Dav	35
Day	35

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1	Friday, 14 December 2018	1	photograph dated 5 October.
2	(10.02 am)	2	Chairman, you will have seen some of the photos seem
3	MR COLEMAN: Chairman and Professor, good morning.	3	to have day/month, others have month/day in order.
4	CHAIRMAN: Yes.	4	CHAIRMAN: Yes, I'm aware of that.
5	MR COLEMAN: I see Mr Yueng is standing by, literally	5	MR COLEMAN: But I think this one is not 10 May, but is
6	standing by, ready to give evidence this morning, and	6	5 October 2015.
7	he's going to give the oath, please.	7	Mr Yueng, it shows EM88 through to EH85, if the
8	MR YUENG WAI HUNG, RON (sworn in Punti)	8	designation put on the photograph is correct.
9	(All answers given via simultaneous interpreter	9	What do you want to say about that area of the wall?
10	except where otherwise specified)	10	A. At EH85, 86, 87 and 88, from the design I vetted, at the
11	Examination-in-chief by MR COLEMAN	11	top there should be a capping beam. At top level of the
12	Q. Can you be shown K727, and can you confirm that that is	12	capping beam should be aligned with the top of the EWL
13	your full name at the top, Yueng Wai Hung?	13	slab. So, when they are working on the capping beam,
14	A. (Nodded head).	14	they had to break the D-wall before they could proceed
15	Q. And is it correct that you are sometimes called Ron, Ron	15	to that.
16	Yueng?	16	For the EWL slab, it was supported by the capping
17	A. Right.	17	beam, and then it would be connected to the diaphragm
18	Q. Can you then turn to page K742. Is that your signature	18	wall.
19	on this page?	19	Q. I wonder if you could be shown page H407, please. This
20	A. Yes.	20	is a letter of 20 August this year, which provides if
20		20	
21 22	Q. Subject to some corrigenda which I'm going to deal with		one scrolls down, please, to paragraph numbered (i) in
	in a moment, are the contents of the witness statement	22	the middle of the page:
23	true and correct to the best of your information and	23	"Latest accepted detailed design consultant drawings
24	belief?	24	concerning the diaphragm walls and platform slabs
25	A. Right.	25	[including of the] East West Line ('EWL') [slab]"
	Page 2		Page 4
1	Q. And the corrigenda can be found at page 743.1, with the	1	Then could you go to page H888, please. Perhaps it
2	amendments shown in, for lawyers at least, the	2	can be enlarged little bit so that we can see the
3	traditional fashion, being amendments to paragraphs 12,	3	numbers at the bottom. So we are concerned with, on
4	29.2(4), which goes over the page.	4	this photograph, reading from right to left, EH85, 86,
5	Do you wish to make these changes to your statement?	5	87 and 88.
6	A. Right.	6	Mr Chairman, do you see that?
7	Q. Together with those changes, do you ask that the content	7	CHAIRMAN: Yes.
8	of this statement be part of your evidence before this	8	MR COLEMAN: If we go up, straight up keep going we
9	Commission?	9	can see a hatched area drawn on the top of that. What
10	A. Right.	10	is that, Mr Yueng?
11	MR COLEMAN: With the Chairman's leave, I have a few points		A. You may refer to the right-hand side of this drawing.
12	for further examination-in-chief.	12	There is a legend.
12	CHAIRMAN: Yes, of course.	12	Q. Yes.
13 14	MR COLEMAN: Thank you.	13	A. When I check the legend, it's cross-hatched legend, so
14 15	Mr COLEMAN: Thank you. Mr Yueng, I think you saw the evidence given by	14	it represents the capping beam.
16	Mr Mak yesterday.	16	Q. So if we go back to that hatched area, cross-hatched.
17	A. Right.	17	COMMISSIONER HANSFORD: Sorry, which panels were these
1.0	Q. And you saw some of the photographs to which he was	18	again, please?
18		19	MR COLEMAN: The panels shown in the photograph 25647, EH83
19	taken by my learned friend Mr Boulding.		
19 20	A. Right.	20	to 88 inclusive.
19 20 21	A. Right.Q. As I understand it, you want to identify some points	20 21	COMMISSIONER HANSFORD: Thank you.
19 20 21 22	A. Right.Q. As I understand it, you want to identify some points about those photographs which you think may help the	20 21 22	COMMISSIONER HANSFORD: Thank you. MR COLEMAN: Thank you. Can we now have I'm going to
19 20 21 22 23	A. Right.Q. As I understand it, you want to identify some points about those photographs which you think may help the Commission?	20 21 22 23	COMMISSIONER HANSFORD: Thank you. MR COLEMAN: Thank you. Can we now have I'm going to come back to this file but a different page in a moment.
19 20 21 22	A. Right.Q. As I understand it, you want to identify some points about those photographs which you think may help the	20 21 22	COMMISSIONER HANSFORD: Thank you. MR COLEMAN: Thank you. Can we now have I'm going to

	Page 5		Page 7
1	month, 2015, and it is described as showing areas EH112,	1	is vast, equal to the area of Hung Hom Extension. Apart
2	113 and 114.	2	from these two areas, there is also a North Approach
3	Mr Yueng, what do you want to tell us about this	3	Tunnel, South Approach Tunnel, and the existing
4	photograph?	4	modification work at the Hung Hom Station and the
5	A. At EH113 and 114, on the D-wall, actually there was	5	northern area ancillary structures.
6	an air duct at the top of the D-wall. It would be	6	The site walk would cover the works area of
7	lower it would stop at a lower level than other	7	contract 1112. The site walk purpose is to allow the
8	D-walls.	8	government officials to get a general feeling of the
9	Q. I wonder if you could be shown, back where the drawings	9	progress, and we would never get into great detail of
10	are, H887, just the page before the one we were looking	10	the works.
11	at. On the left-hand side, we can see EH112, 113 and	11	Q. You've mentioned government officials. Would they be
12	114, reading from right to left, where the Chairman's	12	present on a site visit?
13	hand is.	13	A. The site walk or site visit, they would accompany us to
14	And can we go up, and can you tell us what the	14	do the site walk or site visit.
15	drawing shows there, please?	15	Q. Can you be shown, please, at page G7665. I don't know
16	A. On the screen, on the left-hand side, there are two	16	which file it's in but it's the M&V contract.
17	rectangles, and you see a cross inside; it represents	17	Can you scroll down to 6.6.4(f).
18	an opening on the drawing.	18	Mr Yueng, you can see it on the screen, I think. In
19	Q. And what's the relevance of that as regards the	19	paragraph (f) it refers to conducting audit and surprise
20	photograph of that area taken on 13 October 2015?	20	checks to construction sites on aspects of structural
21	A. Under the two rectangles, you can see a level reference.	21	safety, integrity of foundation, tunnel, superstructure
22	It shows that the D-wall would stop at plus 1.25. So	22	and et cetera for safety assurance and for compliance
23	comparing this with the photograph, according to the	23	with building safety standards, and so on.
24	work sequence, it would have to be broken down.	24	Firstly, can I ask you, in respect of the area under
25	Q. Can we also see photograph B25605, please. I'm not sure	25	contract 1112, did Pypun conduct any surprise checks?
		-	, a francisco fr
	Page 6		Page 8
1	Page 6 this is one of the photographs that Mr Boulding meant to	1	Page 8 A. No.
1 2	this is one of the photographs that Mr Boulding meant to	1 2	-
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	Page 9		Page 11
1	rebars, they have different specifications and	1	and we saw that in the agreement letter they had said
2	methodologies. There are also different inspection	2	that they needed two separate teams, that is, one team
3	methods and equipment. So the QSP targets the different	3	serving MTRCL and one team serving the consultant. They
4	contractors or MTRCL's materials, because they are using	4	needed these two separate teams, and they could indicate
5	different brand names and they need specific	5	two organisation charts, and when our colleagues
6	installation and inspection methods.	6	inspected they found that there was no conflict in these
7	Q. Just by way of an example, we know from the QSP in this	7	two teams, and in January 2016 we reported back through
8	case that once the rebar had been screwed into the	8	the PCG meeting to the group.
9	coupler, there was no torque checking requirement;	9	Regarding the BSRC team, that is our assignment, we
10	am I right about that?	10	meet with MTRC regularly and we call these working
11	A. Yes, that is the case for BOSA.	11	sessions where we have very detailed discussions on the
12	Q. What about for other proprietary couplers?	12	submissions and the designs, and they take up our
13	A. Well, we have looked at another brand name, a different	13	feedback and they will address our comments, so that the
14	brand coupler. In their QSP, they also specified that	14	project can proceed smoothly.
15	when a threaded rebar is screwed into a coupler, they	15	Q. Just in relation to the first point you mentioned, which
16	have a torque gauge and a wrench to confirm that there	16	consultant was concerned?
17	is sufficient torque applied.	17	A. There are a few contracts that were like that. If we
18	Q. Can you please be shown, in G9, page 7658, and at the	18	look at the documents and the contract 1112, it was
19	bottom of the page, clause 6.1.7, dealing with the main	19	Atkins.
20	roles of the consultants.	20	Q. Perhaps if we can go to G7166, also in G9.
21	MR SO: Sir, I do apologise. As per the transcript,	21	CHAIRMAN: I'm sorry to interrupt are you saying that one
22	page 10, line 3, I wonder if it is a winch or it is	22	of the duties you fulfilled was checking to see whether,
23	a wrench.	23	within Atkins, with their team A and team B, that there
24	A. (In English) Wrench.	24	was in fact a conflict of interest and you decided and
25	MR COLEMAN: Perhaps, Mr Yueng, you can tell us the English	125	advised that there was no conflict?
	Page 10		Page 12
1	word.	1	A. Actually, when we did the cost audit, we discovered this
2	A. (In English) Wrench.	2	issue, and our cost auditor saw that there was this
3	MR COLEMAN: Thank you. I'm grateful to Mr So.	3	situation and they were worried that when payment time
4	This is at 6.1.7 in the M&V agreement which	4	came along some parties would be double-paid.
5	identifies the main roles of the consultants. I want to	5	So we referred to MTRC's PIMS documents and we
6	look at the last sentence:	6	examined their permission to another contractor that was
7	"Hence, the Consultants shall be proactive" and	7	serving the contractor and MTRCL. There was
8	of course the sentence doesn't end there; we need to go	8	
9			an acceptance letter and we examined the contents. We
	over the page "working closely with the Director's	9	looked at the acceptance terms and we required them to
10	Representative and the MTRCL and timely adjust its work	9 10	looked at the acceptance terms and we required them to have two separate teams.
10 11	Representative and the MTRCL and timely adjust its work plan to suit the progress and programme of the SCL	9 10 11	looked at the acceptance terms and we required them to have two separate teams. MR COLEMAN: Perhaps I can deal with it in this way. If we
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1	Page 13		Page 15
1	also been appointed by some contractors as their	1	CHAIRMAN: Thank you.
2	designer for alternative works under the same contract,	2	MR COLEMAN: Mr Yueng, I think Mr Pennicott will have some
3	for example contracts 1106, 1112, 1114 and 1123. It	3	questions for you now, and after him maybe some of the
4	appears there might be a conflict of interest. MTRCL	4	other counsel will have some questions. I may come back
5	was requested to review their procedures to ensure that	5	with a few questions at the end, and of course the
6	adequate firewall was in place. Pypun would review the	6	Chairman and the professor can ask you questions at any
7	responses provided by MTRC and advise the finding in the	7	time, and you will try to help us all as much as you
8	next meeting."	8	can. Thank you.
9	As I understand the answer you gave to the	9	Examination by MR PENNICOTT
10	Chairman's question, Pypun did review the responses and	10	MR PENNICOTT: Good morning, Mr Yueng. As Mr Coleman has
11	reported back that there did not appear to be	11	indicated, I'm one of the counsel to the Commission. My
12	a conflict, or at least not one that was not protected	12	name is Ian Pennicott. I have a few questions for you.
12	by different teams and walls?	12	First of all, thank you very much for coming along to
13	A. Mr Chan told me that MTR in the MTR management	14	give evidence to the Commission this morning.
14	system, they did not object to having one contractor in	15	Mr Yueng, you were, as I understand it, the team
16		16	leader of the BSRC of Pypun?
	a contract serving the MTRC and another contractor. So		A. That's right.
17	we looked up the acceptance letter and we saw that we	17 18	0
18	looked up the clauses in the acceptance letter. We also		Q. Am I right in thinking that you've been team leader
19	followed up with the organisation chart. There was no	19	throughout the provision of services by Pypun to the
20	overlapping between team A and team B. So, in the	20	government, stretching back to 2012 up to today?
21	subsequent meeting so in January 2016 we reported	21	A. That's right.
22	that back to the RDO.	22	Q. I understand from paragraph 4 of your witness statement
23	Q. Now can you be shown your witness statement, please, at	23	that you have specific responsibility for contract 1112?
24	page K740. On that page, at paragraph 45, you are	24	A. Right.
25	referring to a supplementary engagement, so	25	Q. Can I just, slightly out of order but just in case
	Page 14		Page 16
1	an engagement on top of the M&V agreement, where you	1	I lose the point you gave some evidence a moment ago,
2	were asked to undertaken a check of the records in June,	2	when Mr Coleman was asking you some questions, about
3			
1	July and September 2018, and you exhibited or annexed to	3	Atkins, the consultants, and their dual role in acting
4	your witness statement five draft reports issued for RDO	3 4	Atkins, the consultants, and their dual role in acting for MTRC and for the contractors, Leighton.
5	your witness statement five draft reports issued for RDO comments.		Atkins, the consultants, and their dual role in acting for MTRC and for the contractors, Leighton.A. That's right.
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	Page 17		Page 19
1	a report was produced and you indicated the conclusion	1	added to it.
2	of that report was that there was no identifiable	2	CHAIRMAN: All right. I will leave this to you.
3	conflict of interest.	3	MR PENNICOTT: I was going to ask a couple of questions, but
4	A. It was Mr Vincent Chan who audited the document. It was	4	let's do it now.
5	his conclusion and it was reported to the RDO.	5	CHAIRMAN: Yes.
6	Q. All right. And was some form of report prepared,	6	MR PENNICOTT: Mr Yueng, I thought the point that you were
7	an audit report, and given to RDO?	7	making was that one saw some demolition or reduction in
8	A. I am not sure about that. I don't know. Because	8	height of the diaphragm wall, in the particular areas
9	Mr Chan told me that it was reported during the meeting.	9	that you were shown on those two photographs, and the
10	Q. I see. So it may have just been reported back during	10	point that you were making was that there was a good
11	the course of the meetings as opposed to any formal	11	reason for that taking place, namely the capping beam in
12	written report having been prepared and submitted to	12	relation to one photograph and the air duct in relation
13	RDO?	13	to the other photograph. So this wasn't an example of
14	A. It might be that as well, because this has been put into	14	sort of general demolition of the diaphragm wall, but
15	the minute.	15	demolition or reduction in height for a specific
16	Q. Okay.	16	purpose.
17	Sir, I am not aware of having seen any such report.	17	Is that what you were trying to convey to us,
18	I don't know whether it has been disclosed by	18	Mr Yueng?
19	government. It may well have been, but it's not passed	19	A. Right. I would also like to point out that at certain
20	me yet, but there it is. I will leave it to others to	20	locations the capping beam and air duct location,
21	assist if they are able.	21	according to the work sequence the top of the D-wall
22	CHAIRMAN: Sorry, can I just interrupt at this stage,	22	would have to be broken down before works could be done
23	because I may have missed the points of the photographs	23	on the capping beam and air duct, and the bottom of the
24	that were shown.	24	capping beam and the air duct would be the top of the
25	You were shown certain photographs at the very	25	D-wall.
	Page 18		D = = = 2 0
	U		Page 20
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5 (Pages 17 to 20)

	Page 21		Page 23
1	the period between, let's say, March 2013 and May of	1	18 April this year?
2	this year so a period of just over five years how	2	A. I see it.
3	many times did you in fact visit the contract 1112 site?	3	Q. And the one on the 27th, certainly, of March this year
4	A. I, together with BSRC team members sometimes I would		is described as the "Site inspection with MTR at the
5	be present, sometimes not. Definitely more than	5	stitch joints of EWL trough and NSL tunnel (remedial
6	80 times for a site witness and site audit.	6	works in progress)", and I think that was something we
7	Q. Right. Could we look at, please, the document at	7	heard about from Mr Mak yesterday as well.
8	H10/4791.	8	So apart from leaving aside 2018, we appear to
9	Do you have that, Mr Yueng?	9	have identified just two inspections that you personally
10	A. Yes, I have it.	10	made over that period.
11	Q. This is an exhibit to or an annex to one of the	11	A. Yes, I did so personally.
12	government witness statements, and it's a matter or	12	Q. So the rest of the inspections would have been made by
13	a document that you refer to in paragraph 31 of your	13	your colleagues?
14	witness statement, and which you say this document we	14	A. That's correct, my colleagues.
15	are looking at is consistent with the BSRC team records.	15	Q. All right. Now, can I ask you, please, to look at
16	A. That is correct.	16	paragraphs 8 to 12 of your witness statement. So we are
17	Q. Just so I understand the document and what you are	17	back at K1/728. You are dealing in those paragraphs
18	saying about it, we can see the very first item is in	18	with the general criteria for the assessments that the
19	July 2013, and one sees that there's a "Site inspection	19	BSRC team have carried out, the general criteria; is
20	(checking monitoring for D-wall construction at HHS)",	20	that right?
20	and one sees the description and also sees the type of	20	A. Correct.
21	inspection on this one is a site inspection, "Attended	21	Q. Right. Then you refer us, in paragraph 13 and onwards,
22	by" now, you see on the right-hand column; do you see	22	to annex 3, which is the detailed M&V consultant's
23	that? The names in the right-hand column, are they	23 24	review and assessment procedure, which was a deliverable
24	Pypun personnel names, Mr Yueng?	24 25	under paragraph 6.6.2 of the brief, which we looked at
23		23	
	Page 22		Page 24
1	A Correct So caido from Dunun we would also have aita		
	A. Correct. So aside from Pypun, we would also have site	1	with Mr Mak yesterday and we don't need to go to.
2	inspection, site audit, site witness, with government	2	I will come to some aspects of that in a moment, because
2 3	inspection, site audit, site witness, with government officials or other colleagues.	2 3	I will come to some aspects of that in a moment, because you actually set them out in your witness statement and
2 3 4	inspection, site audit, site witness, with government officials or other colleagues.Q. Yes, but this, as I understand it, purports to be	2 3 4	I will come to some aspects of that in a moment, because you actually set them out in your witness statement and we don't need to therefore go to the document itself.
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3 does not involve you receiving a particular submission, 3 you would not follow up the QSP in the sense that you 4 no doubt vin BD it may be copied directly to you 4 would monitor whether its requirements were being 5 you don't then think to yourselves in any particular 5 committee serverise; if you have any 6 a. That is correct. 7 Q. Nonetheless, would it have been open to you to suggest 8 issues, you raise them by way of queries, written 9 committee serverise; if you way: 10 A. That is correct. 10 Q. All right. Then, so firs as paragraph 24 of your winess 11 Q. All right. Then, so firs as paragraph 24 of your winess 11 A. That's correct. 12 Q. Soy ou soy: 12 Q. Soy ou could have commended an audit on compliance with 14 ther as paragraph 24 or you say: 15 A. We ourselves would not request an audit. The audit 15 "As regards the structural engineering sub-team of the BSRC team, section 8.1 (of the assessment document, and it 16 The Bills poperfirmt and we just follow the 16 the bay dow not paragraph 25, you say: 21 A that's cert. 20 Procedire (assequel the wide-ranguel the you you sou) 21	1	design and other documents.	1	with the contents let's focus on the quality
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4 would monitor whether its requirements were being 5 you don't whether its requirements were being 6 you don't whether its requirements were being complied with? 6 submission, "We'd better go to the site and check this 6 7 out?" It really is a paper exercise; if you have any 7 Q. Nonetheless, would it have been open to you to suggest 10 A. That is correct. 10 O all right. Then, so far as pargraph 24 of your writens 10 D all right. Then, so far as pargraph 24 of your writens 10 Q. So you could have commended an audit on compliance with 11 there at paragraph 24 you say: 10 A. That is correct. 10 No euselves would not request an audit. The audit 12 satement is concreating types of documents to be 110 No weaker there, in the third bullet point, "Site 10 No all we have to be coming from the BO team or the 13 and we have there, in the third bullet point, "Site 10 Q. Okay. So you wouldn't take the initiative, be 14 the QSP 10 Hassessment document, and 10 Hassessment document, and 14 the plan, reports and proposals to be checked 17 Buildings Department and we just follow to as <td< td=""><td>3</td><td></td><td>3</td><td>you would not follow up the QSP in the sense that you</td></td<>	3		3	you would not follow up the QSP in the sense that you
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8 issues, you raise them by way of queries, written 9 to RDO or BD that the quality supervision plan on 9 queries? 0 contract 1112 ought to be audited to see whether it was 10 A. That is correct. 0 contract 1112 ought to be audited to see whether it was 11 Q. All right. Then, so far as paragraph 24 of your witness 11 A. That is correct. 11 Q. All right. Then, so far as paragraph 24 of your witness 11 A. That's right. 12 Statement is concerned, again you set out there certain is concretation compliance with? 14 there at paragraph 24 you say: 15 A. We ourselves would not request an audit. The audit 16 the BSRC team, section 8.1 [of the assessment documents to be 16 would have to be coming from the BO team or the 17 sets out the wide-ranging types of documents to be 16 would have to be coming from the BO team or the 18 instructions. 19 O. Okay. So you wouldn't take the inititive, be 14 the loss or and if Trequired or requested to do so 20 21 ot the stor or andif if Trequired or requested to do so 20 22 <t< td=""><td>7</td><td>· · · · · · · · · · · · · · · · · · ·</td><td>7</td><td>Q. Nonetheless, would it have been open to you to suggest</td></t<>	7	· · · · · · · · · · · · · · · · · · ·	7	Q. Nonetheless, would it have been open to you to suggest
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1 X Joa may e done dans yeurng and yeu are baubred 120 X. reb. r.Buni, at the beginning of that answer, you again 1	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 against the background of the Code of Practice for Site Supervision 2009 and the Technical Memorandum of the same year. Then you say: "Special attention will be paid to the nominated TCPs' qualifications and their relevant experience" When you are looking at site supervision plans, Mr Yueng, do you also give consideration to the records that are required to be kept by those site supervision plans to see whether they comply with the Code of Practice? A. The SSP is a plan. It does not contain records. So, when I submit this, logically the supervision hasn't started, there won't be any records. We are looking at the plan. There aren't any records, there are not any records created, but do you look at the site supervision plan to see what it requires by way of records to be kept by the people doing the supervision? A. Yes, I did consider that. Q. Right. And we know that in this particular contract that we're concerned with that's 1112 you did vet both the site supervision plan and the quality supervision plan, the QSP; that's right, isn't it? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 page K1/732: "Section 8.3.2 of the review and assessment procedure details the aspects of site monitoring, audits and inspections. The following aspects are included for each of the three". Then "Site monitoring", and can I ask you to look at the fifth item down, the "Use of defective materials"; do you see that? A. Yes. Q. How would you go about auditing sorry, this is monitoring, site monitoring? How would you go about monitoring that item, the use of defective materials; how would you implement it? A. If the BD asked us to go along for a site monitoring or site audit, we have set out the content here, because PNAP ADM-13 and 18 have set them out. Back to your question, how to look at or monitor the use of defective materials. When we conduct site audit or site monitoring, we went through a lot of documents, including certificates and test reports of materials. Through looking at these document, we would be able to identify defective materials, if any. We would also look at form B of site supervision plan to see if there

7 (Pages 25 to 28)

Commission of Inquiry into the Diaphragm Wall and Platform Slab Construction Works at the Hung Hom Station Extension under the Shatin to Central Link Project

	Page 29		Page 31
1	refer to "If the BD asked us to"	1	Q. Yes, of course. I can tell you you are listed on that
2	Is it the situation that the use of defective	2	day, on 21 January.
3	materials and an audit or monitoring or audit or	3	A. I remember which time it was.
4	inspection of that aspect of the assessment document	4	Q. Okay. And consistent presumably with your other
5	would only happen on the request of the BD?	5	evidence, that would have been a site inspection,
6	A. That's right.	6	looking at the excavation for one of the diaphragm wall
7	Q. Okay.	7	panels, instigated by BD or the BO team?
8	CHAIRMAN: Were you then very much an agent of the Buildings	8	A. Right.
9	Department?	9	Q. If you look under into the next paragraph of your
10	A. No. We assist them. We play an ancillary and	10	witness statement, under the heading "Site audit" in
11	supportive role.	11	the same week, right at the end of paragraph 29.3 on
12	MR PENNICOTT: It may be that this would be an appropriate	12	page K735, you say:
13	time just to clarify the set-up. We will certainly do	13	"The BSRC team jointly with the BO team carried out
14	this with the government witnesses when we get to them.	14	two audits on couplers on 22 and 24 January 2014 as
15	But as I understand it, Mr Yueng and perhaps you can	15	regards the threading process carried out in the
16	help us with this what happened is this, that under	16	fabrication yard of contract 1112 site"
17	the Highways Department there is the RDO, the Railway	17	Do you see that, Mr Yueng? Just pausing there for
18	Development Office.	18	the moment.
19	A. Right.	19	A. I can see that, yes.
20	Q. A number of in fact four people, two structural	20	Q. You are not recorded, in our list, as having attended
21	engineers, two surveyors, were seconded from BD to the	21	that audit. It was done by others. But presumably you
22	RDO, to form what is called the BO team.	22	came to know of it, or you knew about it?
23	A. That's right.	23	A. Right.
24	Q. Pypun was in effect assisting that BO team for the	24	Q. And the threading process presumably would have been
25	purposes of the SCL project; is that right?	25	looking at the BOSA threading process, since they were
	Page 30		Page 32
1	A. That's right.	1	the ones that were threading the rebar?
2	Q. So it was a particular set-up for the SCL project, but,	2	A. That's right.
3	so far as you were concerned, you were assisting that BO	3	Q. Then also it says you go on in your paragraph to say:
4	team, which was made up of certain people from the RDO	4	" and also to witness the sampling, assembling
5	office and other people from BD that had been seconded;	5	and testing of couplers."
6	that's really what it comes to?	6	Now, would that have been if you know, would that
7	A. That's right.	7	have been a documents exercise, "witness the sampling,
8	Q. If you could go, please, to paragraph 29.2 of your	8	assembling and testing of couplers" you'd have looked
9	witness statement at K1/734. You have a heading "Site	9	at all the documents that existed, or would that have
10	inspection" there, and at subparagraph (4) you say:	10	been a physical demonstration of assembling and testing
11	"the BSRC will then prepare a site inspection report	11	of couplers, or assembling of couplers at least?
12	in the form/template provided by the BO team. Annex 7	12	A. That was done at the scene demonstrated by workers.
13	hereto is the form/template provided by the BO team."	13	There was one done physically and we saw that at the
14	You then say this:	14	site.
15	"In respect of contract 1112, the BSRC team carried	15	Q. And the inspection report with photographs is in
16	out one site inspection, on 21 January 2014 of trial	16	bundle H10 at 4797.
17	excavation for diaphragm walls"	17	I think we can see from the report itself and the
18	Do you see that, Mr Yueng?	18	various documents that are attached, a whole series of
19	A. Yes.	19	photographs and other materials, that this was all
20	Q. And I might be right in thinking, if we go back to that	20	carried out in the fabrication yard itself?
21	list that we were looking at earlier, that is	21	A. Right.
22	an inspection that you attended personally?	22	Q. And this was the only audit of this type that took place
23	A. May I refer to that?	23	in relation to contract 1112? This was the one and only
	A. May I refer to that?Q. Yes, of course.A. To the information?	23 24 25	audit? A. No, there was another one.

Page 35 Page 35 1 Q. Right. What was the other one? 1 we should lest for the threading of reburs and how we 3 Q. Right. You think - item 64, the site inspection on 3 records because we need pople to seprevise the 4 18 April 2018; is that right? 4 threading of reburs. 5 A. Thar's correct. 5 COMMISSIONER HANSFORD. They would be ranker interesting files. Twool dink, for this Commission, but there we 7 A. There should be a report there. We bad reported, and in 7 are: 8 the site and/i on that day, we had looked at some glass 8 MR PENNICOTT: All right. Could 1 change tack somewhat; 9 O. Okay. Jast going back to paragraph 29.3 for a moment, 10 BiO17236. 10 12 carried out in January 2014, do you see 12 C17/11952. This is a letter, Mr Yueng, of 29 July 2015 from the 14 "the andit work is to verify that the site 14 MITE to the Buildings Department, do you see that? 17 a beging report, which IT like you to in a moment, and the actify Tol you 18 A. Yes. 18 maintrink on site / yway of i a desigin report, which IT like you to in a moment, anedagin		,		
2 Å. I hänk you would find it at page 4795, tiern 64. 2 stond keep records. So the files contain threading 3 O. Right. You think item 64, the site inspection on 3 records because we need people to supervise the 4 Its April 2018, is that right? 5 COMMUSSIONER HANSORD: They would be rather interesting 6 Q. You think we may find a report sorry, carry on. 6 files, I would think, for this Commission, but there we 7 A. There should be a report there. We had reported, and in 7 are. 8 the site audit on that day, we had looked at some glass 8 MR PEINICOTT: All right. Could Lakay to be shown, plaze, 10 Q. Okay. Just going back to paragraph 20.3 for a momet. 10 HU PT236. 11 11 ort witheres statement, and the audit that was 11 11 In that case, we will go somewhere more reliable. 12 carried out in Janaary 2014, do you see 13 This is a letter, MY Yaeng, of 29 July 2015 from the 13 subparagraph (2), that's 29.3(2). There you say: 13 This is a letter, MY Yaeng, of 29 July 2015 from the 14 "the audit work is to verify that the site 14 MT to the Building Depatient do you see thant inne? 15 superv		Page 33		Page 35
2 A. Ibirsk you would find it at page 4795, tiern 64. 2 stoold kep records. So the files contain threading 3 Q. Right. You think item 64, the site inspection on 3 records because we need people to supervise the 4 Its April 2018, is that right? 5 COMMISSIONER HANSORD: They would be rather interesting 6 Q. You think we may find a report sorry, carry on. 6 files. I would think, for this Commission, but there we 8 the site audit on that day, we had looked at some glass 8 MR PEINNICOTT: All right. Could 1 change tack somewhat, 9 O. Okay. Justig soing back to paragraph 29.3 for a momet, 10 B107326. 11 11 of your witness statement, and the audit that was 11 11 In that cace, we will go somewhere more reliable. 12 carried out in January 2014, do you see 13 This is a letter, MY acag, of 29 July 2015 from the 14 "the audit work is to verify that the site by way of 16 16 16 16 15 supervision plan and the respective duitis of MTR and 18 a design report, which III take you to in a moment, a a design report, which III take you to in a moment, a a design report, which III take you to in a moment, a a design report, which III take you to in a moment, a a design report, which III take you to in a moment, a	1	Q. Right. What was the other one?	1	we should test for the threading of rebars and how we
4 18 A pril 201K; is that right? 4 thereading of reburs. 5 A. That's correct. 5 COMMISSIONER HANSPORD: They would be rahe interesting 6 Q. You think we may find a report +- sorry, carry on. 7 a. 7 A. There should be a report there. We had reported, and in 7 are. 8 9 balustrades. 9 M R PENNICOTT. All right. Could I change tack somewhat. 9 balustrades. 9 M W Yueng. Could I ak you to be shown, please. 10 Q. Okay. Just going back to paragraph 29.3 for a moment. 10 B007236. 12 carried out in January 2014, do you see 11 In that case, we will go somewhere more reliable. 13 subparagraph (2), that's 29.4(2). There you say: 15 A Yes. 16 Q. And if senclosing a number of documents, including 14 "the audit work is to verify that the site 14 M R to the Buildings Department, do you see that? 17 a design report, which I'll take you to in a moment, a design report, which I'll take you to in a moment, a design report, which I'll take you to in a moment, a design report we have looked at with a number of witnesset 19 Did you fulfil that part of the audit? Did you 17 replease, we set his report, hich A1 dawings and the cet	2	A. I think you would find it at page 4795, item 64.	2	should keep records. So the files contain threading
4 18 A pril 201K; is that right? 4 thereading of reburs. 5 A. That's correct. 5 COMMISSIONER HANSPORD: They would be rahe interesting 6 Q. You think we may find a report +- sorry, carry on. 7 a. 7 A. There should be a report there. We had reported, and in 7 are. 8 9 balustrades. 9 M R PENNICOTT. All right. Could I change tack somewhat. 9 balustrades. 9 M W Yueng. Could I ak you to be shown, please. 10 Q. Okay. Just going back to paragraph 29.3 for a moment. 10 B007236. 12 carried out in January 2014, do you see 11 In that case, we will go somewhere more reliable. 13 subparagraph (2), that's 29.4(2). There you say: 15 A Yes. 16 Q. And if senclosing a number of documents, including 14 "the audit work is to verify that the site 14 M R to the Buildings Department, do you see that? 17 a design report, which I'll take you to in a moment, a design report, which I'll take you to in a moment, a design report, which I'll take you to in a moment, a design report we have looked at with a number of witnesset 19 Did you fulfil that part of the audit? Did you 17 replease, we set his report, hich A1 dawings and the cet	3	Q. Right. You think item 64, the site inspection on	3	records because we need people to supervise the
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6 Q. You think we may find a report - sorry, carry on, 6 If les, I would hink, for this Commission, but there we 7 A. There should be a report there. We had reported, and in 7 are. 9 balustrades. 8 MR PENNICOTT: All right. Could I change tack somewhat, 9 balustrades. 9 Mr Yueng. Could I aks you to be shown, please, 11 of your witness statement, and the audit that was 11 In that case, we will go somewhere more reliable. 12 carried out in January 2014, do you see 12 C17/11952. 13 subpartgraph (2), that's 20-3(2). There you say: 13 This is a letter, Mr Yueng, of 29 July 2015 from the 14 "the audit work is to verify that the site 14 MR to the Buildings Department, do you see that? 15 super-thecking of supervision checklists/records 16 Q. Ada it's enclosing a number of ducuments, including 17 spot-checking of supervision checklists/records 17 a design report we have looked at with a number of 18 Did you fulfi that part of the audit? Did you 19 witnesses. 14 20 report-check specifies trans of the theored SP, that is one at the heart of 2 2 1 please, we see this			5	
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10 Q. Okay. Just going back to paragraph 29.3 for a moment. 10 B10/7256. 11 of your witness statement, and the audit that was 11 In that case, we will go somewhere more reliable. 12 carried out in January 2014, do you see 12 C171952. 13 subparagraph (2), that's 29.3(2). There you say: 13 This is alteter, Mr Yueng, of 29 July 2015 from the 14 "the audit work is to verify that the site 15 A. Yes. 16 Leighton thereunder are implemented on site by way of 16 Q. And it's enclosing a number of documents, including 17 spot-check incektists and records at that time? 18 a design report, which I'll take you to in a moment, 19 Did you fulfil that part of the audit? Did you 19 winesses. 20 17 we could go down to the bottom of the page. 21 A. The inspections under SSP, that is one at the heart of 21 please, we see this report, the A1 drawings and the 22 the works, what have CTP are involved. We will look at 23 A. Correct. 23 person. 2 I going, please. Kcep going. Kcep going. Kcep going. 2 person. 2 I cant' find the report. 3				
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2 concerned with. It says: 2 reflected on the drawings. Of course, the construction 3 "The top of diaphragm wall panel will be trimmed to 3 sequence was part of it because it is an important part 4 420 millimetres below the top level of the FWL slab (minimum 5 420 millimetres below the top level of the FWL slab and OTE slab to achieve full 5 0. But if you had seen the words, and focused on the words, is of the trimmed to the for the fact of the FWL slab and OTE slab will be casted 7 The top of the primed: voltable the panel will be trimmed to the focuses level for the fact of the fac	1	Q. Then, helpfully, it's the highlighted bit that we're	1	intend to achieve, then we would check whether these are
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12 Do you have any specific recollection of reading 12 panel will be trimmed to the lowest level of top rebar 13 about this construction sequence, Mr Yueng? 14 level of EWL slab (minimum 42 multilextes below the top 14 Level of EWL slab (minimum 42 multilextes below the top 14 level of EWL slab (minimum 42 multilextes below the top 15 Q. Do you remember reading the first one, "The top of 15 then have said to yourself: is there a drawing that supports that 16 diaphragm vall will be trimmed to the lowest level of 15 then have said to yourself: is there a drawing that supports that 17 statement? 18 A. I can't really recall, because three were many drawings. 18 A. I can't recoilect that. Recently, because of the op into 20 O. All right. But anyway your evidence is, Mr Yueng; you 20 di you, Pypun, comment on this report when it was 2 comment upon the three sentences that we've been looking 21 is, but to the best of your recoilection you did not 2 comment upon the three sentences that we've been looking 23 Q. Did you, Pypun, comment on this report, were adrawing that upon you did not 2 comment upon the three sentences that we've been looking 24 received back in July 2015, do you recall?	10	concurrently with temporary openings around the existing	10	Q. Yes. I understand your last answer, but if you're
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	Page 41		Page 43
1	(11.54 am)	1	A. Page H4805. There's a photo 11.
2	MR PENNICOTT: Mr Yueng, with my apologies, can you just pu	2	COMMISSIONER HANSFORD: Right. What are we seeing in this
3	G18 on one side for the moment. I just want to ask you	3	photograph, Mr Yueng? What are you pointing out to us?
4	a couple more questions about the report of 24 January	4	A. So after the threading is done, they need to use the
5	2014 that we touched on earlier. It's in H10, starting	5	go/no-go ring to twist it into a threaded bar. So, if
6	at 4797.	6	it can be installed smoothly, that means the threading
7	If you could look in particular at the next page,	7	was done properly.
8	4798, we see there it says, "Site inspection form for	8	So this snapshot, you cannot see the action of the
9	mechanical couplers for steel reinforcing bars	9	ring being screwed on.
10	quality control and testing audit".	10	COMMISSIONER HANSFORD: But I think I understand what you
11	Then there are a series of items, first of all under	11	are telling me, Mr Yueng. So being held in those gloved
12	"Documentations", and then secondly under "Sampling	12	hands there is the ring, and it's used as a check,
13	procedures". Then if we could, under that heading, go	13	a test on the thread, is that what you are telling us,
14	over the page, please. Do you see item (5) on	14	and the check is that it works that it can be screwed
15	page 4799? It says:	15	onto the thread or it cannot be screwed onto the thread,
16	"Are quality control procedures (eg go/no-go rings	16	so it's a go or no-go; is that the principle?
17	[whatever that might mean]) implemented on site?"	17	A. That's correct.
18	And the box "Yes" is ticked.	18	COMMISSIONER HANSFORD: Now I understand. Thank you.
19	Given the nature of the audit that was carried out,	19	MR PENNICOTT: Thank you, sir.
20	how are you able to form a view whether the quality	20	Sir, you may recall, or you may not we have
21	control procedures had been implemented or were being	21	a Mr Lim from BOSA giving evidence next week, and it may
22	implemented on site?	22	be we will give some thought to this over the
23	A. Well, when we conduct a site audit, we are in the	23	weekend we might be able to show him some of these
24	threading yard. In the QSP, we have a QAS and it says	24	photographs and get him to explain in a bit more detail,
25	after the threading there's a go/no-go ring to check	25	if we need it, these procedures.
	Page 42		Page 44
1	whether the threads are done properly.	1	COMMISSIONER HANSFORD: Good.
		-	commobilerent minibilitiere. Good.
2	Q. I understand that answer in the context of you're in the	2	MR PENNICOTT: It's literally just occurred to me that we
2 3	Q. I understand that answer in the context of you're in the threading yard, but I'm just reading the words, and		
	•	2	MR PENNICOTT: It's literally just occurred to me that we might be able to do that.
3	threading yard, but I'm just reading the words, and	2 3	MR PENNICOTT: It's literally just occurred to me that we
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	Page 45		Page 47
1	First of all, the first on-site record-checking exercise	1	Q. There's no doubt, Mr Yueng, that there are a number of
2	was on 4, 5 and 8 June this year?	2	quite significant changes from the 27 September
3	A. Yes.	3	report I think I said the 24th; there's
4	Q. Then, just to get the time line right, the MTR then	4	a typographical error, you are quite right, even though
5	produced its report of 15 June. That didn't stop you,	5	it says the 24th, it was the 27th there's quite a lot
6	however, and you went on a second record-checking visit,	6	of changes from that report to this report; would you
7	and we can see the dates there: the end of June and the	7	agree?
8	beginning of July. Then if we go over the page to	8	A. Yes, there were changes but not significant ones,
9	13419, you then did a third record-checking exercise on	9	because when we discussed with the RDO, they asked us to
10	four days in September this year.	10	improve the readability. That's why we have juggled the
11	A. Yes.	11	sequence in the appendix, as well as the order of the
12	Q. If we want to see who was present on those occasions,	12	chapters.
13	that is evident from page 13421 and 13422, where you	13	Q. Yes. It goes a bit further than that, Mr Yueng. Please
14	have the table, a couple of tables, with initials of	14	look at page 13423.
15	both the RDO and Highways Department officer or officers	15	Do you see paragraph 2.2 there:
16	and the BD officers, and the Pypun representatives as	16	"Site supervision records of the CP's stream
17	well?	17	were available."
18	A. Right.	18	Do you see that?
19	Q. We can see that you are "RY" and that you attended on	19	A. Yes.
20	some but not all of those days that we've identified?	20	Q. That's how that sentence reads now, whereas previously,
21	A. Right.	21	in the previous report, it said, "Site supervision
22	Q. Out of those visits and the inspection of the documents,	22	records of the CP's stream were available and found to
23	you prepared a series of reports which were given to	23	be in order"; all right? So that's one change.
24	government from time to time, and up until yesterday we	24	Now, it may be I can find the answer to that in
25	were working by reference to a final report sorry,	25	paragraph 2.3. If you could please go to paragraph 2.3.
	Page 46		Page 48
1	Page 46 semi-final report of 24 September this year, and what	1	Page 48 It says:
1 2	semi-final report of 24 September this year, and what we see before us now is the final report that's been	1 2	It says: "Based on the SSP, all supervisors on MTR's
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 semi-final report of 24 September this year, and what we see before us now is the final report that's been submitted by you, prepared by you, approved by I think Mr Mak in fact, by looking at 13414. And as I understand it correct me if I am wrong, Mr Yueng this has also been, as it were, signed off by government, with no more comments; is that right? Or is it still at a stage where government may have more comments on it? A. Sorry, let me talk about the chronology first. The draft version was supposed to be 27 September, when it was submitted to the government. Then later, I think it was on 23 or 24 November, I can't remember which date, RDO asked us to met them to finalise the report. Finally well, there were some amendments. This final report was 11 December. I think it was on the morning of 12 December when it was submitted to the RDO. Q. That's my understanding. My question is, or was: is it a report that you are expecting any further comments on 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	It says: "Based on the SSP, all supervisors on MTR's supervision team should carry out periodic site supervision only According to available site supervision records, all MTR's supervisors had carried out the site supervision under CoP for Site Supervision 2009 and the supervision frequencies by MTR were found in order." Do you see that, Mr Yueng? A. Yes, I can see that. Q. And my understanding is that the records that you are talking about there are the ones I don't know if you remember this that we saw with Mr Jason Wong, the competent person, and he had filled in the sheets on his monthly visits. Are those the particular records that you're talking about in that paragraph? A. We looked at form A of SSP. There were many boxes with "S", "N/S"; it's that document. Q. It's the form A filled in by the competent person and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 semi-final report of 24 September this year, and what we see before us now is the final report that's been submitted by you, prepared by you, approved by I think Mr Mak in fact, by looking at 13414. And as I understand it correct me if I am wrong, Mr Yueng this has also been, as it were, signed off by government, with no more comments; is that right? Or is it still at a stage where government may have more comments on it? A. Sorry, let me talk about the chronology first. The draft version was supposed to be 27 September, when it was submitted to the government. Then later, I think it was on 23 or 24 November, I can't remember which date, RDO asked us to met them to finalise the report. Finally well, there were some amendments. This final report was 11 December. I think it was on the morning of 12 December when it was submitted to the RDO. Q. That's my understanding. My question is, or was: is it a report that you are expecting any further comments on from RDO, or what is the position? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	It says: "Based on the SSP, all supervisors on MTR's supervision team should carry out periodic site supervision only According to available site supervision records, all MTR's supervisors had carried out the site supervision under CoP for Site Supervision 2009 and the supervision frequencies by MTR were found in order." Do you see that, Mr Yueng? A. Yes, I can see that. Q. And my understanding is that the records that you are talking about there are the ones I don't know if you remember this that we saw with Mr Jason Wong, the competent person, and he had filled in the sheets on his monthly visits. Are those the particular records that you're talking about in that paragraph? A. We looked at form A of SSP. There were many boxes with "S", "N/S"; it's that document. Q. It's the form A filled in by the competent person and other people in the CP stream, the form A?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 semi-final report of 24 September this year, and what we see before us now is the final report that's been submitted by you, prepared by you, approved by I think Mr Mak in fact, by looking at 13414. And as I understand it correct me if I am wrong, Mr Yueng this has also been, as it were, signed off by government, with no more comments; is that right? Or is it still at a stage where government may have more comments on it? A. Sorry, let me talk about the chronology first. The draft version was supposed to be 27 September, when it was submitted to the government. Then later, I think it was on 23 or 24 November, I can't remember which date, RDO asked us to met them to finalise the report. Finally well, there were some amendments. This final report was 11 December. I think it was on the morning of 12 December when it was submitted to the RDO. Q. That's my understanding. My question is, or was: is it a report that you are expecting any further comments on from RDO, or what is the position? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	It says: "Based on the SSP, all supervisors on MTR's supervision team should carry out periodic site supervision only According to available site supervision records, all MTR's supervisors had carried out the site supervision under CoP for Site Supervision 2009 and the supervision frequencies by MTR were found in order." Do you see that, Mr Yueng? A. Yes, I can see that. Q. And my understanding is that the records that you are talking about there are the ones I don't know if you remember this that we saw with Mr Jason Wong, the competent person, and he had filled in the sheets on his monthly visits. Are those the particular records that you're talking about in that paragraph? A. We looked at form A of SSP. There were many boxes with "S", "N/S"; it's that document. Q. It's the form A filled in by the competent person and other people in the CP stream, the form A? A. I understand.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 semi-final report of 24 September this year, and what we see before us now is the final report that's been submitted by you, prepared by you, approved by I think Mr Mak in fact, by looking at 13414. And as I understand it correct me if I am wrong, Mr Yueng this has also been, as it were, signed off by government, with no more comments; is that right? Or is it still at a stage where government may have more comments on it? A. Sorry, let me talk about the chronology first. The draft version was supposed to be 27 September, when it was submitted to the government. Then later, I think it was on 23 or 24 November, I can't remember which date, RDO asked us to met them to finalise the report. Finally well, there were some amendments. This final report was 11 December. I think it was on the morning of 12 December when it was submitted to the RDO. Q. That's my understanding. My question is, or was: is it a report that you are expecting any further comments on from RDO, or what is the position? A. I don't expect there would be further comment, because we have had numerous rounds of discussions. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	It says: "Based on the SSP, all supervisors on MTR's supervision team should carry out periodic site supervision only According to available site supervision records, all MTR's supervisors had carried out the site supervision under CoP for Site Supervision 2009 and the supervision frequencies by MTR were found in order." Do you see that, Mr Yueng? A. Yes, I can see that. Q. And my understanding is that the records that you are talking about there are the ones I don't know if you remember this that we saw with Mr Jason Wong, the competent person, and he had filled in the sheets on his monthly visits. Are those the particular records that you're talking about in that paragraph? A. We looked at form A of SSP. There were many boxes with "S", "N/S"; it's that document. Q. It's the form A filled in by the competent person and other people in the CP stream, the form A? A. I understand. Q. And they tell you, as Mr Jason Wong explained to us, the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 semi-final report of 24 September this year, and what we see before us now is the final report that's been submitted by you, prepared by you, approved by I think Mr Mak in fact, by looking at 13414. And as I understand it correct me if I am wrong, Mr Yueng this has also been, as it were, signed off by government, with no more comments; is that right? Or is it still at a stage where government may have more comments on it? A. Sorry, let me talk about the chronology first. The draft version was supposed to be 27 September, when it was submitted to the government. Then later, I think it was on 23 or 24 November, I can't remember which date, RDO asked us to met them to finalise the report. Finally well, there were some amendments. This final report was 11 December. I think it was on the morning of 12 December when it was submitted to the RDO. Q. That's my understanding. My question is, or was: is it a report that you are expecting any further comments on from RDO, or what is the position? A. I don't expect there would be further comment, because we have had numerous rounds of discussions. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	It says: "Based on the SSP, all supervisors on MTR's supervision team should carry out periodic site supervision only According to available site supervision records, all MTR's supervisors had carried out the site supervision under CoP for Site Supervision 2009 and the supervision frequencies by MTR were found in order." Do you see that, Mr Yueng? A. Yes, I can see that. Q. And my understanding is that the records that you are talking about there are the ones I don't know if you remember this that we saw with Mr Jason Wong, the competent person, and he had filled in the sheets on his monthly visits. Are those the particular records that you're talking about in that paragraph? A. We looked at form A of SSP. There were many boxes with "S", "N/S"; it's that document. Q. It's the form A filled in by the competent person and other people in the CP stream, the form A? A. I understand. Q. And they tell you, as Mr Jason Wong explained to us, the fact that they visited the site on a particular day, but
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 semi-final report of 24 September this year, and what we see before us now is the final report that's been submitted by you, prepared by you, approved by I think Mr Mak in fact, by looking at 13414. And as I understand it correct me if I am wrong, Mr Yueng this has also been, as it were, signed off by government, with no more comments; is that right? Or is it still at a stage where government may have more comments on it? A. Sorry, let me talk about the chronology first. The draft version was supposed to be 27 September, when it was submitted to the government. Then later, I think it was on 23 or 24 November, I can't remember which date, RDO asked us to met them to finalise the report. Finally well, there were some amendments. This final report was 11 December. I think it was on the morning of 12 December when it was submitted to the RDO. Q. That's my understanding. My question is, or was: is it a report that you are expecting any further comments on from RDO, or what is the position? A. I don't expect there would be further comment, because we have had numerous rounds of discussions. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	It says: "Based on the SSP, all supervisors on MTR's supervision team should carry out periodic site supervision only According to available site supervision records, all MTR's supervisors had carried out the site supervision under CoP for Site Supervision 2009 and the supervision frequencies by MTR were found in order." Do you see that, Mr Yueng? A. Yes, I can see that. Q. And my understanding is that the records that you are talking about there are the ones I don't know if you remember this that we saw with Mr Jason Wong, the competent person, and he had filled in the sheets on his monthly visits. Are those the particular records that you're talking about in that paragraph? A. We looked at form A of SSP. There were many boxes with "S", "N/S"; it's that document. Q. It's the form A filled in by the competent person and other people in the CP stream, the form A? A. I understand. Q. And they tell you, as Mr Jason Wong explained to us, the

	Page 49		Page 51
1	A. I don't understand.	1	a moment.
2	(In English) Will you please repeat the question?	2	First of all, could you please be shown B7/4538.
3	Q. Well, the form A indicates, for example, Mr Jason Wong,	3	So far as MTRC is concerned, Mr Yueng, is it this
4	the competent person, did a fortnightly visit to the	4	form and a series of these forms that you were looking
5	site, and he's put "S" or a tick on the form A, but it	5	at and are describing in paragraph 3.4 of your report?
6	doesn't tell you it tells you he was there, he did	6	A. Correct.
7	the inspection, but it doesn't tell you what he actually	7	Q. So these are, so far as MTRC are concerned we can see
8	inspected.	8	right at the bottom the remark:
9	A. For form A, in the first column, there are some numbers,	9	"This form serves a retrospective record of coupler
10	say A1, A2, E1, E2. There are some checklist items for	10	installation."
11	A1, A2. Since the boxes on the form are very small,	11	Do you see that?
12	they refer to the required check items of various	12	A. (In English) Question?
13	streams in the SSP.	13	Q. Yes. Do you see, right at the bottom of the page, any
14	Q. Yes. Could you get B5/TS2, possibly 41114.	14	page
15	It's this type of form that you were looking at, is	15	A. Yes, I see that.
16	it, Mr Yueng?	16	Q. And I assume that you recall seeing this annotation,
17	A. That's correct.	17	that remark, at the time you inspected these documents,
18	Q. Can we just look at 40451 in the same bundle. Yes,	18	either in June, July or September?
19	okay. Here's one of the examples from, indeed, Mr Jason	19	A. There was a chance that I would have seen it.
20	Wong. Again, it was this document or this type of	20	Q. Right. And we certainly know that you saw the date of
21	document that you were looking at?	21	10 February 2017?
22	A. Correct.	22	A. Correct.
23	Q. All right. There were, I think, similar documents in	23	Q. Because if we go to page 13446, this is appendix I to
24	relation to other technically competent persons no. 5	24	your report sorry, back in G18 an appendix headed,
25	and no. 3, and so forth, that you looked at as well, in	25	"Summary on availability of on-site inspection records
	Page 50		Page 52
1	Page 50 similar form?	1	
1 2		1 2	Page 52 of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the
	similar form?		of EWL slab construction", then "Quality supervision for
2	similar form? A. Correct.	2	of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the
2 3	similar form? A. Correct. Q. All right. If we just go back to G18, and you go to	2 3	of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is
2 3 4	similar form?A. Correct.Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say:	2 3 4	of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available".
2 3 4 5	similar form?A. Correct.Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say:"The inspections by both MTR and the contractor of	2 3 4 5	of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done
2 3 4 5 6	 similar form? A. Correct. Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say: "The inspections by both MTR and the contractor of the mechanical coupler installation are recorded in the 	2 3 4 5 6	of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done here, Mr Yueng, is you have tabulated essentially the
2 3 4 5 6 7	 similar form? A. Correct. Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say: "The inspections by both MTR and the contractor of the mechanical coupler installation are recorded in the MTR's coupler inspection forms and the contractor's 	2 3 4 5 6 7	of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done here, Mr Yueng, is you have tabulated essentially the basic details from the forms we have just been looking
2 3 4 5 6 7 8	 similar form? A. Correct. Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say: "The inspections by both MTR and the contractor of the mechanical coupler installation are recorded in the MTR's coupler inspection forms and the contractor's coupler inspection forms. The check items contained in 	2 3 4 5 6 7 8	of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done here, Mr Yueng, is you have tabulated essentially the basic details from the forms we have just been looking at, the sheets we have just been looking at?
2 3 4 5 6 7 8 9	 similar form? A. Correct. Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say: "The inspections by both MTR and the contractor of the mechanical coupler installation are recorded in the MTR's coupler inspection forms and the contractor's coupler inspection forms. The check items contained in both coupler inspection forms are as follows". 	2 3 4 5 6 7 8 9	of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done here, Mr Yueng, is you have tabulated essentially the basic details from the forms we have just been looking at, the sheets we have just been looking at? A. Correct.
2 3 4 5 6 7 8 9 10	 similar form? A. Correct. Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say: "The inspections by both MTR and the contractor of the mechanical coupler installation are recorded in the MTR's coupler inspection forms and the contractor's coupler inspection forms. The check items contained in both coupler inspection forms are as follows". Then you list out (i), (ii), (iii) and (iv): 	2 3 4 5 6 7 8 9 10	of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done here, Mr Yueng, is you have tabulated essentially the basic details from the forms we have just been looking at, the sheets we have just been looking at? A. Correct. Q. And you have so far as the you've got the area,
2 3 4 5 6 7 8 9 10 11	 similar form? A. Correct. Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say: "The inspections by both MTR and the contractor of the mechanical coupler installation are recorded in the MTR's coupler inspection forms and the contractor's coupler inspection forms. The check items contained in both coupler inspection forms are as follows". Then you list out (i), (ii), (iii) and (iv): "coupler fully screwed and fitted; 	2 3 4 5 6 7 8 9 10 11	of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done here, Mr Yueng, is you have tabulated essentially the basic details from the forms we have just been looking at, the sheets we have just been looking at? A. Correct. Q. And you have so far as the you've got the area, the pour reference, the concrete casting date, the
2 3 4 5 6 7 8 9 10 11 12	 similar form? A. Correct. Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say: "The inspections by both MTR and the contractor of the mechanical coupler installation are recorded in the MTR's coupler inspection forms and the contractor's coupler inspection forms. The check items contained in both coupler inspection forms are as follows". Then you list out (i), (ii), (iii) and (iv): "coupler fully screwed and fitted; has coupler been cleared of foreign material; 	2 3 4 5 6 7 8 9 10 11 12	 of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done here, Mr Yueng, is you have tabulated essentially the basic details from the forms we have just been looking at, the sheets we have just been looking at? A. Correct. Q. And you have so far as the you've got the area, the pour reference, the concrete casting date, the inspection record, then the inspection date. I'll come
2 3 4 5 6 7 8 9 10 11 12 13	 similar form? A. Correct. Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say: "The inspections by both MTR and the contractor of the mechanical coupler installation are recorded in the MTR's coupler inspection forms and the contractor's coupler inspection forms. The check items contained in both coupler inspection forms are as follows". Then you list out (i), (ii), (iii) and (iv): "coupler fully screwed and fitted; has coupler been cleared of foreign material; has thread been cleared of foreign material; 	2 3 4 5 6 7 8 9 10 11 12 13	 of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done here, Mr Yueng, is you have tabulated essentially the basic details from the forms we have just been looking at, the sheets we have just been looking at? A. Correct. Q. And you have so far as the you've got the area, the pour reference, the concrete casting date, the inspection record, then the inspection date. I'll come back to that in a moment. Then you've got the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 similar form? A. Correct. Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say: "The inspections by both MTR and the contractor of the mechanical coupler installation are recorded in the MTR's coupler inspection forms and the contractor's coupler inspection forms. The check items contained in both coupler inspection forms are as follows". Then you list out (i), (ii), (iii) and (iv): "coupler fully screwed and fitted; has coupler been cleared of foreign material; has thread been cleared of foreign material; and complete splice between coupler/rebar". Then you say this: 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done here, Mr Yueng, is you have tabulated essentially the basic details from the forms we have just been looking at, the sheets we have just been looking at? A. Correct. Q. And you have so far as the you've got the area, the pour reference, the concrete casting date, the inspection record, then the inspection date. I'll come back to that in a moment. Then you've got the date of 10 February 2017; do you see that? A. Yes, I see it.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	 similar form? A. Correct. Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say: "The inspections by both MTR and the contractor of the mechanical coupler installation are recorded in the MTR's coupler inspection forms and the contractor's coupler inspection forms. The check items contained in both coupler inspection forms are as follows". Then you list out (i), (ii), (iii) and (iv): "coupler fully screwed and fitted; has coupler been cleared of foreign material; has thread been cleared of foreign material; and complete splice between coupler/rebar". 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done here, Mr Yueng, is you have tabulated essentially the basic details from the forms we have just been looking at, the sheets we have just been looking at? A. Correct. Q. And you have so far as the you've got the area, the pour reference, the concrete casting date, the inspection record, then the inspection date. I'll come back to that in a moment. Then you've got the date of 10 February 2017; do you see that?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	 similar form? A. Correct. Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say: "The inspections by both MTR and the contractor of the mechanical coupler installation are recorded in the MTR's coupler inspection forms and the contractor's coupler inspection forms. The check items contained in both coupler inspection forms are as follows". Then you list out (i), (ii), (iii) and (iv): "coupler fully screwed and fitted; has coupler been cleared of foreign material; has thread been cleared of foreign material; has thread been cleared of foreign material; materials; and complete splice between coupler/rebar". Then you say this: "Both coupler inspection forms from MTR and the contractor for each subdivided bay of EWL slab recorded 'satisfactory' for all the above check items (i), with (ii), (iii) and (iv)." 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	 of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done here, Mr Yueng, is you have tabulated essentially the basic details from the forms we have just been looking at, the sheets we have just been looking at? A. Correct. Q. And you have so far as the you've got the area, the pour reference, the concrete casting date, the inspection record, then the inspection date. I'll come back to that in a moment. Then you've got the date of 10 February 2017; do you see that? A. Yes, I see it. Q. And those sheets, back in bundle B7, Mr Yueng, what assumption did you make as to when those documents had been prepared?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 similar form? A. Correct. Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say: "The inspections by both MTR and the contractor of the mechanical coupler installation are recorded in the MTR's coupler inspection forms and the contractor's coupler inspection forms. The check items contained in both coupler inspection forms are as follows". Then you list out (i), (ii), (iii) and (iv): "coupler fully screwed and fitted; has coupler been cleared of foreign material; has thread been cleared of foreign material; as thread been cleared of foreign material; as thread been cleared of forms from MTR and the contractor for each subdivided bay of EWL slab recorded 'satisfactory' for all the above check items (i), with 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done here, Mr Yueng, is you have tabulated essentially the basic details from the forms we have just been looking at, the sheets we have just been looking at? A. Correct. Q. And you have so far as the you've got the area, the pour reference, the concrete casting date, the inspection record, then the inspection date. I'll come back to that in a moment. Then you've got the date of 10 February 2017; do you see that? A. Yes, I see it. Q. And those sheets, back in bundle B7, Mr Yueng, what assumption did you make as to when those documents had
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 similar form? A. Correct. Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say: "The inspections by both MTR and the contractor of the mechanical coupler installation are recorded in the MTR's coupler inspection forms and the contractor's coupler inspection forms. The check items contained in both coupler inspection forms are as follows". Then you list out (i), (ii), (iii) and (iv): "coupler fully screwed and fitted; has coupler been cleared of foreign material; has thread been cleared of foreign material; has thread been cleared of foreign material; and complete splice between coupler/rebar". Then you say this: "Both coupler inspection forms from MTR and the contractor for each subdivided bay of EWL slab recorded 'satisfactory' for all the above check items (i), with (ii), (iii) and (iv)." Then you refer to: "Other information contained in the coupler 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available". If one looks under the heading what you've done here, Mr Yueng, is you have tabulated essentially the basic details from the forms we have just been looking at, the sheets we have just been looking at? A. Correct. Q. And you have so far as the you've got the area, the pour reference, the concrete casting date, the inspection record, then the inspection date. I'll come back to that in a moment. Then you've got the date of 10 February 2017; do you see that? A. Yes, I see it. Q. And those sheets, back in bundle B7, Mr Yueng, what assumption did you make as to when those documents had been prepared? A. The assumption is dangerous. We see that the signature on the form was 2017, so we believe that it was signed
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	Page 53		Page 55
1	A. No.	1	COMMISSIONER HANSFORD: Yes, I understand what the
2	Q. But you have got a date on your schedule that is	2	requirement is, but I don't understand what these
3	inspection sign-off date at least was 10 February and	3	numbers are. What does 57 per cent mean?
4	that they were all the same date?	4	A. These figures were copied from a separate document from
5	A. Correct.	5	the MTRC. We just cut and pasted.
6	Q. Then can I ask you this. In the next column you've got	6	COMMISSIONER HANSFORD: Okay, so these were provided in
7	the "Inspection percentage comparing with the	7	an MTRC document?
8	contractor". Can you just explain how you derive those	8	A. Correct.
9	percentages, Mr Yueng? Because I'm afraid we have	9	COMMISSIONER HANSFORD: Okay. Thank you.
10	failed to work it out.	10	MR PENNICOTT: Sir, I think I know what the document is but
11	A. This is not calculated. It's the MTRCL, they have	11	I can't immediately give you the reference. I think
12	a table, and it's listed and we just copied it.	12	I know
13	Q. I see. Ah, right, yes. In that case, I think I know	13	COMMISSIONER HANSFORD: That's fine. I assume we will come
14	where it comes from.	14	to it at some point.
15	MR KHAW: I'm sorry to interrupt, Mr Pennicott.	15	MR PENNICOTT: We may. I couldn't guarantee it.
16	MR PENNICOTT: Not at all.	16	COMMISSIONER HANSFORD: Maybe that's a dangerous assumption.
17	MR KHAW: Probably just one correction regarding the	17	MR PENNICOTT: In my case, highly dangerous.
18	transcript or perhaps the translation. Mr Pennicott	18	Could I just ask you to be shown where were we?
19	asked Mr Yueng, "What assumption did you make as to when	19	back to bundle B7, and 4537, please. I should have
20	those documents had been prepared?" I gathered from	20	asked you to keep the last one.
21	Mr Yueng's answer that the assumption is apparent or is	21	Do you see this sheet? Is that familiar to you,
22	obvious, instead of it's dangerous.	22	Mr Yueng?
23	CHAIRMAN: Oh, I thought it said dangerous. I think it was	23	A. I can see it.
24	dangerous.	24	Q. You see the inspection dates on this sheet?
25	MR PENNICOTT: That's why I followed up by putting the	25	A. Yes.
	Page 54		Page 56
1	question again in a slightly different way.	1	Q. Would I be right in thinking that so far as your table
2	CHAIRMAN: So I think the words "apparent" or "obvious"	2	at 13446 is concerned, that we were just looking at
3	would replace that.	3	and thankfully you've still got the hard copy the
4	MR KHAW: Thank you.	4	dates there on your schedule were taken from this
5	A. No, I said "dangerous".	5	document?
6	CHAIRMAN: Okay. Thank you very much. In other words, it's	6	A. I think so.
7	dangerous to make assumptions.	7	Q. Just looking at the foot so if we go back to
8	MR KHAW: Because in Chinese, the second word is the same	8	G18/13466, and looking at your remarks at the bottom of
9	but	9	the page, please, so far as the MTR records are
10	CHAIRMAN: All right. Thank you.	10	concerned, highlighted in yellow, your remark is:
11	MR PENNICOTT: Well, he certainly clarified it.	11	"MTR's inspection records were available during the
12	MR KHAW: Sorry about that.	12	2nd record check."
13	COMMISSIONER HANSFORD: Mr Yueng, I don't understand what	13	Do you see that, Mr Yueng?
1			A Vog
14	the "Inspection percentage comparing with the	14	A. Yes.
		14 15	Q. So they were available in the inspection that we saw
14	the "Inspection percentage comparing with the contractor" means. Perhaps Mr Pennicott does so perhaps he's going to come to it later.		Q. So they were available in the inspection that we saw towards the end of June/beginning of July, that is after
14 15 16 17	the "Inspection percentage comparing with the contractor" means. Perhaps Mr Pennicott does so perhaps he's going to come to it later. MR PENNICOTT: Not necessarily, but I think I know the	15 16 17	Q. So they were available in the inspection that we saw towards the end of June/beginning of July, that is after the MTR report on 15 June, but they were not available
14 15 16	 the "Inspection percentage comparing with the contractor" means. Perhaps Mr Pennicott does so perhaps he's going to come to it later. MR PENNICOTT: Not necessarily, but I think I know the document I think the witness 	15 16 17 18	Q. So they were available in the inspection that we saw towards the end of June/beginning of July, that is after the MTR report on 15 June, but they were not available in your first inspection on 4, 5 and 6 June and so
14 15 16 17	 the "Inspection percentage comparing with the contractor" means. Perhaps Mr Pennicott does so perhaps he's going to come to it later. MR PENNICOTT: Not necessarily, but I think I know the document I think the witness COMMISSIONER HANSFORD: What does it mean? 	15 16 17 18 19	Q. So they were available in the inspection that we saw towards the end of June/beginning of July, that is after the MTR report on 15 June, but they were not available in your first inspection on 4, 5 and 6 June and so forth?
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14 15 16 17 18 19 20 21 22 23	 the "Inspection percentage comparing with the contractor" means. Perhaps Mr Pennicott does so perhaps he's going to come to it later. MR PENNICOTT: Not necessarily, but I think I know the document I think the witness COMMISSIONER HANSFORD: What does it mean? MR PENNICOTT: Okay, let's try it that way. A. Because this is a record of coupler inspections. The contractor requires 100 per cent inspection, and the MTR supervisors, they have a 20 per cent or 50 per cent 	 15 16 17 18 19 20 21 22 23 	 Q. So they were available in the inspection that we saw towards the end of June/beginning of July, that is after the MTR report on 15 June, but they were not available in your first inspection on 4, 5 and 6 June and so forth? A. That's right. COMMISSIONER HANSFORD: Can we leave this on the screen just a little bit so we can absorb all these remarks? MR PENNICOTT: Yes, sir.
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	Page 57		Page 59
1	"the inspection dates were provided in 'MTR	1	"Drilled-in steel rebars are commonly used as remedy
2	mechanical coupler checklist for HUH EWL slab', which	2	for missing/damaged starter bars or mechanical couplers.
3	was undated and signed by Mr Wong".	3	However, the contractor's coupler inspection forms did
4	COMMISSIONER HANSFORD: Yes.	4	not contain details of the inspection of the drilled-in
5	MR PENNICOTT: So that's the document at B7/4327.	5	steel bars. Further, the MTR's coupler inspection forms
6	COMMISSIONER HANSFORD: Yes.	6	for mechanical coupler installation[s] did not even
7	MR PENNICOTT: Then the next one:	7	record such drilled-in steel rebars.
8	"on each available inspection form by MTR [all]	8	For the use of drilled-in steel rebars, BD requires
9	signed off [on the] same day, 10 February	9	that a pull-out test proposal be submitted and testing
10	on each available inspection from the	10	be carried out for approval. However, no pull-out test
11	contractor" and I'm not going there "no inspector	11	proposal or test report was made available for
12	name nor signature MTR informed that the name and	12	inspection during the three on-site record checkings."
12	signature of the inspector were recorded on contractor's	12	Obviously, this is your final report, Mr Yueng. Is
13	'cast in situ concrete quality control checklist'	14	the position the same in terms of these drilled-in steel
14	where item 6 starter bar boxes and couplers was	14	rebars, you have seen no further information than what
16	applicable.	16	you were given back in June and July; is that correct?
10	* *		
17	The coupler inspection form was included in 'pre-pour check' RISC form.	17	A. That's right.
18 19	the checklist date was the date of contractor's	18	Q. Have you asked for and been pressing for further information about these drilled-in steel rebars?
19 20		19	
	'cast in situ concrete quality control checklist", and	20	A. I did. At that time, the MTR staff only MTR staff,
21	so forth.	21	no one from Leighton, who arranged for these documents
22	COMMISSIONER HANSFORD: Okay. Thank you.	22	for us to check were asked by us why there was
23	MR PENNICOTT: Mr Yueng, as I understand it, if we can go to		a record of drilled-in steel rebar on the contractor's
24	appendix III of your report, which starts at G18/13591,	24	record but not on MTR's record. However, at that time,
25	what you did or your team did was in relation to each	25	they could not answer us.
	Page 58		Page 60
1	area, or each bay in each area we see the first	1	Q. Right. And, so far as you're concerned, is the
2	example that's bay reference A1 you, as it were		
		2	situation still the same, that no answer has been given
3	these are tables, this is information, as I understand	3	to that enquiry?
3 4	these are tables, this is information, as I understand it, in relation to A1, that runs for four pages, or	3 4	
3	these are tables, this is information, as I understand it, in relation to A1, that runs for four pages, or three and a bit pages, through to 13594, and you	3 4 5	to that enquiry? A. That's right. At that time, the MTR staff did not give us an answer.
3 4 5 6	these are tables, this is information, as I understand it, in relation to A1, that runs for four pages, or three and a bit pages, through to 13594, and you collated all this information that you've got here from	3 4 5 6	to that enquiry? A. That's right. At that time, the MTR staff did not give us an answer. Q. Okay.
3 4 5 6 7	these are tables, this is information, as I understand it, in relation to A1, that runs for four pages, or three and a bit pages, through to 13594, and you collated all this information that you've got here from the RISC forms and the checklists and the other	3 4 5 6 7	to that enquiry?A. That's right. At that time, the MTR staff did not give us an answer.Q. Okay.Sir, I think that is all I wanted to deal with. Can
3 4 5 6 7 8	these are tables, this is information, as I understand it, in relation to A1, that runs for four pages, or three and a bit pages, through to 13594, and you collated all this information that you've got here from the RISC forms and the checklists and the other documents that you inspected?	3 4 5 6 7 8	to that enquiry?A. That's right. At that time, the MTR staff did not give us an answer.Q. Okay.Sir, I think that is all I wanted to deal with. Can I just double-check, please?
3 4 5 6 7 8 9	these are tables, this is information, as I understand it, in relation to A1, that runs for four pages, or three and a bit pages, through to 13594, and you collated all this information that you've got here from the RISC forms and the checklists and the other documents that you inspected?A. That's right.	3 4 5 6 7 8 9	to that enquiry?A. That's right. At that time, the MTR staff did not give us an answer.Q. Okay.Sir, I think that is all I wanted to deal with. CanI just double-check, please?Just perhaps one final question, Mr Yueng.
3 4 5 6 7 8 9 10	these are tables, this is information, as I understand it, in relation to A1, that runs for four pages, or three and a bit pages, through to 13594, and you collated all this information that you've got here from the RISC forms and the checklists and the other documents that you inspected?A. That's right.Q. Could I ask you to look, please, at paragraph 3.7.4 of	3 4 5 6 7 8 9 10	 to that enquiry? A. That's right. At that time, the MTR staff did not give us an answer. Q. Okay. Sir, I think that is all I wanted to deal with. Can I just double-check, please? Just perhaps one final question, Mr Yueng. Apologies for the delay. Could you look, please, at
3 4 5 6 7 8 9 10 11	 these are tables, this is information, as I understand it, in relation to A1, that runs for four pages, or three and a bit pages, through to 13594, and you collated all this information that you've got here from the RISC forms and the checklists and the other documents that you inspected? A. That's right. Q. Could I ask you to look, please, at paragraph 3.7.4 of the report at G18/13429. I just wonder if you could 	3 4 5 6 7 8 9 10 11	 to that enquiry? A. That's right. At that time, the MTR staff did not give us an answer. Q. Okay. Sir, I think that is all I wanted to deal with. Can I just double-check, please? Just perhaps one final question, Mr Yueng. Apologies for the delay. Could you look, please, at G18/13453, which I have had blown up for me into A3 size
3 4 5 6 7 8 9 10 11 12	 these are tables, this is information, as I understand it, in relation to A1, that runs for four pages, or three and a bit pages, through to 13594, and you collated all this information that you've got here from the RISC forms and the checklists and the other documents that you inspected? A. That's right. Q. Could I ask you to look, please, at paragraph 3.7.4 of the report at G18/13429. I just wonder if you could help us with this. 	3 4 5 6 7 8 9 10 11 12	 to that enquiry? A. That's right. At that time, the MTR staff did not give us an answer. Q. Okay. Sir, I think that is all I wanted to deal with. Can I just double-check, please? Just perhaps one final question, Mr Yueng. Apologies for the delay. Could you look, please, at G18/13453, which I have had blown up for me into A3 size which is rather helpful.
3 4 5 6 7 8 9 10 11 12 13	 these are tables, this is information, as I understand it, in relation to A1, that runs for four pages, or three and a bit pages, through to 13594, and you collated all this information that you've got here from the RISC forms and the checklists and the other documents that you inspected? A. That's right. Q. Could I ask you to look, please, at paragraph 3.7.4 of the report at G18/13429. I just wonder if you could help us with this. You say in 3.7.4: 	3 4 5 6 7 8 9 10 11 12 13	 to that enquiry? A. That's right. At that time, the MTR staff did not give us an answer. Q. Okay. Sir, I think that is all I wanted to deal with. Can I just double-check, please? Just perhaps one final question, Mr Yueng. Apologies for the delay. Could you look, please, at G18/13453, which I have had blown up for me into A3 size which is rather helpful. As I understand this page and it may be better to
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	Page 61		Page 63
1	we know they are, inaccurate because they fail to take	1	certificate and the RGE certificate; correct?
2	into account the change of the detail to the top of the	2	A. Yes.
3	east diaphragm wall, your table is going to be, if you	3	Q. Just for clarification, Mr Mak said that he had not seen
4	like, as inaccurate as the records you were relying on.	4	this letter before, but I understand that you have seen
5	It's not a criticism but that must follow.	5	this letter before; correct?
6	A. That's right.	6	A. Correct.
7	Q. Okay. One picks that up, the exercise that you've done,	7	Q. And presumably you read it at the time; is that right?
8	by looking at the right-hand side of the drawing, or the	8	A. Correct.
9	table, where we see, apart from anything else, apart	9	Q. Would anyone else in your Pypun organisation have been
10	from a number of things, the eastern diaphragm wall	10	involved in reading this letter and the enclosures
11	panel, and the assumption that there were rebar both at	11	thereto?
12	the top and the bottom.	12	A. Not too many of our colleagues would read this, because
13	A. Right. Well, I found the information from the record.	13	it includes a design submission, a design report and
14	Q. Yes. Okay. Thank you for that, Mr Yueng. I have no	14	plans. I'm responsible for contract 1112, so when the
15	further questions. I don't know whether anybody else	15	letter arrives the clerk will deliver it directly to me.
16	has.	16	After the approval work is done, we will submit this
17	MR BOULDING: If no one else has any questions, I have one		back to the BO team colleagues.
18	or two matters I'd like to raise with this witness.	18	So, in the middle, it is a very minimal opportunity
19	Cross-examination by MR BOULDING	10	for other colleagues to have access to this.
20	Q. Good afternoon, Mr Yueng.	20	Q. Right. So it sounds as though you are the appropriate
20	Mr Yueng, I covered quite a lot of ground yesterday	20	person to ask about the letter and the enclosures; would
21	with your colleague, Mr Mak, and Mr Pennicott has also	21	that be right?
22	covered a lot of the ground that I intended to cover	22	A. Correct.
23	with you today, but nevertheless there are one or two	23	Q. Now, if we can go on to a document that Mr Pennicott
24	matters that I would like to raise with you.	24	correctly said would be thumbed over quite a lot in
25	matters that I would like to faise with you.	25	concerty sala would be thumbed over quite a lot in
	Base (2		
1	Page 62	1	Page 64
1	I wonder if we could go, please, to B12/8888.	1	Page 64 these proceedings. Perhaps we can go to B9034.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	I wonder if we could go, please, to B12/8888. Splendid. Here, you will see a letter dated 29 July 2015 to the Buildings Department; correct? A. Yes, I see it. Q. This letter says: "Further to your above reference dated 14 May 2015, we are pleased to submit herewith the followings for your comment and agreement." Then there's: "1 set of design report (total 4 volumes) and 1 set of A1 drawings for ELS submission for area C [then the areas and the grids are identified] which are delivered to Pypun as per the agreed submission logistic." Now, so far as the agreed submission logistic is concerned, that was an arrangement whereby the MTR had agreed with the BD that MTR's drawings and submissions were to be delivered directly to Pypun's office; that's correct, isn't it? A. Correct. Q. And that was so these submissions could be read at the earliest convenience and reviewed expeditiously; that's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Page 64 these proceedings. Perhaps we can go to B9034. Perhaps I could trouble the operator to go pack to page B8984. Here we see, do we not, the first page of the design report TWD-004B3; correct? A. Yes, I see it. Q. And presumably this was one of the documents you would have reviewed at the time; right? A. Correct. Q. If we were to go on to B9033, do you see there a section of the report headed, "Permanent works design"? A. Yes, I see it. Q. Thank you. No doubt this is something that you would have read at the time; correct? A. Correct. Q. "Permanent works design. Introduction. The subject of this submission includes the permanent diaphragm wall design, the structural design of EWL top slab, the NSL bottom slab, and columns and walls that support the primary structure." Do you see that, Mr Yueng? A. Yes.

	Page 65		Page 67
1	A. Yes.	1	report, particularly a reader with engineering
2	Q. And you would understand, would you not, with all your	2	qualifications, would have no doubt at all, would they,
3	engineering qualifications, that what the writer is	3	as to the construction sequence which the MTR and
4	pointing out here is the construction sequence that the	4	Leightons intended to adopt; that's right, isn't it?
5	MTR and Leighton intend to adopt for the permanent	5	A. Correct.
6	works; correct?	6	Q. Then if we have a look at B10/7452, please. Perhaps we
7	A. That's what it says in the report.	7	ought to pick it up at 7448, just to get the context.
8	Q. I thought you'd agree with me.	8	Now, this is a letter of 8 December 2015, which is
9	Then if we look down to the highlighted part, we can	9	signed off by Wing Keung Wong, senior structural
10	see that the writer is pointing out:	10	engineering for the Building Authority. That's clear
11	"The top of diaphragm wall panel will be trimmed to	11	from B7450. Presumably Wing Keung Wong is somebody you
12	the lowest level of top rebar for the EWL slab (minimum	12	know, is he?
13	420 millimetres below the top level of EWL slab)."	13	A. I know him. Yes, I know him.
14	Do you see that?	14	Q. And the letter is addressed to another Mr Wong, Jason
15	A. I see it.	15	Wong at the MTR; do you see that, page 7448?
16	Q. And what the reader is being told there, is he not, is	16	A. Yes, I see it.
17	that works that had already been carried out and	17	Q. Then if we look under the emboldened heading:
18	completed on site are going to be demolished in part;	18	"I refer to MTR's letter dated 29 July 2015
19	that's right, isn't it?	19	(received on 5 August 2015) for consultation in respect
20	A. I heard "already". I don't quite agree with the	20	of the following proposal"
21	"already" part. Here it says "will be".	21	That is a reference, is it not, to the document we
22	Q. Well, they will be, because the top of the diaphragm	22	were looking at two or three minutes ago enclosing the
23	wall which is going to be trimmed down would already	23	design report; correct?
24	have been constructed; correct? There's no need to trim	24	A. I would like to refer back to the MTR letter.
25	something down unless it's been constructed, is there?	25	Q. Please do. It is at B8888, all the 8s, a very lucky
	Page 66		Page 68
1	A. That is correct.	1	Chinese number, I would have thought.
2	Q. Then we can see, second sentence:	2	A. That is correct. 7448 is a response to B8888.
3	"The top rebar of EWL slab at the D-wall panel will	3	Q. Thank you very much. Thank you very much indeed.
4	then fix to the top rebar of OTE slab to achieve full	4	It runs on to several pages, but we see, do we not,
5	tension laps."	5	starting at page B7451 an appendix I; do you see that,
6	Now, that is telling you what's going to happen to	6	Mr Yueng?
7	the rebar in the part of the D-wall which has been	7	A. Yes, I see it.
8	demolished; correct?	8	Q. And at A we can see that the writer is saying,
9	A. When I read this sentence, it says, "The top rebar of	9	"Structural comments are as [follows]:
10	EWL slab at the D-wall would fix to the top rebar".	10	General.
11	Q. Yes. Read on.	11	1. The contents of the submission, namely strutting
12	A. If you read the first and second sentences, I will come	12	for area C covered by CP/RGE's certificate
13	to the understanding that the EWL slab top bar will	13	no. 1112 dated 29 July 2015, have been noted."
14	connect to the OTE rebar.	14	In particular, you can see that it's referring to
15	Q. Yes, and it's clear from the way in which the sentence	15	the contents of a report, do you see that, TWD-004B;
16	is written that that's something that's going to happen,	16	correct?
17	is it not, after the top of the diaphragm wall panel has	17	A. Yes.
18	been trimmed down; correct?	18	Q. Then if we look over the page, if you would be so kind,
19	A. Yes. O Then finally the reader is being told that "The EWL slab	19 20	can you see the subheading "Others" just above the
20	Q. Then finally the reader is being told that "The EWL slab		number 13?
21	and OTE slab will be casted concurrently with temporary	21	A. Yes.
าา	openings around the existing columns and pile caps"; you		Q. Then paragraph 15:
22	see that do you not?		"It is noted that reintoreement details of normanent
23	see that, do you not?	23 24	"It is noted that reinforcement details of permanent slab of the station have been included in this temporary
	see that, do you not? A. I see that. Q. So can I suggest to you that anybody reading this	23 24 25	"It is noted that reinforcement details of permanent slab of the station have been included in this temporary works design submission. In order to avoid ambiguity,

17 (Pages 65 to 68)

	Page 69		Page 71
1	it is recorded that the said reinforcement details were	1	anybody; okay? You can obviously talk with people, and
2	submitted for information only and you are required to	2	I hope you have a relaxing lunch, but you are not
3	ensure the corresponding permanent station structure	3	allowed to talk about your evidence; okay? Thank you
4	submission are fully compatible with [the] ELS	4	very much. 2.20.
5	submission."	5	WITNESS: (In English) Okay.
6	Were you involved in preparing this response in the	6	(1.06 pm)
7	appendix, Mr Yueng?	7	(The luncheon adjournment)
8	A. It was possible but I can't remember whether it was	8	(2.25 pm)
9	I who made this comment.	9	MR BOULDING: Good afternoon, Chairman. Good afternoon,
10	Q. Well, if it wasn't you, would it have been someone else	10	Professor.
11	within Pypun?	11	And good afternoon, Mr Yueng. I want to move on to
12	A. I don't think so, because we prepared the comments	12	a different subject which will involve us discussing
13	well, I should use the word "Draft". After we had	13	a little bit about site visits and looking at one or two
14	drafted them, we would give them to BO team officials to		photographs together.
15	see if they agree. We mainly made technical comments,	15	But firstly perhaps I can look at a photograph that
16	and the BD officials were concerned more about	16	my learned friend Mr Coleman took you to in
17	procedural correctness.	17	evidence-in-chief this morning. That's B25685. Yes,
18	On paragraph 15, there is a chance that it would be	18	that's it.
19	prepared by BD officials, because it's obviously about	19	Now, we've looked at the transcript and it's right,
20	procedural correctness.	20	is it not, that you explained to the Commissioners this
21	Q. Yes. It might be about procedural correctness. But	21	morning that the area shown was diaphragm wall being
22	it's also picking up, is it not, on the construction	22	broken down in order to install an air duct; do you
23	sequence and the details referred to in paragraph 6.2.2	23	remember giving that evidence?
24	of the design report that we looked at together five or	24	A. Yes.
25	six minutes ago; correct?	25	Q. You were taken to drawing H887. It's the left-hand side
	Page 70		Page 72
1	A. Sorry, can you repeat your question?	1	we're going to need, and if we could go down to the
2	Q. It might be about procedural correctness, but it's also	2	bottom of the document first, do we see there panels 11,
3	picking up, is it not, on the construction sequence and	3	13, 12 and 14, across the bottom: EH112, EH113, and
4	the details referred to in paragraph 6.2.2 of the design	4	EM114; do you see that?
5	report that we looked at together five or six minutes	5	A. Yes.
6	ago; correct?	6	Q. They are the same panels, assuming the descriptions are
7	A. That's right. The comment on paragraph 15 might be	7	correct, that are depicted in photograph 25685, are they
8	arrived at from paragraph 6.2.2 and there were changes	8	not?
9	in the permanent work resulting in the comment in	9	A. Not the same. The photos show when the work was being
10	paragraph 15.	10	carried out, but this one shows the as-built condition.
11	Q. Thank you. It's obvious, is it not, that whoever wrote	11	What do you mean by "the same"?
12	paragraph 15 is not objecting to the contents of	12	Q. Well, we are referring there to panels 112, 113 and 114
13	paragraph 6.2.2. All they are saying is:	13	in the photograph, are we not; correct?
14	" you are required to ensure the corresponding	14	A. Yes, I can see them.
15	permanent station structure submission are fully	15	Q. Then if you look at the drawing at H887. There we see
16	compatible with this ELS design submission."	16	at the bottom the panels 112, 113 and 114; correct?
17	That's right, isn't it?	17	A. I can see them.
18	A. Yes, that is what is said in paragraph 15.	18	Q. So this drawing is related, amongst other things, to the
19	MR BOULDING: Sir, I have gone over. I'm going on to	19	three panels we see on the photograph; that's correct,
20	another matter. I couldn't finish in five or ten	20	is it not?
21	minutes, I don't think. Would that be a convenient	21	A. Correct.
22	moment?	22	Q. Now let's go up to the top of the drawing, if we can,
23	CHAIRMAN: Yes, it certainly would. 2.20 this afternoon.	23	please. Do you see that little boxed area with a cross
23 24 25	Again, just a brief reminder that you are not entitled to discuss your evidence at the moment with	24 25	in it, between the statements "Existing ground level" and "Top of wall"?

1 A. Yes. 2 Q. That is the air duct that you told Mr Coleman abou, is it not? A. The two rectangular structures with a cross inside, those two are the air ducts. Q. Right. So you've got an air duct transversing panel 114 A. The two rectangular structures with a cross inside, and 113; do you see that? Correct? A. Yes, I can see. Q. Let's go back up to the top again. Then you've got just a little bit of an air duct coming into 112; that's correct, is it not? Q. Right. With that in mind then, perhaps we can go back you see that there on the right-hand side? A. Yes, I can see it. Q. Ves, If you look at the panel EH112 - do the right-hand side? A. Not for -1 can's see it. Q. Let would be the far end of that panel, would it not, the right-hand side? You you see that there on the right-hand side? Q. Lit would be the far end of that panel, would it not, the right-hand side? Yes, If you look at that, you can see panel EH112 on the drawing, H887, and having established that an air duct might just impact upon panel 112, the rest of that a panel is shown in the photograph is being rectangle? A. Not for m-1 can's see if from this photo. Yes, Ita's exactly what I'm talking about the sale duct way. What I am a panel is phown in the photograph as being through. sing in the sown in the photograph is being through. sown in the photograph is being thowan sighthand aide? for m-1 can's see if f			-	
2 Q. That is the air duct that you told Mr Coleman about, is 2 Decause we know by looking at H887 that 113 had at 3 ittno? duct extending across it for most of its width. That's 4 A. The two rectangular structures with a cross inside, ittno? 5 those two are the air ducts. 6 9 Right. So you've got an air duct transversing panel 114 6 6 Q. In the other hand, 112, for the most part, comprise 7 D-wall with no air duct coming into 112; that's 10 a little bit of an air duct coming into 112; that's 11 correct, is it no? 12 Q. In thoograph. If you look at the panel H112 - othe 14 to the photograph. If you look at the panel H112 - othe 15 who is standing there. Because you were using this 16 A. Can you please repeat you can see panel EH112 on 17 A. Ye, Lean see it. 18 the right-hand side of the photograph, ray you no? 19 A. Ye, Lean see it. 10 bit: correct? 21 the right-hand side of the photograph it you can see panel EH112 on 23 A. Not fromI can't see it from this photo. 24		Page 73		Page 75
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4 A. The two rectangular structures with a cross inside, 4 right, isn't it? 5 A. Correct. 6 Q. On the other hand, 112, for the most part, comprise 7 and 113; do you see that? Correct? 8 A. Correct. 6 Q. On the other hand, 112, for the most part, comprise 9 Q. Let's go back up to the top again. Then you've got just 9 Q. In those circumstances, what I suggest to you is that 10 a little bit of an air duct coming into 112; that's 10 11 timming down of the D-wall and the removal of the couplers and associated rebars; correct? 13 Q. Right. With that in mind then, perhaps we can go back 14 the work we can see going on the rowal of the rowal of the photograph. Try ou look at the panel EH112 on the right-hand side? 14 14 the draw ing. Has a different way. 16 A. Correct. A. Set, lean see i. 15 you see that from the ight of the photograph. Try ou look at the panel EH112 on the removal context is a worker 17 Q. Yes. If you look at that panel, would in not, the approach this a different way. 19 Q. Yes, that's exactly what I'm talking about, and I'm saying to you, Mr Yueng, is that having looked at an air duct duct going into it just a little 10 10 10 11 11 11 11 11 11 <td>2</td> <td>Q. That is the air duct that you told Mr Coleman about, is</td> <td>2</td> <td>because we know by looking at H887 that 113 had an air</td>	2	Q. That is the air duct that you told Mr Coleman about, is	2	because we know by looking at H887 that 113 had an air
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13 Q. Right. With that in mind then, perhaps we can go back 13 A. I can't see that from the photo. If we look at the 14 to the photograph. If you look at the panel EH112 - do 13 A. I can't see that from the photo. If we look at the 15 you see that ther on the right-hand side? 16 A. Can you please repeat your question? 17 Who is standing there. Because you were using this 16 A. Can you look at that, you can see panel EH112 on 18 rectangle? 19 Q. Yes, If you look at that, you can see panel EH112 on 18 rectangle? 19 Q. Yes, that's exactly what I'm talking about, and I'm 20 Q. It would bave the air duct going into it just a little 20 Yes, that would have the air duct way. What I am 20 23 A. Not from -1 can't see it from this photo. 24 21 correct, is in to? 23 21 the drawing, H887, and having established that an air 24 panel 112 and the removal of the rebars and the couplers and the rebar being trimmed down, with the couplers and the rebar being trimmed down, with the couplers and the rebar being trimmed down, with the couplers and the rebar being trimmed down, and fried ML Pennicott his morning - he said: 8 "Mr Yueng, can you explain what happens when Py 9 goes on a site visit?" 11 116 116 116 116 <td>12</td> <td>A. Yes, I can see it.</td> <td>12</td> <td>-</td>	12	A. Yes, I can see it.	12	-
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15 you see that there on the right-hand side? 15 who is standing there. Because you were using this 16 A. Can you please repeat your question? 17 who is standing there. Because you were using this 17 Q. Yes. If you look at that, you can see panel EH112 on 18 the right-hand side of the photograph, can you not? 19 A. Yes, I can see it. 17 talking about the space above 112 where there is a re rectangle? 19 A. Yes, I can see it. 20 yes, that's exactly what I'm talking about, and I'm saying to you what I'm suggesting to you is that thin is demolition work which is absolutely nothing to do the the are approach this a different way. What I am 20 saying to you what I'm suggesting to you is that the coupers and the rebar being removed. That's correct, isn't i? 1 the drawing, H887, and having established that an air 2 duct might just impact upon panel 112, the rest of that 3 panel is shown in the photograph as being trimmed down, 4 1 correct, isn't i? A. I can only look at this red rectangle and I cannot see any couplers. So on that I can agree with you. 2 A. I can only look at this morning he said: 3 A. You mean the photo, on the left-hand side or the 9 record. And you answered: 3 mov, site visit. You were asked by my learned 10 helpfully, assuming the caption is right, put in a little box of squiggly red lines where panel EH112 is 1 m				-
16 A. Can you please repeat your question? 16 position to try to draw a comparison or are you 17 Q. Yes. If you look at that, you can see panel EH112 on 17 Value of the photograph, can you not? 18 the right-hand side of the photograph, can you not? 18 rectangle? 20 Q. It would be the far end of that panel, would it not, 18 saying to you	15			
17 Q. Yes. If you look at that, you can see panel EH112 on the right-hand side of the photograph, can you not? 17 talking about the space above 112 where there is a re rectangle? 19 A. Yes, I can see it. 17 talking about the space above 112 where there is a re rectangle? 10 Q. I two uld be the far end of that panel, would it not, that would have the air duct going into it just a little 18 rectangle? 20 Q. I two uld be the far end of that panel, would it not, that would have the air duct going into it just a little 18 rectangle? 21 the rapproach this a different way. What I am suggesting to you, Mr Yueng, is that having looked at 24 23 A. Not from I can't see it from this photo. 24 24 Page 74 24 Page 74 Page 74 25 Page 74 Page 74 3 panel is shown in the photograph as being trimmed down, with the couplers and the rebar being removed. That's 2 5 correct, isn't it? 6 Now, site visits. You were asked by my learned friend Mr Pennicott this morningh esaid: 8 6 A. You mean 112? 6 Now, site visits. You were asked by my learned friend Mr Pennicott this morningh esaid: 8 7 1 helpfully, assuming the caption is right, put in 19 16 f			16	
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 20 Q. It would be the far end of that panel, would it not, that would have the air duct going into it just a little bit; correct? 21 A. Not from I can't see it from this photo. 22 A. Not from I can't see it from this photo. 23 A. Not from I can't see it from this photo. 24 Q. Let me approach this a different way. What I am suggesting to you, Mr Yueng, is that having looked at 25 Page 74 26 A. You mean 112? 27 A. You mean 112? 28 A. You mean the photo, on the left-hand side or the 9 right-hand side? 29 Q. On the right-hand side, EH112, and someone has very 11 helpfully, assuming the caption is right, put in a little box of squiggly red lines where panel EH112 is 13 being broken out with the top couplers being removed; do 14 you see that? 29 Q. Nothat I suggest to you is that that work, that demolition 20 A. I didn't see it on the site. I only saw this yesterday 20 for the fight-hand side, you can see from the height and also the concret attaching 20 A. I didn't see it on the site. I only saw this yesterday 20 for the fight and side, you can see from the height and also the concret attaching 21 the right-hand side, wou can see a worker with a vest, 21 and underneat that person was the air duct. Then you 23 can see from the height and also the concret attaching 20 A. I didn't see it on the site. I only saw this yesterday 20 for the first time. If you are talking about 112, on 21 the right-hand side, you can see a worker with a vest, 21 and underneat that person was the air duct. Then you 23 can see from the height and also the concret attaching 21 We vend conduct a site visit or it also in to you: 23 can see from the height and also the concret attaching 22 M. Fennicott, he posed a question to you: 24 cancel apper and provement officials. Would the the second apper provement officials. Would the the coperement officials. Would the the second apper proveme				-
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	Page 77		Page 79
1	accompany us to do the site walk or site visit."	1	attend?
2	Do you remember giving that evidence?	2	A. I never went on site walks, because that was done by M&V
3	A. Yes. Well, yes, they accompanied they accompanied	3	team.
4	us, yes.	4	Q. Right. And the M&V team, can you give me a few names,
5	Q. Good. Then slightly later on, the professor,	5	please.
6	Prof Hansford, picked up the matter with you and said:	6	A. Our PM, Mr Mak. He started on 1 January 2016 to be the
7	"Okay, thank you.	7	PM. He went on a site visit for 1112 as the PM. In
8	Mr Pennicott: Mr Yueng, can I ask you this	8	March 2016 and every three months, he would do it again.
9	question. From the period between let's say March 2013	9	Apart from Mr Mak, we also had Mr Wong, Sidney Wong, and
10	and May of this year so a period of just over five	10	also other staff members. Usually it would be a team of
11	years how many times did you in fact visit the	11	three.
12	contract 1112 site?	12	Q. As a matter of accuracy, Mr Mak is recorded in
13	Answer: I, together with BSRC team members	13	yesterday's transcript as saying that he joined the site
14	sometimes I would be present, sometimes not. Definitely	14	walks the minute he joined your organisation in
15	more than 80 times for a site witness and site audit."	15	September 2015, but that's not something I'm going to
16	Do you remember giving that evidence?	16	take up with you.
17	A. Yes, I remember.	17	But these site walks, how often did they take place
18	Q. As I understand your evidence, when these site visits	18	on average?
19	took place, the site walk would in fact entail looking	19	A. Yes, he joined in September 2015 and then started from
20	at areas of interest so far as you and government	20	1 January 2016; he started to be the PM for SCL and
21	officials were concerned; that's right, is it not?	21	Q. Yes, I know that. And on these site walks, I assume
22	A. I think we misunderstood "site inspection" and "site	22	that it would be of interest to Pypun to ensure that
23	walk". Can I please supplement or explain such	23	their contractual obligations were being undertaken
24	terminology? These terminology are very similar. Can	24	properly, those contractual obligations being set out in
25	I please explain them?	25	the contract that they made with government; correct?
	Page 78		Page 80
1	Page 78 Q. Yes, I'm sure the Commissioners would find that very	1	Page 80 A. That's correct.
1 2	Q. Yes, I'm sure the Commissioners would find that very useful indeed. Thank you. Go ahead.	1 2	-
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. Yes, I'm sure the Commissioners would find that very useful indeed. Thank you. Go ahead. A. I mentioned this morning site walk or site visit. Our M&V team, together with RDO officials, would go to the site, to get a general feel of the process. Mr Boulding, you referred to site inspection. That is, on the requirement of the BD, our BSRC team would do it. The two are very different. Site inspection would be done according to the requirement of the BD, and it's done by the BSRC team. What I mean by need or requirement Mr Lok Pui Fai, senior engineer, wrote in his statement very clearly that within the BSRC team, what is meant by site inspection, site witnessing or site visit. As to what you said, together with RDO staff we go for site walks, those are two different matters. Q. Right. So you've got on the one hand site walks and on the other hand site visits? A. Site walk and site visit are the same thing to us. Q. I thought you just told me they were different. MR PENNICOTT: Site inspection. A. I was trying to distinguish site walk or site visit with 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. That's correct. Q. You will have heard, won't you, Mr Mak telling the Commissioners yesterday that he would be particularly interested in matters which showed a possible departure from, firstly, the programme you heard him say that, did you not? A. Yes. But I remember you should be referring to the scope of work of the BSRC team. Q. Well, I didn't think there was going to be any contention over this. I was just reminding you of what Mr Mak had said. Firstly, he referred to programme. Secondly, he said the cost would also be an important consideration. Do you remember him saying that? A. That's correct, because the M&V focus would be on three things: cost, programme and public safety. Q. Splendid. With that in mind, I wonder whether we can just have a quick look at one or two other photos together, to see whether or not we can agree anything. Could you go to B25659. This is a photograph of 14 September 2015; do you see that in the bottom right-hand corner, Mr Yueng?

	Page 81		Page 83
1	couplers having been removed from that part of the	1	that what we see here is exactly what both Pypun and BD
2	D-wall in area C2, bays C2 to 6; correct?	2	knew about because they had been told of the proposed
3	A. I can't see that or conclude as what you said just from	3	construction sequence in paragraph 6.2.2 of the design
4	this photograph, that there was breaking out at the top	4	report that we looked at before lunch. That's correct,
5	of the D-wall.	5	isn't it?
6	Q. It's pretty obvious, isn't it in the area which is	6	A. I did see that report, yes.
7	shown enclosed in the hatched red lines, that's what's	7	Q. Just for the avoidance of doubt, if you could go to
8	happened, hasn't it? That's breaking out of the D-wall;	8	B8984, and there we've got the first page of the report,
9	that's right, isn't it?	9	because I want you to know what I'm talking about.
10	A. Yes, I can see that.	10	Then if you would be kind enough to go on to B9034,
11	Q. Okay. Let's move on a bit. Page B25642. Here we've	11	you will remember that we discussed this before lunch,
12	got a photo of 3 October 2015, and again if you look at	12	did we not, Mr Yueng?
13	the red square box there, which encloses a couple of	13	A. Yes, I can remember that.
14	workers, again you would agree with me, would you not,	14	Q. Splendid. You can see that there's a reference under
15	that it shows the top of the D-wall broken out; correct?	15	the heading 6.2, "Construction sequence"; right? Do you
16	A. You can say that.	16	see that?
17	Q. Good.	17	A. Yes.
18	Then if we jump on a bit. If you could go to	18	Q. Then you can go down and it's helpfully coloured in
19	B25673, and here we've jumped over a month and we are on		yellow:
20	6 November 2015. If you would be kind enough to look at	20	"The top of diaphragm wall will be trimmed to the
21	the area below the two hole-punches, which is enclosed	21	lowest level of top rebar for the EWL slab (minimum
22	in the red box, again I suggest that this shows, does it	22	420 millimetres below the top level of EWL slab)."
23	not, that the top of the D-wall has been broken out;	23	Do you see that?
24	correct?	24	A. Yes.
25	A. That's correct.	25	Q. That is exactly what we are seeing, is it not, in the
	Page 82		Page 84
1	Q. Of course, as a matter of record, this is exactly what	1	two or three photographs that I've just discussed with
2	MTR told BD that they were going to do in the design	2	you?
3	report, which you and I discussed before lunch; that's	3	A. Yes. They show this. But the BD will only accept the
4	right, isn't it?	4	proposals as shown in the drawings. What is mentioned
5	A. Can I be shown the accepted drawings or plans of the BD?	5	in the design report, in the absence of any drawing or
6	There are too many drawings. I can't remember exactly.	6	any indication in the drawing, will not be regarded as
7	We wouldn't just be relying on the design report. The	7	something accepted by the department.
8	BD would vet the drawings, and even if it's mentioned in	8	Q. If we look perhaps just at one final photograph. If we
9	the design report, if there's no drawing to indicate the	9	go on to B25665 splendid, thank you very much it's
10	works, then the BD wouldn't say that it has accepted the design.	10	not a particularly good photograph, but do you see the red box again there, Mr Yueng?
11		11	red box again there Mr Yileng?
110	-		•
12	Can I be shown the drawings?	12	A. Yes, I can see it.
13	Can I be shown the drawings? Q. Not by me. What I suggest to you is that and let	12 13	A. Yes, I can see it.Q. I suggest that that again shows an area of the D-wall,
13 14	Can I be shown the drawings? Q. Not by me. What I suggest to you is that and let there be no doubt about it this reduction in the	12 13 14	A. Yes, I can see it.Q. I suggest that that again shows an area of the D-wall, does it not, that's been trimmed down?
13 14 15	Can I be shown the drawings? Q. Not by me. What I suggest to you is that and let there be no doubt about it this reduction in the D-wall, and the removal of the couplers and the lapping	12 13 14 15	A. Yes, I can see it.Q. I suggest that that again shows an area of the D-wall, does it not, that's been trimmed down?A. I would think that it's a temporary fencing to prevent
13 14 15 16	Can I be shown the drawings? Q. Not by me. What I suggest to you is that and let there be no doubt about it this reduction in the D-wall, and the removal of the couplers and the lapping of the rebars, was exactly what MTR told BD that they	12 13 14 15 16	A. Yes, I can see it.Q. I suggest that that again shows an area of the D-wall, does it not, that's been trimmed down?A. I would think that it's a temporary fencing to prevent fall of workers.
13 14 15 16 17	Can I be shown the drawings? Q. Not by me. What I suggest to you is that and let there be no doubt about it this reduction in the D-wall, and the removal of the couplers and the lapping of the rebars, was exactly what MTR told BD that they were going to do in terms of the construction sequence	12 13 14 15 16 17	A. Yes, I can see it.Q. I suggest that that again shows an area of the D-wall, does it not, that's been trimmed down?A. I would think that it's a temporary fencing to prevent fall of workers.Q. Let's have a look at just one more then. B25636.
13 14 15 16 17 18	Can I be shown the drawings? Q. Not by me. What I suggest to you is that and let there be no doubt about it this reduction in the D-wall, and the removal of the couplers and the lapping of the rebars, was exactly what MTR told BD that they were going to do in terms of the construction sequence set out in paragraph 6.2.2 of the design report which we	12 13 14 15 16 17 18	 A. Yes, I can see it. Q. I suggest that that again shows an area of the D-wall, does it not, that's been trimmed down? A. I would think that it's a temporary fencing to prevent fall of workers. Q. Let's have a look at just one more then. B25636. Whatever you say about 25665, here we're in 25636, and
13 14 15 16 17 18 19	Can I be shown the drawings? Q. Not by me. What I suggest to you is that and let there be no doubt about it this reduction in the D-wall, and the removal of the couplers and the lapping of the rebars, was exactly what MTR told BD that they were going to do in terms of the construction sequence set out in paragraph 6.2.2 of the design report which we looked at together before lunch. It was submitted under	12 13 14 15 16 17 18 19	 A. Yes, I can see it. Q. I suggest that that again shows an area of the D-wall, does it not, that's been trimmed down? A. I would think that it's a temporary fencing to prevent fall of workers. Q. Let's have a look at just one more then. B25636. Whatever you say about 25665, here we're in 25636, and do you again see the little red box?
13 14 15 16 17 18 19 20	Can I be shown the drawings? Q. Not by me. What I suggest to you is that and let there be no doubt about it this reduction in the D-wall, and the removal of the couplers and the lapping of the rebars, was exactly what MTR told BD that they were going to do in terms of the construction sequence set out in paragraph 6.2.2 of the design report which we looked at together before lunch. It was submitted under copy of a letter, I think, of 29 July.	12 13 14 15 16 17 18 19 20	 A. Yes, I can see it. Q. I suggest that that again shows an area of the D-wall, does it not, that's been trimmed down? A. I would think that it's a temporary fencing to prevent fall of workers. Q. Let's have a look at just one more then. B25636. Whatever you say about 25665, here we're in 25636, and do you again see the little red box? A. Yes, I can see.
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13 14 15 16 17 18 19 20 21	 Can I be shown the drawings? Q. Not by me. What I suggest to you is that and let there be no doubt about it this reduction in the D-wall, and the removal of the couplers and the lapping of the rebars, was exactly what MTR told BD that they were going to do in terms of the construction sequence set out in paragraph 6.2.2 of the design report which we looked at together before lunch. It was submitted under copy of a letter, I think, of 29 July. A. Yes, we saw that letter, but I'm not sure whether this 	12 13 14 15 16 17 18 19 20 21	 A. Yes, I can see it. Q. I suggest that that again shows an area of the D-wall, does it not, that's been trimmed down? A. I would think that it's a temporary fencing to prevent fall of workers. Q. Let's have a look at just one more then. B25636. Whatever you say about 25665, here we're in 25636, and do you again see the little red box? A. Yes, I can see. Q. And that shows without a doubt, does it not, that the

	Page 85		Page 87
1	walks at the time these photographs were taken, over the	1	Cross-examination by MR KHAW
2	course of three or four months. But what I suggest to	2	MR KHAW: Mr Yueng, good afternoon.
3	you is that it's simply not credible that none of the	3	A. Good afternoon.
4	Pypun representatives who attended these site walks can	4	Q. I represent the government.
5	have missed such an obvious demolition of part of the	5	If I may just cast your mind back to one of the last
6	constructed works. That must be right, mustn't it,	6	few questions from Mr Boulding before the lunch break.
7	Mr Yueng?	7	He asked you to look at paragraph 15 of one of BD's
8	A. Our people went with government officials on these site	8	letters of reply. If we can put that letter on the
9	walks, for the purpose of enabling the officials to	9	screen. It is H14/35348.
10	understand the general progress of works. On 1112, as	10	You remember you were referred to this particular
11	I have said, they would have to cover a big ground and	11	paragraph before; right?
12	they've only got one and a half hours. Such photos had	12	A. Can I be shown the first page of this letter? Because
13	to be taken very close up. Near the workfront, usually	13	the appendixes look similar in a number of letters.
14	when we did the site walk or site visit, we would be at	14	Q. It's a letter dated 8 December 2015.
15	some distance, and the purpose of a site walk or site	15	A. Yes, yes. Okay, I see it.
16	visit would be carried out for the purpose of a site want of site	16	Q. If we go back to the paragraph that you and Mr Boulding
17	progress in such a big area.	17	were looking at earlier, paragraph 15. When you were
18	I wouldn't be surprised if it can be suggested that	18	referred to this paragraph, Mr Boulding asked you one
19	the site walk or site visit would not be for any	19	question. It's not a short question but I can try to
20	particular work area or to look for the detailed work	20	repeat what he asked you.
20	being carried out by workers.	21	He said:
22	Q. Well, as you say very fairly, you weren't there, but	22	"It's obvious, is it not, that whoever wrote
22	I haven't got anyone else to cross-examine on this	23	paragraph 15 is not objecting to the contents of
23	particular matter, and for that reason I suggest to you	24	paragraph 6.2.2. All they are saying is:
25	that if government officials, if Pypun representatives	25	' you are required to ensure the corresponding
	that if government officials, if I ypan representatives	20	
	Page 86		
	Page 86 if were going around the site on a one and a half hour	1	Page 88
1	if were going around the site on a one and a half hour	1	Page 88 permanent station submissions, structure submissions,
1 2	if were going around the site on a one and a half hour site walk, looking at progress, they would be very	2	Page 88 permanent station submissions, structure submissions, are fully compatible with the ELS design submissions.'
1 2 3	if were going around the site on a one and a half hour site walk, looking at progress, they would be very likely, wouldn't they, to be interested in part of the	2 3	Page 88 permanent station submissions, structure submissions, are fully compatible with the ELS design submissions.' That is right, isn't it?"
1 2 3 4	if were going around the site on a one and a half hour site walk, looking at progress, they would be very likely, wouldn't they, to be interested in part of the works that had already been constructed being knocked	2 3 4	Page 88 permanent station submissions, structure submissions, are fully compatible with the ELS design submissions.' That is right, isn't it?" Do you remember that question?
1 2 3 4 5	if were going around the site on a one and a half hour site walk, looking at progress, they would be very likely, wouldn't they, to be interested in part of the works that had already been constructed being knocked down? Is that fair comment?	2 3 4 5	Page 88 permanent station submissions, structure submissions, are fully compatible with the ELS design submissions.' That is right, isn't it?" Do you remember that question? A. Yes, I can remember that.
1 2 3 4	if were going around the site on a one and a half hour site walk, looking at progress, they would be very likely, wouldn't they, to be interested in part of the works that had already been constructed being knocked down? Is that fair comment?A. I was not personally involved in site walk for 1112, but	2 3 4	Page 88 permanent station submissions, structure submissions, are fully compatible with the ELS design submissions.' That is right, isn't it?" Do you remember that question? A. Yes, I can remember that. Q. It's actually a compound question which consists of two
1 2 3 4 5 6	if were going around the site on a one and a half hour site walk, looking at progress, they would be very likely, wouldn't they, to be interested in part of the works that had already been constructed being knocked down? Is that fair comment?A. I was not personally involved in site walk for 1112, but apart from 1112 I'm also responsible I was also	2 3 4 5 6 7	Page 88 permanent station submissions, structure submissions, are fully compatible with the ELS design submissions.' That is right, isn't it?" Do you remember that question? A. Yes, I can remember that. Q. It's actually a compound question which consists of two parts. First of all, you were asked whether it is
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1 2 3 4 5 6 7 8 9	if were going around the site on a one and a half hour site walk, looking at progress, they would be very likely, wouldn't they, to be interested in part of the works that had already been constructed being knocked down? Is that fair comment?A. I was not personally involved in site walk for 1112, but apart from 1112 I'm also responsible I was also responsible for 1109. I did participate in the site walk regarding 1109. The site area for 1109 was smaller, not as big as 1112. The purpose of the site	2 3 4 5 6 7 8 9 10	Page 88 permanent station submissions, structure submissions, are fully compatible with the ELS design submissions.' That is right, isn't it?" Do you remember that question? A. Yes, I can remember that. Q. It's actually a compound question which consists of two parts. First of all, you were asked whether it is obvious that the author of paragraph 15 is not objecting to the contents of paragraph 6.2.2. The second part of his question is whether or not it is obvious that
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	Page 89		Page 91
1	evidence that these three paragraphs could not amount to	1	Q. Again, this morning, when Mr Pennicott took you to see
2	a change to a permanent design as it provided	2	some MTR records do you remember that there are some
3	insufficient details for that particular purpose.	3	MTR records with a remark that they were retrospective
4	Would you agree with that particular statement?	4	records; do you remember that?
5	A. I agree.	5	A. Are you talking about records with the date 10 February
6	Q. In that case, if we go back to paragraph 15 again, would	6	2017?
7	you agree with me that in the circumstances, the author	7	Q. Yes.
8	of paragraph 15, whoever he or she is, could not be	8	A. I saw them this morning.
9	taken to mean that they have no objection to the	9	Q. Yes. Maybe we can have a quick look: B7/4538. Do you
10	contents of 6.2; would you agree?	10	remember seeing this particular document earlier today?
11	A. I agree.	11	A. I remember.
12	Q. Now, regarding the latest report that Pypun has	12	Q. Now, your answer to Mr Pennicott sorry, one of your
13	prepared, if I can just clarify with you a few minor	13	answers to Mr Pennicott's questions was that the MTR
14	points. If we can turn to G18/13414. If I may take you	14	records were not shown to you during the first round of
15	to a table at 13421.	15	inspection; do you remember that?
16	It's a table under paragraph 3, where the reports	16	A. I remember that.
17	says:	17	Q. So if we can just take a look at some other records. If
18	"All on-site record checking was conducted inside	18	I can trouble you to have a look at G12/9883.
19	the MTRCL Hung Hom site office with the following	19	Do you recall whether it is one of those records
20	representatives from RDO/HyD, BD and Pypun"	20	that you saw during the first round of the
21	Now, in the first table, ie in relation to the first	21	record-checking?
22	round of the on-site record-checking because we	22	A. I can't remember whether this was exactly the record,
23	understand that there are three rounds of on-site	23	but this one should have come from the contractor, and
24	record-checking; do you remember?	24	at that time there were many records that look like
25	A. I remember.	25	this.
	Page 90		Page 92
1	Page 90 Q. Now, in relation to the first round of on-site	1	Page 92 Q. Maybe we can try another one: H14/35067.
1 2	-	1 2	
	Q. Now, in relation to the first round of on-site	-	Q. Maybe we can try another one: H14/35067.
2	Q. Now, in relation to the first round of on-site record-checking, if we look at the first row it's	2	Q. Maybe we can try another one: H14/35067. Can you recall whether it is one of the records that
2 3	Q. Now, in relation to the first round of on-site record-checking, if we look at the first row it's "JF", which means James Fung. Do you remember that?	2 3	Q. Maybe we can try another one: H14/35067. Can you recall whether it is one of the records that you managed to see during the first round of your
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2 3 4 5	 Q. Now, in relation to the first round of on-site record-checking, if we look at the first row it's "JF", which means James Fung. Do you remember that? A. That's correct. That is the abbreviation. Q. Yes. We can see the explanatory note on the next page, 	2 3 4 5	Q. Maybe we can try another one: H14/35067. Can you recall whether it is one of the records that you managed to see during the first round of your record-checking?A. I should have but I'm not sure, because there were many
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	Page 93		Page 95
1	you can confirm whether during the first round of the	1	report well, it results from visiting the location on
2	site records checking, were you ever told by the	2	22 and 24 January; is that right?
3	representative by any representative of MTR that any	3	A. Correct.
4	of the coupling inspection records were in fact created	4	Q. So it may sound like a dumb lawyer's question but
5	retrospectively?	5	presumably the documents shown in the photograph are
6	A. No.	6	only those that have been created on or before 22 or
7	Q. Thank you.	7	24 January 2014?
8	Finally, this morning Mr Pennicott put one question	8	A. Correct.
9	to you, and he asked you whether Pypun was in effect	9	Q. Now can we go, please, to bundle B, page 8888.
10	supporting sorry, Pypun was in effect assisting the	10	Mr Boulding's lucky number. Or not; we will see.
11	BO team for the purpose of the SCL project. Do you	11	This identifies this is the letter of 29 July
12	remember that?	12	2015, and the design report that's included is one for
13	A. Yes, I remember.	13	ELS submission, which I think we can take from the
14	Q. Would you agree with me that just for the avoidance of	14	heading of the letter stands for excavation and lateral
15	doubt, Pypun was in fact assisting both the BO team and	15	support.
16	also the Highways Department in relation to the SCL	16	Is that permanent or temporary work?
17	project?	17	A. It's a temporary work.
18	A. That's correct.	18	Q. And if we go to 8897, please actually, before we do
19	MR KHAW: Thank you, Mr Yueng. I have no further questions	19	that, let's just go you mentioned in your evidence
20	CHAIRMAN: Thank you.	20	two certificates from the CP and the RGE. Can we have
21	Mr Coleman, I think	21	8891. Is that the CP's certificate to which you were
22	Re-examination by MR COLEMAN	22	making reference?
23	MR COLEMAN: Thank you, sir. Just a few points in	23	A. Correct.
24	re-examination.	24	Q. And the submission title relates to "Strutting for
25	Mr Yueng, you were asked about paragraphs 20 and 21	25	area C"; do you see that?
	Page 94		Page 96
1	of your witness statement, page K730, and going over to	1	A. I can see that.
2	731, relating to assessment procedure, and in	2	Q. Then the next page, 8892, is this the RGE's certificate
3	paragraph 22 you have referred to "a flow chart setting	3	to which you were making reference, also with the same
4	out the agreed procedure in practice for the vetting of	4	submission title?
5			submission true?
6	plans, and a sample instruction from the RDO to Pypun to		A. Yes.
	plans, and a sample instruction from the RDO to Pypun to vet a structural plan/submission."		
7		5	A. Yes.
	vet a structural plan/submission."	5 6	A. Yes.Q. If we go to 8897, this sets out the scope of the
7	vet a structural plan/submission." Can we just identify that document, in case the	5 6 7	A. Yes.Q. If we go to 8897, this sets out the scope of the submission, and the first bullet point is:
7 8	vet a structural plan/submission." Can we just identify that document, in case the Commission want to see it. Annex 5 I think is found at	5 6 7 8	A. Yes.Q. If we go to 8897, this sets out the scope of the submission, and the first bullet point is:"Structural design of steel struts with verification
7 8 9	vet a structural plan/submission." Can we just identify that document, in case the Commission want to see it. Annex 5 I think is found at K821. The front sheet, in fact, 820. 821 is the flow	5 6 7 8 9	 A. Yes. Q. If we go to 8897, this sets out the scope of the submission, and the first bullet point is: "Structural design of steel struts with verification of axial stiffness being adopted in D-wall design
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 vet a structural plan/submission." Can we just identify that document, in case the Commission want to see it. Annex 5 I think is found at K821. The front sheet, in fact, 820. 821 is the flow chart. Who prepared this flow chart? A. I did it, because I was the team leader and I knew the flow of work very clearly. Q. Then 822, this is the sample instruction from the RDO; is that right? A. Correct. Q. You were asked about and you were taken to documents which related to a visit, audit or inspection of the threading of the reinforcement bars in January 2014. Perhaps we can just have H4808. There's a photograph of some of the documents which were inspected on that occasion. We have seen the checklist. I think Mr Boulding took you to the checklist that 	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 A. Yes. Q. If we go to 8897, this sets out the scope of the submission, and the first bullet point is: "Structural design of steel struts with verification of axial stiffness being adopted in D-wall design submission by Atkins." Is that a reference to strutting again? A. Correct. Q. Then let's go to Mr Boulding's favourite page, 9034. Firstly, can we look at the bottom of the page, the very bottom of the page. This is said to be a "Design report for HUH Station primary structure: primary slabs for temporary load cases: area C (grid 22-40): [deliverable no. TWD-004B3]". Do you know what "TWD" stands for? A. It should be temporary work design. Q. Then if we go back to the highlighted three sentences.
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	Page 97		Page 99
1	What would you use to fix one rebar to another	1	sequence how to trim the concrete off. It will be going
2	rebar?	2	in details, how they trim in layers or per panel, that
3	A. In this case, it should be the use of coupler.	3	detail will have to show on the drawings."
4	Q. Could we then go, please, to B13 would you give me	4	Do you agree with that answer?
5	one moment? and can we start with the first page of	5	A. Agree.
6	it which is 9721. This looks as though it's the second	6	Q. If different panels were treated differently at the top
7	volume of the design report temporary works design	7	of the D-wall, would that require different drawings?
8	004B3, the same design report but the second volume of	8	A. It would be different construction details.
9	it.	9	MR COLEMAN: I have no further questions. Does either the
10	A. Yes. There are four volumes, according to the letter.	10	Chairman or the professor have any question for
11	Q. Although this is chock-full of interesting statistics,	11	Mr Yueng?
12	I want to go to page 10557, please.	12	COMMISSIONER HANSFORD: No.
13	Can we look blow up the centre picture in the	13	CHAIRMAN: No.
14	top.	14	Thank you very much, Mr Yueng. It's very good of
15	MR PENNICOTT: The date first.	15	you. Your evidence is now completed. Thank you for
16	MR COLEMAN: If we look at the bottom, the date is I think	16	your attendance.
17	20 January 2015.	17	WITNESS: (In English) Thank you.
18	MR PENNICOTT: 7 July.	18	MR COLEMAN: Mr Chairman, I know you haven't had to put up
19	MR COLEMAN: Where is that? I see. Sorry, reading up on	19	with me for that long, but that's the end of Pypun's
20	the left-hand side, yes, 7 July 2015.	20	witnesses.
21	Then the one in the middle which says this is	21	CHAIRMAN: Thank you very much, Mr Coleman.
22	a "Typical anchorage detail at interface of OTE duct and	22	(The witness was released)
23	EWL slab applicable for [quite a large number of	23	MR PENNICOTT: Sir, first of all it's 3.30 so perhaps we
24	panels]".	24	could have a break.
25	Are couplers shown on this drawing and, if so, can	25	CHAIRMAN: Certainly.
	Page 98		Page 100
1	you point out where they are?	1	MR PENNICOTT: Secondly, we have lined up two government
2	A. This is a small rectangle. It's shown by this small	2	witnesses for the rest of the afternoon. I'm not sure
3	rectangle.	3	we are going to be able to deal with both of them but
4	Q. If you would be so good as to look on the screen, the	4	I don't see any reason why we shouldn't start the first
5	Chairman's hand is hovering underneath those three.	5	witness, and indeed we may finish.
6	A. Yes, there are three here, and then to the right-hand	6	CHAIRMAN: Of course.
7	side another three.		
	side another unce.	7	MR PENNICOTT: So if we could have 15 minutes and then it's
8	Q. The Chairman is again demonstrating the digital	7 8	MR PENNICOTT: So if we could have 15 minutes and then it's Mr Chung.
9	Q. The Chairman is again demonstrating the digital equivalent of ventriloquism.		MR PENNICOTT: So if we could have 15 minutes and then it's Mr Chung.CHAIRMAN: Thank you very much. 15 minutes.
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	Page 101		Page 103
1	A. Yes.	1	A. It's my signature.
2	MR PENNICOTT: G3/2056.	2	Q. You confirm that the contents of your witness statement
3	Secondly, Leung Sai Ho; G3/2024.	3	are true to the best of your knowledge, information and
4	Thirdly, Chu Tun Hon, that's Vincent Chu; G3/2108.	4	belief?
5	Lai Wai Yin; G3/2053.	5	A. Yes.
6	Giang Tsz Sheung, Keith; G3/2051.	6	Q. Just a few questions in relation to your current
7	Cheng Nim Tai; G3/2020.	7	position. At the time when you made your witness
8	Wong Ying or Christie Wong; G3/2150.	8	statement, you were the Director of Highways; is that
9	Pun Ting Ting, Rebecca; G3/1852.	9	correct?
10	And Loo Kam Wah, Maurice; H6/1124.	10	A. Yes.
11	Those are the nine witnesses not to be called. For	11	Q. Since then, has there been any change to this position?
12	the sake of completeness, another government officer has	12	A. Yes, there's been some change. As my tenure as Director
13	given two witness statements to the police, Mr Lo	13	of Highways ended on 21 October 2018, and with effect
14	Kai Cheung, who will also not be called.	14	from 22 November I have been on pre-retirement leave.
15	Sir, all of the nine witnesses, but not including	15	Q. Thank you. When did you make your decision to retire?
16	Mr Lo, all those witness statements will be uploaded	16	A. In government service, for my post, for people holding
17	onto the website in the usual way for viewing by anybody	17	posts like mine, we have to give one year's notice to
18	who wishes to do so.	18	the government. I cannot recall exactly which day, but
19	Sir, I hope that is, as I say, all in one place in	19	it would be in October 2017 or earlier than that,
20	the transcript, if anybody needs to find it in the weeks	20	I would have to inform the government.
21	to come.	21	Q. Thank you.
22	Sir, with that, I will hand over to Mr Khaw.	22	Can I just confirm with you whether you participated
23	CHAIRMAN: Yes. Thank you.	23	in any meetings or discussions well, obviously save
24	MR KHAW: Thank you, Mr Pennicott. We have told Mr Coleman	124	and except the discussions that you had with the legal
25	and Ms Cheung that we have decided not to redeem our	25	team for the purpose of this Inquiry did you
	Page 102		Page 104
	-		1 age 104
1	mileage to get upgraded to the front seat for the rest	1	participate in any other meetings or discussions in
1 2	mileage to get upgraded to the front seat for the rest of today.	1 2	participate in any other meetings or discussions in respect of the subject matter of this Inquiry after your
	of today. The government calls Mr Chung Kum Wah, who is now		participate in any other meetings or discussions in respect of the subject matter of this Inquiry after your retirement?
2 3 4	of today. The government calls Mr Chung Kum Wah, who is now sitting at the witness seat.	2 3 4	participate in any other meetings or discussions in respect of the subject matter of this Inquiry after your retirement? A. On 22 October, the day I started to take my
2 3	of today. The government calls Mr Chung Kum Wah, who is now sitting at the witness seat. Mr Chung, just to confirm that your full name is	2 3	participate in any other meetings or discussions in respect of the subject matter of this Inquiry after your retirement?A. On 22 October, the day I started to take my pre-retirement leave, and after that as well, I have not
2 3 4 5 6	of today. The government calls Mr Chung Kum Wah, who is now sitting at the witness seat. Mr Chung, just to confirm that your full name is Chung Kum Wah; is that correct?	2 3 4 5 6	participate in any other meetings or discussions in respect of the subject matter of this Inquiry after your retirement?A. On 22 October, the day I started to take my pre-retirement leave, and after that as well, I have not participated in any work carried out by the Highways
2 3 4 5 6 7	of today. The government calls Mr Chung Kum Wah, who is now sitting at the witness seat. Mr Chung, just to confirm that your full name is Chung Kum Wah; is that correct? WITNESS: (Via interpreter) Correct.	2 3 4 5 6 7	participate in any other meetings or discussions in respect of the subject matter of this Inquiry after your retirement?A. On 22 October, the day I started to take my pre-retirement leave, and after that as well, I have not participated in any work carried out by the Highways Department, including the business of this SCL Inquiry.
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26 (Pages 101 to 104)

	Page 105		Page 107
1	questions first. Thank you very much for coming along,	1	Division 1-1 we have Mr Ralph Li as well, as the Chief
2	in your pre-retirement period, to assist the Commission,	2	Engineer?
3	and may I wish you a long and successful and happy	3	A. Correct.
4	retirement. Some of us feel like that's probably what	4	Q. Mr Chung, in your position as Director of Highways, did
5	we want to do at the moment.	5	you have day-to-day contact with Mr Leung, occasional
6	A. Thank you.	6	contact with Mr Leung? How often would you speak to
7	Q. Mr Chung, you became the Director of Highways on	7	Mr Leung in perhaps a working week or a working month?
8	9 August 2016; is that right?	8	A. For Mr Leung, he was responsible for the SCL project
9	August 2010, is that right? A. Correct.	9	when he worked in the RDO. Railway projects are to the
10	Q. Can I ask you, as it were, to go back in history.	10	department important infrastructure matters, so every
10	Before becoming the Director of Highways, what was the	11	two weeks I would meet the senior people of the RDO,
11	position that you held before that?	11	including the director and the two deputies. There were
		12	
13	A. Before I became the Director of Highways, I was	13	regular meetings with them, and they would report to me
14	the Director of Civil Engineering and Development, and		things under their charge, relevant matters under the
15	before that I was the Director of Drainage Services.	15	projects they were in charge of.
16	Q. How long were you the Director of Civil Engineering and	16	So at least, in respect of Mr Leung, I would meet
17	Development?	17	once every two weeks.
18	A. I was the Director of Civil Engineering and Development	18	Q. Understood. All right.
19	for one year and a few months. It was about May 2015,	19	Now can I ask you, please, to look at paragraph 16
20	if I remember correctly. It was May 2015 actually,	20	in your witness statement. You say there, in
21	I have provided such information to the Secretariat of	21	paragraph 16:
22	the COI and that's up to 8 August 2016.	22	"For the SCL project, a project management approach
23	Q. Okay. So am I right in thinking that it was only when	23	similar to the one in the Express Rail Link project has
24	you became Director of Highways that you had any	24	been adopted. This approach essentially covers three
25	involvement with the SCL project?	25	elements, namely (1) entrustment of the whole project to
	Page 106		Page 108
1			
	A. Correct.	1	MTR, (2) adoption of a 'check the checker' approach with
2	Q. Right. We've got, helpfully, within your witness	2	support from a monitoring and verification consultant
2 3	Q. Right. We've got, helpfully, within your witness statement, at paragraph 11 on page G3/2062, a basic	2 3	support from a monitoring and verification consultant and (3) use of a building safety control mechanism
2 3 4	Q. Right. We've got, helpfully, within your witness statement, at paragraph 11 on page G3/2062, a basic organisation chart of the Highways Department.	2 3 4	support from a monitoring and verification consultant and (3) use of a building safety control mechanism handled by the Buildings Department."
2 3 4 5	 Q. Right. We've got, helpfully, within your witness statement, at paragraph 11 on page G3/2062, a basic organisation chart of the Highways Department. Primarily, we're interested in the right-hand side of 	2 3	support from a monitoring and verification consultant and (3) use of a building safety control mechanism handled by the Buildings Department." First question, Mr Chung: was this the first
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. Right. We've got, helpfully, within your witness statement, at paragraph 11 on page G3/2062, a basic organisation chart of the Highways Department. Primarily, we're interested in the right-hand side of this chart, for the purposes of the Inquiry, because we can see that, as it were, coming down from you on the right-hand side is the Principal Government Engineer in the Railway Development, who I understand is or was Mr Henry Chan; is that correct? A. During my term, Mr Henry Chan had retired. When I was Director of Highways, the two years and two months or so, the post-holder was Mr Jimmy Chan. Q. Mr Jimmy Chan, yes, indeed. And two other senior people in the Railway Development Office and perhaps for this purpose we could look at G9/7022 were first of all the Government Engineer, Railway Development Group, Mr Jonathan Leung, and I understand from his witness statement he's been in post since 1 December 2015, so he would have been there throughout your tenure, as I understand it, Mr Chung. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 support from a monitoring and verification consultant and (3) use of a building safety control mechanism handled by the Buildings Department." First question, Mr Chung: was this the first experience that you had had, personally, of the "check the checker" system in your long government service? A. In my statement, I state here that for the SCL project, the project management approach was similar to the XRL. Similar. The two projects have their own special characteristics. There were similarities as well. We therefore adopted the approach similar to the one for XRL for management. As, counsel, you have pointed out, your question is: as Director of Highways, was it the first time that I experienced or adopted this "check the checker" approach? This terminology, "check the checker", according to my knowledge, was used by the RDO in taking forward these two railway projects.

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1	implementation of the project.	1	priority? Is it the government Highways/Buildings
2	However, I would like to mention also one point.	2	Department or is it Pypun?
3	These three elements mentioned here are actually based	3	A. On this question, I don't think I can say simply who
4	on our entrustment agreements, and these are the	4	should make the decision, because risk management should
5	requirements in the EAs.	5	see the involvement of the entire team. For example,
6	Q. All right, Mr Chung. Thanks for that. I think the	6	when the project is implemented, the MTRCL is the one
7	answer to my question is: this was the first experience	7	when the project is implemented, the WTKCL is the one who knows the details of the project. So, to a large
8	you ever had of the "check the checker" system, and that		extent, the MTRCL has input vis-a-vis risk management,
8 9	probably would have done to answer my question, but	8 9	and in fact they should be responsible for it. In the
10			
	there we are.	10	entire arrangement under the entrustment agreement, we
11	The reason I ask you that, Mr Chung, is that we have	11	have entrusted the entire project to the MTRCL. So
12	heard some evidence over the last couple of days from	12	whether it is risk management or related work, the MTRCL
13	two witnesses from Pypun who are the "check the	13	has some responsibility for those.
14	checker", and still are. I just wanted to ask you some	14	And of course, apart from entrusting the project to
15	questions about, as it were, the government's	15	the MTRCL, we have another layer. In my witness
16	perspective of that system. I just wanted to try to	16	statement, in paragraph 16, I have said that there are
17	find out how familiar you may be about the system. But	17	three elements: number one, as I said, we entrust the
18	let's see how we get on.	18	entire project to MTRCL, and in terms of risk
19	Insofar as Pypun are concerned, you will appreciate,	19	management, MTRCL should first be held responsible.
20	I presume, that they really have two teams. They have	20	But then there is a second element in the management
21	a monitoring and verification team a monitoring team,	21	of the project, and that is "check the checker". There
22	let's call it, the monitoring team and they have the	22	are a few layers in this structure of checking the
23	BSRC team. You're familiar with that concept, the two	23	checker. Plus we have the M&V consultant assisting us.
24	teams; yes?	24	Our RDO staff cooperate with M&V consultant very
25	A. I know about that.	25	closely. We also require the consultant to be
	Page 110		Page 112
1	Q. Right. So far as the monitoring team is concerned, they	1	
-		1	proactive. In other words, the consultant should
2	appear to be the ones that are really carrying out the	2	interact and exchange with our RDO staff closely. So,
2 3	appear to be the ones that are really carrying out the "check the checker" responsibilities, and the BSRC team		
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3	"check the checker" responsibilities, and the BSRC team	2 3	interact and exchange with our RDO staff closely. So, in this respect, we cannot say in a broadbrush manner
3 4	"check the checker" responsibilities, and the BSRC team are doing something a little bit different, and we'll	2 3 4	interact and exchange with our RDO staff closely. So, in this respect, we cannot say in a broadbrush manner who should take the responsibility of assigning
3 4 5	"check the checker" responsibilities, and the BSRC team are doing something a little bit different, and we'll come to the BSRC team in a moment.	2 3 4 5	interact and exchange with our RDO staff closely. So, in this respect, we cannot say in a broadbrush manner who should take the responsibility of assigning priorities to risks. Say, for example, MTRCL, it has
3 4 5 6	"check the checker" responsibilities, and the BSRC team are doing something a little bit different, and we'll come to the BSRC team in a moment. What you say, in paragraph 18 of your witness	2 3 4 5 6	interact and exchange with our RDO staff closely. So, in this respect, we cannot say in a broadbrush manner who should take the responsibility of assigning priorities to risks. Say, for example, MTRCL, it has information on details and it can come up with its own
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	Page 113		Page 115
1	a moment.	1	A. In paragraph 16, for the third element there, it was
2	So I think, in summary, your answer is that to my	2	related to the Buildings Department, and in paragraph 21
3	original question both the RDO officers and Pypun,	3	I'm saying that the Buildings Department deployed a team
4	the M&V consultant, through discussion, through	4	of staff to the RDO and they set up a so-called BO team.
5	consultation with each other, through that approach will	5	In paragraph 21, I talk about the work of this team.
6	identify and prioritise the risks on any given contract?	6	If what they had to do comes under the jurisdiction of
7	A. What I said just now was about the major principles. As	7	the Buildings Ordinance, these officers would be doing
8	I said, RDO staff on a daily basis manage railway	8	the job on behalf of the Buildings Department.
9	projects. As to the details, I think I would have to	9	Q. Yes, and the point is this, I think, Mr Chung. We've
10	defer to my RDO staff for further explanation.	10	seen the RDO on your organisation chart, and what
11	What I said was to tell the Commission that when we	11	happened, as a matter of fact, as you explain in
12	implement projects, we have the three elements within	12	paragraph 21 of your witness statement, is four
13	our approach, and that is the rationale and the	13	members/personnel from the Buildings Department, from
14	principle behind it.	14	the BD, were seconded to the RDO to form the BO team,
15	Q. Yes, and at the moment, Mr Chung, I'm just trying to	15	and the Pypun BSRC team worked with and assisted that BO
16	explore with you the second element and the relationship	16	team. That's how it worked on this particular project;
17	between government and its "check the checker". That's	17	that's correct, is it not?
18	what I'm trying to ask you, a few, what I thought were	18	A. Correct.
19	relatively straightforward and simple questions.	19	Q. So, in relation to number (2), your element number (2)
20	Anyway, let's go to paragraph 19 of your witness	20	and your element number (3) that you list in
21	statement, where you say:	21	paragraph 16, Highways, the RDO, was reliant upon Pypun
22	"Whilst the SCL project has been entrusted to MTR,	22	in respect of both of those elements?
23	Highways under the 'check the checker' approach still	23	A. I think Pypun assisted the RDO and the BO team. That's
24	maintains its role in monitoring and verifying MTR's	24	the correct way to say.
25	compliance with its obligations under the entrustment	25	Q. And in terms of structural matters structural safety,
	Page 114		
	1 uge 111		Page 116
1	assessments, including quality", you say, "and public	1	structural engineering matters essentially, the BO
1 2		1 2	structural engineering matters essentially, the BO team consisted of the two senior structural engineers
	assessments, including quality", you say, "and public		structural engineering matters essentially, the BO
2	assessments, including quality", you say, "and public safety aspects."	2	structural engineering matters essentially, the BO team consisted of the two senior structural engineers
2 3	assessments, including quality", you say, "and public safety aspects." Then at paragraph 20, just to pick it up, it says:	2 3	structural engineering matters essentially, the BO team consisted of the two senior structural engineers seconded from BD, together with the assistance and help
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	Page 117		Page 119
1	MTRCL, I think under EA3 there's something, I think it's	1	that so far as contract 1112 is concerned, because of
2	clause 17 or paragraph 17, that site visits would be	2	the enormity of the size of the site and the project
3	conducted quarterly, that means once every three months.		generally, it would be impractical for unannounced,
4	Q. All right. And so far as the BSRC team is concerned,	4	surprise visits to be made to the site. Is that
5	the evidence appears to be that they only went to the	5	something you can comment on, or should I be asking
6	contract 1112 site if specific tests needed to be done	6	Mr Leung or somebody else?
7	or if they were requested for some other reason to go to	7	A. Well, surprise visits could have been done, in my view.
8	the site by the RDO or BD officers. Does that accord	8	Of course, no one can just say he wants to enter a site
9	with your understanding of the situation, Mr Chung?	9	any time he wants. There will be regulation of access.
10	A. When it comes to details of the consultancy contracts	10	Even surprise visits must be subject to some short-term
11	and the actual arrangements, I think again I will have	11	notification, otherwise entry might not be easy.
12	to defer to RDO colleagues for detailed explanation.	12	My view is that this access has got nothing to do
13	But I would like to make a point here. The	13	with the size of the site. If the site is big, you may
14	Transport and Housing Bureau, the government, in the	14	want to inspect or visit to a certain limited area or
15	entrustment agreements signed with the MTRCL, the	15	smaller part of the site, but a surprise visit doesn't
16	government was entitled to make the checks, and RDO,	16	mean that you just turn up and want to get in. I think
17	through the consultancy agreements, engaged consultants		it is not the same thing. It doesn't need to conduct
18	to help us carry out the M&V. The detailed	18	a surprise visit. You give them a very short notice.
19	arrangements well, I will leave these to my RDO	19	And MTRCL would need to admit our officers or our
20	colleagues to offer detailed explanations to assist the	20	consultancy staff to the site upon the giving of very
21	Commission.	21	short notice. That's what I understand to be a surprise
22	Q. Yes. The reason I asked you the question, Mr Chung, is	22	visit.
23	that in paragraph 21 of your witness statement you	23	Q. Okay. Could I move on to a separate and distinct topic,
24	say and I am six or seven lines down paragraph 21 on	24	Mr Chung. It's paragraph 43 of your witness statement,
25	2065:	25	please. Before I ask you a couple of questions about
	Page 118		Daga 120
	1450 110		Page 120
1	"With the support from the M&V consultant, the BO	1	paragraph 43 and following, can I just ask you this
1 2		1 2	-
	"With the support from the M&V consultant, the BO		paragraph 43 and following, can I just ask you this
2	"With the support from the M&V consultant, the BO team mainly vets the structural plan submissions and	2	paragraph 43 and following, can I just ask you this introductory question. When the MTRC submitted its
2 3	"With the support from the M&V consultant, the BO team mainly vets the structural plan submissions and submissions related to fire safety, health standard and	2 3	paragraph 43 and following, can I just ask you this introductory question. When the MTRC submitted its report to government on 15 June 2018, did you read it?
2 3 4	"With the support from the M&V consultant, the BO team mainly vets the structural plan submissions and submissions related to fire safety, health standard and precautionary measures such as building layout plans and	2 3 4	paragraph 43 and following, can I just ask you this introductory question. When the MTRC submitted its report to government on 15 June 2018, did you read it? A. I did.
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2 3 4 5 6 7 8	"With the support from the M&V consultant, the BO team mainly vets the structural plan submissions and submissions related to fire safety, health standard and precautionary measures such as building layout plans and drainage plans." Then you say this: "The BO team also conducts site inspections, if necessary, during the course of construction works." You seem to be saying that you don't know the details of the site inspections, would that be right,	2 3 4 5 6 7 8	 paragraph 43 and following, can I just ask you this introductory question. When the MTRC submitted its report to government on 15 June 2018, did you read it? A. I did. Q. In paragraph 43, you refer to a press conference that was held on 7 August this year, 2018, and that was a press conference that you gave, Mr Chung, or are you referring to some other press conference? A. This press conference was attended by a few colleagues. It was not chaired by me. That was the Secretary for
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	Page 121		Page 123
1	Q. You were?	1	paragraph:
2	A. Yes, I was.	2	"The aforesaid problems had seriously undermined the
3	Q. Prior to 7 August?	3	government's confidence" a phrase we have heard
4	A. Correct.	4	before "in MTR's management of the SCL project and
5	Q. All right. I won't go any further than that.	5	the integrity of the same."
6	Now, going to paragraph 43(1), you say:	6	As I understand it, Mr Chung, the undermining of the
7	" the government [had] identified a number of	7	confidence of the government was as a result of the
8	problems with MTR's supervision of the construction of	8	errors and discrepancies in the 15 June 2018 report that
9	the diaphragm wall"	9	subsequently were discovered.
10	Pause there, Mr Chung, because this is quite	10	A. Well, according to the information we had at that time,
11	important, because there are different parties involved	11	on 15 June the MTRCL submitted a report. It said that
12	in this Inquiry, with their own respective interests.	12	it went through an internal investigation and came up
13	The diaphragm wall, or walls, east and west, were	13	with certain findings. It took two weeks to do the
14	constructed by a company called Intrafor. What	14	investigation and to write the report for submission to
15	supervision problems had been identified by the	15	the SAR government.
16	government in respect of the construction of the	16	After receiving the report, we found that there were
17	diaphragm walls by 7 August 2018?	17	problems with the report and we continued to ask the
18	A. I would like to clarify your question first,	18	MTRCL about those. Then, by 13 July, the MTRCL issued
19	Mr Pennicott, because in my statement, 43(1)(a), (b),	19	a letter dated on that day, with a few drawings
20	(c), (d) actually, the matter you mentioned is not	20	attached. The drawings were very different from what
20	mentioned in paragraph 43. I'd like to clarify whether	20	the report of 15 June said, and that reflected many
21	you are going to ask about these few points in	$ ^{21}_{22}$	problems behind the scenes. The documents attached to
22	paragraph 43 or on the basis of these few points in	22	the 13 July letter were also inconsistent with the
23	would like to ask for comments on these.	23	drawings accepted by the Buildings Department, and the
24	Q. At the moment, Mr Chung, I would, with respect, ask you	24	BD thought that the discrepancies were so big that these
25	Q. At the moment, wir chung, I would, with respect, ask you	23	DD thought that the discrepancies were so org that these
1	Page 122	1	Page 124
1	just to focus on my question, because, so far as I can	1	should have been vetted by the BD beforehand and should
2	just to focus on my question, because, so far as I can tell, having looked at (a), (b), (c), (d) in	2	should have been vetted by the BD beforehand and should have been accepted by BD before the works could have
2 3	just to focus on my question, because, so far as I can tell, having looked at (a), (b), (c), (d) in paragraph 43(1) of your witness statement, and the	2 3	should have been vetted by the BD beforehand and should have been accepted by BD before the works could have been carried out.
2 3 4	just to focus on my question, because, so far as I can tell, having looked at (a), (b), (c), (d) in paragraph 43(1) of your witness statement, and the various documents that you there refer to, there is no	2 3 4	should have been vetted by the BD beforehand and should have been accepted by BD before the works could have been carried out. One more point. In the report, the number of
2 3 4 5	just to focus on my question, because, so far as I can tell, having looked at (a), (b), (c), (d) in paragraph 43(1) of your witness statement, and the various documents that you there refer to, there is no criticism of the supervision of the construction of the	2 3 4 5	should have been vetted by the BD beforehand and should have been accepted by BD before the works could have been carried out. One more point. In the report, the number of couplers mentioned was such that after the report was
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	Page 125		Page 127
1	We believe this is a very serious problem because	1	consultants to do a bit more, then we need to discuss
2	there were discrepancies in the records. To the	2	how much we should pay the consultant, instead of
3	government, with regard to the management of the SCL	3	reviewing the consultancy agreement or the clauses in
4	project, we had lost confidence. This is because we	4	that agreement. That's not what we do.
5	could see from many aspects that there were problems,	5	Q. Perhaps it was my question. I wasn't suggesting that
6	and that is why the SAR government lost confidence.	6	you would be seeking to change or alter the terms and
7	This is the background to it.	7	conditions of Pypun's contract. The question was
8	Q. Thank you for that.	8	a rather broader question: going forward, future
9	Can I then just finally ask you a couple of points	9	projects, are the terms and conditions of the
10	in relation to paragraph 44 of your witness statement.	10	consultant's agreement being reviewed?
10	You say at paragraph 44:	11	A. After the completion of a big project or any big
11	"Upon discovery of the incident Highways set up	12	project, we would carry out a review. We would look
12		12	back at how things had gone in the project so that we
13 14	a task group" And the footnote at 17 identifies the various	13	can try to make improvements, and I'm not just talking
14		14	about railway projects. For all major projects we adopt
	members of that task group.	15	this practice. We want to learn from the experience, in
16	" led by me with a view to further enhancing	10	implementing such projects, we want to make amendments
17	monitoring for the SCL project"		
18	And you indicate the various measures that have been	18 19	to things that we did not do well.
19	initiated.		Turning back to this SCL project, although I am no
20	Could I ask you, please, just to focus on number (4)	20	longer the director, I believe, when this project is
21	over the page at 2073, where you say that one of the	21	completed, there will be the review that I talk about.
22	measures is "increasing site visits and audits by the	22	MR PENNICOTT: Okay. Sir, I have no further questions.
23	M&V consultant". Do you see that, Mr Chung?	23	CHAIRMAN: All right. Thank you.
24	A. Yes, I can see it.	24	MR SO: No questions from China Tech. MR COLEMAN: None for us.
25	Q. When you say "increasing site visits", do you mean	25	
	Page 126		Page 128
1	increasing the frequency of site visits? That probably	1	MR CONNOR: None from Atkins.
2	admits of a "yes" or "no" answer.	2	MR SHIEH: None from us.
3	A. Well, the increase in frequency is also the increase in	3	MR JAT: Sir, it may seem a long time ago and perhaps in a galaxy far, far away, but you may remember that in our
4	the number of visits. Within a specific time, if you	4	a galaxy far far away but you may remember that in our
5		-	
6	increase the frequency you increase the number of	5	written opening, way back on 15 October, in
6	visits.	6	written opening, way back on 15 October, in paragraph 39, we specifically put down a point that we
7	visits. Q. Right. Are you proposing to increase the range of and	6 7	written opening, way back on 15 October, in paragraph 39, we specifically put down a point that we take the view that the Buildings Ordinance is not
7 8	visits.Q. Right. Are you proposing to increase the range of and scope of the site visits, or is it just the frequency?	6 7 8	written opening, way back on 15 October, in paragraph 39, we specifically put down a point that we take the view that the Buildings Ordinance is not applicable to the SCL project as a matter of law and as
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	Page 129		Page 131
1	Commission's legal team takes.	1	under the division of labour arrangement. So we would
2	CHAIRMAN: There we go.	2	discuss matters which we are required to pay attention
3	COMMISSIONER HANSFORD: I have one question.	3	to under the EA. For other major issues such as when
4	CHAIRMAN: Sorry, I was about to with these headphones	4	there are major concerns expressed for quality
5	on, I wasn't seeing where the question was coming from.	5	assurance, then the matter will be brought to the
6	COMMISSIONER HANSFORD: It's coming from here, Mr Chairman	. 6	attention of PSC. For example, after this incident was
7	CHAIRMAN: And not a galaxy far, far away.	7	reported at the end of May, in June the same matter was
8	Questioning by THE COMMISSIONERS	8	put on the agenda of the PSC.
9	COMMISSIONER HANSFORD: Actually, a very close galaxy.	9	So, in answering your question, Professor, the PSC
10	Mr Chung, this may be a matter of detail but	10	would discuss important matters requiring the attention
11	I wonder if you can help me.	11	of the senior management. We would provide the steer,
12	In your witness statement at paragraph 25, you refer	12	the direction. If there is a question like this
13	to a monthly progress report, and I don't know if you've	13	particular incident, a question about quality, we would
14	read it but in Mr Ralph Li's witness statement, he	14	pay attention to this, and in this case the matter was
15	refers to a monthly progress report. I'm wondering if	15	put on the agenda and the matter would be followed up
16	they are the same report or if there are two reports.	16	until we come to the view that the PSC should no longer
17	Is that something you would know?	17	discuss the matter. Then we would delete the item from
18	A. Professor, the monthly progress report I mentioned here,	18	the agenda at that point.
19	is said there would be a PSC meeting every month. For	19	That's my view, but I have to add that I am no
20	the PSC meeting, the MTRCL would have to submit	20	longer the director. I think it would be for my
21	a monthly progress report and that's the report I'm	21	successor to deal with that business in the future.
22	talking about here.	22	COMMISSIONER HANSFORD: Yes. Thank you. That's a very
23	Mr Li, in his statement, mentioned also monthly	23	helpful answer, Mr Chung. For me, there are two things,
24	progress report. Is it the same report? I am not sure	24	I think. One is looking to the future, but I accept
25	at this point. For him, for Mr Li, he would attend	25	that will not be your problem. But actually, looking at
	Page 130		Page 132
1	Page 130 another meeting. It's a meeting on the monthly	1	Page 132 the past, were quality issues ever brought to the PSC
1 2	-	1 2	the past, were quality issues ever brought to the PSC prior to May 2018?
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Commission of Inquiry into the Diaphragm Wall and Platform Slab Construction Works at the Hung Hom Station Extension under the Shatin to Central Link Project

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1	you.	1	So, sir, I am very confident that we will finish by
2	CHAIRMAN: Good. Thank you very much indeed.	2	next Friday and without wishing to be over-optimistic,
3	MR KHAW: No re-examination.	3	possibly even before the Friday, but perhaps we might be
4	CHAIRMAN: I'm sorry. Good. Thank you very much indeed.	4	able to review that on Monday.
5	It's been very helpful. Your evidence is now complete.	5	CHAIRMAN: Of course. We'll see how we go at the end of
6	WITNESS: Thank you, Chairman.	6	Monday.
7	(The witness was released)	7	Good. Thank you all very much indeed. Monday
8	CHAIRMAN: Yes.	8	morning, 10 am.
9	MR KHAW: Mr Chairman, just to update the Commission, our	9	MR PENNICOTT: Thank you.
10	next witness, as I have discussed with Mr Pennicott,	10	(5.10 pm)
11	will be the Secretary for Transport and Housing, so he	11	(The hearing adjourned until 10.00 am
12	will be available first thing Monday morning.	12	on Monday, 17 December 2018)
13	CHAIRMAN: Good. Thank you very much. Thank you.	13	
14	MR PENNICOTT: Yes, that is right sir. I will need to	14	
15	discuss with Mr Khaw where we go after that. I assume	15	
16	that Mr Ralph Li, who was going to be the second witness	16	
17	today if we had got there, will presumably come after	17	
18	the secretary?	18	
19	MR KHAW: Yes, then followed by Mr Leung.	19	
20	MR PENNICOTT: Yes, that's right. We have Mr Lim from BOSA	20	
21	coming to us on Monday afternoon. We may have to take	21	
22	a view later on Monday morning as to how we deal with	22	
23	the government witnesses, because we would quite like to	23	
24	call Mr Lim on Monday afternoon, if we can, and	24	
25	of course don't forget we will be stopping at around	25	
	Page 134		Page 136
1	about 3.30 on Monday morning, having a short break, and	1	INDEX
2	then picking up Mr McCrae from London at 4 o'clock.	2	PAGE
3	COMMISSIONER HANSFORD: Do we also have Mr Chan Chi Kong	3	MR YUENG WAI HUNG, RON (sworn in Punti)1
4	back in?	, ,	
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