be the case 9 that I ask you a few questions at the end of your 10 evidence. Do you understand? 11 A. I understand. Thank you. 12 MR BOULDING: Splendid. Please sit there. 13 Examination by MR PENNICOTT 14 MR PENNICOTT: Good morning, Prof Ma. 15 A. Good morning, Mr Pennicott. 16 Q. Can I first of all say thank you very much for coming 17 along to give evidence to the Commission this morning. 18 A. Thank you. 19 Q. As Mr Boulding has indicated, I get to ask you a few 20 questions first, and I don't think I'm going to be 21 terribly long, but I just have a few matters I want to 22 discuss with you. 23 Prof Ma, I understand that way back in time you 24 were -- at the start of your career, you were in the 25 banking and finance industry; is that right?</p>

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<p>1 A. Indeed.</p> <p>2 Q. And you worked for Chase Manhattan Bank back in the</p> <p>3 1970s, both in Hong Kong and in New York?</p> <p>4 A. 1973, as a matter of record.</p> <p>5 Q. You also worked for PCCW for a number of years, as</p> <p>6 I understand it?</p> <p>7 A. Only one year.</p> <p>8 Q. Against all that financial background, in 2002 to 2007</p> <p>9 you were the Secretary for Financial Services and the</p> <p>10 Treasury in the Hong Kong government?</p> <p>11 A. Correct.</p> <p>12 Q. It was during that period I think you had your first</p> <p>13 involvement with the MTR, when you were a non-executive</p> <p>14 director whilst you were the Secretary?</p> <p>15 A. Yes.</p> <p>16 Q. Then, in 2007-2008, you were the Secretary for Commerce</p> <p>17 and Economic Development of the government?</p> <p>18 A. Indeed.</p> <p>19 Q. Then a little bit of time out, which we don't need to</p> <p>20 consider, but then, as I understand it, in 2013 you</p> <p>21 became an independent non-executive director of MTR?</p> <p>22 A. Correct.</p> <p>23 Q. As we know, on 1 January 2016, you became the chairman?</p> <p>24 A. Non-executive chairman.</p> <p>25 Q. Since 2013, when you were the independent non-executive</p>	<p>1 submits reports to the board. But, other than the</p> <p>2 submission of reports, I get to meet him every month, at</p> <p>3 least. But we regularly, as you can see from my</p> <p>4 statement, talk to each other through WhatsApp or phone,</p> <p>5 you know, so that we know what is going on in the</p> <p>6 company.</p> <p>7 As you correctly said, we have so many projects</p> <p>8 going on, so I obviously keep an eye on what is going</p> <p>9 on. Until this SCL Hung Hom case really get reported in</p> <p>10 the media, you know, we just get regular reports, and as</p> <p>11 if it is one of the projects that has been going well.</p> <p>12 All our projects, particularly the one you mention,</p> <p>13 Mr Pennicott, have been completed successfully,</p> <p>14 including the Express Rail, which was opened in</p> <p>15 September. We have successfully completed the</p> <p>16 Ho Man Tin Extension and also the South Island Line.</p> <p>17 Those three projects were completed during my tenure as</p> <p>18 chairman.</p> <p>19 So SCL, just like any project, gets our attention,</p> <p>20 but we have a committee called the CWC, capital works</p> <p>21 committee, that overlooks the cost as well as the timing</p> <p>22 of the project. This was created following the 2014 IBC</p> <p>23 which the Chairman and Professor of aware of and</p> <p>24 familiar with. Back in 2014, we created, as a result of</p> <p>25 the investigation, CWC, capital works committee, chaired</p>
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<p>1 director, up until now, effectively, the MTR has been</p> <p>2 involved in a number of substantial projects, including</p> <p>3 the XRL, the South Island Line, the West Island Line,</p> <p>4 the Kwun Tong Line Extension, perhaps other projects</p> <p>5 worldwide, as well as what they're doing in Hong Kong,</p> <p>6 and of course the SCL project, with which we are</p> <p>7 primarily, indeed exclusively, concerned.</p> <p>8 A. (Nodded head).</p> <p>9 Q. Just taking the SCL project itself, Prof Ma, and leaving</p> <p>10 aside the last six months or so, what part of your</p> <p>11 working week might be devoted to the SCL project?</p> <p>12 A. Maybe with the permission of the Chairman and the</p> <p>13 professor, I need to explain a little bit about our</p> <p>14 corporate governance.</p> <p>15 Being the non-executive chairman, I'm not required,</p> <p>16 unlike the chief executive officer, to go to work every</p> <p>17 day. That is the beauty of being a non-executive</p> <p>18 chairman. However, I have to of course chair the board,</p> <p>19 which meets seven times a year. I have to attend</p> <p>20 subcommittees of which I'm a member. I'm a member of</p> <p>21 the remuneration committee, I'm a member of -- I'm</p> <p>22 actually the chairman of the corporate responsibility</p> <p>23 committee, and I sit on the nomination committee as</p> <p>24 well. So I do attend meetings on a regular basis.</p> <p>25 I do meet with the CEO on a regular basis. He</p>	<p>1 by Dr Allan Wong, and the formation of a risk committee</p> <p>2 as well to overlook all these risks and projects. For</p> <p>3 CWC, it is their duty to make sure that projects are</p> <p>4 completed on time and within the budget.</p> <p>5 Q. All right. So can I just summarise, then, Prof Ma, up</p> <p>6 until this year, the SCL project was no more prominent</p> <p>7 or less prominent than any of the other projects, so far</p> <p>8 as you were concerned, from your perspective?</p> <p>9 A. Absolutely. You know, we pay attention to all projects.</p> <p>10 Q. Yes.</p> <p>11 A. But I want the Chairman and Professor to realise, as</p> <p>12 non-executive chairman, there are limitations as to what</p> <p>13 I can do and I'm told.</p> <p>14 Q. Yes, indeed.</p> <p>15 A. I have to rely on my colleagues, to a very, very large</p> <p>16 extent --</p> <p>17 Q. Of course.</p> <p>18 A. -- about the project itself, and I have to say that I do</p> <p>19 carry out site visits with the CEO, I've done it a few</p> <p>20 times, and one of them was SCL.</p> <p>21 Q. We are not just concerned with SCL. We are more</p> <p>22 specifically concerned with a contract called</p> <p>23 contract 1112.</p> <p>24 A. Right.</p> <p>25 Q. I suspect that given your previous answer to me, before</p>

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<p>1 this year there was no sense in which any issues on 2 contract 1112 had been brought to your specific 3 attention? 4 A. No, not at all. 5 Q. However, turning to the events of this year, things 6 changed somewhat. 7 A. Mmm. 8 Q. As you mention in paragraph 16 of your witness 9 statement -- I don't think we need to look at it but you 10 can if you wish -- the MTR, once certain media interest 11 was shown in the Hung Hom Station contract 1112 project, 12 the government asked MTR to carry out a load test, and 13 I think that came to your attention, Prof Ma? 14 A. Yes. As a matter of fact, Mr Pennicott, you can see in 15 my statement that paragraph 13, Chairman and Professor, 16 that I was actually alerted to the media report at the 17 end of May. 18 Q. Yes. 19 A. I still remember our corporate affairs director called 20 me and said that there was a report in the media about 21 Hung Hom, and the project director, Dr Philco Wong, felt 22 that it was a totally false allegation, so he was going 23 to lead some of his colleagues down to the site and 24 clarify the matter. I always promote communication and 25 transparency in the company, so I said, "That's a great</p>	<p>1 reporting about the case, you know, so I said it was 2 a perception, it is a perception in the public arena. 3 I'm not saying that indeed our internal reporting or 4 external reporting to the government was not good. 5 I was merely saying that because the media were saying, 6 "Does the government know about this?", but I know for 7 a fact, during my 2014 IBC report, that we have a very 8 structured reporting to the government, including to the 9 RDO, you know, and they meet regularly on projects. 10 So it was purely a perception. 11 Q. Yes, because that was going to be my next question. It 12 was a perception, but in your view, as I understand your 13 last answer, you don't believe it was a true and 14 accurate perception? 15 A. Absolutely not, because the MTRC work very well with the 16 government. You know, if I remember correctly, in our 17 IBC report published in 2014, I remember we studied the 18 structure of the reporting, of which the Chairman and 19 the professor know very well, that we have very regular 20 meeting with the government, reporting to the 21 government. And I still remember very well, in the 22 report we submitted to the board and made public, we 23 actually mention the fact that there are check the 24 checkers. That really sticks into my mind very much. 25 Check the checkers. The government has appointed</p>
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<p>1 idea." Of course, I didn't know anything about, you 2 know, what the details are, but I thought that for 3 transparency of the company it is a very good idea to 4 clarify the matter ASAP. So hence Dr Philco Wong and 5 his colleagues went to the site and showed to the media 6 what he felt at that time was, you know, the real 7 situation, not as per the media reports said. 8 Q. You mentioned in that answer the word "perception". 9 A. Mm-hmm. 10 Q. And in paragraph 17 of your witness statement, which 11 I would like you to look at, please, in the first 12 sentence, you refer to "At the meeting" -- and I think 13 that was the special board meeting that you mention in 14 the previous paragraph. You say: 15 "At the meeting I remarked that a perception about 16 a lack of transparency in terms of both internal 17 reporting and external reporting to the government had 18 become a matter of public concern." 19 Now, just focusing on the first part of that 20 sentence, "a perception about a lack of transparency in 21 terms of both internal reporting" -- how had you reached 22 the view that there was this perception of lack of 23 transparency so far as internal reporting is concerned, 24 Prof Ma? 25 A. Well, I think at that time there was a lot of media</p>	<p>1 outside consultant to check our work. 2 Q. Yes. 3 A. So to me, our reporting system, at least at that 4 juncture, was very, very thorough and shouldn't have any 5 problem. That was my impression as the non-executive 6 chairman. I didn't attend, of course, any of these 7 meetings. I can only go by what the paper told me. 8 Q. So the perception was media-generated, but you don't 9 believe it was a correct perception? 10 A. No, absolutely. 11 Q. You say in the last sentence of paragraph 17 of your 12 witness statement: 13 "Through both a stand-up media session and a radio 14 programme, I also urged LCAL [that's Leighton] to 15 announce what it knew to the public." 16 A. Yes. 17 Q. When you say "announce what it knew to the public", 18 I assume you mean go to the media? 19 A. If you recall, Mr Pennicott, during that period, MTR was 20 under tremendous pressure from the public, but my 21 understanding is that we are the employer of Leighton. 22 In other words, Leighton is the guy who did the work, 23 not MTR. Our job was merely supervising. 24 So, that being the case, you need the party that 25 does the work to tell the public what exactly happened.</p>

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<p>1 That was my understanding. So, when Leighton chose not 2 to say anything to the public, the pressure was on MTR. 3 Q. Did it trouble you that Leighton didn't go to the media 4 or didn't go public? 5 A. I honestly don't think it was a responsible act, 6 particularly for a public project like this. This is 7 a major public project in Hong Kong. I felt that, as 8 a responsible contractor, Leighton should say something, 9 but I was told by my CEO -- I pressured the CEO to speak 10 to Leighton, and he assured me that he did, and in his 11 statement he also mentioned he did. I did not talk to 12 Leighton myself. It was through the CEO. And I was 13 frustrated, just like the CEO, about the fact that 14 Leighton did not say a word in the public arena. 15 Q. Did you draw any conclusions from Leighton's apparent 16 lack of willingness to go public? 17 A. I was told it's their company policy, but because 18 I don't know their company policy, I have to respect the 19 company's policy. Having said that, though, as I said 20 earlier, I didn't think it was a very responsible act of 21 a contractor on a major public work project like this, 22 to keep silent throughout this period, until the 23 Commission. 24 Q. All right. Now, in your witness statement, you make 25 reference to the report that was submitted to government</p>	<p>1 number is correct, and is it supported by documentary 2 evidence. I still remember Mr Rooney said, "Yes", and 3 I said, "Show me the record." He said to me that the 4 record was kept at the site and there were lots of them, 5 tonnes of documents. So I said, "I need to see 6 something." He did produce a spreadsheet. It's a huge 7 spreadsheet. I was looking for that spreadsheet in the 8 office yesterday and couldn't find it. But it's a big 9 spreadsheet, like this size (demonstrating), with lots 10 of signatures, with the 32 bays on it. I took a look, 11 obviously, as I said, not being involved in the 12 day-to-day project management, and I have to have trust 13 in my colleague. I looked at it, I said, "Fine, but you 14 ought to produce some document at the media conference 15 that evening to show to the media that indeed this 16 number is accurate and indeed that we have documentary 17 evidence." 18 I remember vividly he mentioned about hold point. 19 In other words, if everything was checked, that concrete 20 would be poured. I obviously, as I said, have to trust 21 what my colleague told me, and that is why subsequently, 22 when I was told about the fact that the number of 23 couplers, because of the design change, is different 24 from what was given to the government, I was -- I think 25 Dr Philco Wong used the word "surprised" yesterday --</p>
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<p>1 on 15 June this year. You say in paragraph 21 of your 2 statement: 3 "In the morning of 15 June [this year], I met with 4 the Honourable Abraham Shek Lai Him, an independent 5 non-executive director of MTR, in preparation for the 6 press conference to be held in the afternoon [on that 7 day]. Among others, Aidan Rooney ... and Lincoln Leong 8 also participated in the meeting. Specifically, the 9 Honourable Abraham Shek Lai Him and I [that is you, 10 Prof Ma] emphasised to Aidan Rooney the report must be 11 accurate and correct, and I asked him if the projects 12 team had evidence to support the matters stated in the 13 report." 14 You go on to say: 15 "I was assured by Aidan Rooney that the matters 16 stated in the report, including as regards the number of 17 couplers referred to, were correct and supported by 18 documentary evidence. I had no reason to doubt what he 19 told me." 20 Did you specifically mention the couplers yourself, 21 or was that just part of Mr Rooney's answer to your 22 general question that you hoped the report was accurate 23 and it was supported by documents? 24 A. In the report, it mentioned the number 23,500 couplers. 25 I specifically asked Mr Rooney that number, if that</p>	<p>1 I would even go as far as "shocked", Mr Chairman and 2 Professor, because I did ask the question which is 3 actually something that, you know, not even within my 4 duty, almost -- you can see that I've gone out of my way 5 to do the due diligence -- because having been 6 a minister with the government I really think that 7 accuracy of any report to the government and to the 8 public must be 100 per cent accurate. 9 Q. Can I just ask you about this spreadsheet. Was it just 10 one sheet of paper, Prof Ma? 11 A. He showed me one sheet of paper. 12 Q. Was it an A3 sheet? 13 A. It was quite big, I remember. It was quite big. 14 Q. It's not a document that immediately springs to my mind. 15 Mind you, we've looked at lots of documents over the 16 last few weeks. 17 A. There were lots of documents. I was looking for the 18 same document yesterday. 19 Q. Where were you when he showed it to you? 20 A. I was in the function room in the International Finance 21 Centre, our town office -- 22 Q. This was prior to the press conference? 23 A. Prior to the press conference. The press conference was 24 held in the late afternoon, and we had this preparatory 25 meeting in the morning. I invited Abraham Shek to join,</p>

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<p>1 because he is an INED of the company, he is a member of, 2 I believe, the CWC, and also he has lots of experience 3 in this sort of exercise, being chairman of the PAC in 4 LegCo. So that is why, among all the INEDs, he was 5 invited.</p> <p>6 Q. Right. The fact that you asked Mr Rooney specifically 7 about the couplers tells me two things: one, you must 8 have read the report?</p> <p>9 A. Yes.</p> <p>10 Q. Two, that you must have realised that the couplers were 11 an important issue?</p> <p>12 A. First of all, to answer your second question first, 13 couplers was a very important issue because the media 14 report talked about couplers almost every day, so it 15 would be, you know, rather naive not to believe that 16 that is a very important subject.</p> <p>17 But more importantly, I appreciate that for the 18 general public, they would not know a lot of the 19 technical facts in the report, but they could remember 20 23,500. That was my point, to ask Mr Rooney if that is 21 correct. I mean, among all -- the report was actually 22 submitted to the CWC on 14 June for examination prior to 23 submission to the RDO. On 14 June, although I'm not 24 a member of the CWC, I did attend the meeting, because 25 I want to know what's going on, of course, as part of my</p>	<p>1 A. I meet with Dr Philco Wong from time to time. The 2 reason why -- we were originally going to meet at IFC, 3 our town office, but he said he -- well, if I may, 4 I backtrack a little bit what happened, because I think 5 it's important.</p> <p>6 On the 25th, as I said in paragraph 27, Mr Lincoln 7 Leong told me there were some inaccuracies, in 8 a WhatsApp message, not in an email but in a WhatsApp 9 message, but he did not go into detail what the 10 inaccuracies were. Inaccuracy could mean very minor 11 amendment, could mean some very serious stuff, but he 12 didn't mention it. But I knew he was going on vacation 13 for a few days, and I was not in Hong Kong at that time, 14 I was in North America, so I said -- we agreed that we 15 would meet the following Monday to discuss about it.</p> <p>16 Then, when I arrived Hong Kong on 28 July, in the 17 early morning, because my plane came from North America, 18 I arrived very early, I got messages from government 19 officials. As a matter of fact, three government 20 officials texted me, WhatsApp message, alerting me there 21 is a serious crisis. So, after I learned from 22 government officials -- the government officials told 23 me, "You had a design change, da, da, da", which 24 Mr Leong, to be fair, also mentioned in his WhatsApp 25 message, but he did not link the two together.</p>
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<p>1 duty as chairman.</p> <p>2 So I showed up at the 14 June meeting, the CWC 3 meeting held for almost three hours, if I'm not 4 mistaken, to talk about the report. But it was about 5 rather general issues but not necessarily specifically 6 on the number of couplers. But I raised it on 15 June 7 again, because I felt that the public, in my experience 8 as a former minister, the public would focus on 9 something like that, and that is why I specifically 10 asked that question, and I think Mr Rooney also, in his 11 statement, confirmed that I did ask that question.</p> <p>12 Q. He did, he confirmed it in his statement and he 13 confirmed it when I asked him about it, you will be 14 pleased to hear. All right. Thank you for that, 15 Prof Ma.</p> <p>16 Can I then turn to a point that you mentioned just 17 a moment ago, that is when you were told that in fact 18 the number of couplers had been inaccurately calculated. 19 You deal with that in paragraph 28 of your witness 20 statement, and you refer to having returned to Hong Kong 21 on 28 July and then immediately paying a visit to 22 Dr Wong's office, or the site office, where Dr Wong's 23 office was located, in the XRL West Kowloon Station.</p> <p>24 I imagine, Prof Ma, that's the type of visit that 25 you don't make very often; would that be right?</p>	<p>1 Anyway, I have arrived Hong Kong, so I found out 2 this. I called Dr Wong and I said, "How could something 3 like this happen?" His explanation was that the whole 4 report was prepared in a panic, so mistakes were made. 5 I said, "Okay, let us meet." So we met up the following 6 day, in XRL site office, because he was going to have 7 a site visit, so to make sure that we get to meet, so 8 I went down to XRL.</p> <p>9 Q. Right. As you said earlier and as I think you -- 10 I think you used the word "shocked" earlier -- in your 11 witness statement you use the word "alarmed", and 12 indeed, as you have just said, the explanation that 13 Dr Wong gave you, as you put it in your witness 14 statement, is that the error occurred because the report 15 was prepared under serious time pressure, and you used 16 the word "panic" just a moment ago.</p> <p>17 A. Yes.</p> <p>18 Q. Before he had told you that on 29 July, were you aware 19 of the time scale and the pressure that the people 20 preparing the report were under before the report went 21 public on 15 June? Were you aware of that time 22 pressure?</p> <p>23 A. I obviously am aware that RDO has initially asked for 24 the report within one week. We asked for an extension. 25 We asked for a one-week extension. So the report was</p>

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<p>1 submitted on 15 June. That is a two-week time frame. 2 Q. Yes. 3 A. Now, not being involved in the preparation of the 4 report, not -- Mr Leong chaired a committee meeting that 5 meets every day during those two weeks, in preparing 6 this report. So obviously, to MTR, we put a lot of 7 attention and we really want to make sure that the 8 report is accurate. That was my sense, as the 9 non-executive chairman. 10 So I wouldn't know whether two weeks is enough or 11 two months is more appropriate. I have no idea. But on 12 15 June, you know, we submitted the report. 13 Q. Right, and nobody ever said to you, either Aidan Rooney 14 or Philco Wong or anybody else, "Look, Chairman, it's 15 been a really tough job, we've been put under enormous 16 pressure, we're really not happy about the situation but 17 we're going ahead anyway" -- nobody ever sort of 18 mentioned that to you? 19 A. No. 20 Q. All right. 21 When Dr Wong explained the point about serious time 22 pressure and that was the reason that he was putting 23 forward for the error, what was your reaction to that 24 explanation? 25 A. My reaction was, "Do you think that the Commission or</p>	<p>1 meeting the Chief Executive mentioned to you that the 2 government had lost confidence in the project management 3 team of the SCL. 4 First of all, did you gather by whom the Chief 5 Executive had been briefed? 6 A. I assume, having worked in the government for six years, 7 that she's been well briefed by her colleagues. 8 Q. You say "her colleagues" -- I mean, this is obviously 9 not something the Chief Executive is going to know about 10 without being briefed. 11 A. Of course. 12 Q. Of course. I mean, was it Frank Chan? 13 A. I have no idea because I wasn't involved in those 14 meetings, so I don't know who briefed her. 15 Q. You didn't sort of pick up during the meeting any 16 intelligence about who may have briefed her? 17 A. I think your assumption is probably correct, 18 Mr Pennicott. 19 Q. All right. When you say you were informed that the 20 government had lost confidence, did you ask why the 21 government had lost confidence? Did you ask for 22 an explanation as to why the government had lost 23 confidence? 24 A. Having worked in the government for six years, I think 25 government can tolerate people who are not capable, but</p>
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<p>1 the public would accept that?" That was my response. 2 Q. That was your actual response to Dr Wong, was it? 3 A. (Nodded head). 4 Q. In your witness statement, at paragraph 30, Prof Ma, you 5 go on to deal with a meeting that you had with the Chief 6 Executive. You say: 7 "On Sunday 5 August 2018, I received a request to 8 meet with the Chief Executive Mrs Carrie Lam ... the 9 following morning." 10 Presumably that was by a telephone call or -- 11 A. Yes. 12 Q. You say in paragraph 31: 13 "On 6 August 2018, I met with the Chief Executive as 14 scheduled. The Secretary for Transport and Housing, 15 Frank Chan was also present." 16 Was there anybody else present, Prof Ma, other than 17 yourself, Mr Chan and Mrs Lam? 18 A. The director of the CE's Office was present. 19 Q. The director of the Chief Executive's Office? Yes, 20 I understand. 21 A. So four of us. 22 Q. Okay. How long did the meeting last? 23 A. Mr Chan was late coming to the meeting, but I think it 24 lasted roughly maybe 30-45 minutes. 25 Q. Okay. You say in your witness statement that in the</p>	<p>1 cannot tolerate reports that are inaccurate. So 2 I didn't ask. 3 Q. You didn't ask? 4 A. I knew, I think. 5 Q. So your conclusion was or your deduction was that the 6 loss of confidence was related to the inaccuracies in 7 the report? 8 A. I think so. 9 Q. Okay. 10 A. Because -- maybe I could elaborate here -- when the 11 whole thing happened, the Chief Executive or for that 12 matter the secretaries have never expressed any views 13 about our management capability. It was after this 14 revelation that the government expressed that they have 15 lost confidence. So, I mean, you know, I don't have to 16 go into all sorts of questions to know that this is 17 their thinking. 18 Q. Okay. You go on in your witness statement at 19 paragraph 31 to say this: 20 "The Chief Executive told me that government took 21 the view that the senior members of the projects team 22 responsible for the SCL project, namely Dr Philco Wong, 23 TM Lee, Aidan Rooney, Jason Wong and also Lincoln Leong 24 should leave MTRCL." 25 A. Yes.</p>

Page 25	1 Q. As I understand it, I think the way that Mr Lincoln 2 Leong put it, although of course he wasn't at your 3 meeting with the Chief Executive -- in fact the message 4 he got was that not only should they leave, they should 5 leave with immediate effect. Is that what you were told 6 at the meeting? 7 A. After my meeting with the Chief Executive, I went to 8 Mr Frank Chan's office and called Mr Leong to come to 9 see Mr Chan and myself and relayed the message from the 10 Chief Executive. 11 But I want to emphasise that while we do hear the 12 views of the majority shareholder, ie the SAR 13 government, I as chairman must respect the corporate 14 governance. This sort of matter is not for the majority 15 shareholder to decide; okay? 16 Q. My question, Prof Ma, was whether you were told by the 17 Chief Executive that not only should they leave but they 18 should leave with immediate effect? 19 A. If I remember correctly, definitely it was not for 20 a prolonged period, particularly in the case of the four 21 projects team senior managers. For Mr Leong, there was 22 a discussion whether, you know, he should stay on just 23 for handover. 24 Q. I appreciate he was a special case. 25 A. Exactly.	Page 27	1 the report, particularly after my question to Mr Rooney 2 and after Mr Rooney had repeatedly told me that he had 3 documentary evidence to support. I would be less than 4 honest if I tell you that I was not disappointed. I was 5 disappointed. 6 Q. There was -- the indication that you were given related 7 to the entirety, it seems to me, of the senior members 8 of the SCL project team. I mean, it was going to be 9 a wipeout of the senior members of that team. Was there 10 no consideration given to the individual roles that each 11 of the gentlemen concerned played in the report and its 12 preparation? 13 A. It is probably true that Mr Rooney and Mr Wong and in 14 a way Philco Wong were involved more closely with the 15 project and with the report preparation compared to 16 Mr TM Lee -- 17 Q. Yes. 18 A. -- you know, because I get to see Mr Rooney and Mr Wong 19 running around in the office all the time. I seldom see 20 TM Lee. 21 But having said that, Mr TM Lee is the general 22 manager of the project; okay? 23 Q. Yes. 24 A. But as I said, it is up to -- if the CEO expressed his 25 view that certain members should not go because of
Page 26	1 Q. Yes, understood. 2 A. So my point was that although the Chief Executive 3 expressed her loss of confidence in the team, the whole 4 thing has to be put to the board of directors for 5 decision, as proper corporate governance should call 6 for. So, as a result, we relayed the message to 7 Mr Leong what the majority shareholder had said, but 8 I immediately called for a board meeting the next 9 morning, okay, for the board to deliberate on this 10 point. 11 Q. I'm coming to that, Prof Ma, don't worry. Let's just 12 get back to one more question on the meeting with the 13 Chief Executive on 6 August. 14 When you were told that the government had lost 15 confidence and that the senior members should leave MTR, 16 did you put up any resistance to that suggestion that 17 the senior team members should leave? Did you seek to 18 argue their corner? Did you seek to point out to the 19 Chief Executive that the report had been prepared under 20 enormous time pressure? I mean, did you try to, as it 21 were, defend what had been done? 22 A. No, I didn't, because I believe that this is for the 23 board to decide. I did not express my personal view. 24 Q. Did you have a personal view at the time, Prof Ma? 25 A. As I said, I was shocked, you know, by the inaccuracy of	Page 28	1 particular reason, I'm sure the board would have 2 listened. 3 Q. Okay. Anyway, as you rightly say, and you were telling 4 us just a moment ago, you called -- a board meeting was 5 called, and the upshot was that the board unanimously 6 voted for essentially what the government had indicated 7 should happen; that's right? 8 A. Yes, correct. 9 Q. You describe in paragraph 34 of your witness statement 10 that the view expressed by government was a "firm view", 11 and that's right, is it, Prof Ma? 12 A. Yes, I don't detect that their view would be easily 13 changed. 14 Q. Right. 15 A. That is their view but that is not necessarily the 16 board's decision. We have to respect the board's 17 decision. 18 Q. You say at paragraph 36: 19 "I stated to the board my view that the issue had 20 given rise to a crisis of confidence and asked Frank 21 Chan for the government's view on the matter." 22 So Frank Chan, in his capacity of a non-executive 23 director of MTR, was obviously at this board meeting -- 24 A. Yes. 25 Q. -- and he had already expressed his views, presumably,

Page 29	1 at the meeting you'd had with Mrs Lam? 2 A. Yes. 3 Q. So he was basically repeating what you had already 4 heard? 5 A. Yes. 6 Q. And he told the board that the government had lost 7 confidence in the project management team of the SCL and 8 that the MTR should consider whether senior members of 9 the projects team should leave. 10 Then also the board was informed by Lincoln Leong 11 that Dr Philco Wong had already tendered his 12 resignation, and so forth, and so on. 13 Was there much discussion about what should happen 14 regarding the four people leaving? 15 A. Yes, there was discussion, I recall. It's all in the 16 minutes, you know. I should say that the MTR board is 17 not what I call a rubberstamping type of board. It's 18 a very active board. Board members consist of 14 INEDs, 19 four government officials, myself as non-executive 20 chairman, and Lincoln Leong as a board member. We 21 always have active discussion. And in this incident, 22 I remember we discussed -- particularly members were 23 concerned as to why such situation happened, ie how come 24 the report, after all this intense preparation, turns 25 out to be incorrect, you know.	Page 31	1 MR TO: Chairman and Commissioner, good morning. 2 I am Christopher To, representing China Technology. 3 I just have a few questions to ask you, if I may. 4 Prof Ma, can I take you to your witness statement, 5 if I may, on B105. 6 A. Yes. 7 Q. Do you have that; yes? 8 A. Yes. 9 Q. In paragraph 4, can I take you down to line 5. You 10 mentioned about "promoting a culture of openness", and 11 can I also take you down to line 8, "good corporate 12 governance practices and procedures", and also can 13 I take you to paragraph 5 of your witness statement, 14 "corporate governance"; can you see those, Prof Ma? 15 A. Yes. 16 Q. In terms of, if you want to call, the troublemaker, the 17 client, China Technology, the first email basically was 18 6 January 2017. Did you see that email? 19 A. No. 20 Q. Did you see the email that China Technology sent to the 21 Transport and Housing Bureau on 15 September? 22 A. No. 23 Q. So you became aware of the incident on roughly 31 May 24 2018? 25 A. Yes.
Page 30	1 But I think members were -- really understand why 2 government lost confidence, because by then, you know, 3 we appreciated that the report was inaccurate and that 4 we didn't do, you know, what we were telling the 5 government, what we were telling the public. 6 Q. Prof Ma, after the government, on 6 August, had 7 expressed their firm view, the result of the board 8 meeting was pretty much a foregone conclusion, wasn't 9 it? 10 A. Well, the board decided, just like that. 11 Q. Was it at the meeting with the Chief Executive on 12 6 August that you offered your own resignation? 13 A. I offered my resignation twice, as I mentioned in the 14 statement. 15 Q. One of them was on 6 August and I wondered whether it 16 was at that meeting. 17 A. Which meeting are you referring to? 18 Q. With the Chief Executive on 6 August. 19 A. Yes, same meeting, when she mentioned lost confidence, 20 yes. In the same meeting, I offered, shall I say, my 21 second resignation, my second attempt to resign. 22 MR PENNICOTT: Thank you very much, Prof Ma. I have no 23 further questions. 24 WITNESS: Thank you very much. 25 Cross-examination by MR TO	Page 32	1 Q. You also sometimes sort of attended the capital works 2 committee, you just mentioned that earlier on, and they 3 also gave you quarterly reports? 4 A. I should clarify that the capital works committee would 5 report to the board, you know, at our regular board 6 meeting, their proceedings. But I only attend capital 7 works committee meetings on 14 June and subsequently 8 later, when we appointed a consultant to look into our 9 procedures. So I don't normally -- not being a member 10 of the CWC, I don't normally attend their meetings, but 11 we do get the minutes of the CWC, and CWC chairman would 12 also, at the regular board meeting deliver it to the 13 board what happened at the CWC. 14 Q. Thank you, Prof Ma. I fully appreciate that. 15 Can I take you to your paragraph 11 of your witness 16 statement. This is not a criticism, I'm just stating 17 a fact: 18 "... the CWC comprises seven non-executive 19 directors, six of whom are independent non-executive 20 directors of MTRCL." 21 Is that correct? 22 A. Yes, I believe it's correct. 23 Q. I don't have to show you this, but in Mr Lincoln Leong's 24 statement yesterday, he did give, in paragraph 25, 25 a list of those INEDs, as well as NEDs. Just looking at



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<p>1 the list -- if you want to refer to it, it's B121, if 2 you have a copy of it. 3 A. I'm going to. 4 Okay. 5 Q. Paragraph 25. If you look at the list, except for one 6 person who is the Permanent Secretary for Development 7 (Works), basically he's now retired, but the rest tend 8 to be, for example, part-timers who have full-time jobs? 9 A. Yes. What is the issue? 10 Q. The issue is -- I'm coming to next. The next issue 11 relates to what Mr Lincoln Leong said yesterday about 12 the three lines of defence, if I can take you to that. 13 That's in his paragraph 23 at page 120. 14 A. Mm-hmm. 15 Q. He mentioned three lines of defence, which I asked him 16 yesterday. The first line concerns the management 17 control, the second relates to risk management and 18 compliance oversight, and the last one relates to the 19 internal audit. 20 Then on top that he mentioned in paragraph 24 21 basically you have the CWC, which you kindly referred to 22 earlier on, and also for example at the back, if you 23 look at in terms of paragraph 28 of his statement, there 24 is also a risk committee who does -- I also mentioned 25 this yesterday -- a "deep dive" into reviews of selected</p>	<p>1 knew, and the committee has the authority to question 2 the executives. 3 Q. So the executives are the full-time committee members? 4 A. Of course, yes. 5 Q. I understand. 6 A. They are not members of the committee, but they do 7 attend the meetings. 8 Q. Thank you very much. Can I move on, for example in 9 paragraph 13 of your witness statement. 10 In paragraph 13, you mention that you became aware 11 of the situation at the end of May. 12 In terms of a person who has basically with openness 13 and integrity, you conducted a special board meeting on 14 5 June 2018 to discuss these issues; is that correct? 15 A. I believe we convened the board meeting on 2 June. 16 Q. The 2nd, a special board meeting was held, and another 17 special board meeting was held on June -- 18 A. There were two meetings, one on 2 June, one on 5 June, 19 according to this statement. 20 Q. Thank you for your correction. What I am going to take 21 you on to now is the MTRC report, if I may. If you look 22 at the MTRC report, that's in B1. Do you have a copy of 23 that, Prof Ma? 24 A. I do. 25 Q. Can I take you to B36 of that report. I also asked this</p>
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<p>1 risk areas, reviewing the effectiveness of ERM 2 functions, et cetera, and also, in paragraph 29, the 3 audit committee. 4 So you can see that there are roughly -- if you look 5 at it, there are basically six lines of defence in the 6 MTR; yes? So -- 7 A. Depends on what do you mean by "defence". 8 Q. "Defence" means if there are issues, there are six sort 9 of organisation structures that will look into matters? 10 A. Well, different committees have different mandate. 11 Different committees have their different duties. 12 That's all I can say. I wouldn't say it's "defence", in 13 your definition. 14 Q. I understand. So my point is, Prof Ma, if you go back 15 to your statement at paragraph 11 -- this is not 16 a criticism at all, this is just to help -- you can see 17 that these seven non-executive directors are all 18 part-timers. My view is, correct me if I am wrong or 19 not, should there be some full-timers there or someone 20 who can actually oversee the whole project from day one? 21 A. The full-timers, in your word, report to the committee. 22 Q. Report to the committee and -- 23 A. So whenever they convene a committee meeting, just like 24 any other committee in MTR, under the board structure, 25 the full-timers would report to the committee what they</p>	<p>1 question of Mr Lincoln Leong yesterday. 2 A. Yes. 3 Q. If you look in the paragraph that says, "Interview of 4 sub-contractor (China Technology)": 5 "No information in relation to the interview with 6 China Technology is included here." 7 First of all, Prof Ma, have you read this report? 8 A. I read the report and, as a matter of fact, I did ask 9 the question why China Technology interview was not 10 included. 11 Q. And what was the answer given? 12 A. Because -- the answer given was because there were 13 allegations in China Technology's report that there were 14 corruption in the site, and this is a very serious 15 charge, so executives, not me, decided not to include it 16 in the report, which makes sense to me; okay? And, as 17 a matter of fact, I asked the executives if, you know, 18 given China Technology's charges, did we refer the case 19 to ICAC? I did ask that question. 20 Q. Okay. Your executive committee, under the leadership of 21 Gill Meller, quite rightly competently wrote to Leighton 22 and basically wrote a letter -- it's B4643; you don't 23 have to refer to it. But there was a response from 24 Leighton and I'll take you to that response. It's 25 B3090, if I may.</p>

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<p>1 Can I show you to the very last paragraph of the 2 letter, and if you look at here, it says: 3 "In concluding, we make the general observation that 4 a large number of the matters raised today were not 5 substantiated by any records or contemporaneous notes. 6 No doubt MTR will draw its own conclusions about the 7 weight to be given to such bald assertions. Leighton 8 and its officers and employees reserve their rights in 9 respect of these matters." 10 So, Prof Ma, have you seen this letter? 11 A. No. 12 Q. Just by reading this statement, what do you think? 13 A. Very legalistic letter. Not being a lawyer -- 14 MR BOULDING: Sir, shouldn't he be shown the whole letter as 15 opposed to just the last paragraph? 16 CHAIRMAN: Is the question, "What do you make of the last 17 paragraph?" 18 MR TO: Yes. 19 Prof Ma, what do you make of the last paragraph? 20 A. I can only go by the last paragraph saying that it is 21 not substantiated. 22 Q. So, being an open person, which you stated earlier on, 23 do you think this is fair? 24 A. Not knowing the whole situation, it's difficult for me 25 to make a judgment, to be honest.</p>	<p>1 CHAIRMAN: Thank you. 2 MR TO: Thank you, Prof Ma, on that point. 3 Now can I refer you to paragraph 18 of your witness 4 statement, Prof Ma. 5 A. Yes. 6 Q. In line 5 -- can you see that? -- you said: 7 "... I was under the impression ..." 8 Who gave you that impression? 9 A. Throughout the discussion at the CWC, you obviously get 10 certain impression from my team. That's how I arrived 11 at the conclusion. 12 Q. Can I take you to B16/14036. If you look down, this 13 basically is sent on behalf by Mr Allan Wong about the 14 report, and if you go to the middle paragraph, you will 15 see, for example, it says, "there are some 16 contradictions" -- can you see that? 17 It's line 3, can you see that, line 3, the second 18 paragraph? 19 A. Yes. 20 Q. "... there are some contradictions and inconsistencies 21 between the recollections of certain individuals." 22 And after that: 23 "... without making a judgment as to the underlying 24 facts, particularly in light of the upcoming Commission 25 of Inquiry."</p>
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<p>1 CHAIRMAN: I appreciate the line of questioning. I don't 2 wish to cut across it. But I think that final paragraph 3 speaks for itself. Simply, it's a statement by the 4 author on behalf of those the author represents, saying 5 that in the view of Leighton, the matters raised, or 6 a large number of them, were simply not substantiated by 7 any records or contemporaneous notes. That's just 8 a statement as an assertion of fact. And the other one 9 is what I suspect any competent lawyer in today's 10 society would advise his client: in other words, 11 publishing in the public domain statements which may be 12 defamatory may make the publisher liable. 13 MR SHIEH: Mr Chairman, you will no doubt notice who is 14 seated behind Christopher To today. That could give the 15 clue as to why this line of questions is being put. 16 Secondly, Prof Ma has said that contemporaneously 17 with this letter, he had not actually seen it. So the 18 question could not have had anything to do with what 19 Prof Ma did or thought at the material time. 20 Therefore, I question what the relevance is to what 21 Prof Ma now thinks of four lines in a very long letter. 22 I need say no more about it, Mr Chairman. 23 CHAIRMAN: Thank you. 24 Yes, Mr To. 25 MR TO: Mr Chairman and Commissioner, I'll move on.</p>	<p>1 Can you see that? 2 A. Yes. 3 Q. So, basically, the CWC chairman says, "We should state 4 the facts", but as I showed you earlier on, in B36, 5 there was not a single thing about any facts or 6 whether -- forget about the allegations -- about China 7 Technology's interview whatsoever, on page B36 in the 8 report. Forget about the allegations, defamation, but 9 there's not a single item mentioned about China 10 Technology being interviewed or even, for example, 11 stating what certain matters were discussed. 12 A. I'm sorry, counsel, I don't quite get your point. 13 Q. But in this email, it says very clearly that you have to 14 state the facts. The facts are not stated, in B36 of 15 the report. 16 A. I'm sorry, can you repeat your point? 17 Q. Sorry about that, Prof Ma. In the email, it says, from 18 Allan Wong, Dr Allan Wong -- it mentioned that there are 19 contradictions, there are some inconsistencies between 20 what people have said, but he did say, for example, 21 "state the facts", and if you look at B36 -- 22 CHAIRMAN: Sorry, where is the phrase "state the facts"? 23 MR TO: "... state the different recollections, without 24 making a judgment as to the underlying facts ..." 25 CHAIRMAN: Yes.</p>

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<p>1 MR TO: So, in this report, there's not a single thing 2 mentioned about China Technology, except for "No 3 information in relation to the interview with China 4 Technology is included here". 5 It's not your fault. I'm just making a statement, 6 that's all. 7 CHAIRMAN: I think -- 8 A. Chairman, I don't know how to comment. 9 CHAIRMAN: That's right. Perhaps if one puts at the end of 10 that statement "would you agree?" 11 A. It is difficult because, you know, you mention why 12 certain things were not specified, and as I said I'm not 13 a member of the CWC, to begin with, I was just 14 an observer in that particular meeting. You know, at 15 the committee meeting, all the facts were presented, 16 including China Technology was discussed, I'm sure, if 17 you look at the minutes of the meeting. 18 So counsel implies that we just ignored China 19 Technology; it's not correct. We did discuss it, I'm 20 sure, although I did not -- I cannot recollect what was 21 discussed. 22 CHAIRMAN: All right. 23 MR TO: Prof Ma, you did discuss it. I'm just making 24 a point that it's not stated here. 25 A. I'm sure it was discussed.</p>	<p>1 enforcement agencies. So if someone did something 2 wrong, legally, of course, you know, we take this 3 seriously, so by implication we would go to, you know, 4 all the law enforcement agencies, to report any 5 irregular or unlawful act on the part of anybody. 6 That's common sense, isn't it? 7 So the fact I mentioned it -- I still remember at 8 the stand-up on 22 June, I did mention something like 9 that. As a matter of fact, I mentioned the fact that we 10 would report this sort of situation to law enforcement 11 agency not only one time but a few times, if I remember 12 correctly. Because we, you know, as MTRC, of course 13 have to report any offence to law, to any law 14 enforcement agency, just like when China Technology 15 alleged we have corruption in the site, we report the 16 case accordingly. You know, that is very, very logical 17 and normal. 18 Q. Thank you, Prof Ma, for that point. 19 Can I take you on to maybe my last point. My last 20 point relates to the inaccuracies of the report. It is 21 in paragraphs 27 to 29. My learned friend Mr Ian 22 Pennicott took you to paragraph 28. 23 So, when you looked at this report, you basically 24 said, in the middle of 28, you can see in line 8 down, 25 can you see:</p>
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<p>1 Q. That's not a criticism at all. 2 In terms of -- can I go back to your statement, 3 B109. 4 A. Yes. 5 Q. In paragraph 23 -- can you see that? 6 A. Yes. 7 Q. There was a press statement made; yes? 8 A. Mm-hmm. 9 Q. If you look at the very last sentence, it says: 10 "In this press release, MTRC also made clear that if 11 any violation was found, MTRC would take the matter very 12 seriously and report it to relevant law enforcement 13 agencies." 14 Can I take you to that press release. I mentioned 15 Mr Lincoln Leong yesterday. It's B9/7031. 16 Prof Ma, can you see, in this press release, was 17 there any mention of the words "law enforcement 18 agencies" anywhere in this press release? 19 A. I don't see those two words that you refer to. 20 Q. But if you look at the first paragraph, it says: 21 "The board takes these matters very seriously." 22 From your understanding, the word "seriously", that 23 means you would report it to the various relevant 24 authorities? 25 A. Hong Kong has excellent governance system, including law</p>	<p>1 "I was naturally alarmed by [the revelations] ..." 2 Okay? So you can see that. What were you alarmed 3 about? What went wrong in the report? 4 A. The fact that the report was inaccurate. 5 Q. Inaccurate. So can I take you to what Mr Lincoln Leong 6 said yesterday. It's in page 161 of the transcript. If 7 you look at line 20 -- I will just read it very quickly: 8 "... [the] whole issue of the backdating as well as 9 the retrospective nature of those papers were 10 highlighted in one of, I believe, the crisis management 11 meetings in August ..." 12 Prof Ma, are you aware or do you know there's 13 backdating and retrospective records been made in the 14 report or other information? 15 A. No. 16 MR TO: You're not? Prof Ma, I don't have any further 17 questions, and thank you for being honest. 18 WITNESS: Thank you, counsel. 19 MR KHAW: Mr Pennicott has probably stolen our thunder and 20 I believe most of the questions we had intended to 21 discuss with Mr Ma have been canvassed. We have no 22 further questions. 23 CHAIRMAN: Thank you very much. 24 MR CONNOR: No questions for Atkins. Thank you, sir. 25 MR SHIEH: No questions from Leighton.</p>

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<p>1 CHAIRMAN: Thank you.</p> <p>2 MR BOULDING: Sir, I have no re-examination for the</p> <p>3 professor, so unless you have any questions?</p> <p>4 Questioning by THE COMMISSIONERS</p> <p>5 COMMISSIONER HANSFORD: I have one question for Prof Ma.</p> <p>6 Prof Ma, I'm interested in the capital works</p> <p>7 committee. My understanding is the CWC was established</p> <p>8 in 2014, following concerns about the XRL project.</p> <p>9 A. Absolutely.</p> <p>10 COMMISSIONER HANSFORD: I understand its focus is primarily</p> <p>11 on reviewing progress of projects from a programme and</p> <p>12 cost perspective; is that correct?</p> <p>13 A. Correct.</p> <p>14 COMMISSIONER HANSFORD: In your witness statement, in</p> <p>15 paragraph 40(d) of your witness statement, under "Going</p> <p>16 forward", you tell us, helpfully:</p> <p>17 "the terms of reference of the CWC is now being</p> <p>18 revised to enhance its oversight of the quality of the</p> <p>19 capital works projects."</p> <p>20 Has it previously had a role in overseeing quality,</p> <p>21 or is that a new role for the CWC?</p> <p>22 A. Professor, Chairman, this is going to be a new role for</p> <p>23 the CWC. If you recall, in 2014, when we established</p> <p>24 the CWC, it's because XRL was facing cost overrun and</p> <p>25 also project delay, and as a result CWC was established.</p>	<p>1 best team to do the job.</p> <p>2 But moving forward, I think the CWC would like to</p> <p>3 know, for example, certain aspects, if quality were not</p> <p>4 up to standard, then they would like to know.</p> <p>5 COMMISSIONER HANSFORD: Quality of the works?</p> <p>6 A. Yes. You know, if there were any, for example,</p> <p>7 non-compliance report, NCR, they would like to know; if</p> <p>8 certain project had issued NCR, then they need to know.</p> <p>9 In the past, they don't need to know about it. They</p> <p>10 assume it would be taken care of by the project team.</p> <p>11 But from now on, my understanding is the CWC would like</p> <p>12 to know issues of that nature.</p> <p>13 COMMISSIONER HANSFORD: This will therefore give the board</p> <p>14 more visibility on the quality of the works being</p> <p>15 carried out; is that the purpose?</p> <p>16 A. Yes. I should also mention, Chairman and Professor,</p> <p>17 that, you know, throughout the 39 years of history of</p> <p>18 MTR, we have delivered many, many projects to Hong Kong,</p> <p>19 and all these projects are top-notch in quality. Why</p> <p>20 this one failed? This is something of course for the</p> <p>21 Commission to find out. But I would say that overall</p> <p>22 the quality of our work has been top-notch, you know,</p> <p>23 recognised by the industry, recognised by the public.</p> <p>24 Even the opening of the XRL recently has been well</p> <p>25 received.</p>
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<p>1 COMMISSIONER HANSFORD: Yes.</p> <p>2 A. We have no doubt that the quality of the management team</p> <p>3 in overseeing project management, because even in the</p> <p>4 expert report of which, Professor, you were involved --</p> <p>5 COMMISSIONER HANSFORD: Indeed.</p> <p>6 A. -- you actually complimented MTR in the PIMS and all</p> <p>7 that, if I recall correctly. I don't want to put words</p> <p>8 into your mouth, but I recall that you actually</p> <p>9 complimented MTR.</p> <p>10 So given that we internally never were concerned</p> <p>11 about the quality of the project as such, because we</p> <p>12 believe we have a top-notch professional team to oversee</p> <p>13 the quality, so quality never came into the equation</p> <p>14 per se, except that this time, you know, even what</p> <p>15 happened, CWC is not questioning the quality of the</p> <p>16 management team, but just to be sure, it is not a bad</p> <p>17 idea to also keep an eye on the quality.</p> <p>18 COMMISSIONER HANSFORD: So when you refer to "quality" in</p> <p>19 paragraph 40(d), are you referring to the quality of the</p> <p>20 management team or the quality of the works?</p> <p>21 A. If I remember correctly, we were referring to the</p> <p>22 quality of the work, not the management team. The</p> <p>23 management team is selected by the CEO.</p> <p>24 COMMISSIONER HANSFORD: Indeed.</p> <p>25 A. Okay? And as such, we believe that our CEO will pick</p>	<p>1 So this is just to be safe that we mention about</p> <p>2 quality. The fact that CWC would focus on the quality</p> <p>3 doesn't mean that we see there is a big issue in the</p> <p>4 system; okay? But we want to make absolutely sure that</p> <p>5 this sort of issue does not arise in the future.</p> <p>6 CHAIRMAN: Can you tell me just -- the work of the CWC, has</p> <p>7 it been effective, in your mind, and is it important?</p> <p>8 A. It is a very important committee of the board, and as</p> <p>9 you can see, Chairman, in the composition of the CWC, we</p> <p>10 have some very experienced engineers on the committee,</p> <p>11 including a permanent secretary from the government, who</p> <p>12 is an engineer himself. Dr Allan Wong is a very</p> <p>13 successful industrialist and engineer by background, and</p> <p>14 James Kwan is also a very experienced engineer, having</p> <p>15 worked for Towngas for a long time. So we have a group</p> <p>16 of very experienced engineers, experienced entrepreneurs</p> <p>17 and industrialists on the committee, and they take their</p> <p>18 job seriously, and I believe that they are effective,</p> <p>19 but given this incident there are always room for</p> <p>20 improvement. I am not saying that MTR is flawless in</p> <p>21 absolutely everything. Absolutely not. There are room</p> <p>22 for improvement, in communication, in project management</p> <p>23 and so forth.</p> <p>24 So that is why we hired this consultant to help CWC</p> <p>25 to look into the procedures. We learn from painful</p>

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<p>1 lessons like this, to be honest. Even as non-executive 2 chairman I learn a lot more from this whole episode than 3 what I would have known if this doesn't happen. 4 But I think, you know, we need to move forward, we 5 need to learn from our painful lessons, because we are 6 here to serve Hong Kong for the next 40 years, 7 400 years, so we need to do better and better for the 8 community. I truly believe that MTR is a great 9 organisation, but there are always room for improvement, 10 sir. 11 CHAIRMAN: Thank you very much. 12 COMMISSIONER HANSFORD: Thank you. 13 MR BOULDING: Thank you very much indeed, Professor. 14 CHAIRMAN: Thank you, Professor, for coming today. 15 WITNESS: Thank you, Chairman. Thank you, Professor. Thank 16 you for having me. 17 MR BOULDING: Commissioners, that concludes MTR's factual 18 evidence. 19 CHAIRMAN: Shall we have the morning adjournment, 20 15 minutes, or do you wish to -- 21 MR PENNICOTT: No, I think this is an opportune moment. 22 CHAIRMAN: Good. Thank you. 23 (11.23 am) 24 (A short adjournment) 25 (11.43 am)</p>	<p>1 A. That's correct. 2 Q. In those roles, you have prepared one witness statement, 3 which is in bundle J1/8, which we might have on the 4 screen in front of us, and that begins at page J56. Do 5 you see that witness statement, Mr Blackwood? 6 A. That's my witness statement. 7 Q. If you turn to, please, page J77 of that witness 8 statement, you will see a signature that appears there. 9 Is that your signature, Mr Blackwood? 10 A. That is my signature. 11 Q. Now, attached to your witness statement, as you may 12 recall, there were a number of attachments. If I can 13 just take you to a number of those. I think they were 14 JB-1 to JB-12 inclusive; do you recall that? 15 A. Yes. 16 Q. If you turn to JB-1, I think you'll see that that 17 appears at page J80, and that is your CV? 18 A. That is my CV. 19 Q. If you then turn to page J83, this is the beginning of 20 your attachment JB-2; is that correct? 21 A. Yes. 22 Q. It is here that we see described, amongst other things, 23 your roles and responsibilities as project director of 24 team A? 25 A. That's correct.</p>
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<p>1 MR CONNOR: Good morning, sir. Good morning, Professor. 2 We have the first witness now on behalf of Atkins 3 China Ltd, who is Mr John Blackwood, who is sitting in 4 the witness chair. 5 MR JOHN BLACKWOOD (affirmed) 6 Examination-in-chief by MR CONNOR 7 Q. Thank you very much. Good morning, Mr Blackwood. 8 A. Good morning. 9 Q. Your full name is John Blackwood? 10 A. That's correct. 11 Q. And you are, as far as this Commission of Inquiry is 12 concerned, giving evidence in terms of your three roles: 13 you're a director of Atkins China Ltd? 14 A. Yes, that's correct. 15 Q. You're the director of transport for Atkins China Ltd? 16 A. That's also correct. 17 Q. And you are project director in respect of two contracts 18 with respect to the project under consideration in this 19 Commission of Inquiry; correct? 20 A. That's correct. 21 Q. One of those is the consultancy agreement, known as 22 C1106, for detailed design with MTRC? 23 A. Yes. 24 Q. Thank you. The second is the consultancy agreement for 25 temporary works contract 1112 with Leighton?</p>	<p>1 Q. And by "team A" we understand the contract with which 2 Atkins had with MTRC? 3 A. Yes. 4 Q. Thank you. If you turn to page J85, we see there, 5 again, amongst other things, a description of your roles 6 and responsibilities as project director of team B? 7 A. Correct. 8 Q. Again, by "team B", we understand the contract which 9 Atkins China has with Leighton? 10 A. Yes. 11 Q. For the sake of completeness, if you would be good 12 enough to have before you what is JB-3, which is 13 page J87. That is an organisation sheet which I think 14 explains the position of various personnel within Atkins 15 China, and in particular I think we see you to the 16 left-hand side of that organisation chart. Just below 17 Mr Samson Sin as managing director, we see you as 18 transport director? 19 A. That's correct. 20 COMMISSIONER HANSFORD: Sorry, EDPM -- what is EDPM? 21 A. Engineering design project management. It's a part of 22 the Atkins Group. I shouldn't say it's part of the 23 Atkins Group; it's where Atkins sit within the 24 SNC-Lavalin group of companies. We are under EDPM and 25 we are part of the whole global EDPM business,</p>

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<p>1 basically.</p> <p>2 COMMISSIONER HANSFORD: Thank you.</p> <p>3 MR CONNOR: Thank you, Professor.</p> <p>4 Again, turning to what is JB-4 in your statement at</p> <p>5 page J88, we see then the organisation chart for the</p> <p>6 transport division within Atkins; is that so?</p> <p>7 A. Yes.</p> <p>8 Q. And we see you as director of transport, based in</p> <p>9 Hong Kong, and your three colleagues who report to you?</p> <p>10 A. Correct.</p> <p>11 Q. Then finally in detail on this sort of matter, you see</p> <p>12 at what is JB-5 to your statement, which starts at J89,</p> <p>13 the first of three figures, beginning with figure 2,</p> <p>14 which is an organisation chart in respect of team A,</p> <p>15 working with MTR; is that so?</p> <p>16 A. Yes.</p> <p>17 Q. Do we see you at very much the top of that page as</p> <p>18 project director?</p> <p>19 A. That's correct.</p> <p>20 Q. Thank you. Just for the record, I think that is</p> <p>21 an organisation chart dated as at October 2015; is that</p> <p>22 so?</p> <p>23 A. Yes.</p> <p>24 Q. Thank you. But you are still in that role today?</p> <p>25 A. Yes.</p>	<p>1 There we see a copy of a presentation, that is</p> <p>2 a PowerPoint presentation, with notes sections</p> <p>3 completed, which run from that page, again just for the</p> <p>4 purposes of the record, to page J3343; do you see that?</p> <p>5 A. I do.</p> <p>6 Q. This is a presentation which was made by Atkins to the</p> <p>7 Buildings Department on or about 12 July of this year?</p> <p>8 A. Correct.</p> <p>9 Q. This was a presentation, which I think the notes section</p> <p>10 narrates, which was primarily to a Prof Nethercot?</p> <p>11 A. Yes.</p> <p>12 Q. Can you just inform the Commission as to what the</p> <p>13 purpose was of that presentation, as you understand it,</p> <p>14 and what your role was in that?</p> <p>15 A. I was -- we were requested by MTRC to give</p> <p>16 a presentation to Prof Nethercot, who was advising BD,</p> <p>17 and to representatives of BD, on the fundamental design</p> <p>18 principles and approach adopted for the design of the</p> <p>19 underground element of Hung Hom Station, with a focus on</p> <p>20 the EWL slab/D-wall connection, which was obviously</p> <p>21 a major issue at that time, and still is.</p> <p>22 MR CONNOR: Thank you. It's possible that others may ask</p> <p>23 you about this in the course of the next while, but it's</p> <p>24 not, sir and professor, my intention to ask anything</p> <p>25 further of this, but I do know that we will come back in</p>
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<p>1 Q. Thank you.</p> <p>2 Then turning to the next figure, which is at J90,</p> <p>3 this is an organisation chart in respect of team B; is</p> <p>4 that so?</p> <p>5 A. Correct.</p> <p>6 Q. This is correct as at November 2014?</p> <p>7 A. Yes.</p> <p>8 Q. And that shows you as project director in the top</p> <p>9 right-hand corner of the organisation chart?</p> <p>10 A. Correct.</p> <p>11 Q. Finally, for completeness, at J91, at figure 4, this is</p> <p>12 the same organisation chart for team B, as at October</p> <p>13 2015?</p> <p>14 A. Yes.</p> <p>15 Q. Again, your position similarly noted in the top</p> <p>16 right-hand corner as project director?</p> <p>17 A. Yes.</p> <p>18 Q. Thank you. Now, I think as you have said, the evidence</p> <p>19 that you have provided in your witness statement has</p> <p>20 some 12 attachments to it, which you will be pleased to</p> <p>21 hear it's not my attention to take you through entirely,</p> <p>22 but I might just take you to one, because it will be of</p> <p>23 significance to the Commission as matters progress, and</p> <p>24 that is to JB-12 which is at page J3323. I think, for</p> <p>25 the record, that's probably bundle J5.</p>	<p>1 more detail to this presentation when we come to the</p> <p>2 second witness, Mr Wilson Sung, but it's important that</p> <p>3 Mr Blackwood introduces it at this stage.</p> <p>4 CHAIRMAN: Yes, certainly.</p> <p>5 MR CONNOR: Thank you. I have nothing further to ask you in</p> <p>6 relation to that presentation at this stage,</p> <p>7 Mr Blackwood.</p> <p>8 Finally, just in terms of the evidence that you have</p> <p>9 presented already to the Commission -- you've told us</p> <p>10 about your statement and you've told us about the</p> <p>11 12 attachments to it, which run between JB-1 and JB-12,</p> <p>12 which for the record are between pages J80 and J3343.</p> <p>13 I think also, as you know, in the course of the last</p> <p>14 few weeks, there have been some questions asked by</p> <p>15 Prof McQuillan on behalf of the Commission; is that so?</p> <p>16 A. There have been, yes.</p> <p>17 Q. And you have been the organiser of the responses to</p> <p>18 those enquiries made by Prof McQuillan?</p> <p>19 A. The responses have been channelled through me back to</p> <p>20 the Commission.</p> <p>21 Q. Thank you. Again, for the record, but I don't intend to</p> <p>22 take you there in any detail at all, those responses</p> <p>23 appear in bundle J6.</p> <p>24 So just a very short but important question,</p> <p>25 Mr Blackwood: would you please confirm to the Commission</p>

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<p>1 that the evidence that we have seen in your witness 2 statement, together with the attachments that we've 3 referred to, consist of your evidence to this 4 Commission, and that you so present it to the 5 Commission? 6 A. I do. 7 Q. Thank you. Do you confirm that, to the best of your 8 knowledge and belief, it's true? 9 A. To the best of my knowledge and belief, it's true. 10 MR CONNOR: Thank you very much. Now, you have been to 11 earlier days of the Commission so you appreciate the 12 format and procedure that we have here. Mr Pennicott, 13 who's directly in front of me, may have some questions 14 for you. Other counsel in the room may also have some 15 questions for you. Most importantly, the Chairman and 16 the professor may have questions for you at any stage in 17 matters and, if need be, I may have some closing 18 questions. 19 With that, thank you, Mr Blackwood. Please remain 20 there and I'll pass to Mr Pennicott. 21 Examination by MR PENNICOTT 22 MR PENNICOTT: Good morning, Mr Blackwood. 23 A. Good morning. 24 Q. As I think Mr Connor has indicated, I think you're 25 familiar with the way it works.</p>	<p>1 Q. -- he left in April 2016? 2 A. That's correct. 3 Q. And there were other members of the Atkins team that 4 were in both team A and team B? 5 A. There were one or two, yes. 6 Q. There's one we've spotted, Edward Tse, T-S-E? 7 A. Yes. 8 Q. He was in both. 9 Could I ask you, please, on this topic, to be shown 10 a couple of paragraphs from the witness statement of 11 Mr Buckland of Leighton. First of all, can we look at 12 bundle C27/20804, and could we look at the footnote at 13 the bottom, please. 14 What Mr Buckland says, in footnote 3 there -- he 15 says: 16 "Typically, the same group of people at Atkins acted 17 as MTRCL's DDC and also for Leighton." 18 Then could we also look at C32/24023, at 19 paragraph 14. This is also Mr Buckland's further 20 statement. He says: 21 "While MTRC may have initially intended there to be 22 some separation between the two Atkins' teams, MTRC knew 23 that there was no real separation and accepted this 24 position. Indeed, MTR actively encouraged the same 25 people at Atkins to [complete] the work for MTR's DDC</p>
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<p>1 A. Yes. 2 Q. Can I first of all, however, thank you for coming along 3 to give evidence to the Commission this morning, and 4 also thank you for the assistance and cooperation that 5 you've given in dealing with the queries of the 6 Commission's expert. 7 A. Okay. 8 Q. Thank you for that. 9 Now, as we've just seen with Mr Connor, you were the 10 project director of both Atkins team A and team B? 11 A. Yes, and still am. 12 Q. Yes, and still are, yes. I know we'll be hearing from 13 him on Monday next week, but, as I understand it, 14 Mr McCrae was, at the times we are concerned with in 15 this Commission -- 2014, 2015, going into 2016 -- 16 Mr McCrae was the project manager of Atkins team B and 17 the design team leader of Atkins team A? 18 A. That's correct. 19 Q. So essentially the two most senior positions in those 20 teams were you and Mr McCrae, and you were in both 21 teams? 22 A. That's correct. 23 Q. As I understand, Mr McCrae left in April -- well, left 24 Hong Kong; I think he's still with Atkins in London -- 25 A. Yes.</p>	<p>1 and Leighton. It follows ..." 2 Let's pause there. 3 Do you agree with what Mr Buckland says in that 4 footnote and that paragraph that I've just shown you, 5 Mr Blackwood? 6 A. No, I don't agree with that. I think it's a bit of 7 a generalisation that it was the same people in the same 8 teams. I highlight in particular Mr David Wilson, who 9 was the structural team leader and the design 10 coordinator for team B, who was totally dedicated to 11 team B and the primary point of contact with team B. 12 Q. Right. 13 A. I think there was an understanding the teams would 14 communicate and that was encouraged, but that was where 15 basically the intent was. 16 Q. So your intent and objective was to try to keep them as 17 separate as you could, given the situation? 18 A. Given -- there were a lot of pressures came on, it did 19 get a bit blurred at certain times, but that's where the 20 process that I've highlighted in my statement was 21 important, that we stuck to the process, basically. 22 Q. Right. Did you ever, during the course of carrying out 23 the works on behalf of MTR on the one hand and Leighton 24 on the other -- did you ever receive any complaints or 25 observations about the lack of separation between the</p>

<p style="text-align: right;">Page 61</p> <p>1 teams?</p> <p>2 A. I think certainly there were -- nothing really from</p> <p>3 Leighton, to be honest, I don't think. I don't think</p> <p>4 I can recall anything in that regard. I think the</p> <p>5 design management team from MTRC were aware of trying to</p> <p>6 make sure that the teams stay separate as far as</p> <p>7 possible and they were very strict in keeping control of</p> <p>8 the working drawings and particular changes to the</p> <p>9 working drawings which were the main way of controlling</p> <p>10 the information that was built.</p> <p>11 Q. Was there any specific complaint, I think that's really</p> <p>12 what I'm driving at?</p> <p>13 A. I honestly can't recall anything specifically on that</p> <p>14 issue.</p> <p>15 Q. Okay. I think one of the reasons, one of the</p> <p>16 explanations that both you and Mr McCrae have explained,</p> <p>17 perhaps the necessity for close -- closer, perhaps,</p> <p>18 closer cooperation than was anticipated at the outset</p> <p>19 was the substantial expansion of team B's work; would</p> <p>20 that be right?</p> <p>21 A. Both the expansion and also the nature of the work they</p> <p>22 were required to carry out changed.</p> <p>23 Q. In what way was the nature of the work changed?</p> <p>24 I understand the scope.</p> <p>25 A. I think when we started out, primarily it was temporary</p>	<p style="text-align: right;">Page 63</p> <p>1 the submissions came in they would still have to be</p> <p>2 reviewed to make sure they were satisfactory, and that</p> <p>3 their guidance or whatever had been given had been</p> <p>4 interpreted correctly.</p> <p>5 Q. In the witness statement of Andy Leung from the MTR, he</p> <p>6 said that he insisted upon separation all along, from</p> <p>7 the outset of when Atkins team A and team B were, as it</p> <p>8 were, engaged. We've seen what Mr Buckland says, and</p> <p>9 perhaps the truth, the reality, lies somewhere in</p> <p>10 between?</p> <p>11 A. Clearly, the way it was set up, the project team should</p> <p>12 have some visibility in who was talking to who, who was</p> <p>13 communicating with who in terms of the email exchanges</p> <p>14 and the like. So I think it would be a bit of a stretch</p> <p>15 to say there was no -- a complete separation and no</p> <p>16 discussion. I think it was actively encouraged by MTRC</p> <p>17 because it gave a benefit of hindsight -- not hindsight,</p> <p>18 the knowledge that team A had, to try to improve the</p> <p>19 efficiency of how team B worked, and we got submissions</p> <p>20 submitted on time.</p> <p>21 Q. Had Atkins and you personally been involved in any sort</p> <p>22 of similar situation before, Mr Blackwood?</p> <p>23 A. To be honest, I can't recollect myself. It's not</p> <p>24 an atypical -- it's not a normal situation. And</p> <p>25 generally you would try to stay clear of that, if you</p>
<p style="text-align: right;">Page 62</p> <p>1 works design, but I think as the project evolved, then</p> <p>2 it became a little bit more complex. There was probably</p> <p>3 a greater interface on the permanent works or impact on</p> <p>4 the permanent works and therefore a greater involvement</p> <p>5 of team A in supporting.</p> <p>6 Q. Yes. Of course, part of the original intent, as</p> <p>7 I understand it, was that, in relation to certain works,</p> <p>8 team B's work would be reviewed and perhaps commented</p> <p>9 upon by team A; is that right?</p> <p>10 A. They would, yes.</p> <p>11 Q. Did that really happen? I mean, was the separation</p> <p>12 significant enough to allow that to happen?</p> <p>13 A. I think, yes, there were certainly occasions where</p> <p>14 team A were not necessarily approving what team B may</p> <p>15 have put forward.</p> <p>16 Q. So you take the view, do you, that there was, as it</p> <p>17 were, sufficient separation and independence between the</p> <p>18 two teams to allow team A to take a sufficiently</p> <p>19 independent view about what team B were doing?</p> <p>20 A. They could -- there were obviously discussions in</p> <p>21 principle, et cetera, between team A and team B. The</p> <p>22 idea was to try to get the submissions prepared as</p> <p>23 efficiently as possible and as quickly as possible. So</p> <p>24 team A would be consulted on the principle, so it would</p> <p>25 be hoped that the general principles would be -- so when</p>	<p style="text-align: right;">Page 64</p> <p>1 can. But in this particular case it was a request that</p> <p>2 Leighton wanted to employ us because of our specific</p> <p>3 knowledge, and I believe that MTRC understood why they</p> <p>4 were employing team B because of that knowledge, so</p> <p>5 therefore there was an element of that prior knowledge</p> <p>6 being built into what Leighton were doing through</p> <p>7 team B.</p> <p>8 Q. Just so far as you personally are concerned, you've got</p> <p>9 team A engaged by MTRC.</p> <p>10 A. Yes.</p> <p>11 Q. And then, when team B were taken on by Leighton in</p> <p>12 2013 -- I mean, was it your mindset, your thought</p> <p>13 process, that "I must try, as the project director, to</p> <p>14 keep these two teams as separate as possible"? At the</p> <p>15 outset, I mean -- I know things moved on -- but at the</p> <p>16 outset was that the objective?</p> <p>17 A. I think there was an understanding that we should keep</p> <p>18 the teams as separate as we could do, yes, and we still</p> <p>19 do. It's not something we started and then stopped.</p> <p>20 Q. As I say, it seems, from what I've understood, that</p> <p>21 because of what -- the matter we've just mentioned, the</p> <p>22 expansion and the nature of the work, there seems to</p> <p>23 have been, as it were, perhaps less separation than what</p> <p>24 was anticipated at the outset?</p> <p>25 A. I would agree with that.</p>



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<p>1 COMMISSIONER HANSFORD: Mr Blackwood, I'm struggling with 2 this a little bit, because I hear your explanations and 3 I can see all the sense in what you're saying, but then 4 if you go to paragraph 16 of your witness statement and 5 the first sentence, I can't reconcile it with what 6 you've just said to us. My reading of -- well, I think 7 everybody's reading of the first sentence is -- "there 8 was a need throughout to keep both team A and team B 9 independent with no conflicts of interest". How do you 10 reconcile that with what you've just told us? I don't 11 understand.</p> <p>12 A. I think, as I said, that was the intent when we started, 13 Professor, but I think as I go on to explain in the 14 following -- subsequent part of my submission, I think 15 it was paragraph 26, that the circumstances placed 16 increased pressure on trying to maintain that 17 separation. I think people tried to do it but we also 18 tried to ensure that the decisions we made were the 19 right decisions for the project, and we tried to avoid 20 conflicts where we could, and still do. If we find 21 something where we see a genuine conflict of interest 22 between what Leighton may be wanting, then we will not 23 do it.</p> <p>24 COMMISSIONER HANSFORD: Thank you. So the sentence is 25 really related to avoiding conflicts of interest rather</p>	<p>1 the work is still going on -- but do you regard it as 2 an entirely satisfactory position? Could things have 3 been set up somewhat better?</p> <p>4 A. I still don't have a huge problem with myself being 5 project director on both, or even necessarily Mr McCrae 6 being project manager and design team leader, because of 7 who we -- I certainly know Rob McCrae and how he would 8 behave. He would behave in the right manner, 9 essentially. So I trust his judgment on these issues. 10 We have technical people who are producing technical 11 solutions and we try to maintain that as separate as we 12 could, so essentially the technical product was produced 13 by independent teams as far as possible.</p> <p>14 COMMISSIONER HANSFORD: I'm not questioning whether there 15 was actually any conflict of interest, but in my 16 experience, it's the perception of conflict of interest 17 which is the biggest issue. I've been in the situation 18 you're talking about and I know how important it is to 19 not only have no conflict of interest but actually 20 ensure there's no perception of conflict of interest. 21 That doesn't appear to be the case here, but that's just 22 observation.</p> <p>23 A. I would say that given that we're having this 24 conversation, clearly there was a perception that it 25 might cause a problem, and therefore, in retrospect, it</p>
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<p>1 than keeping the teams independent, because -- it's the 2 word "throughout" that I'm struggling with. If it said 3 there was a need at the outset to keep them independent, 4 I think I'd understand it, but you say there was a need 5 throughout to keep them --</p> <p>6 A. It's maybe just the way I've explained it. There was 7 certainly a need or a desire to maintain the separation 8 throughout. What I'm trying to explain is that there 9 was still an intent to avoid conflicts, to make 10 decisions for the benefit of the project, so if there 11 was a decision to be made it was made based on quality, 12 safety and the like.</p> <p>13 The reason that there might have been greater 14 overlap that we might have hoped for or anticipated at 15 the start of the project was really more for efficiency, 16 to try to get submissions prepared and submitted as 17 quickly as possible, but again without compromising the 18 quality or the safety of what we were producing.</p> <p>19 COMMISSIONER HANSFORD: I don't really want to labour the 20 point, but then I read that Robert McCrae was design 21 team leader for team A and project manager for team B. 22 I will take your answer and probably stop at that point, 23 but it just seemed slightly odd to me.</p> <p>24 A. I understand.</p> <p>25 MR PENNICOTT: Looking back on it, Mr Blackwood -- I know</p>	<p>1 probably would have been better to have totally separate 2 people.</p> <p>3 COMMISSIONER HANSFORD: Right. I'll leave it there. Thank 4 you.</p> <p>5 MR PENNICOTT: But having said that -- slightly in your 6 defensive, if I may say so, Mr Blackwood -- you had 7 a situation where MTRC have taken you on first, Leighton 8 wished to engage you, which they did, and MTRC didn't 9 put up a fight about that. The only imposition by MTR 10 was to try to keep the teams separate.</p> <p>11 A. Correct.</p> <p>12 Q. All right. Could we turn to the changes, we've known 13 the first and the second change.</p> <p>14 A. Yes.</p> <p>15 Q. I appreciate that you say you didn't have day-to-day 16 direct involvement in the project.</p> <p>17 A. That's correct.</p> <p>18 Q. And so far as the second change is concerned, that is 19 the change to the detail of the top of the east 20 diaphragm wall, did you have, yourself personally, 21 contemporaneous knowledge of that change, when it 22 happened?</p> <p>23 A. No.</p> <p>24 Q. We know that various reports were prepared by Leighton, 25 both team A -- sorry, team B and team A, and submitted</p>

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<p>1 to Leighton from time to time. What, if anything, was 2 your involvement in those reports? 3 A. At the time, I wasn't involved in those reports, or 4 producing or reviewing them. 5 Q. Okay. We know that allied to those reports are quite 6 a lot of emails by way of explanation and how the 7 reports were to be prepared, what should be put in and 8 what should be left out, and so forth. Again, did you 9 have any involvement in those email exchanges? 10 A. No, I wasn't copied in on those emails. 11 Q. Would it be right -- I'm not trying to in any sense 12 diminish your role, Mr Blackwood -- but would it be 13 right that it's really Mr McCrae that I should be 14 discussing the detail of the reports, which I will get 15 the opportunity to do next week? 16 A. Yes. Well, Rob would be more familiar with the detail 17 in the reports, because he would be signing them off for 18 issue. I have read them, obviously, read parts of them, 19 but relevant to the change, in the preparation of this 20 witness statement. 21 Q. Yes. The thing is I don't want to, as it were, waste 22 everybody's time by going through it all with you and 23 then going through it with Mr McCrae. If Mr McCrae, as 24 I understand it, looking at the emails, looking at -- as 25 you quite rightly say, his name appears on the front</p>	<p>1 what's recorded in the email exchanges of that time, in 2 late May, when a decision was made to actually not 3 include them in 4B2 and not formally submit 4B2. 4 Q. But you don't know why there were changes? 5 A. I don't know why. And I can't add anything more than 6 what's in the email exchanges. 7 Q. Okay. Good. So that's that one out of the way. 8 There were, in those reports and in the emails, as 9 we know, we've seen, mention of how the concrete at the 10 top of the east diaphragm wall, following the change of 11 detail, should be poured, and we've got "at the same 12 time", "concurrently", "monolithically". Again, is that 13 something you were involved with at the time or is that 14 something you've only reviewed for the purposes of 15 giving evidence to the Commission? 16 A. I've only reviewed it for the purposes of giving 17 evidence. 18 Q. So again it's more likely that Mr McCrae, involved with 19 the reports at the time and the emails at the time, may 20 be able to shed some light on that for us rather than 21 yourself? 22 A. Without discussing it with him, I can't really answer 23 for him in that regard, but it's probably more likely. 24 Q. And also we know that Mr WC Lee wrote one of the key 25 emails --</p>
<p>Page 70</p> <p>1 sheet as the approver of the reports, although I have 2 noted what he said in a corrigendum to his statement 3 recently -- 4 A. Yes. 5 Q. -- if he's the better person to look at the detail with 6 then that's what I'll do. Is that what you think the 7 position is, that he's the man who's likely to know the 8 detail? 9 A. It depends on the nature of the questions that you're 10 asking. I produced the witness statement that I had 11 that was reflecting the Atkins position, based on 12 discussions with various people and review of the 13 reports, but it's entirely your decision as 14 the Commission to whom you ask questions. 15 Q. Let me just pose an example to you. We know that there 16 was a report, 4B2 and 4B3. 17 A. Yes. 18 Q. Temporary works design reports. And we know that in the 19 second of those reports, the famous figure 1.4 and the 20 famous paragraph 1.35 -- 21 A. Yes. 22 Q. -- were omitted from the second report, having appeared 23 in the first report. Would you know why they were 24 omitted or would somebody else -- would Mr McCrae know? 25 A. I'm not sure even Rob would know the details, other than</p>	<p>Page 72</p> <p>1 A. Yes. 2 Q. -- and we'll obviously get the opportunity to discuss 3 that email with him at some point. 4 Good. All right. In the light of that, can I just 5 have one moment to see where we might get to. 6 Mr Blackwood, have you had any reason to consider in 7 detail PNAP 68? 8 A. No. 9 Q. Mr Blackwood, I think I'm right in suggesting that when 10 DAMS, as we know it, DAMS 310 was issued in August 11 2015 -- again, no contemporary knowledge of that issue 12 either? 13 A. I wasn't involved in that. 14 Q. You weren't involved in that either? All right. 15 Can I then just ask you a few questions about the 16 updating of working drawings and as-built drawings. In 17 terms of producing working drawings, that would be the 18 responsibility of Atkins team B -- team A? 19 A. Team A. 20 Q. And would Atkins team B have any involvement in the 21 production of working drawings? 22 A. They shouldn't have an involvement in the production of 23 them. They may have helped produce drawings for 24 Leighton to submit to reflect what they wanted to have 25 as a change incorporated into the permanent design, and</p>

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<p>1 once that was accepted by MTRC and necessarily approved</p> <p>2 by BD, it would go on the working drawings would be my</p> <p>3 understanding.</p> <p>4 Q. That's the general position. In terms of more specific,</p> <p>5 again, with regard to the second change, which I'm not</p> <p>6 looking at --</p> <p>7 A. Yes.</p> <p>8 Q. -- with you in detail, that was essentially</p> <p>9 a contractor's generated design detail change. Who</p> <p>10 would bear responsibility for producing the working</p> <p>11 drawings in that situation?</p> <p>12 A. For the second one, I question whether anybody generated</p> <p>13 that one, to be honest. I don't think either team B or</p> <p>14 team A generated that.</p> <p>15 Q. Well, no. What happened was -- let's just assume, let's</p> <p>16 make a couple of assumptions.</p> <p>17 A. Okay.</p> <p>18 Q. We've heard from the MTRC and Leighton witnesses that</p> <p>19 that change was brought about by discussions by the</p> <p>20 construction management team on behalf of MTR and the</p> <p>21 construction management team of Leighton.</p> <p>22 A. Yes.</p> <p>23 Q. And so let's assume that that's how it came about.</p> <p>24 A. Okay. Yes.</p> <p>25 Q. What role, if any, do you believe Atkins should then</p>	<p>1 issued saying, "This is what you should be building</p> <p>2 on site."</p> <p>3 I think the key thing is when they are working</p> <p>4 on site, they should have a record of what they're</p> <p>5 actually building, and have drawings showing what they</p> <p>6 should be building too. And we would have -- team A</p> <p>7 might have a role in that DAmS issue and the</p> <p>8 amendment -- any changes to the working drawings in that</p> <p>9 process. But as I say, my understanding, that's</p> <p>10 hypothetical just now.</p> <p>11 Q. Okay. But assuming this consensus/agreement between MTR</p> <p>12 and Leighton to have this change of detail at the top of</p> <p>13 the east diaphragm wall, for Atkins --</p> <p>14 A. Can I just understand, that's a consensus between the</p> <p>15 construction teams?</p> <p>16 Q. That's my understanding.</p> <p>17 A. But you're not saying it's a consensus between the</p> <p>18 design team --</p> <p>19 Q. I'm not.</p> <p>20 A. -- and everybody? Because I think you've got to be</p> <p>21 quite distinct on that.</p> <p>22 Q. And I thought I was.</p> <p>23 A. Okay. I was just trying to clarify it.</p> <p>24 Q. Absolutely. The construction teams, both MTR and</p> <p>25 Leighton, which I think was the premise upon which I put</p>
<p>Page 74</p> <p>1 have played in producing some form of design, working</p> <p>2 drawings or otherwise, given that situation?</p> <p>3 A. What I would have expected in that situation, if the two</p> <p>4 construction teams had agreed they were going to make</p> <p>5 a change -- it would be really in Leighton's court to</p> <p>6 actually initiate that process. They would have to</p> <p>7 either submit a TQ, probably a TQ to team B, "We want to</p> <p>8 change to this arrangement; can you give us supporting</p> <p>9 information necessary to submit it to MTRC formally to</p> <p>10 get agreement to that change?" That TQ, probably under</p> <p>11 a CSF, would go to MTRC construction team, who in turn,</p> <p>12 if they were happy with it, would submit it to the</p> <p>13 design management team, who again, if they were in line</p> <p>14 and happy with it, would engage team A to review and be</p> <p>15 satisfied that it was okay.</p> <p>16 If that change, if it was a minor thing, then maybe</p> <p>17 it would just be issued as a DAmS and picked up in the</p> <p>18 next issue of the working drawings that would go out.</p> <p>19 If it was deemed to be a little bit more significant</p> <p>20 than that, then there may be discussions with BD to</p> <p>21 understand how it should be addressed, whether there</p> <p>22 should be a BD amendment submission -- submission to BD</p> <p>23 to get the amendment agreed. But whatever happens, if</p> <p>24 it's accepted by MTRC, there should be at least a DAmS</p> <p>25 issued, as I think you mentioned 310 before, would be</p>	<p>Page 76</p> <p>1 the situation, now, let's assume that that's the case.</p> <p>2 A. Yes.</p> <p>3 Q. As I understand it, you would say Atkins team B might be</p> <p>4 involved in producing working drawings, but only in the</p> <p>5 circumstances where Leighton had asked them to do so; is</p> <p>6 that right?</p> <p>7 A. Yes.</p> <p>8 Q. Have I got this right: so far as the personnel in Atkins</p> <p>9 team B are concerned, they wouldn't be based on site?</p> <p>10 A. No. They would have to be advised that there was</p> <p>11 a change that the contractor wanted to make. The</p> <p>12 contractor has to indicate he wants to make that change,</p> <p>13 because he has a responsibility to do that. Because the</p> <p>14 contractor -- theoretically it might have been agreed --</p> <p>15 in my understanding, it might have been agreed with the</p> <p>16 construction team, but it would still be an issue that</p> <p>17 would have to be started by the contractor to follow the</p> <p>18 process, we said: Leighton team B, Leighton construction</p> <p>19 management team; design management team, team A, and</p> <p>20 then a decision made and what you do after that, whether</p> <p>21 it's accepted or not.</p> <p>22 Q. Right.</p> <p>23 A. So that's why the process is so important. Everybody</p> <p>24 gets to see what's going on, everybody gets on to the</p> <p>25 same page, and there's nobody left out of the loop,</p>

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<p>1 basically.</p> <p>2 Q. What perhaps appears to have happened -- obviously we've</p> <p>3 not quite got to the end of all the evidence yet -- but</p> <p>4 what appears to have happened is nobody got that ball</p> <p>5 rolling, nobody kicked it towards Atkins team B, and</p> <p>6 therefore the process didn't seen start.</p> <p>7 A. Again, based on the evidence I have seen and read,</p> <p>8 that's my understanding of the situation, or my</p> <p>9 interpretation, I should say, of the situation, that the</p> <p>10 ball never got rolling and it was never picked up</p> <p>11 on site, "Why is that not happening?"</p> <p>12 Q. Yes.</p> <p>13 A. There's a check and a balance. You need Leighton to</p> <p>14 start it but you're also still building it, so you need</p> <p>15 something that says, "What am I building to?"</p> <p>16 Q. Yes. And even more so, I would imagine, you would</p> <p>17 agree, Mr Blackwood, in circumstances where, as we know</p> <p>18 now, the change is not uniform, that we've got certain</p> <p>19 details in certain areas and other details in other</p> <p>20 areas -- even more so that one is keeping tabs on what</p> <p>21 is actually being constructed?</p> <p>22 A. It certainly makes the as-built drawing production</p> <p>23 easier if you've got a set of working drawings that are</p> <p>24 up to date and record most of the changes you have.</p> <p>25 It's a good foundation for the start.</p>	<p>1 When you say a "change to the D-wall", are you</p> <p>2 referring down to the trimming down of the concrete by</p> <p>3 450 millimetres or so?</p> <p>4 A. That's my understanding.</p> <p>5 Q. With your experience in Hong Kong, is that something</p> <p>6 that you take the view that an amendment submission</p> <p>7 ought to have been made before it was instigated or</p> <p>8 implemented?</p> <p>9 A. Let me preface my response by saying I'm not</p> <p>10 a structural engineer and I'm not particularly</p> <p>11 experienced in the ways of the Buildings Department.</p> <p>12 But, with my limited the knowledge, looking at it, it</p> <p>13 seems a fairly minor change to the D-wall and I don't</p> <p>14 think it really affected its structural ability to</p> <p>15 perform its ultimate function.</p> <p>16 But I believe, because of the nature of the work, as</p> <p>17 I understand it from colleagues, you would need</p> <p>18 an amendment submission. The question is whether you</p> <p>19 need to do it before or you can do it in parallel, but</p> <p>20 it was not raised or discussed at that time.</p> <p>21 Q. Okay. And it's not something you feel comfortable about</p> <p>22 taking a view on?</p> <p>23 A. I'm not an expert in that area and it would be wrong to</p> <p>24 give a view on it because it would be misleading, or</p> <p>25 could be misleading.</p>
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<p>1 Q. As I understand, it is really only earlier this year</p> <p>2 that Atkins team B have been asked to participate in the</p> <p>3 putting together of the as-built drawings?</p> <p>4 A. We received an instruction basically from Leighton,</p> <p>5 I think it was 12 June, to assist them with the</p> <p>6 preparation of the as-built -- amendment drawings, as it</p> <p>7 is at this stage.</p> <p>8 Q. Finally from me, can I ask you to go to paragraph 99 of</p> <p>9 your witness statement, please. We are in that part of</p> <p>10 the statement, Mr Blackwood, where you are dealing with</p> <p>11 the second change.</p> <p>12 A. Yes.</p> <p>13 Q. I just want to understand paragraph 99. You say:</p> <p>14 "Typically, the process on site to address such</p> <p>15 changed details would be dealt with by TQ or CSF."</p> <p>16 As you've just mentioned.</p> <p>17 "This could then have been reviewed and assessed and</p> <p>18 a decision taken on whether it was minor and form part</p> <p>19 of the final amendment submission or a separate</p> <p>20 submission had to be made to BD. In either case a DAMS</p> <p>21 or revised working drawing can be issued."</p> <p>22 A point you've also made. Then you say this:</p> <p>23 "The issue in this case is further complicated by</p> <p>24 the change to the D-wall which would require</p> <p>25 an amendment submission."</p>	<p>1 Q. Understood. Right.</p> <p>2 Thank you very much, Mr Blackwood. That's all</p> <p>3 I have for you.</p> <p>4 A. Thank you.</p> <p>5 MR SO: No questions from China Technology.</p> <p>6 Cross-examination by MR CHOW</p> <p>7 MR CHOW: Mr Chairman, there are some questions from the</p> <p>8 government.</p> <p>9 Good afternoon, Mr Blackwood.</p> <p>10 A. Good afternoon.</p> <p>11 Q. My name is Anthony Chow and I represent the government.</p> <p>12 Originally, I only had one or two questions for you</p> <p>13 in relation to one specific issue, and that is whether</p> <p>14 prior consultation with the Buildings Department is</p> <p>15 required to effect the second change. Mr Pennicott has</p> <p>16 covered one of my questions already, so I will just</p> <p>17 concentrate on the next one. The relevant part of your</p> <p>18 evidence is in paragraph 98.</p> <p>19 Mr Pennicott has taken you to paragraph 99, but</p> <p>20 before that, in paragraph 98, you also express a view on</p> <p>21 whether the change was a substantial change.</p> <p>22 The way I see how you arrange the contents into two</p> <p>23 separate paragraphs, am I right to say that in</p> <p>24 paragraph 98, when you talk about "not a substantial</p> <p>25 change", you were only talking about the fact of</p>

<p style="text-align: right;">Page 81</p> <p>1 replacing the couplers with straight bars; right?</p> <p>2 A. I think I was really referring to, essentially, the</p> <p>3 change from the coupler arrangement to the straight</p> <p>4 through-bars, and the consequences of that. It</p> <p>5 performed a similar design intent, and on its own was</p> <p>6 not, I believe, a significant change.</p> <p>7 Q. I see. So paragraph 98 only refers to part of the</p> <p>8 second change which involved replacement of couplers</p> <p>9 with through-bars.</p> <p>10 Now, subparagraph 98.4, when you say, "It need not</p> <p>11 necessarily be submitted to BD, but this would be</p> <p>12 a decision for the competent person ('CP') to make" --</p> <p>13 now, this is the part I am not entirely clear as to what</p> <p>14 you mean. Do you mean that for changes like replacing</p> <p>15 the couplers with straight bars, because the nature is</p> <p>16 not substantial, then the BD would give the final say to</p> <p>17 the competent person as to whether prior consultation</p> <p>18 would be required? Is that what you are trying to say?</p> <p>19 A. Sorry, I'm not too clear on your question there.</p> <p>20 I think what I was trying to suggest there was that,</p> <p>21 in its own way, it's not a major change. It's a fairly</p> <p>22 minor change; the design intent is not changed. The</p> <p>23 scale might be quite significant, because of the extent</p> <p>24 on the project, but it's the sort of thing, if it was</p> <p>25 raised, then you would review the proposal and you would</p>	<p style="text-align: right;">Page 83</p> <p>1 and gone forward with the revised detail.</p> <p>2 Q. Okay. Thank you very much, Mr Blackwood.</p> <p>3 A. We seemed to depart at some point.</p> <p>4 MR CHOW: I have no more questions for you.</p> <p>5 Mr Chairman, I have no more questions.</p> <p>6 CHAIRMAN: Thank you.</p> <p>7 MR BOULDING: Nothing from MTR.</p> <p>8 CHAIRMAN: Thank you.</p> <p>9 MR SHIEH: Nothing from Leighton.</p> <p>10 CHAIRMAN: Thank you.</p> <p>11 Re-examination by MR CONNOR</p> <p>12 MR CONNOR: Just very briefly then, if there are no other</p> <p>13 questions for Mr Blackwood.</p> <p>14 Mr Blackwood, thank you very much. Particularly</p> <p>15 returning to the questions from the professor and in the</p> <p>16 light of all of the review of documents that you've</p> <p>17 carried out for the purposes of your statement to the</p> <p>18 Commission and in preparation for today, I think you've</p> <p>19 said quite fairly that the intent at the outset in</p> <p>20 relation to complete separation of team A and team B did</p> <p>21 become, as you put it, a little bit blurred because of</p> <p>22 the circumstances which Mr Pennicott described to you.</p> <p>23 A. Yes, that's correct.</p> <p>24 Q. But I think from your evidence you distinguish that from</p> <p>25 the idea of conflict of interest, which, I think your</p>
<p style="text-align: right;">Page 82</p> <p>1 obviously have a discussion between MTRC design</p> <p>2 management and, if necessary, consult the competent</p> <p>3 person to find out whether that should be made as</p> <p>4 a submission to BD.</p> <p>5 Does that answer your question? I'm not sure if</p> <p>6 I interpreted it correctly.</p> <p>7 Q. Right. So, in other words, for changes of this nature,</p> <p>8 you express no view as to whether such change would</p> <p>9 require prior consultation or acceptance by BD before</p> <p>10 effecting the change; is that --</p> <p>11 A. I think -- to follow on from the response I gave earlier</p> <p>12 on the process, hypothetically, if it had come through</p> <p>13 the process, I think it would have gone to design</p> <p>14 management team, it would have gone to team A, and there</p> <p>15 would have been some discussion, "What do we do with it?"</p> <p>16 Is it a significant enough change that we need to</p> <p>17 consult with BD? Do we have to make a submission to</p> <p>18 BD?"</p> <p>19 I think you should recognise that in parallel with</p> <p>20 what was actually happening on site, we had gone</p> <p>21 a different way. We were making submissions to BD based</p> <p>22 on a different detail, and clearly that's not a nice</p> <p>23 position to be in. So I don't know -- I would have</p> <p>24 thought that if we had that information at that time, we</p> <p>25 would have been consulting and speaking to BD about it</p>	<p style="text-align: right;">Page 84</p> <p>1 evidence is, did not become blurred?</p> <p>2 A. No, I don't believe that happened.</p> <p>3 Q. Prior to the question being raised of you in relation to</p> <p>4 the Commission of Inquiry, has it ever been suggested to</p> <p>5 you that such a conflict of interest existed?</p> <p>6 A. I'm not aware of any suggestion there.</p> <p>7 Q. And as far as the process is concerned that you</p> <p>8 described to the Commissioners, that is really</p> <p>9 a safeguard for the purposes of ensuring that conflict</p> <p>10 is avoided?</p> <p>11 A. It's one of the safeguards or the safety nets that you</p> <p>12 have, that team B reported to the design management team</p> <p>13 in Leighton and team A reported to the design management</p> <p>14 team in MTRC. They are both experienced and well aware</p> <p>15 of what we were doing, basically, and therefore could</p> <p>16 take a view if they saw anything that they thought was</p> <p>17 unfair or was in conflict with their interests. As</p> <p>18 I say, I don't think that was an issue.</p> <p>19 Q. And having reviewed all of the papers that you have done</p> <p>20 for the purposes of the Commission of Inquiry, are you</p> <p>21 satisfied, largely, that the process intent has been</p> <p>22 met?</p> <p>23 A. I think in the main it has, and I think if you listen to</p> <p>24 the evidence that's been given by other witnesses, they</p> <p>25 seem to support that view as well, Mr Buckland in</p>

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<p>1 particular, and also I think -- I seem to remember 2 Mr Chan did a similar thing. 3 I would also add that I don't think it was a factor 4 in the issues before the Commission just now, in terms 5 of the cutting of the rebar or the change that has been 6 made. It was not whether we were on team B and also 7 team A; I think that wasn't a factor. 8 MR CONNOR: Thank you very much. Unless the Chairman or the 9 professor has anything further. 10 Questioning by THE COMMISSIONERS 11 COMMISSIONER HANSFORD: Yes, I do. There's one area I'd 12 like to get your input on, you can help me with, 13 Mr Blackwood. This is about designers having site 14 presence or not. 15 A. Yes. 16 COMMISSIONER HANSFORD: In your paragraph 14, 14.1 and 14.2 17 of your witness statement -- perhaps we can put it on 18 the screen, J59 -- you tell us in both of those that 19 team A was not required to supervise any of the site 20 works and only relied on information from MTR, and 21 team B did not have any on-site presence and relied only 22 upon information provided by Leighton? 23 Why was that? 24 A. It's a good question. 25 COMMISSIONER HANSFORD: Thank you!</p>	<p>1 being up to date and the construction being built 2 according to those drawings, and also that the quality 3 is there in terms of what's built. So you are dependent 4 on the supervision on site, both the contractor and also 5 the construction team on site supervising it. 6 COMMISSIONER HANSFORD: So, a little bit of a hypothetical 7 question, so forgive me -- 8 CHAIRMAN: Sorry, I do apologise, I'm interrupting you -- 9 I didn't quite get the answer there. Sorry, Peter. 10 COMMISSIONER HANSFORD: No, no. 11 A. In terms of ...? 12 CHAIRMAN: Well, how does the design team know that what in 13 fact is being constructed on site, especially in 14 a complex, hard-pressed construction -- how does that 15 design team know that it's being built according to the 16 design absolutely? 17 A. You don't know. You're reliant on the efforts of 18 others, basically. You are reliant on the site team 19 supervising it to ensure that it's constructed according 20 to your drawings, and obviously the contractor 21 constructing it to the quality that's specified and 22 shown on the drawings. But you don't have any visible 23 way of checking. There's not even an audit or 24 a monitoring thing where you go out and do -- I'll do 25 a quarterly or a monthly audit to see what you might do.</p>
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<p>1 A. It seems to be the process followed on MTRC projects. 2 It's slightly -- if I can digress a little bit -- when 3 we actually do the detailed design, we sit in the design 4 office with MTRC's design management team, with the 5 construction team, with members of their operations 6 team, to try to get an integrated design, but as soon as 7 construction starts, we have a design liaison 8 representative on site who is almost like a postbox back 9 to the design team in head office. I think it's a good 10 question, particularly for jobs as complicated as this 11 one, where you are likely to get change once you get 12 on site. I think in a simple job it probably works 13 quite well, but I think in projects where maybe there's 14 a degree of complexity or issues that may arise on site, 15 having some design support closer to site might be 16 something that could be considered in the future. 17 COMMISSIONER HANSFORD: That's helpful, because we're 18 certainly looking at what perhaps ought to be done in 19 the future. 20 A. Yes. 21 COMMISSIONER HANSFORD: But I'm still puzzled by how can the 22 designer be sure that his design intent is implemented 23 in the works if the designer has no visibility of what's 24 happening in the works? 25 A. I think you're totally reliant then on the drawings</p>	<p>1 There's no requirement for that. 2 CHAIRMAN: No audit process at all? 3 A. No audit process, no. 4 COMMISSIONER HANSFORD: My hypothetical question to you was 5 going to be that if you were asked in future to carry 6 out this type of work and told -- and you will not have 7 a site presence, is that something you feel you could 8 comfortably do? 9 A. To be honest, I think we exercised the responsibilities 10 we had under our contract. What I'm saying -- whether 11 it's me or is it the right thing to do, could we improve 12 how we actually oversee and deliver those projects? 13 There are different ways you can actually do it, but 14 certainly that would be a good starting point, whether 15 it be people sitting on site or a design team sitting 16 on site so they can actually go and liaise more closely 17 with the construction and design management teams to 18 make sure you don't have a situation where something's 19 been built that you don't know about, it's easy for 20 people to go and say, "I want to do this, is that okay?" 21 That might be one thing, that is one option. The other 22 is you do routine audits. You go and you have 23 a specific requirement, "You must visit the site", 24 whatever you decide, it's once every week, once every 25 two weeks, once a month or whatever it is, and do</p>

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<p>1 specific audits just to check on what's been built. 2 But the industry as a whole should be trying to be 3 better than that and that people work together and do 4 the job that they're supposed to be doing, basically. 5 COMMISSIONER HANSFORD: Yes. I'm interested in moving the 6 whole industry. 7 A. I think -- and to be fair, in this particular project, 8 I think MTRC were trying to move the industry forward. 9 They adopted a target cost contract, which -- they 10 recognised the risk and the complexity on the project, 11 particularly working within the operating railway 12 environment and the challenges that that might pose as 13 we moved into the construction phase. So they engaged 14 at an early stage with the contractors to try to find 15 the best way they would want to construct it so we would 16 try to minimise change once we got on site, which is 17 obviously a key challenge, or a key objective. I just 18 think that we need to be better at it. You know, 19 there's checks and balances and you put in more layers 20 of oversight but that just makes it less efficient. 21 It's just having -- doing what you're supposed to be 22 doing. And processes are important and you follow the 23 process, and I think maybe on one or two occasions here 24 we didn't follow the process. 25 COMMISSIONER HANSFORD: But nevertheless, on this project,</p>	<p>1 until after lunch, and I think there's also a little bit 2 of set-up that the solicitors for the Commission team 3 need to get underway for the PowerPoint presentation 4 that I mentioned earlier on. 5 So, subject to any views from Mr Pennicott or my 6 friends or yourselves, sirs, I would have thought it 7 might be a good time to rise and we might start with 8 Mr Sung as and when we are ready. 9 MR PENNICOTT: Sir, I thoroughly agree with that. 10 Sir, can I just mention so that everybody is aware: 11 Mr Sung was involved with Mr Blackwood in the 12 presentation to Prof Nethercot back in July. Whilst we 13 have not troubled Mr Blackwood with his part of the 14 PowerPoint presentation, we are going to trouble 15 Mr Sung. Indeed, whilst it might appear a bit lazy, for 16 which we apologise, we are actually going to ask Mr Sung 17 to, as it were, talk us through and give us 18 a presentation of the last five or six slides, I think 19 it's slides 13 to 18, which we understand will take 20 about 15 to 20 minutes. So that's our proposal. 21 He has no contemporary knowledge of matters in any 22 event. He wasn't engaged, I think, until sometime 23 earlier this year. However, he does have knowledge 24 about the design of the works itself and he can give 25 a good explanation by reference to the PowerPoint</p>
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<p>1 you were not required to have an on-site presence at 2 all; correct? 3 A. Not to supervise the works but we had design liaison 4 representatives on site who would be a vehicle for 5 liaising with the design teams back in the head office, 6 but not to supervise the works. 7 COMMISSIONER HANSFORD: Were you prevented from access to 8 the site? 9 A. No. I don't believe we were prevented. But it wasn't 10 a requirement to do it is what I'm saying. 11 COMMISSIONER HANSFORD: Okay. 12 A. And, you know, you've got to remember it's only one or 13 two people. They have a pretty heavy workload. So they 14 are not going out, swanning around, looking at what's 15 going on elsewhere. They're pretty demanding task. 16 COMMISSIONER HANSFORD: Thank you. That helps me. 17 CHAIRMAN: Good. Thank you very much indeed. You have been 18 of great assistance. Thank you. Your evidence is now 19 completed. 20 WITNESS: Thank you very much. 21 CHAIRMAN: Thank you for coming out. 22 (The witness was released) 23 MR CONNOR: Thank you very much, Mr Blackwood. 24 Subject to Mr Pennicott, the next witness is 25 Mr Wilson Sung who is not due to appear, by arrangement,</p>	<p>1 slides. 2 I'm told one of the reasons we're doing this is 3 because the Commission's expert, Prof McQuillan, thinks 4 it would be good to have an explanation of those slides, 5 it would assist him and it perhaps would assist other 6 experts as well if that presentation is given. 7 So with that introduction, that's what's going to 8 happen after lunch. 9 CHAIRMAN: It's these documents here? (Indicating). 10 MR PENNICOTT: That's right, sir, yes. 11 CHAIRMAN: There's a fascinating one about three-quarters of 12 the way through: 13 "Step 2: Plaxis analysis". 14 Quite what "Plaxis" is, I don't know. 15 COMMISSIONER HANSFORD: I'm very much looking forward to 16 that part. 17 MR PENNICOTT: You're probably the only one who's going to 18 understand it. 19 CHAIRMAN: It looks very complex. 20 MR PENNICOTT: We are all going to have to be wide awake 21 this afternoon. 22 CHAIRMAN: Good. So we will break for lunch and return at 23 2.15. 24 MR PENNICOTT: Yes, sir. Thank you very much. 25 CHAIRMAN: Thank you.</p>

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<p>1 (12.50 pm) 2 (The luncheon adjournment) 3 (2.19 pm) 4 MR CONNOR: Good afternoon, sir. Good afternoon, Professor 5 The second witness for Atkins is Mr Wilson Sung. He is 6 Mr Chi Man Sung, and he will be giving -- Mr Wilson 7 Sung, good afternoon. 8 WITNESS: (In English) Good afternoon. 9 MR CONNOR: Would you please just confirm that you are 10 Mr Chi Man Sung? 11 WITNESS: (In English) Yes. 12 MR CONNOR: Also known as Wilson Sung? 13 WITNESS: (In English) Yes. 14 MR CONNOR: I think you are going to give your evidence in 15 Cantonese? 16 WITNESS: (In English) Yes. 17 MR SUNG CHI MAN, WILSON (affirmed in Punti) 18 (All answers given via simultaneous interpreter 19 except where otherwise specified) 20 Examination-in-chief by MR CONNOR 21 MR CONNOR: Mr Sung, I think as we have seen from your 22 statement, you joined Atkins China in about July 2017? 23 A. (In English) Yes. 24 Q. You are the head of structures for Asia Pacific at 25 Atkins China Ltd?</p>	<p>1 Q. Just while we have your statement to hand, if we might 2 go back to it, please, at J4535. Thank you. I think 3 you confirmed -- if you would go to paragraph 3 of that 4 statement, which is on the same page at 4535, that you 5 became involved in the Hung Hom Station Extension under 6 the Shatin to Central Link Project in June 2018. 7 A. (In English) Yes. 8 Q. So your involvement is in very recent times? 9 A. (In English) Yes. 10 Q. And your role is to assist the contractor, Leighton, as 11 team B, in providing structural design support as 12 required? 13 A. (In English) Yes. 14 Q. If you move on, please, through your witness statement, 15 I think that what we find later on in your statement, at 16 page J4540, is some involvement that you had as covered 17 in paragraphs 36 to 39 in a presentation to Prof David A 18 Nethercot? 19 A. (In English) Yes. 20 Q. It is right, I think, that this is a presentation which 21 you gave obviously after June 2018? 22 A. (In English) Yes. 23 Q. And you gave that in your capacity as head of structures 24 in Atkins? 25 A. (In English) Yes.</p>
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<p>1 A. (In English) Yes. 2 Q. Would you please have on the screen before you your 3 witness statement which you have prepared for the 4 purposes of this Commission, which is at J6/23. That 5 is, for the record, at page J4535. 6 You see that's the first page of your statement, 7 Mr Sung. Do you recognise that? 8 A. (In English) Yes. 9 Q. If you would be taken, please, to page J4541 of the same 10 bundle. That is page 7 of your witness statement, and 11 we see a signature there. Is that your signature? 12 A. (In English) Yes. 13 Q. Just for completeness, I think there's one attachment to 14 your witness statement, which appears at J4542. Thank 15 you. And if you move to page J4543, I think that is 16 your CV? 17 A. (In English) Yes. 18 Q. Would you please, just to complete the formality, 19 confirm that that witness statement, with its 20 attachment, represents your evidence to this Commission? 21 A. (In English) Yes, I confirm. 22 Q. Would you please confirm that what you say in your 23 statement is true to the best of your knowledge and 24 belief? 25 A. (In English) Yes, confirm.</p>	<p>1 Q. It was a presentation in which you co-presented with 2 Mr John Blackwood? 3 A. (In English) Yes. 4 Q. For the assistance of the Commission, if you might have 5 before you bundle J4 at page J3323, we see 6 a presentation set out there in PowerPoint form; is that 7 so? 8 A. (In English) Yes. 9 Q. Is this the PowerPoint presentation with notes which 10 form the presentation which you and Mr Blackwood gave to 11 BD? 12 A. (In English) Yes. 13 Q. Thank you. In particular, if you turn to page J3335, 14 you will see at that slide there is an opening title 15 slide headed "Modelling approach"; do you see that? 16 A. (In English) Yes. 17 Q. Is this the beginning of the section of presentation 18 that you gave? 19 A. (In English) Yes. 20 Q. Did that part of the presentation that you gave run up 21 to and include page J3340? 22 A. (In English) Yes. 23 Q. Thank you very much for that, Mr Sung. The reason for 24 taking you to that particular section is that when my 25 learned friend Mr Cheuk asks you some questions in just</p>



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<p>1 a moment, I think he will want to ask you a bit more of 2 that, but I think you have now identified to the 3 Chairman and to Prof Hansford that part of the 4 presentation in which you were involved. 5 A. (In English) Okay. 6 Q. So thank you very much. I have no further questions for 7 you at this stage. But would you please stay where you 8 are. In a moment, my friend Mr Cheuk will ask you some 9 questions. Then he may well be followed by some other 10 of my fellow counsel in this room with some questions. 11 The Chairman and the professor may have some questions 12 for you during that section, or indeed at the end, or at 13 any time, and I'm sure you will do your best to assist. 14 A. (In English) Okay. 15 MR CONNOR: Thank you. Please stay where you are. 16 Examination by MR CHEUK 17 MR CHEUK: Good afternoon, Mr Sung. My name is Calvin 18 Cheuk, I'm one of the counsel for the Commission. 19 I will have some questions for you. 20 Is it correct that on 12 July 2018, you with 21 Mr Blackwood and Mr Wu went to the BD to do 22 a presentation to BD's then adviser, Prof Nethercot? 23 A. (In English) Yes. 24 Q. And probably Mr Connor has explained to you one of the 25 reasons why we would like you to be here today is really</p>	<p>1 A. (In English) Okay. 2 Q. So I understand you have already given the PowerPoint 3 slides to the Commission, so there will be a lady 4 sitting over there who will be in control of the 5 PowerPoint slides. You can have your own course but you 6 might need to give the express direction to the operator 7 of the slides so that she can follow your instruction. 8 One last point I might -- if I may ask you to bear 9 in mind is that I can see a lot of technical language in 10 the slides. 11 A. (In English) Yes. 12 Q. So please, you can assume we don't understand those 13 technical language, and if you may, you might try to 14 assume that we don't know about it and try to take it 15 slowly. 16 A. (In English) Okay. 17 Q. If I may ask you to take that in mind. 18 A. (In English) Okay. 19 Q. I understand Mr Connor asked me to refer you to J3340. 20 That is the last page of your presentation. 21 A. Mm-hmm. 22 Q. I'm told it might be a good starting point for your 23 explanation. So feel free to start with that slide and 24 then you can change your course of presentation as you 25 wish to do so.</p>
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<p>1 to explain a bit more your presentation that you did on 2 that particular day. 3 A. (In English) Okay. 4 Q. We glimpsed through the slides, and one of the reasons 5 we ask you to be here is that the Commission's expert, 6 Prof McQuillan, would like you to explain a bit more in 7 detail so that it can be captured in the transcript 8 which he will be able to read in preparing his expert 9 report. 10 A. (In English) Okay. 11 Q. That's the background that the Commission will require 12 your assistance. 13 A. (In English) Okay. 14 Q. Being not any sort of engineer at all, when I went 15 through the slides, I can see a lot of things I don't 16 really understand, so please -- what I propose to do is 17 that I will let you run your own course, but I might 18 interject if I understand I have questions for you, 19 I might ask you to stop for a while and have one or two 20 questions. I don't anticipate it to be a lot. 21 A. (In English) Okay. 22 Q. Then, after your presentation, I might have some other 23 questions in relation to the preparation of as-built 24 records. That will be the overall structure of my 25 questions. Is that okay?</p>	<p>1 A. So we can start with J3335. So I went to the BD to give 2 a presentation and I started from this slide. So, in 3 construction -- 4 Q. Wait. You can look at -- the screen in front of you, 5 that will be the screen that everybody in this room will 6 be following. So, while you have a hard copy next to 7 you, can you also bear in mind that we are looking at 8 the screen so if you can look at the screen and pause 9 there until the screen shows the right page, that would 10 be very helpful. 11 A. Okay. 12 So the presentation started, and when it was my turn 13 to speak I was talking about the structural modelling 14 approach. In the construction industry, we have 15 different structural modelling software. In this 16 project, we used different types of software to simulate 17 the structures. 18 We can go on to the next page. First of all, in the 19 EW -- East West slab, there are many openings, and if 20 you look at the diagram, we see the red area. That is 21 the surface of the slab. It's a platform, and in the 22 white areas you can see something called an opening, 23 because in the EWL slab there are different structures 24 where they have to drill some cores. There might be 25 lifts and escalators. Because after they drill the</p>

<p style="text-align: right;">Page 101</p> <p>1 opening, that will affect the stiffness of the slab. 2 The stiffness will be weakened. 3 We need to conduct some simulation to model the 4 impact, so we utilise a software called the SAP2000 slab 5 model, and that is a model approved by the BD. So, in 6 the model, we have some loading, there's loading on top, 7 and at the bottom we provide some support. We will also 8 apply a unit moment, a reaction force, so that reaction 9 force -- there's an axial force, there's a unit rotation 10 force and a unit moment force included. 11 The purpose is to see -- when we drill an opening, 12 what kind of behaviour will be seen and that is what the 13 model accomplishes. So, in areas B and C, we have five 14 models, because when we have different drilling, when we 15 have more drilling, we want to see the impact on the 16 stiffness. 17 Q. You may carry on. 18 MR SHIEH: I'm sorry to interject but I heard what Mr Cheuk 19 said to the witness. Maybe others understand. I have 20 A Level physics but I had difficulty. As I said to 21 Leighton's own witness, perhaps I can say, "Imagine 22 explaining it to a five-year-old child", because 23 otherwise -- for example, those who have to physics 24 wouldn't know what "moment" means. I know but I don't 25 know whether others do.</p>	<p style="text-align: right;">Page 103</p> <p>1 Q. Because I can see there's difficulty in translating 2 everything, in particular given the technical language 3 here. That's point number one, if I may ask you to bear 4 that in mind. 5 Point number two is that, again, as Mr Shieh has 6 indicated, if you can try to use even more simple 7 language to explain, and I might also interject to 8 explain my understanding to you, to see whether that can 9 help everybody. 10 A. (In English) Okay. 11 Q. I hope that might help everyone to understand what this 12 presentation really means. 13 A. (In English) Okay. 14 Q. Let's start from this first slide. As I understand it, 15 the red -- what we are looking at is a piece of EWL 16 slab? 17 A. (In English) Yes. 18 CHAIRMAN: From the top or the side? 19 MR CHEUK: From the top. From the top; is that correct? 20 A. Yes, correct. 21 COMMISSIONER HANSFORD: It's a plan view? 22 MR CHEUK: It's a plan view, yes. The red part is showing 23 the actual slab, and there's something empty, white 24 part, in the middle, which is an opening? 25 A. (In English) Yes.</p>
<p style="text-align: right;">Page 102</p> <p>1 CHAIRMAN: I would like to know. 2 COMMISSIONER HANSFORD: Sorry, while we're on this subject, 3 I have some questions on this slide. Is the intent that 4 we wait until the end of the whole presentation and go 5 back to our questions, or is the intent that we take 6 questions slide by slide? I'm asking you but maybe 7 I should be asking Mr Cheuk: which do you prefer? 8 MR CHEUK: I think it would be better if, Professor, you 9 have any questions just ask at the moment rather than 10 wait until at the end, because it might be difficult for 11 us to trace all the slides after we finish the whole 12 thing. 13 COMMISSIONER HANSFORD: Okay. That's fine. Perhaps we will 14 start with the Chairman and Mr Shieh's questions about 15 what a "moment" is. 16 MR CHEUK: Let me try to explain a little bit to this 17 witness first. 18 Mr Sung, thank you. Although I also have an A Level 19 in physics but I do also have difficulty understanding 20 everything. Can I ask you two points. First of all, 21 actually, what you say will be captured in the 22 microphone and then translated. There will be some 23 delay in translation. So if I may first ask you to slow 24 down. 25 A. (In English) Okay.</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. What you are telling us is that the slab contains 2 various openings at various locations, and these 3 openings will reduce the stiffness of the slab. What 4 this slide shows is using a computer software or 5 programme, SAP2000, to test or to try to simulate -- 6 A. (In English) Simulate. 7 Q. -- the actual performance of the slab or its stiffness, 8 given there are some openings in the middle. 9 COMMISSIONER HANSFORD: Just on that point, when you were 10 talking about the openings, Mr Sung, you said they were 11 drilled. Were they drilled? I thought they were cast 12 in place. I thought the openings were made as part of 13 the original casting of the concrete rather than 14 drilled. 15 A. (In English) No. 16 COMMISSIONER HANSFORD: They are drilled, are they? 17 A. (In English) I think maybe a translation problem. 18 MR CHEUK: I think, Professor, your understanding is 19 correct, they were it is cast in place. 20 COMMISSIONER HANSFORD: That would make more sense to me. 21 A. (In English) Yes. 22 CHAIRMAN: And what's the blue line? 23 MR CHEUK: That I don't understand, frankly. 24 CHAIRMAN: And what's the little mauve line with a white 25 opening at the top?</p>

Page 105	1 A. First of all, the blue area, in the model, they will -- 2 we have a strip width and each strip width size is 3 pre-determined, and the blue part is also part of the 4 EWL slab. There's nothing special to it. It's just 5 that during the presentation, when we explained it to 6 the professor, we had to highlight we were using a strip 7 approach. 8 (Chinese spoken) -- 9 MR CHEUK: Sorry, can I stop you. What you are telling us 10 is the blue part is part of the slab? 11 A. Yes. 12 Q. And you highlight that blue part was for the reference 13 of Prof Nethercot, but for what purpose? 14 COMMISSIONER HANSFORD: Yes, because the label says less 15 than 3 metres thick. It suggests to us that the red is 16 3 metres thick and the blue is less than 3 metres thick. 17 But is that correct? 18 A. I should put it this way. In this slab, some areas, not 19 all of them are 3 metres wide. So if you look at 20 this -- 21 COMMISSIONER HANSFORD: 3 metres thick, not wide; do you 22 mean "thick"? 23 A. (In English) Yes, the thickness. 24 COMMISSIONER HANSFORD: Sorry, it must be the translation 25 again. Okay.	Page 107	1 MR CHEUK: Okay, I think you can proceed with your 2 presentation. I think we've got a fairly good idea 3 about what the first slide means here. 4 COMMISSIONER HANSFORD: I think we've got a good idea about 5 the red and the blue and the white. I'm not sure people 6 in the room have a good idea about unit axial modes and 7 unit rotation yet. 8 MR CHEUK: Yes. I wonder, Mr Sung, if you could also 9 explain a little what does that mean as asked by the 10 professor. 11 A. So let me explain why we have unit axial/unit rotation. 12 So first of all the structural modelling, the purpose is 13 to help us identify -- I should say that in the support 14 area, what the stiffness factor is. We want to know 15 when there's an opening in the slab, when there's 16 loading in the slab, what kind of changes in the 17 stiffness factor will occur. So that's why we apply a 18 unit axial/unit rotation, we want to find out the 19 rotational spring. 20 (In English) We need to find the spring, the 21 rotational spring and also the actual spring for the 22 slab at the support. 23 COMMISSIONER HANSFORD: I fear that I understand it but I 24 suspect others don't yet, what is meant by unit axial 25 and what is meant by unit rotational. That would be
Page 106	1 MR CHEUK: Let me try to summarise your evidence. 2 A. (In English) Okay. 3 Q. Basically, the blue part is the location where the slab 4 thickness is less than 3 metres? 5 A. (In English) Yes. 6 Q. Otherwise, in general, the thickness should be 3 metres? 7 A. (In English) Yes. 8 Q. That's the distinction. 9 COMMISSIONER HANSFORD: And are there actually any areas 10 that are less than 3 metres? Is this just 11 representative in the model of some areas that may be 12 thinner than 3 metres? Is that the purpose of it? 13 A. Yes, because I mentioned just now in the whole areas B 14 and C we had cut open five portions by method and we 15 would conducted an assessment to -- when there are 16 openings. We also have some openings and want to see 17 when it's connected how it would affect the structure. 18 COMMISSIONER HANSFORD: Yes, I understand about the 19 openings, Mr Sung. I don't yet understand about the 20 sections that are less than 3 metres thick. 21 A. Because some parts, structurally they cannot make it 22 3 metres thick. They might have an escalator going up, 23 so there would be some chambers and some areas would be 24 less than 3 metres. 25 COMMISSIONER HANSFORD: Okay. I understand. Thank you	Page 108	1 my -- I can't speak for people in this room, but looking 2 at some nodding heads, I think that's the case. 3 MR CHEUK: Professor, frankly, I think it's difficult for 4 everybody in the room not in the engineering training to 5 understand all the details. 6 COMMISSIONER HANSFORD: So perhaps they don't need to is 7 what you're saying? 8 MR CHEUK: Yes. The original purpose of this presentation 9 is not really to do the usual cross-examination, 10 understanding all the details here. 11 COMMISSIONER HANSFORD: Okay. 12 MR CHEUK: The original purpose of this presentation is 13 really arising from Prof McQuillan's need to understand 14 these slides and what was the presentation done to 15 Prof Nethercot at that point of time. 16 That's why, originally, we didn't expect all the 17 laypersons, so to speak, to understand all the 18 intricacies, this thinking here. 19 COMMISSIONER HANSFORD: So, Mr Cheuk, shall we assume that 20 Mr Sung's audience have engineering degrees? 21 MR CHEUK: I would have thought many parties here have 22 already instructed experts. The purpose of this 23 presentation is to really give something for our 24 Commission's expert and their experts to consider. It 25 seems to me it's not the original purpose really to have

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<p>1 a lecture on civil engineering.</p> <p>2 COMMISSIONER HANSFORD: No.</p> <p>3 MR CHEUK: No. So what I propose -- of course I'm not going</p> <p>4 to prevent any questions, if any party is interested in</p> <p>5 all the engineering details. That's why we have him</p> <p>6 here. If any party wishes to ask questions, they can.</p> <p>7 But it's not the purpose to go through all the sort of</p> <p>8 details so that it can be understood by all the</p> <p>9 laypersons here. That would not be the original</p> <p>10 purpose, and that would not be the purpose of this part</p> <p>11 of cross-examination.</p> <p>12 As I originally indicated, apart from a few</p> <p>13 questions, I did not intend to have many questions on</p> <p>14 Mr Sung.</p> <p>15 COMMISSIONER HANSFORD: That's fine.</p> <p>16 CHAIRMAN: All right. Can I ask you a question: what do you</p> <p>17 mean by "stiffness"? I understand you've got a test.</p> <p>18 I know what "stiffness" means. It either means a form</p> <p>19 of rigidity or it means I can't move my muscles because</p> <p>20 I got kicked in the leg; okay? I take it it's not the</p> <p>21 latter. I take it it's the first one. Are you talking</p> <p>22 about rigidity?</p> <p>23 A. Actually, stiffness and rigidity are related. Stiffness</p> <p>24 is a value to quantify rigidity.</p> <p>25 CHAIRMAN: Ah, okay. That's interesting. Thank you.</p>	<p>1 and to see whether the diaphragm wall works as it was</p> <p>2 designed. If it passed the software analysis, it means</p> <p>3 that the design was probably good. That's the purpose</p> <p>4 of this Plaxis analysis; is that a good summary?</p> <p>5 A. Yes, and if it is found to be okay, we will do</p> <p>6 reinforcement checking of the diaphragm wall.</p> <p>7 Q. Also we see there are different colours of layers of</p> <p>8 soil here. As I understand, it represents different</p> <p>9 kinds of soil underground. For example, at the very</p> <p>10 below, we see something pink. That might be some -- the</p> <p>11 deepest layer of the ground.</p> <p>12 A. (In English) The bedrock.</p> <p>13 Q. Where the diaphragm wall sits on.</p> <p>14 A. Correct.</p> <p>15 Q. You might need to speak up so your voice can be</p> <p>16 captured.</p> <p>17 A. (In English) Okay.</p> <p>18 Q. After that you have the purple part of the soil. What</p> <p>19 is that part of the soil?</p> <p>20 A. If I remember correctly, we call this CDG, completely</p> <p>21 deposited granite.</p> <p>22 Q. Decomposed?</p> <p>23 A. "Decomposed", okay. Completely decomposed granite.</p> <p>24 Q. Completely decomposed granite, yes. I don't think</p> <p>25 I need to trouble you to identify each layer but my</p>
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<p>1 MR CHEUK: Yes, Mr Sung, you may carry on.</p> <p>2 A. Okay. Let us go to J3337. In step 1, we did</p> <p>3 a modelling. Here, this is a step 2 modelling. We call</p> <p>4 this Plaxis structural modelling software.</p> <p>5 Here, you can see we do a simulation. The east slab</p> <p>6 diaphragm wall and the west diaphragm wall, EWL slab and</p> <p>7 NSL slab, all these are here. In this modelling, we</p> <p>8 would also use it to do construction sequencing. At</p> <p>9 Hung Hom Station, we use the top-down construction</p> <p>10 method. We would build the diaphragm walls on the two</p> <p>11 sides first.</p> <p>12 Q. Yes, can I pause you there. Can you explain in simple</p> <p>13 terms, this Plaxis analysis, what is its purpose? Is it</p> <p>14 also again to assess the rigidity or stiffness?</p> <p>15 A. This modelling is used because excavation is involved.</p> <p>16 So, in this modelling, we would put in the soil load --</p> <p>17 Q. Soil load?</p> <p>18 A. The soil load, the water load. With the two loadings,</p> <p>19 when we do excavation, what will be the impact on the</p> <p>20 behaviour of the diaphragm wall, we want to do that</p> <p>21 assessment.</p> <p>22 Q. I try to summarise, if I can. Basically, this is again</p> <p>23 a sort of computer modelling used to test the function</p> <p>24 of diaphragm wall. So you put in the value of soil</p> <p>25 load, water load, to simulate the actual soil situation,</p>	<p>1 understanding is that at the top those particles will be</p> <p>2 most refined, and at the bottom those soil particles</p> <p>3 will be most solidified. Is that a fair</p> <p>4 representation --</p> <p>5 A. Yes --</p> <p>6 Q. -- in general terms?</p> <p>7 A. -- in general terms.</p> <p>8 Q. Please carry on.</p> <p>9 A. After doing the analysis -- well, actually, with regard</p> <p>10 to the east and west diaphragm wall and the EWL slab, we</p> <p>11 have designed fixed joints for them. Therefore, we have</p> <p>12 considered soil load and water load in this model, and</p> <p>13 the fixed end moment and the connection moments have to</p> <p>14 be taken out for the third step, when we do slab</p> <p>15 assessment.</p> <p>16 Q. Yes. And --</p> <p>17 COMMISSIONER HANSFORD: It might be helpful -- although we</p> <p>18 don't need a full explanation, it might be just helpful</p> <p>19 to understand what "moment" means. I know what it means</p> <p>20 but I think it's probably an important term for others</p> <p>21 to understand.</p> <p>22 A. Maybe I can put this in simple terms. When an article</p> <p>23 moves, it will bend, the article will be bent and there</p> <p>24 will be a force. In engineering terms, we call this the</p> <p>25 bending moment.</p>

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<p>1 COMMISSIONER HANSFORD: Thank you. 2 MR CHEUK: Please -- so again, as I understand your 3 evidence, because the EWL connection with the diaphragm 4 wall was a fixed joint -- 5 A. (In English) Yes. 6 Q. -- so there is a need to understand the turning/bending 7 force of that joint, whether it can resist the loading 8 or the bending force. So this is also part of the 9 purpose of this Plaxis analysis; is that correct? 10 A. (In English) Yes, yes. 11 Q. Please carry on. 12 A. Okay. 13 Let us go to J3338. This is a plan of the EWL slab. 14 As we have seen, the white parts are openings on the 15 slab. From Plaxis, we know the bending force, and on 16 the top and at the bottom we will apply the bending 17 force to the SAFE model. Why do we use the SAFE model? 18 This is because the loading on all EWL slab can be 19 placed here according to the bending force from the 20 Plaxis model. Then we can do an analysis of the EWL 21 slab. 22 Q. Again, I will try to summarise your evidence. First of 23 all, before I summarise, is it correct that we see the 24 gridline 26 to 33, that corresponds to gridlines -- 25 A. (In English) Yes.</p>	<p>1 A. (In English) Yes. 2 COMMISSIONER HANSFORD: But in the presentation to David 3 Nethercot you just presented this part? 4 A. (In English) Yes. Extract some area for presentation 5 only. 6 COMMISSIONER HANSFORD: By way of example. The reason you 7 presented this was an example of what you'd done 8 elsewhere; is that correct? 9 A. (In English) Yes. Yes. 10 COMMISSIONER HANSFORD: Thank you. 11 MR CHEUK: But not the worst-case scenario? 12 A. (In English) I'm not sure but I don't think so. Just 13 an example. 14 Q. Please carry on. 15 A. Let's go to J3339. This is a summary table. In this 16 summary table, we explain all the load cases at the 17 Hung Hom Station. "Load cases" mean what loading can be 18 found in this station. We have dead load, live load, 19 seismic load, uplift, soil load, water load; all kinds 20 of loadings will appear here. We will see 1.4, 1.6, 21 1.76 and other factors. In our industry, we call these 22 load factors. Load factors and load cases have to be 23 combined and they are load combinations and then we can 24 have an ultimate limit state design. 25 Q. Again I try to summarise your evidence. Basically this</p>
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<p>1 Q. -- of the project? Secondly, what we are looking at 2 here is again the EWL slab -- 3 A. (In English) Yes. 4 Q. -- with some other openings, and we see some black-line 5 arrows here. These black-line arrows are the moment 6 force that you talked about; is that right? 7 A. (In English) From Plaxis. 8 Q. From Plaxis analysis. You obtained those moment force 9 values from the Plaxis analysis and then apply it to 10 another computer model called SAFE, to this particular 11 piece of slab, to see again the performance of that 12 particular slab was corresponding with the design or 13 not. Again, if it passes, it means that the design was 14 okay? 15 A. (In English) Yes. 16 COMMISSIONER HANSFORD: And can I ask, was this particular 17 location, gridlines 26 to 33 -- was this selected 18 because it's a worst-case, because it's got so many 19 large openings; is that the reason? 20 A. (In English) No. Actually, for area B and C, the whole 21 station has model. 22 COMMISSIONER HANSFORD: This is just sample? 23 A. (In English) Extract some area for presentation only. 24 COMMISSIONER HANSFORD: Right. So this process was applied 25 to the whole slab?</p>	<p>1 is a table which summarises the load to be applicable to 2 the slab and the diaphragm wall. 3 A. (In English) Yes. 4 Q. We probably don't need to go into the details of each 5 loading information. Please carry on. 6 COMMISSIONER HANSFORD: Actually, I'm happy for Mr Sung to 7 carry on, but I think we ought to just briefly 8 understand load factors and load cases. 9 MR CHEUK: Yes. 10 A. Okay, load cases -- well, I can say they are working or 11 actual load. In the Code of Practice or in the 12 Buildings Ordinance, what loading is required to be 13 used? As for load factors, under the Code of Practice, 14 on top of load cases, we have to apply a load factor for 15 different load cases. Say, for example, for dead load, 16 we would use 1.4 as a load factor. For live factor we 17 use 1.6, and in the Code of Practice it is defined how 18 load combinations should be done. 19 COMMISSIONER HANSFORD: So these are directly from the Code 20 of Practice? 21 A. Yes. 22 COMMISSIONER HANSFORD: Thank you. 23 CHAIRMAN: And when you say 1.4 or 1.6, what measurement are 24 you using? 25 A. (In English) This factor is also come from the Code of</p>

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<p>1 Practice. Actually, in different countries have 2 different load factors. 3 CHAIRMAN: I appreciate that. I'm just thinking 1.4 ounces? 4 1.4 mega pressures sideways? I just don't know the -- 5 COMMISSIONER HANSFORD: 1.4 times. 6 MR CHEUK: It's a safety factor, as I understand. 7 CHAIRMAN: 1.4 times what? 8 A. (Chinese spoken) (In English) Times load case. 9 COMMISSIONER HANSFORD: Let me check I've got this right 10 So the load case is stated in terms of units of load, 11 and the load factor is a multiplication? 12 MR PENNICOTT: It's a multiplier. 13 CHAIRMAN: Okay, it's a multiplier for units of load. 14 A. (In English) Yes. Load factor is the multiplier. 15 CHAIRMAN: Thank you. 16 MR CHEUK: Can we go to the left. Can we take one example 17 so that everybody can have some idea. 18 For example, "SDL" at the top left-hand corner, 19 "SDL1", what does that mean? 20 A. In our industry we call it superimposed dead load. 21 Q. Superimposed dead load. What "dead load" usually refers 22 to, for example, is the concrete structure -- 23 A. (In English) Self weight, maybe. 24 Q. -- itself, the dead load. Self weight. 25 For example, the fourth column, "COLDL", what does</p>	<p>1 MR CHEUK: To model the structure. 2 For example, we see the first top left-hand corner, 3 1.4, is that -- 4 A. (In English) Load factor. 5 Q. -- the load factor you mention? 6 A. Yes. 7 Q. Thank you. Okay. 8 Shall we move on? 9 A. We can move on to J3340. In this slide, we can see 10 different areas. There's the green area. That is the 11 East West diaphragm wall. And the two green parts in 12 the middle, we see the EWL slab, and at the bottom we 13 see the NSL slab. So the grey parts, when we look at -- 14 to the left of the 3 metre area, there are some existing 15 structures, and the grey is the existing structure and 16 green is the new-built structure. 17 So you can see the left and the right we have some 18 arrows, so that is the direction of the loading that we 19 apply. The lateral load will be the soil and water 20 load. 21 Q. So we see on the right -- I'll try to summarise it -- 22 this is entitled "Critical load case". 23 A. (In English) Yes. 24 Q. Basically, in this slide, it's considering some more 25 important loading situation?</p>
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<p>1 that stand for? 2 A. In the EWL slab, actually it will support certain 3 columns on top of it, and the column's loading is here. 4 Q. Ah, column dead load. 5 A. This is column dead load. 6 Q. The next column we can see, it says "COL", which means 7 column, and "LL" means live load? 8 A. Yes. 9 Q. For example, in terms of first row, "U1", what does that 10 stand for? 11 A. We assign a load combination code. We said that we 12 would be working out load combinations. In the 13 modelling, we would assign a code or a name to these. 14 Q. Basically it's a label for some combination of loading 15 that you or Atkins adopted to test the structure? 16 A. (In English) Yes. 17 Q. And there are various combinations of such loading and 18 each one, you would give it a label? 19 A. (In English) Yes. 20 Q. For example, U1, U2, U3, U4? 21 A. (In English) Yes. 22 Q. That's all the combinations of loading? 23 COMMISSIONER HANSFORD: Sorry, when you say to test the 24 structure, you mean to model? 25 A. (In English) Yes, to model the structure.</p>	<p>1 A. (In English) Yes. 2 Q. On the right-hand side, we have 1.4 and then "(soil plus 3 water load)". The 1.4 is a load factor that you 4 previously mentioned. 5 A. (In English) Yes. 6 Q. And soil load and water load, ie those forces exerted by 7 soil and water on the structure? 8 A. (In English) Yes. 9 Q. Then plus 1.4 DL, that's dead load? 10 A. (In English) Yes. 11 Q. Then plus 1.6 LL, that is the live load? 12 A. (In English) Yes. 13 Q. It's the critical load combination at the support. So 14 basically you say the force calculated here is use 1.4 15 times a soil load and water load, plus 1.4 times the 16 dead load, plus 1.6 times the live load? 17 A. (In English) Yes. 18 Q. Then you apply all this combination of forces to the 19 structure and to see how it performs? 20 A. I should put it this way. The load combinations, you 21 saw the different combinations in the previous slide, 22 and after we do the assessment we see the critical load 23 case, it should be 1.4 of soil plus water load and then 24 1.4 dead load, 1.6 live load. 25 COMMISSIONER HANSFORD: So what I'm taking from this --</p>

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<p>1 please tell me if I've got it right -- is you've 2 modelled various combinations and from that modelling 3 you've identified that this is the worst-case? 4 A. Yes. 5 COMMISSIONER HANSFORD: You call it critical load case, but 6 in layman's language this is the worst-case? 7 A. (In English) Yes. 8 COMMISSIONER HANSFORD: Consequently, if it works for the 9 worst-case, it must work for everything else; is that 10 the theory? 11 A. (In English) Yes. 12 MR CHEUK: Can you also explain the second bullet point on 13 the right-hand side -- it says: 14 "Soil water load and dead load dominate the bending 15 moment, which contribute more than 90 per cent in area B 16 and area C." 17 A. Okay. So in this part, let me give you an example. If 18 the bending moment, the largest bending moment, is let's 19 say 1,000, and due to soil, water load and the dead 20 load, so that would make up 900 of the 1,000, and 21 10 per cent is only contributed by the live load. 22 Q. I see. I will try to summarise again. What your 23 analysis results is that in areas B and C, over 24 90 per cent of the loading comprises soil/water load and 25 the dead load. The remaining 10 per cent is what we</p>	<p>1 A. (In English) Yes. 2 Q. In other words, those rebars at the bottom mat in that 3 zone actually do not take any loading, because rebars 4 only take tension but not compression; is that your 5 understanding? 6 A. Well, you can say that in the compression zone, it would 7 be -- it would have to be contributed by the concrete -- 8 it would have to be sustained by the concrete. But the 9 code requirement says that even if you don't have 10 compression rebar, you should still have some tension 11 reinforcement of some 50 per cent and we have 12 a ductility section that describes that and the meaning, 13 according to our understanding, is due to seismic 14 considerations. 15 So you cannot say that the compression rebar is 16 unnecessary. 17 Q. I see. So, if I try to understand your evidence, it's 18 that the rebars at the bottom mat was there for the 19 purpose of taking seismic load, rather than the normal 20 tension? 21 A. Well, it should be a detailing requirement. 22 Q. As required in the code? 23 A. (In English) Yes. 24 Q. That I understand, as required in the code. I think 25 everybody accepted that. But I was wondering the</p>
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<p>1 call live load. 2 A. (In English) Yes. 3 Q. And what live load usually comprises is, for example, 4 the weight of passengers? 5 A. (In English) Yes. 6 Q. And the weight of the train; does that include the live 7 load? 8 A. (In English) Yes. 9 Q. So what this shows is that the critical loads are not 10 the live load, but the soil, water and dead load? 11 A. (In English) Yes. 12 Q. Thank you. Can you move on, if you have -- 13 A. Okay. We should have a last slide on the day of the 14 presentation -- 15 Q. I also understand that -- there's one question I would 16 like to ask you is that you probably have knowledge that 17 the 3 metre slab consists of the top mat and the bottom 18 mat of rebars? 19 A. (In English) Yes. 20 Q. One suggestion that came out in the documents I read is 21 that the bottom mat was the compression zone, ie the 22 expected force in that part of the slab was compression 23 rather than tension? 24 A. (In English) Yes. 25 Q. Is that correct?</p>	<p>1 rationale behind this code, as you understand it. As 2 I understand your evidence, the rationale of this code 3 is really for seismic loading, rather than the normal 4 tension and compression in ordinary cases. Is that 5 correct? 6 A. Well, but that is a ductility -- it's defined in the 7 ductility section of the code, and our understanding is 8 that sometimes we do mainland projects, they might be 9 located in seismically active areas and they have 10 similar requirements, and we feel, when there are 11 seismic effects, there might be bending, but these are 12 detailing requirements. It's not something that is 13 calculated. 14 Q. As I understand from your answers, you are agreeing with 15 my proposition, right; the bottom mat's purpose, as you 16 understand, was really to take the seismic load? Or you 17 are not sure? 18 COMMISSIONER HANSFORD: Mr Cheuk, I think what Mr Sung is 19 telling us is the bottom reinforcement is to comply with 20 the code. 21 MR CHEUK: Yes. 22 COMMISSIONER HANSFORD: And the code may be required for 23 seismic loading but it may be required for other things 24 as well. 25 MR CHEUK: Yes.</p>

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<p>1 COMMISSIONER HANSFORD: I'm not quite sure that's a question 2 for this witness. 3 MR CHEUK: Yes. That's why I understand he might not be 4 completely can tell us the purpose of that code 5 requirement. 6 COMMISSIONER HANSFORD: Maybe that's a question for the 7 experts when we get there. 8 MR CHEUK: Yes, certainly. 9 If I can go to -- this is the PowerPoint slide 10 number 9. I understand there's an animation originally 11 prepared at the time of presentation. 12 A. (In English) Yes. 13 Q. Can we show the PowerPoint slide number 9. 14 Look at the screen. Actually, it shows the 15 construction sequence. 16 A. (In English) Yes. 17 Q. Can we go through that so that it might help everybody 18 to understand the construction sequence in this case. 19 A. (In English) Okay. 20 Q. This is, I suppose, step 1 -- 21 A. (In English) Yes. 22 Q. -- originally, before -- the grey part was the existing 23 structures. 24 A. (In English) Yes. 25 COMMISSIONER HANSFORD: And the green part?</p>	<p>1 A. On the left-hand side, we have some socket H structures. 2 Q. Socket H-pile? 3 A. Socket H steel piles, and on K1 we have the diaphragm 4 wall. 5 Q. And how about -- okay. 6 COMMISSIONER HANSFORD: Just so that I can understand it -- 7 forgive me asking so many questions -- so what we're 8 seeing here is the two diaphragm walls, the eastern one 9 and the western one, a barrette in the middle -- 10 A. (In English) Yes. 11 COMMISSIONER HANSFORD: -- and a socket H-pile, which is 12 a steel pile -- 13 A. (In English) Yes. 14 COMMISSIONER HANSFORD: -- on the left-hand side of the 15 western diaphragm wall; is that -- 16 A. (In English) Yes. 17 COMMISSIONER HANSFORD: So those are the four elements we 18 see here? 19 A. (In English) Four vertical elements. 20 COMMISSIONER HANSFORD: The four vertical elements that have 21 been constructed at this stage? 22 A. (In English) Yes. 23 MR CHEUK: Next. 24 A. Okay. Since this is a top-down construction method, 25 after completing the diaphragm wall we will excavate to</p>
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<p>1 MR CHEUK: There's already some green part. What are those 2 green parts? 3 A. These are -- because we were -- we had permanent 4 structure, that was in green, that's why we have some 5 green, and at this stage everything was already 6 existing. 7 COMMISSIONER HANSFORD: So why is it in green? It's just 8 a colour code; it's not significant? Everything on this 9 slide is existing? 10 A. (In English) Yes. 11 COMMISSIONER HANSFORD: Okay. Thank you. 12 MR CHEUK: Can we move to the next -- yes. 13 A. In this step, we see the left, on the East Wall, the 14 east diaphragm wall and the west diaphragm wall, they 15 have been completed, and in the middle we have barrettes 16 foundation that were also completed. 17 Q. Pausing here, can you tell us which part is the 18 barrette? 19 A. (In English) Next to grid N, on the left-hand side of 20 grid N. 21 Q. Can you tell that colour by reference to gridline? 22 A. (In English) Gridline N, the left-hand side. 23 Q. The left-hand side of gridline N, that's the barrette? 24 A. (In English) Yes. 25 Q. And how about the three other green structures?</p>	<p>1 the bottom of the EWL and then we will build the EWL 2 slab. 3 Q. In documents we came across the level minus 0.5mPD. 4 That is the level that the soil should be excavated to, 5 in order to construct this EWL slab. 6 A. (In English) Yes. 7 Q. That will be slightly below the soffit of the EWL 8 slab -- 9 A. (In English) Yes. 10 Q. -- in order to provide space -- 11 A. (In English) Working space. 12 Q. -- for workers, for the construction? 13 A. (In English) Yes. 14 Q. Also, as I understand from the documents, the method of 15 excavation at this stage is what we call open-cut, ie, 16 basically, you are just digging out the soil from above; 17 there's no need to dig out any tunnels or anything in 18 assistance of the excavation. 19 A. It's not needed. A tunnel is not needed, because the 20 diaphragm wall is very stiff, so when you excavate to 21 the soffit in the EWL, you need to dig a little bit more 22 for working space, and in our analysis and in our 23 modelling it was okay, that's why we could dig so deep. 24 Q. Okay. Next, please. 25 COMMISSIONER HANSFORD: So, at this stage, everything below</p>



<p>Page 129</p> <p>1 the --</p> <p>2 A. (In English) EWL slab.</p> <p>3 COMMISSIONER HANSFORD: -- EWL slab is unexcavated soil?</p> <p>4 A. (In English) Yes.</p> <p>5 COMMISSIONER HANSFORD: Thank you, yes.</p> <p>6 MR CHEUK: That's why it's called the top-down approach?</p> <p>7 A. (In English) Yes.</p> <p>8 Q. Okay.</p> <p>9 A. Then the sequence is after completing the EWL slab, one</p> <p>10 of the functions, when you use the top-down method, is</p> <p>11 a propping system. You continue to excavate and we</p> <p>12 still have an intermediate stage but it's not shown</p> <p>13 because we want to illustrate the sequencing. We</p> <p>14 continue to excavate down to the NSL soffit level and</p> <p>15 then we will do the concrete casting for the NSL.</p> <p>16 (Chinese spoken) --</p> <p>17 Q. Pause there first. Can I ask this question: after you</p> <p>18 finish the NSL slab, we can see the slab would join</p> <p>19 together the east diaphragm wall and the west diaphragm</p> <p>20 wall, so this EWL slab will form a strut?</p> <p>21 A. (In English) Yes.</p> <p>22 Q. This strut is a necessary component or element to</p> <p>23 facilitate the further excavation down into the soil, in</p> <p>24 order to construct the NSL slab?</p> <p>25 A. (In English) Yes.</p>	<p>Page 131</p> <p>1 COMMISSIONER HANSFORD: And between the NSL slab and the EWL</p> <p>2 slab is an open box?</p> <p>3 A. (In English) Yes.</p> <p>4 COMMISSIONER HANSFORD: Right. Okay.</p> <p>5 MR CHEUK: Please carry on.</p> <p>6 A. (In English) Next stage.</p> <p>7 (Via interpreter) At this stage, as I said, the grey</p> <p>8 columns are the existing columns. You can see that we</p> <p>9 can use the EWL slab as a transfer to support the</p> <p>10 columns in the existing structure in grey, and then,</p> <p>11 within the space between EWL and NSL, that structure</p> <p>12 will be demolished.</p> <p>13 Q. Okay.</p> <p>14 COMMISSIONER HANSFORD: So, at this point, the load from</p> <p>15 above, the existing load from above, goes down into the</p> <p>16 EWL slab and gets transferred across --</p> <p>17 A. (In English) Yes.</p> <p>18 COMMISSIONER HANSFORD: -- and then down into the diaphragm</p> <p>19 walls?</p> <p>20 A. (In English) Yes. Yes.</p> <p>21 MR CHEUK: And at this point the EWL slab's function is</p> <p>22 similar to a transfer plate?</p> <p>23 A. (In English) Yes.</p> <p>24 Q. Okay. Next.</p> <p>25 A. (Chinese spoken).</p>
<p>Page 130</p> <p>1 Q. So, after the completion of this EWL slab, what the</p> <p>2 workers need to do is to further excavate the soil all</p> <p>3 the way down to the soffit of NSL slab?</p> <p>4 A. (In English) Yes.</p> <p>5 Q. And again, slightly below that soffit, in order to</p> <p>6 provide working space; is that correct?</p> <p>7 A. Well, in normal circumstance, we can cast against the</p> <p>8 soil. We do not need further working space.</p> <p>9 Q. So the working space will be none or very limited?</p> <p>10 A. (In English) Very limited.</p> <p>11 Q. Then, after the excavation down to NSL soffit, workers</p> <p>12 can start to construct the NSL slab?</p> <p>13 A. (In English) Yes.</p> <p>14 Q. Just like the situation of the EWL slab?</p> <p>15 A. (In English) Yes.</p> <p>16 Q. Then you can see, after this process, what we can see is</p> <p>17 on the screen. We have the two diaphragm walls, and in</p> <p>18 between we have -- on top we have the EWL slab and then</p> <p>19 you have the NSL slab.</p> <p>20 COMMISSIONER HANSFORD: Sorry, the slide keeps flicking</p> <p>21 Can we stop at that point? That's it.</p> <p>22 Sorry, so again, just to make sure that I'm clear</p> <p>23 and everyone's clear. At this point, after the NSL slab</p> <p>24 is cast, then beneath the NSL slab is unexcavated soil?</p> <p>25 A. (In English) Yes.</p>	<p>Page 132</p> <p>1 Q. That will be the easy part.</p> <p>2 A. Then they will work on the other structures.</p> <p>3 MR CHEUK: I think that's the end of the construction</p> <p>4 sequence. Thank you for your explanation.</p> <p>5 COMMISSIONER HANSFORD: Sorry, can we just go back one</p> <p>6 stage, one more -- right, okay. Now take us on a stage,</p> <p>7 one more stage, go forward a stage -- that's it -- and</p> <p>8 now one more. No, no, no, forward. The next one.</p> <p>9 Right.</p> <p>10 This is the OHE slab, is it?</p> <p>11 MR CHEUK: OTE, over track exhaust.</p> <p>12 COMMISSIONER HANSFORD: The OTE that we see being created</p> <p>13 So that's created at that stage, and then we've got this</p> <p>14 discussion regarding monolithic detail, but perhaps</p> <p>15 we will come to that later.</p> <p>16 MR CHEUK: I should clarify, that was the original design</p> <p>17 intent.</p> <p>18 A. (In English) Yes.</p> <p>19 MR CHEUK: But not the actual happened on the site.</p> <p>20 COMMISSIONER HANSFORD: Okay.</p> <p>21 MR CHEUK: I think that's all I need you to --</p> <p>22 COMMISSIONER HANSFORD: Actually, sorry -- forgive me, I've</p> <p>23 got all the questions -- what is the purpose of the</p> <p>24 H-pile to the left? What is its purpose?</p> <p>25 A. On the left, there are other new structures to be built.</p>

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<p>1 That's why we need to do new piling, new foundation. 2 This has nothing to do with the Hung Hom Station, 3 actually. This is not related to the EWL slab or the 4 diaphragm walls. 5 (In English) The left-hand side piling is only for 6 some new structure. 7 COMMISSIONER HANSFORD: So adjacent to the Hung Hom Station 8 there's other works going on? 9 A. (In English) Yes. 10 COMMISSIONER HANSFORD: And the purpose of the H-pile is to 11 support that? 12 A. (In English) Yes. 13 COMMISSIONER HANSFORD: Okay. 14 MR CHEUK: Thank you for your presentation. I will now just 15 go very briefly to a separate topic. 16 In your witness statement, J6/4540, you deal with 17 the as-built construction details here, from 18 paragraphs 31 to 35. 19 A. (In English) Yes. 20 Q. Can I first ask you -- you mentioned about the joint 21 statement by Leighton and MTRC produced on around 22 16 November 2018. 23 A. (In English) Yes. 24 Q. Were you involved in that exercise? 25 A. Can you please clarify your question?</p>	<p>1 "Existing couplers and rebars to be removed". We see 2 the annotations there; can you see that, at the very 3 top? 4 A. (In English) Yes. 5 Q. Then we see also another annotation, "Concrete to be 6 hacked off and recast with slab"? 7 A. (In English) Yes. 8 Q. Okay. This was the change that you might have 9 understood by now, what we call the second change. 10 A. (In English) Yes. 11 Q. But what I don't see here is -- it talks about the 12 process, including hacking off concrete, but what it 13 doesn't show is the result or product of this process; 14 for example, at the end, how many layers of rebar are 15 there at the top of this diaphragm wall. 16 A. These four types are typical sections. If we want to 17 know how many rebars are in the top reinforcement, we 18 should refer to slab reinforcement drawings. 19 Q. I see. That will be included in the subsequent pages; 20 do I understand correctly? 21 A. (In English) Yes. 22 Q. That will show all the construction details which was 23 the product of all the changes can be located in those 24 subsequent pages? 25 A. (In English) Yes.</p>
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<p>1 Q. Yes. Were you involved in the exercise of producing the 2 joint statement by Leighton and MTRC and the drawings 3 attached to that statement? 4 A. As for the drawings preparation, that was our 5 responsibility, but we did not work with Leighton or 6 MTRC on the joint statement. We did not communicate 7 with them. 8 Q. And were you personally involved in those drawings, in 9 preparation of those drawings? 10 A. Yes. 11 Q. Now, those drawings were prepared on the instruction of 12 Leighton; correct? 13 A. (In English) Yes. 14 Q. And given to team B? 15 A. (In English) Yes. 16 Q. If we can turn up those drawings: B19/25515. 17 A. (In English) Okay. 18 Q. Were you involved in the preparation of this drawing? 19 A. (In English) Yes. 20 Q. Again, the next page, 25516, were you also involved? 21 A. (In English) Yes. 22 Q. If we look at 25515, we see it sets out four types of 23 construction joint details. 24 A. (In English) Yes. 25 Q. For example, if we look at type 1, basically it says</p>	<p>1 COMMISSIONER HANSFORD: Do we have them here? Are they in 2 this bundle? Can we just see one typical one? 3 MR CHEUK: Can we see -- Mr Sung, I wonder if you can help 4 us -- 5 A. (In English) Okay. 6 Q. -- on this. Do you have a hard copy in front of you? 7 A. (In English) Yes. 8 Q. For example, if you want to see how many layers 9 eventually were constructed in relation to type 1, where 10 can we find it? 11 A. (In English) Please go to 25552. 12 (Via interpreter) First of all, we should look at 13 this drawing called "Coupler schedule". It specifies 14 what type of connection details are used at which panel. 15 Q. Yes. Can you help us a little bit more? It's not 16 absolutely clear, as we can see on the screen. 17 For example, there are some drawings on the 18 right-hand side -- would that help you? 19 A. (In English) You can refer to the table, the right 20 column, the right-most column on the table. 21 COMMISSIONER HANSFORD: The left-hand side. 22 MR CHEUK: Yes. 23 A. (Chinese spoken). 24 Let us talk about the first table. At the last 25 column, you have the word "Type". The type here refers</p>

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<p>1 back to the typical sections in front. 2 Q. So if we look, for example, at the first table, on the 3 left-hand side, and the last column, it is the type -- 4 A. (In English) Yes. 5 Q. -- that we have seen, which includes type 1, type 2, 6 type 3, type 4? 7 A. (In English) Yes. 8 Q. And these types are referable to the two sheets that we 9 have seen? 10 A. (In English) Yes. 11 Q. Then, if we want to know, for example, type 1, how many 12 layers of rebars were there, we can check against this 13 table, and that will be shown -- for example, next to 14 the type we see "Bottom", and then next to the bottom we 15 see "Top"? 16 A. (In English) Yes. 17 Q. Those number of layers will be recorded? 18 A. This table only shows the number of couplers, and if you 19 look at the first column, "Top", it denotes N/A, meaning 20 all couplers have been removed and straight bars have 21 been used, and if you look at "Bottom" nothing has 22 changed. 23 Q. We see it's empty. 24 CHAIRMAN: Sorry, the little cloud, like from a kids' book, 25 what does that stand for? That stands for "not</p>	<p>1 final as-built construction details, as from this set of 2 drawings -- 3 A. (In English) Yes. 4 Q. -- Atkins helped to prepare on the instruction of 5 Leighton recently, in recent months? 6 A. (In English) Yes. 7 Q. The last question I have for you is, according to your 8 experience, is this a normal way to prepare as-built 9 drawings? 10 A. I should put it this way. Some activities require 11 as-built drawings. For example, foundations. After the 12 foundation is built, we need to submit an as-built 13 record for -- 14 Q. It's my fault. We are at cross-purposes. As 15 I understand from your witness statement, during the 16 course of preparation of these as-built drawings, you 17 relied on some site photos and some other 18 drawings/sketches provided by Leighton; correct? 19 A. (In English) Yes. 20 Q. I am wondering, is this normal practice to rely on these 21 materials instead of, you know, having contemporaneous 22 updated drawings to start with? 23 A. I should put it this way. Normally, we won't work 24 backwards. It should be a continuous process, we will 25 be updating the situations we encounter on the site.</p>
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<p>1 applicable"? 2 A. (In English) No, no, no. The cloud just shows the 3 change compared to the previous drawings. 4 MR CHEUK: It shows no couplers, through-bar? 5 COMMISSIONER HANSFORD: No, no. 6 A. (In English) No, I think the cloud in engineering is 7 that we show the change between this version and the 8 previous version. 9 CHAIRMAN: That shows the change. 10 COMMISSIONER HANSFORD: So what you are telling us, Mr Sung 11 is the cloud is a form of highlighting? 12 A. (In English) Yes. Highlight the change. 13 CHAIRMAN: And the little triangular sign which looks like 14 something you put down if your car breaks down? 15 A. (In English) This is the revision number. For every 16 drawing, when we update the drawing, we need to update 17 the revision. 18 COMMISSIONER HANSFORD: So the cloud is highlighting the 19 change and the triangle is identifying the revision 20 number -- 21 A. (In English) Yes. 22 COMMISSIONER HANSFORD: -- where that change has been made? 23 A. (In English) Yes. 24 COMMISSIONER HANSFORD: Okay. 25 MR CHEUK: So that's the way we can locate and identify the</p>	<p>1 Any changes that we encounter, it should be a continuous 2 process. 3 Q. And the normal process, as I understand your evidence, 4 is that it should start contemporaneously, at the time 5 of the changes? 6 A. (In English) Yes. 7 Q. Then you continue to update those changes as time goes 8 along? 9 A. (In English) Yes. 10 Q. And at the final stage, you don't need to go 11 retrospectively to check all the photos and other 12 records in order to reconstruct everything? 13 A. (In English) Yes. 14 Q. That should be only some miscellaneous updating by the 15 time of the final stage? 16 A. (In English) Yes. 17 MR CHEUK: I have no further questions. 18 CHAIRMAN: Does anybody have any questions? 19 MR CHOW: Mr Chairman, I have a few questions for Mr Sung, 20 but I promise I won't ask anything about the SAP2000 or 21 Plaxis analysis or any of the load cases. I'm sure all 22 my learned friends in this room won't need any further 23 education on these topics. 24 Cross-examination by MR CHOW 25 Q. Good afternoon, Mr Sung. I have just one or two</p>

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<p>1 questions. What I'm interested in is -- one of the 2 issues that interests the government is on the question 3 of whether the changes made to the top of the east 4 diaphragm wall require prior consultation of BD before 5 the execution of the works. 6 Now, I see that in paragraph 26 you apparently 7 provide some expert opinion on this matter. So can 8 I just quickly take you to that particular paragraph. 9 A. (In English) Okay. 10 Q. Bundle J, page 4539, please. We've got it. 11 Here you say, on the basis of the two sketches that 12 you have been provided by Lo &amp; Lo -- perhaps it is 13 useful for us to quickly go to have a look on the two 14 sketches. Bundle J1, page 8. 15 The first sketch shows the original design -- 16 A. (In English) Yes. 17 Q. -- where we see some couplers and some horizontal 18 reinforcement on top of the east diaphragm wall, and the 19 EWL slab and the OTE slab on each side of the wall were 20 to be connected through the couplers; right? 21 A. (In English) Yes. 22 Q. Then turn over the page, page 9. This is a different 23 arrangement which involved replacing the couplers with 24 straight bars and also trimming down part of the 25 diaphragm wall; right?</p>	<p>1 usual private building projects governed by the 2 Buildings Ordinance? 3 A. (In English) Yes. 4 Q. So, for those projects, this sort of changes or works to 5 be carried out to a built diaphragm wall, although you 6 consider as a minor amendment, but you would still need 7 to make submission to the Buildings Department and 8 obtain consent? 9 A. (In English) Yes. 10 Q. And before the execution of the work; am I correct? 11 A. (In English) Yes. 12 Q. Okay. What I'm interested to further explore with you 13 is the next sentence. You go on to say: 14 "However, as the project had an IoE, provided that 15 the structural stability was not affected ..." 16 Now, here you mention about structural stability not 17 being affected. Is it because of what is provided for 18 in the practice note for the authorised person ADM-19? 19 A. (In English) ADM-19? No. 20 (Via interpreter) No. 21 Q. Perhaps to help you -- it's worthwhile to go to have 22 a look at the PNAP ADM-19, bundle H20, page 40065. 23 The reason why I refer you to this practice note is 24 because Leighton's witnesses referred to this practice 25 note as the basis for saying that the changes that we</p>
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<p>1 A. (In English) Yes. 2 Q. So this is the deviation that you are talking about in 3 this paragraph. 4 Then you go on to say: 5 "In my experience, the design principles do not 6 change as it is a substitution of couplers for straight 7 through reinforcement bars which would not change the 8 behaviour of the joint connection between diaphragm wall 9 and slab. However, I understand there was also a change 10 to the as-built diaphragm wall ..." 11 Pausing here, the change to the as-built diaphragm 12 wall that you refer to is the trimming down of part of 13 the completed diaphragm wall; is that right? 14 A. (In English) No. 15 (Via interpreter) In my witness statement, I was 16 trying to say if you knock down a wall, there are 17 changes to the diaphragm wall, and it would also mean 18 a change to the as-built diaphragm wall. 19 Q. Okay. So that is basically when I meant earlier. 20 Then you said: 21 "... and this would normally be a minor amendment 22 which for a non-instrument of exemption project should 23 normally be submitted to BD for approval and consent." 24 Now, here, when you refer to "non-instrument of 25 exemption", am I right to take it that you refer to the</p>	<p>1 are now talking about do not go to impact on the 2 stability of the structure, and for this reason, because 3 of a procedure implemented by the Buildings Department, 4 that sort of change does not require prior approval and 5 consent of the Buildings Department. 6 A. But the foundation does not have ADM-19. Foundational 7 changes are not included in ADM-19. 8 Q. Right. I'm glad that you agree with me. So do you 9 agree with me that the changes now -- the changes that 10 have been made to the top of the east diaphragm wall 11 would be, as far as you are concerned, considered as 12 a change made to the foundation? 13 A. (In English) Yes. 14 Q. And because of that, any leeway allowed for by the 15 Buildings Department under this practice note would not 16 apply? 17 A. Of course. 18 Q. Thank you. Then can you explain what you were trying to 19 say at the last part of paragraph 26, where you say: 20 "... contest would not be required and it would be 21 normal to consult with BD as to the change and it would 22 be at the discretion of the CP when this amendment 23 submission would be submitted." 24 A. Okay. This last sentence means that my understanding -- 25 a consultation project does not need consent. As long</p>

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<p>1 as BD accepts your drawings, you can commence work. So, 2 in this case, if there are any changes, then we could 3 have a talk with the BD officer and ask do we need -- 4 making a minor amendment to the diaphragm wall, do we 5 need a submission for A&amp;A work? Because under the 6 Buildings Ordinance, if we encounter similar situations, 7 these we need to make an A&amp;A submission rather than 8 a diaphragm wall amendment. 9 Q. And for this we would expect the consultation would be 10 carried out before the execution of this amendment, is 11 that right, or the execution of the alteration work? 12 A. (In English) Before or after? 13 Q. Before. 14 A. In this case, I would feel we need to consult with BD 15 and have their approval before we start work. 16 CHAIRMAN: Sorry, what's "A&amp;A"? 17 A. (In English) Addition and alteration work. 18 MR CHOW: Thank you very much, Mr Sung, I have no more 19 questions for you. 20 MR SHIEH: Consequential upon questions made by Mr Chow, 21 I may have a question or two for Mr Sung. 22 CHAIRMAN: Yes. 23 MR SHIEH: I must preface my question by this observation. 24 Mr Sung is a witness from Atkins, as a concerned party, 25 Mr Sung is not here as an independent expert. Mr Chow</p>	<p>1 foundation. 2 A. (In English) Yes. 3 Q. Can I ask you to look at bundle C35, page 26577. That 4 is a Code of Practice for Foundations issued by the 5 Buildings Department; do you see that? 6 A. (In English) Yes. 7 Q. Are you familiar with this document? 8 A. (In English) Yes. 9 Q. Can I ask you to look at 26585. There we see the 10 definition of "Foundation": 11 "That part of a building, building works, structure 12 or street in direct contact with and transmitting loads 13 to the ground." 14 Do you see that? 15 A. (In English) Yes. 16 Q. Can I ask you then to turn to one of the slides that we 17 have been looking at, in bundle J4, maybe 3340. 18 You see the two green vertical structures with 19 circles; do you see those? 20 A. (In English) Yes. 21 Q. Those are the diaphragm walls; correct? 22 A. (In English) Correct. 23 Q. They go all the way down to the bottom, where they touch 24 soil? 25 A. Or the bedrock.</p>
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<p>1 skilfully slipped in the words "expert opinion" into his 2 characterisation of Mr Sung's evidence. 3 Now, I wish to preface my question by saying that 4 what I now question this witness on could well 5 ultimately be a matter for expert witnesses, but 6 consequential upon Mr Chow's question I must lay down 7 a marker by putting our position. The rest is a matter 8 of submissions at the end of the day. 9 CHAIRMAN: Yes. I think I should say I certainly haven't 10 accepted the evidence of this witness as being expert 11 evidence. He's obviously a knowledgeable person, but 12 a great many witnesses are knowledgeable without being 13 experts, and the way I have read it is that he's here to 14 explain these diagrams, which may be of use to the 15 experts who will perhaps later be called. I hope 16 that -- 17 MR SHIEH: Yes, that is extremely helpful, but as I said, 18 consequential upon the way in which the government has 19 sought to spin the questions -- 20 CHAIRMAN: Yes, of course. 21 MR SHIEH: -- I promise to be extremely short, and by way of 22 laying down a marker only. 23 CHAIRMAN: Good. 24 Cross-examination by MR SHIEH 25 MR SHIEH: Mr Sung, you talked about works being done to</p>	<p>1 Q. Or bedrock. 2 A. (In English) Yes. 3 Q. Yes. And somewhere along the way there is the NSL slab; 4 do you see that? 5 A. (In English) Yes. 6 Q. And above that we have the EWL slab; correct? 7 A. (In English) Correct. 8 Q. Where the trimming down or hacking off took place was 9 really within the circles, correct, or near the top of 10 the circles; correct? 11 A. (In English) Yes. 12 Q. I would suggest to you that that part of the diaphragm 13 wall where the hacking took place was not part of the 14 foundation; do you accept that? 15 A. I do not agree, because when you give acceptance -- 16 well, in the BD's acceptance letter, this will be 17 identified as the foundation or the superstructure. In 18 this case, as far as the diaphragm walls are concerned, 19 in the BD's approval letter, this is shown to be at the 20 foundation. 21 Q. That is your answer; right? 22 A. (In English) Yes. 23 MR SHIEH: Chairman and Professor, as I said, my question 24 arose simply because of the way Mr Chow put a question. 25 CHAIRMAN: Yes.</p>

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<p>1 MR SHIEH: I'm not yet fully prepped by way of testing the                  2 evidence by way of expert testimonies so I hope I have                  3 laid down an adequate marker so it can't be said that we                  4 haven't actually picked up that point, but I've got the                  5 answer, I've put it, the rest could well be a matter for                  6 when the real experts come into the picture.                  7 CHAIRMAN: Of course. Thank you.                  8 MR BOULDING: Sir, we have no questions for this witness.                  9 CHAIRMAN: Yes.                  10 Anything further?                  11 MR CONNOR: Thank you very much, sir. I have no further                  12 questions by way of re-examination of Mr Sung, subject                  13 to any final questions that you, Mr Chairman, or you,                  14 Professor, might have.                  15 COMMISSIONER HANSFORD: I've asked all my questions, thank                  16 you.                  17 MR CONNOR: Thank you very much.                  18 CHAIRMAN: Thank you very much, Mr Sung.                  19 One thing I should mention to you, and I'm sure you                  20 know this, but to be an expert witness you have to meet                  21 certain criteria and be there for a certain purpose.                  22 It's no denigration of your very admirable                  23 qualifications, all right, that you are not qualified as                  24 an expert in this particular set of proceedings.                  25 WITNESS: (In English) Okay. I understand.</p>	<p>1 Futures matter in Central, and that was set down some                  2 time ago and we haven't been able to move it. It's at                  3 5.30, but obviously one needs to be there before 5.30,                  4 if possible, so working on the basis that it takes about                  5 35 to 40 minutes to properly get there and then to have                  6 a good look at the papers, I would look to adjourning at                  7 4.30 tomorrow, if that's satisfactory.                  8 MR PENNICOTT: Yes, sir. Thank you very much.                  9 CHAIRMAN: My apologies again, but this was something                  10 already marked in the diary a good time ago.                  11 MR JAT: I'm sure Mr Chairman will find that the costs for                  12 Mr Benjamin Yu to wait for us is going to be more                  13 expensive than all of us here.                  14 MR SHIEH: Mr Yu can't defend himself here, that's the real                  15 joy of it.                  16 MR JAT: That's why I said it!                  17 CHAIRMAN: Thank you very much indeed. 10 o'clock tomorrow                  18 morning. Thank you.                  19 (3.52 pm)                  20 (The hearing adjourned until 10.00 am the following day)                  21                  22                  23                  24                  25</p>
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<p>1 CHAIRMAN: Thank you.                  2 (The witness was released)                  3 MR CONNOR: Thank you, Mr Sung.                  4 MR PENNICOTT: Sir, that's it for today, as far as I'm                  5 aware.                  6 CHAIRMAN: Yes.                  7 MR PENNICOTT: So far as tomorrow is concerned, there are,                  8 I believe, three witnesses: Mr Lee from Atkins, WC Lee;                  9 and then programmed in are the two witnesses from Pypun,                  10 Mr Mak and Mr Yueng. So those are the three witnesses                  11 that we have tomorrow, and I'm reasonably confident that                  12 we will accomplish those three witnesses tomorrow as                  13 well.                  14 CHAIRMAN: Good. Thank you.                  15 I would mention -- I hope that counsel has already                  16 advised you -- but I will have to leave a little earlier                  17 tomorrow.                  18 MR PENNICOTT: Yes, I have mentioned it to some people but                  19 not others, sir, sorry.                  20 CHAIRMAN: I have at 5.30, tomorrow -- Mr Jat, are you --                  21 MR JAT: Yes.                  22 MR SHIEH: Me too.                  23 CHAIRMAN: So I can join him in my excuse.                  24 COMMISSIONER HANSFORD: Is this a Christmas party?                  25 CHAIRMAN: There's a pre-trial review for a Securities and</p>	<p>1 INDEX                  2 PAGE                  3 PROF MA SI HANG, FREDERICK (sworn) .....3                  4 Examination-in-chief by MR BOULDING .....3                  5 Examination by MR PENNICOTT .....4                  6 Cross-examination by MR TO .....30                  7 Questioning by THE COMMISSIONERS .....45                  8 MR JOHN BLACKWOOD (affirmed) .....50                  9 Examination-in-chief by MR CONNOR .....50                  10 Examination by MR PENNICOTT .....57                  11 Cross-examination by MR CHOW .....80                  12 Re-examination by MR CONNOR .....83                  13 Questioning by THE COMMISSIONERS .....85                  14 (The witness was released) .....90                  15 MR SUNG CHI MAN, WILSON (affirmed in Punt) .....93                  16 Examination-in-chief by MR CONNOR .....93                  17 Examination by MR CHEUK .....97                  18 Cross-examination by MR CHOW .....140                  19 Cross-examination by MR SHIEH .....146                  20 (The witness was released) .....150                  21                  22                  23                  24                  25</p>