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| <p>1 Friday, 14 December 2018</p> <p>2 (10.02 am)</p> <p>3 MR COLEMAN: Chairman and Professor, good morning.</p> <p>4 CHAIRMAN: Yes.</p> <p>5 MR COLEMAN: I see Mr Yueng is standing by, literally</p> <p>6 standing by, ready to give evidence this morning, and</p> <p>7 he's going to give the oath, please.</p> <p>8 MR YUENG WAI HUNG, RON (sworn in Punti)</p> <p>9 (All answers given via simultaneous interpreter</p> <p>10 except where otherwise specified)</p> <p>11 Examination-in-chief by MR COLEMAN</p> <p>12 Q. Can you be shown K727, and can you confirm that that is</p> <p>13 your full name at the top, Yueng Wai Hung?</p> <p>14 A. (Nodded head).</p> <p>15 Q. And is it correct that you are sometimes called Ron, Ron</p> <p>16 Yueng?</p> <p>17 A. Right.</p> <p>18 Q. Can you then turn to page K742. Is that your signature</p> <p>19 on this page?</p> <p>20 A. Yes.</p> <p>21 Q. Subject to some corrigenda which I'm going to deal with</p> <p>22 in a moment, are the contents of the witness statement</p> <p>23 true and correct to the best of your information and</p> <p>24 belief?</p> <p>25 A. Right.</p> | <p>1 photograph dated 5 October.</p> <p>2 Chairman, you will have seen some of the photos seem</p> <p>3 to have day/month, others have month/day in order.</p> <p>4 CHAIRMAN: Yes, I'm aware of that.</p> <p>5 MR COLEMAN: But I think this one is not 10 May, but is</p> <p>6 5 October 2015.</p> <p>7 Mr Yueng, it shows EM88 through to EH85, if the</p> <p>8 designation put on the photograph is correct.</p> <p>9 What do you want to say about that area of the wall?</p> <p>10 A. At EH85, 86, 87 and 88, from the design I vetted, at the</p> <p>11 top there should be a capping beam. At top level of the</p> <p>12 capping beam should be aligned with the top of the EWL</p> <p>13 slab. So, when they are working on the capping beam,</p> <p>14 they had to break the D-wall before they could proceed</p> <p>15 to that.</p> <p>16 For the EWL slab, it was supported by the capping</p> <p>17 beam, and then it would be connected to the diaphragm</p> <p>18 wall.</p> <p>19 Q. I wonder if you could be shown page H407, please. This</p> <p>20 is a letter of 20 August this year, which provides -- if</p> <p>21 one scrolls down, please, to paragraph numbered (i) in</p> <p>22 the middle of the page:</p> <p>23 "Latest accepted detailed design consultant drawings</p> <p>24 concerning the diaphragm walls and platform slabs</p> <p>25 [including of the] East West Line ('EWL') [slab] ..."</p> |
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| <p>1 Q. And the corrigenda can be found at page 743.1, with the</p> <p>2 amendments shown in, for lawyers at least, the</p> <p>3 traditional fashion, being amendments to paragraphs 12,</p> <p>4 29.2(4), which goes over the page.</p> <p>5 Do you wish to make these changes to your statement?</p> <p>6 A. Right.</p> <p>7 Q. Together with those changes, do you ask that the content</p> <p>8 of this statement be part of your evidence before this</p> <p>9 Commission?</p> <p>10 A. Right.</p> <p>11 MR COLEMAN: With the Chairman's leave, I have a few points</p> <p>12 for further examination-in-chief.</p> <p>13 CHAIRMAN: Yes, of course.</p> <p>14 MR COLEMAN: Thank you.</p> <p>15 Mr Yueng, I think you saw the evidence given by</p> <p>16 Mr Mak yesterday.</p> <p>17 A. Right.</p> <p>18 Q. And you saw some of the photographs to which he was</p> <p>19 taken by my learned friend Mr Boulding.</p> <p>20 A. Right.</p> <p>21 Q. As I understand it, you want to identify some points</p> <p>22 about those photographs which you think may help the</p> <p>23 Commission?</p> <p>24 A. Right.</p> <p>25 Q. Can we start with a photograph at B25647. This is the</p> | <p>1 Then could you go to page H888, please. Perhaps it</p> <p>2 can be enlarged little bit so that we can see the</p> <p>3 numbers at the bottom. So we are concerned with, on</p> <p>4 this photograph, reading from right to left, EH85, 86,</p> <p>5 87 and 88.</p> <p>6 Mr Chairman, do you see that?</p> <p>7 CHAIRMAN: Yes.</p> <p>8 MR COLEMAN: If we go up, straight up -- keep going -- we</p> <p>9 can see a hatched area drawn on the top of that. What</p> <p>10 is that, Mr Yueng?</p> <p>11 A. You may refer to the right-hand side of this drawing.</p> <p>12 There is a legend.</p> <p>13 Q. Yes.</p> <p>14 A. When I check the legend, it's cross-hatched legend, so</p> <p>15 it represents the capping beam.</p> <p>16 Q. So if we go back to that hatched area, cross-hatched.</p> <p>17 COMMISSIONER HANSFORD: Sorry, which panels were these</p> <p>18 again, please?</p> <p>19 MR COLEMAN: The panels shown in the photograph 25647, EH85</p> <p>20 to 88 inclusive.</p> <p>21 COMMISSIONER HANSFORD: Thank you.</p> <p>22 MR COLEMAN: Thank you. Can we now have -- I'm going to</p> <p>23 come back to this file but a different page in a moment.</p> <p>24 Can we go back to photograph 25685, please. We can</p> <p>25 see that that's dated 13 October, there being no 13th</p> |

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| <p>1 month, 2015, and it is described as showing areas EH112, 2 113 and 114. 3 Mr Yueng, what do you want to tell us about this 4 photograph? 5 A. At EH113 and 114, on the D-wall, actually there was 6 an air duct at the top of the D-wall. It would be 7 lower -- it would stop at a lower level than other 8 D-walls. 9 Q. I wonder if you could be shown, back where the drawings 10 are, H887, just the page before the one we were looking 11 at. On the left-hand side, we can see EH112, 113 and 12 114, reading from right to left, where the Chairman's 13 hand is. 14 And can we go up, and can you tell us what the 15 drawing shows there, please? 16 A. On the screen, on the left-hand side, there are two 17 rectangles, and you see a cross inside; it represents 18 an opening on the drawing. 19 Q. And what's the relevance of that as regards the 20 photograph of that area taken on 13 October 2015? 21 A. Under the two rectangles, you can see a level reference. 22 It shows that the D-wall would stop at plus 1.25. So 23 comparing this with the photograph, according to the 24 work sequence, it would have to be broken down. 25 Q. Can we also see photograph B25605, please. I'm not sure</p> | <p>1 is vast, equal to the area of Hung Hom Extension. Apart 2 from these two areas, there is also a North Approach 3 Tunnel, South Approach Tunnel, and the existing 4 modification work at the Hung Hom Station and the 5 northern area ancillary structures. 6 The site walk would cover the works area of 7 contract 1112. The site walk purpose is to allow the 8 government officials to get a general feeling of the 9 progress, and we would never get into great detail of 10 the works. 11 Q. You've mentioned government officials. Would they be 12 present on a site visit? 13 A. The site walk or site visit, they would accompany us to 14 do the site walk or site visit. 15 Q. Can you be shown, please, at page G7665. I don't know 16 which file it's in but it's the M&V contract. 17 Can you scroll down to 6.6.4(f). 18 Mr Yueng, you can see it on the screen, I think. In 19 paragraph (f) it refers to conducting audit and surprise 20 checks to construction sites on aspects of structural 21 safety, integrity of foundation, tunnel, superstructure 22 and et cetera for safety assurance and for compliance 23 with building safety standards, and so on. 24 Firstly, can I ask you, in respect of the area under 25 contract 1112, did Pypun conduct any surprise checks?</p> |
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| <p>1 this is one of the photographs that Mr Boulding meant to 2 go to, but he did. This shows, it says, the area around 3 EM72. What do you want to tell me about that 4 photograph, Mr Yueng? 5 MR PENNICOTT: The date? 6 MR COLEMAN: Sorry, the date is 14 August. 7 MR BOULDING: Sir, I just ought to point out that it was 8 a transcriber error, perhaps because I gave the wrong 9 reference, but I didn't intend to go to this photo, and 10 the transcript records that I immediately corrected it 11 and I went to the photo I intended to go to. 12 MR COLEMAN: Then I'll drop it. 13 MR BOULDING: So it doesn't seem to me that this 14 re-examination is in point. 15 MR COLEMAN: This is not re-examination, but anyway I will 16 stop it. 17 Mr Yueng, can you explain what happens when Pypun 18 goes on a site visit? 19 A. We would conduct a site visit with RDO government 20 officials -- it's also called a site walk -- once every 21 three months. At 1112, every time when we conducted 22 a site visit or site walk, it would take about an hour 23 or an hour and a half. The area covered, apart from 24 Hung Hom Extension D-wall, it also included something on 25 the side, that is Hung Hom siding, HHS. The area of HHS</p> | <p>1 A. No. 2 Q. Why not? 3 A. Because surprise checks, we need to have the requisite 4 conditions. The site is very large. We cannot walk in 5 unannounced to the contractor and take a look at things. 6 The site is also very large. There are other access and 7 safety concerns that we need to get a grasp of. So, 8 when we do site walks or site visits, the MTRCL has to 9 arrange things. In addition, the government officials 10 or the Buildings Department colleagues, they will be 11 wearing helmets and reflective vests. So it's quite 12 easy to be identified. 13 Q. What about in respect of any of the other contracts for 14 which Pypun had responsibility under the M&V agreement? 15 Were surprise checks ever conducted on any of the other 16 contracts? 17 A. Yes, we did. 18 Q. Now, we've heard in evidence from a number of people 19 that the use of couplers is very common in Hong Kong. 20 Do you agree with that? 21 A. I agree, especially for large civil contracts. 22 Q. Why is there a QSP specifically for couplers, if they 23 are so common in Hong Kong? 24 A. Well, couplers, some proprietary products, each brand, 25 their threading process or having the threads on the</p> |

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| <p>1 rebars, they have different specifications and 2 methodologies. There are also different inspection 3 methods and equipment. So the QSP targets the different 4 contractors or MTRCL's materials, because they are using 5 different brand names and they need specific 6 installation and inspection methods. 7 Q. Just by way of an example, we know from the QSP in this 8 case that once the rebar had been screwed into the 9 coupler, there was no torque checking requirement; 10 am I right about that? 11 A. Yes, that is the case for BOSA. 12 Q. What about for other proprietary couplers? 13 A. Well, we have looked at another brand name, a different 14 brand coupler. In their QSP, they also specified that 15 when a threaded rebar is screwed into a coupler, they 16 have a torque gauge and a wrench to confirm that there 17 is sufficient torque applied. 18 Q. Can you please be shown, in G9, page 7658, and at the 19 bottom of the page, clause 6.1.7, dealing with the main 20 roles of the consultants. 21 MR SO: Sir, I do apologise. As per the transcript, 22 page 10, line 3, I wonder if it is a winch or it is 23 a wrench. 24 A. (In English) Wrench. 25 MR COLEMAN: Perhaps, Mr Yueng, you can tell us the English</p> | <p>1 and we saw that in the agreement letter they had said 2 that they needed two separate teams, that is, one team 3 serving MTRCL and one team serving the consultant. They 4 needed these two separate teams, and they could indicate 5 two organisation charts, and when our colleagues 6 inspected they found that there was no conflict in these 7 two teams, and in January 2016 we reported back through 8 the PCG meeting to the group. 9 Regarding the BSRC team, that is our assignment, we 10 meet with MTRC regularly and we call these working 11 sessions where we have very detailed discussions on the 12 submissions and the designs, and they take up our 13 feedback and they will address our comments, so that the 14 project can proceed smoothly. 15 Q. Just in relation to the first point you mentioned, which 16 consultant was concerned? 17 A. There are a few contracts that were like that. If we 18 look at the documents and the contract 1112, it was 19 Atkins. 20 Q. Perhaps if we can go to G7166, also in G9. 21 CHAIRMAN: I'm sorry to interrupt -- are you saying that one 22 of the duties you fulfilled was checking to see whether, 23 within Atkins, with their team A and team B, that there 24 was in fact a conflict of interest and you decided and 25 advised that there was no conflict?</p> |
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| <p>1 word. 2 A. (In English) Wrench. 3 MR COLEMAN: Thank you. I'm grateful to Mr So. 4 This is at 6.1.7 in the M&V agreement which 5 identifies the main roles of the consultants. I want to 6 look at the last sentence: 7 "Hence, the Consultants shall be proactive" -- and 8 of course the sentence doesn't end there; we need to go 9 over the page -- "working closely with the Director's 10 Representative and the MTRCL and timely adjust its work 11 plan to suit the progress and programme of the SCL 12 works." 13 Are you able to give one or two examples of the way 14 in which you say Pypun was proactive, working closely 15 with the director's representative and the MTRC? 16 A. Yes, I can. Our M&V has two components. In the M&V, on 17 one occasion, in the PCG meeting, even though we weren't 18 responsible for this area, but in some of the contracts, 19 some consultants that were serving MTRCL and the 20 contractor, we had found some cause for alarm, and in 21 December 2015 meeting we had reported this to the RDO, 22 and the RDO asked us to follow up. 23 Subsequently, when we went to the MTRCL and asked 24 what the arrangements were, we saw in the PIMS that they 25 could indicate that they agreed with our methodologies,</p> | <p>1 A. Actually, when we did the cost audit, we discovered this 2 issue, and our cost auditor saw that there was this 3 situation and they were worried that when payment time 4 came along some parties would be double-paid. 5 So we referred to MTRC's PIMS documents and we 6 examined their permission to another contractor that was 7 serving the contractor and MTRCL. There was 8 an acceptance letter and we examined the contents. We 9 looked at the acceptance terms and we required them to 10 have two separate teams. 11 MR COLEMAN: Perhaps I can deal with it in this way. If we 12 look at 7166, we can see from the top of the page that 13 this is the notes of the 38th meeting of the PSC held on 14 30 December 2015. 15 If we go on to page 7169, in helpfully the only 16 paragraph on that page that's not redacted, there's 17 a reference to something being stated by Mr Vincent 18 Chan. 19 Who is Mr Vincent Chan? 20 A. Vincent Chan is the cost audit leader. 21 Q. In fact, if we go back to 7166, we can see he's 22 described as being present for the M&V consultant, 23 Pypun, as deputy project manager-financial. 24 Then back to 7169, what Mr Chan stated was: 25 "... that some of MTRCL's design consultants had</p> |

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| <p>1 also been appointed by some contractors as their 2 designer for alternative works under the same contract, 3 for example contracts 1106, 1112, 1114 and 1123. It 4 appears there might be a conflict of interest. MTRCL 5 was requested to review their procedures to ensure that 6 adequate firewall was in place. Pypun would review the 7 responses provided by MTRC and advise the finding in the 8 next meeting." 9 As I understand the answer you gave to the 10 Chairman's question, Pypun did review the responses and 11 reported back that there did not appear to be 12 a conflict, or at least not one that was not protected 13 by different teams and walls? 14 A. Mr Chan told me that MTR -- in the MTR management 15 system, they did not object to having one contractor in 16 a contract serving the MTRC and another contractor. So 17 we looked up the acceptance letter and we saw that -- we 18 looked up the clauses in the acceptance letter. We also 19 followed up with the organisation chart. There was no 20 overlapping between team A and team B. So, in the 21 subsequent meeting -- so in January 2016 we reported 22 that back to the RDO. 23 Q. Now can you be shown your witness statement, please, at 24 page K740. On that page, at paragraph 45, you are 25 referring to a supplementary engagement, so</p> | <p>1 CHAIRMAN: Thank you. 2 MR COLEMAN: Mr Yueng, I think Mr Pennicott will have some 3 questions for you now, and after him maybe some of the 4 other counsel will have some questions. I may come back 5 with a few questions at the end, and of course the 6 Chairman and the professor can ask you questions at any 7 time, and you will try to help us all as much as you 8 can. Thank you. 9 Examination by MR PENNICOTT 10 MR PENNICOTT: Good morning, Mr Yueng. As Mr Coleman has 11 indicated, I'm one of the counsel to the Commission. My 12 name is Ian Pennicott. I have a few questions for you. 13 First of all, thank you very much for coming along to 14 give evidence to the Commission this morning. 15 Mr Yueng, you were, as I understand it, the team 16 leader of the BSRC of Pypun? 17 A. That's right. 18 Q. Am I right in thinking that you've been team leader 19 throughout the provision of services by Pypun to the 20 government, stretching back to 2012 up to today? 21 A. That's right. 22 Q. I understand from paragraph 4 of your witness statement 23 that you have specific responsibility for contract 1112? 24 A. Right. 25 Q. Can I just, slightly out of order but just in case</p> |
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| <p>1 an engagement on top of the M&V agreement, where you 2 were asked to undertake a check of the records in June, 3 July and September 2018, and you exhibited or annexed to 4 your witness statement five draft reports issued for RDO 5 comments. 6 In paragraph 46 you refer to awaiting RDO's comments 7 on the draft report issued on about 27 September. We 8 know your witness statement was made on 13 November and, 9 as we were told yesterday, the final report by you has 10 I think now been produced this week. 11 Can we see G18, please, 13414. This is a document 12 title page. Do we see your signature there under your 13 name, "Ron Yueng"? 14 A. Yes. 15 Q. Against the date of 12 December this year, that was 16 Wednesday this week? 17 A. That's right. 18 Q. Can we go to the next page, please. This shows the 19 issue dates and the final report dated 11 December 2018, 20 and you as one of the authors? 21 A. Right. 22 MR COLEMAN: I'm not going to ask you any questions about 23 that; I'll leave that to Mr Pennicott. 24 Sir, those are the only additional matters I wanted 25 to deal with in-chief.</p> | <p>1 I lose the point -- you gave some evidence a moment ago, 2 when Mr Coleman was asking you some questions, about 3 Atkins, the consultants, and their dual role in acting 4 for MTRC and for the contractors, Leighton. 5 A. That's right. 6 Q. We were referred to some minutes of a meeting that took 7 place in December 2015; do you remember that? 8 A. I remember that. 9 Q. Can you recall now what the circumstances were in which, 10 as I understand it, you gave this as an example of you, 11 Pypun, being proactive -- how you picked this point up? 12 A. I wasn't the one who picked this up. Let me put it this 13 way. The potential conflict of interest mentioned was 14 identified by Mr Vincent Chan, cost audit leader. He 15 identified the situation and raised it with the RDO. 16 Q. Okay. It's just that certainly so far as contract 1112 17 is concerned, the arrangements between MTRC and Atkins 18 had been in place since about 2010, and the arrangements 19 between MTRC and Leighton had been in place since April 20 2013, and I just wondered how it came to be that this 21 was being picked up in 2015, late 2015 by the sounds of 22 it or by the looks of it. 23 A. I have no idea why. 24 Q. Okay. Thank you very much. 25 Just on that, I think you said to Mr Coleman</p> |

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| <p>1 a report was produced and you indicated the conclusion 2 of that report was that there was no identifiable 3 conflict of interest. 4 A. It was Mr Vincent Chan who audited the document. It was 5 his conclusion and it was reported to the RDO. 6 Q. All right. And was some form of report prepared, 7 an audit report, and given to RDO? 8 A. I am not sure about that. I don't know. Because 9 Mr Chan told me that it was reported during the meeting. 10 Q. I see. So it may have just been reported back during 11 the course of the meetings as opposed to any formal 12 written report having been prepared and submitted to 13 RDO? 14 A. It might be that as well, because this has been put into 15 the minute. 16 Q. Okay. 17 Sir, I am not aware of having seen any such report. 18 I don't know whether it has been disclosed by 19 government. It may well have been, but it's not passed 20 me yet, but there it is. I will leave it to others to 21 assist if they are able. 22 CHAIRMAN: Sorry, can I just interrupt at this stage, 23 because I may have missed the points of the photographs 24 that were shown. 25 You were shown certain photographs at the very</p> | <p>1 added to it. 2 CHAIRMAN: All right. I will leave this to you. 3 MR PENNICOTT: I was going to ask a couple of questions, but 4 let's do it now. 5 CHAIRMAN: Yes. 6 MR PENNICOTT: Mr Yueng, I thought the point that you were 7 making was that one saw some demolition or reduction in 8 height of the diaphragm wall, in the particular areas 9 that you were shown on those two photographs, and the 10 point that you were making was that there was a good 11 reason for that taking place, namely the capping beam in 12 relation to one photograph and the air duct in relation 13 to the other photograph. So this wasn't an example of 14 sort of general demolition of the diaphragm wall, but 15 demolition or reduction in height for a specific 16 purpose. 17 Is that what you were trying to convey to us, 18 Mr Yueng? 19 A. Right. I would also like to point out that at certain 20 locations the capping beam and air duct location, 21 according to the work sequence the top of the D-wall 22 would have to be broken down before works could be done 23 on the capping beam and air duct, and the bottom of the 24 capping beam and the air duct would be the top of the 25 D-wall.</p> |
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| <p>1 beginning of your evidence this morning, and you pointed 2 out certain technical aspects in respect of those 3 photographs, and you referred, in doing so, to certain 4 plans. What was the purpose of that? 5 A. Yesterday, my colleague Mr Mak was asked about these 6 photographs and I looked up the photographs and compared 7 them to the record I have with me. 8 CHAIRMAN: All right. So a couple of things would emerge 9 from that; I may be wrong. Number one, either you or 10 somebody in your organisation had seen that work taking 11 place, on inspections; would that be right? 12 A. Chairman, that's not right, because we are not 13 responsible for site inspection. Under the M&V 14 agreement, it was stated very clearly. The photographs 15 clearly show that they could only be taken during a site 16 inspection, and you may notice that they were taken from 17 close proximity. 18 CHAIRMAN: All right. So, if you didn't take the 19 photographs, if you didn't see the work, are you saying 20 that the photographs, as they stand, when read in 21 conjunction with the plans, show entirely proper works 22 being carried out in accordance with the design? 23 A. That's not what I meant either. 24 CHAIRMAN: Okay. 25 A. On the photograph, you find a lot of information being</p> | <p>1 COMMISSIONER HANSFORD: Can I ask a question on this one, 2 Mr Yueng. It seems to me what you were answering, or 3 the answer you gave, if I understood it, was along the 4 lines that if you had seen that work in operation, which 5 indeed you didn't see that work in operation, but had 6 you seen that work in operation, you would have found it 7 to be in line with the drawings. Is that what you were 8 answering? 9 A. If I had been present when the work was being conducted, 10 I would check against the drawings and the plans, 11 because yesterday when I was looking at the photographs 12 I checked the drawings as well, and if you refer to the 13 plans or drawings you would find that the location 14 depicted in the photographs indeed require breaking down 15 of a certain part of the D-wall before capping beam 16 could be worked on, because the height will have to be 17 aligned, and it had to be connected to the D-wall and be 18 embedded in the D-wall. 19 COMMISSIONER HANSFORD: I understand that, Mr Yueng, but 20 I also think I understand that you didn't actually see 21 that; is that correct? You didn't actually see that 22 work in progress; is that correct? 23 A. Right, I did not actually see that. 24 COMMISSIONER HANSFORD: Okay. Thank you. 25 MR PENNICOTT: Mr Yueng, can I ask you this question. From</p> |

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| <p>1 the period between, let's say, March 2013 and May of 2 this year -- so a period of just over five years -- how 3 many times did you in fact visit the contract 1112 site? 4 A. I, together with BSRC team members -- sometimes I would 5 be present, sometimes not. Definitely more than 6 80 times for a site witness and site audit. 7 Q. Right. Could we look at, please, the document at 8 H10/4791. 9 Do you have that, Mr Yueng? 10 A. Yes, I have it. 11 Q. This is an exhibit to or an annex to one of the 12 government witness statements, and it's a matter or 13 a document that you refer to in paragraph 31 of your 14 witness statement, and which -- you say this document we 15 are looking at is consistent with the BSRC team records. 16 A. That is correct. 17 Q. Just so I understand the document and what you are 18 saying about it, we can see the very first item is in 19 July 2013, and one sees that there's a "Site inspection 20 (checking monitoring for D-wall construction at HHS)", 21 and one sees the description and also sees the type of 22 inspection on this one is a site inspection, "Attended 23 by" -- now, you see on the right-hand column; do you see 24 that? The names in the right-hand column, are they 25 Pypun personnel names, Mr Yueng?</p> | <p>1 18 April this year? 2 A. I see it. 3 Q. And the one on the 27th, certainly, of March this year 4 is described as the "Site inspection with MTR at the 5 stitch joints of EWL trough and NSL tunnel (remedial 6 works in progress)", and I think that was something we 7 heard about from Mr Mak yesterday as well. 8 So apart from -- leaving aside 2018, we appear to 9 have identified just two inspections that you personally 10 made over that period. 11 A. Yes, I did so personally. 12 Q. So the rest of the inspections would have been made by 13 your colleagues? 14 A. That's correct, my colleagues. 15 Q. All right. Now, can I ask you, please, to look at 16 paragraphs 8 to 12 of your witness statement. So we are 17 back at K1/728. You are dealing in those paragraphs 18 with the general criteria for the assessments that the 19 BSRC team have carried out, the general criteria; is 20 that right? 21 A. Correct. 22 Q. Right. Then you refer us, in paragraph 13 and onwards, 23 to annex 3, which is the detailed M&V consultant's 24 review and assessment procedure, which was a deliverable 25 under paragraph 6.6.2 of the brief, which we looked at</p> |
| <p>Page 22</p> <p>1 A. Correct. So aside from Pypun, we would also have site 2 inspection, site audit, site witness, with government 3 officials or other colleagues. 4 Q. Yes, but this, as I understand it, purports to be 5 a comprehensive list of site inspection, site audits and 6 site witness events that took place, and as I say 7 I don't want to go into beyond May of this year, because 8 we know that there are special circumstances in which 9 various visits have taken place in the last few months. 10 And so if we just take it up to April of this year, 11 which is on page 4795 -- and I may be misunderstanding 12 the document, Mr Yueng, but you tell me. You say it 13 accords with your records. I don't see your name 14 appearing as having visited until a general site 15 inspection -- sorry, there's one inspecting 16 an excavation which we are going to come to a bit later, 17 on 21 January 2014; do you see that, item 7, 4791? 18 A. Yes. 19 Q. Then -- I'm trying to look as carefully as I can -- 20 there's a "Site inspection (general)" on 29 November 21 2016 on page 4794. 22 A. Which item would that be? 23 Q. Sorry, item 53. 24 A. I see it. 25 Q. Then there's a site inspection on 27 March this year and</p> | <p>Page 24</p> <p>1 with Mr Mak yesterday and we don't need to go to. 2 I will come to some aspects of that in a moment, because 3 you actually set them out in your witness statement and 4 we don't need to therefore go to the document itself. 5 But could I ask you, however, to go, in that 6 context, to paragraph 21 of your witness statement, 7 where you say, by reference to section 7.3 of the review 8 and assessment procedure, the BSRC team was involved in 9 the assessment of the "fundamental and structural and 10 geotechnical aspects, rather than detailed design or 11 actual construction details, on the following", and then 12 you list those items out; do you see that, Mr Mak? 13 A. Yes, I see it. 14 Q. And, as I understand it, that is, as it were, a document 15 exercise, based upon the submissions that are made to 16 the BD by the various contractors on the various 17 contracts? 18 A. Sorry, could you repeat the question? 19 Q. Certainly. The assessment that you are talking about 20 that, that is the assessment into the fundamental and 21 structural and geotechnical aspects of the items listed, 22 is an exercise that you do on paper, by reference to the 23 various submissions that you receive from the 24 contractors concerned? 25 A. This part of the work, yes, we would go through the</p> |

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| <p>1 design and other documents.</p> <p>2 Q. Right. Would I be right in thinking that the exercise</p> <p>3 does not involve you receiving a particular submission,</p> <p>4 no doubt via BD -- it may be copied directly to you --</p> <p>5 you don't then think to yourselves in any particular</p> <p>6 submission, "We'd better go to the site and check this</p> <p>7 out"? It really is a paper exercise; if you have any</p> <p>8 issues, you raise them by way of queries, written</p> <p>9 queries?</p> <p>10 A. That is correct.</p> <p>11 Q. All right. Then, so far as paragraph 24 of your witness</p> <p>12 statement is concerned, again you set out there certain</p> <p>13 items that are set out in the assessment document, and</p> <p>14 there at paragraph 24 you say:</p> <p>15 "As regards the structural engineering sub-team of</p> <p>16 the BSRC team, section 8.1 [of the assessment document]</p> <p>17 sets out the wide-ranging types of documents to be</p> <p>18 checked".</p> <p>19 And we have there, in the third bullet point, "Site</p> <p>20 supervision plans"; do you see that, Mr Yueng?</p> <p>21 A. I see it.</p> <p>22 Q. If we then go down to paragraph 25, you say:</p> <p>23 "The plans, reports and proposals to be checked</p> <p>24 include:</p> <p>25 -- Site supervision plans", which are reviewed</p> | <p>1 with the contents -- let's focus on the quality</p> <p>2 supervision plan, the QSP -- am I right in thinking that</p> <p>3 you would not follow up the QSP in the sense that you</p> <p>4 would monitor whether its requirements were being</p> <p>5 complied with?</p> <p>6 A. That is correct.</p> <p>7 Q. Nonetheless, would it have been open to you to suggest</p> <p>8 to RDO or BD that the quality supervision plan on</p> <p>9 contract 1112 ought to be audited to see whether it was</p> <p>10 being complied with?</p> <p>11 A. That's right.</p> <p>12 Q. So you could have done, had you thought it appropriate;</p> <p>13 you could have recommended an audit on compliance with</p> <p>14 the QSP?</p> <p>15 A. We ourselves would not request an audit. The audit</p> <p>16 would have to be coming from the BO team or the</p> <p>17 Buildings Department and we just follow the</p> <p>18 instructions.</p> <p>19 Q. Okay. So you wouldn't take the initiative, be</p> <p>20 proactive, in suggesting such an audit; you would only</p> <p>21 do that sort of audit if required or requested to do so</p> <p>22 by the BO team or the BD?</p> <p>23 A. That's right.</p> <p>24 Q. Okay. Could I ask you, please, to go to paragraph 27 of</p> <p>25 your witness statement, where you say at the bottom of</p> |
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| <p>1 against the background of the Code of Practice for Site</p> <p>2 Supervision 2009 and the Technical Memorandum of the</p> <p>3 same year. Then you say:</p> <p>4 "Special attention will be paid to the nominated</p> <p>5 TCPs' qualifications and their relevant experience ..."</p> <p>6 When you are looking at site supervision plans,</p> <p>7 Mr Yueng, do you also give consideration to the records</p> <p>8 that are required to be kept by those site supervision</p> <p>9 plans to see whether they comply with the Code of</p> <p>10 Practice?</p> <p>11 A. The SSP is a plan. It does not contain records. So,</p> <p>12 when I submit this, logically the supervision hasn't</p> <p>13 started, there won't be any records. We are looking at</p> <p>14 the plan. There aren't any records.</p> <p>15 Q. I appreciate there aren't any records, there are not any</p> <p>16 records created, but do you look at the site supervision</p> <p>17 plan to see what it requires by way of records to be</p> <p>18 kept by the people doing the supervision?</p> <p>19 A. Yes, I did consider that.</p> <p>20 Q. Right. And we know that in this particular contract</p> <p>21 that we're concerned with -- that's 1112 -- you did vet</p> <p>22 both the site supervision plan and the quality</p> <p>23 supervision plan, the QSP; that's right, isn't it?</p> <p>24 A. Correct.</p> <p>25 Q. Once you have done that vetting and you are satisfied</p> | <p>1 page K1/732:</p> <p>2 "Section 8.3.2 of the review and assessment</p> <p>3 procedure details the aspects of site monitoring, audits</p> <p>4 and inspections. The following aspects are included for</p> <p>5 each of the three".</p> <p>6 Then "Site monitoring", and can I ask you to look at</p> <p>7 the fifth item down, the "Use of defective materials";</p> <p>8 do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. How would you go about auditing -- sorry, this is</p> <p>11 monitoring, site monitoring? How would you go about</p> <p>12 monitoring that item, the use of defective materials;</p> <p>13 how would you implement it?</p> <p>14 A. If the BD asked us to go along for a site monitoring or</p> <p>15 site audit, we have set out the content here, because</p> <p>16 PNAP ADM-13 and 18 have set them out.</p> <p>17 Back to your question, how to look at or monitor the</p> <p>18 use of defective materials. When we conduct site audit</p> <p>19 or site monitoring, we went through a lot of documents,</p> <p>20 including certificates and test reports of materials.</p> <p>21 Through looking at these document, we would be able to</p> <p>22 identify defective materials, if any. We would also</p> <p>23 look at form B of site supervision plan to see if there</p> <p>24 is any non-compliance work being listed.</p> <p>25 Q. Yes. Again, at the beginning of that answer, you again</p> |

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

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| <p>1 Q. Right. What was the other one?</p> <p>2 A. I think you would find it at page 4795, item 64.</p> <p>3 Q. Right. You think -- item 64, the site inspection on</p> <p>4 18 April 2018; is that right?</p> <p>5 A. That's correct.</p> <p>6 Q. You think we may find a report -- sorry, carry on.</p> <p>7 A. There should be a report there. We had reported, and in</p> <p>8 the site audit on that day, we had looked at some glass</p> <p>9 balustrades.</p> <p>10 Q. Okay. Just going back to paragraph 29.3 for a moment,</p> <p>11 of your witness statement, and the audit that was</p> <p>12 carried out in January 2014, do you see</p> <p>13 subparagraph (2), that's 29.3(2). There you say:</p> <p>14 "the audit work is to verify that the site</p> <p>15 supervision plan and the respective duties of MTR and</p> <p>16 Leighton thereunder are implemented on site by way of</p> <p>17 spot-checking of supervision checklists/records</p> <p>18 maintained on site ..."</p> <p>19 Did you fulfil that part of the audit? Did you</p> <p>20 spot-check checklists and records at that time?</p> <p>21 A. The inspections under SSP, that is one at the heart of</p> <p>22 the site audit checklist items. So we have to look at</p> <p>23 the works, what have TCP are involved. We will look at</p> <p>24 the records. We also have an opportunity to see the</p> <p>25 TSP[sic], and we will ask the TSP[sic] -- we will check</p> | <p>1 we should test for the threading of rebars and how we</p> <p>2 should keep records. So the files contain threading</p> <p>3 records because we need people to supervise the</p> <p>4 threading of rebars.</p> <p>5 COMMISSIONER HANSFORD: They would be rather interesting</p> <p>6 files, I would think, for this Commission, but there we</p> <p>7 are.</p> <p>8 MR PENNICOTT: All right. Could I change tack somewhat,</p> <p>9 Mr Yueng. Could I ask you to be shown, please,</p> <p>10 B10/7236.</p> <p>11 In that case, we will go somewhere more reliable.</p> <p>12 C17/11952.</p> <p>13 This is a letter, Mr Yueng, of 29 July 2015 from the</p> <p>14 MTR to the Buildings Department; do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. And it's enclosing a number of documents, including</p> <p>17 a design report, which I'll take you to in a moment,</p> <p>18 a design report we have looked at with a number of</p> <p>19 witnesses.</p> <p>20 If we could go down to the bottom of the page,</p> <p>21 please, we see this report, the A1 drawings and the</p> <p>22 certificate, that is, was copied to Pypun; do you see</p> <p>23 that?</p> <p>24 A. Correct.</p> <p>25 Q. Then if we could please go on a couple of pages. Keep</p> |
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| <p>1 the identity to see if it is really the registered</p> <p>2 person.</p> <p>3 Q. "TCP"?</p> <p>4 A. (In English) "TCP".</p> <p>5 Q. Understood. Thank you. Indeed, I noticed, Mr Yueng, in</p> <p>6 your report, there's a photograph at page H10/4808 of</p> <p>7 the files, and I imagine that's indicative of the point</p> <p>8 that you've just made, that you would look at documents</p> <p>9 that were made available to you. That's presumably the</p> <p>10 reason for the photograph?</p> <p>11 A. That's correct.</p> <p>12 COMMISSIONER HANSFORD: Sorry, are these your files or are</p> <p>13 these the files you looked at in the audit? Are these</p> <p>14 Pypun files or are they files that you audited?</p> <p>15 A. These are not Pypun documents. They are stored and</p> <p>16 archived at the site.</p> <p>17 COMMISSIONER HANSFORD: Okay. Thank you.</p> <p>18 MR PENNICOTT: That's what I'd inferred. Thank you very</p> <p>19 much.</p> <p>20 COMMISSIONER HANSFORD: I wasn't quite clear.</p> <p>21 MR PENNICOTT: Yes, sorry.</p> <p>22 COMMISSIONER HANSFORD: Do we know what these files contain?</p> <p>23 A. We know, because on the date when our colleagues</p> <p>24 conducted the audit, it was where the threading of</p> <p>25 rebars was being conducted. In the QSP, it states how</p> | <p>1 going, please. Keep going. Keep going. Keep going.</p> <p>2 I can't find the report.</p> <p>3 MR BOULDING: Try B8984.</p> <p>4 MR PENNICOTT: Yes, that's it. That's the front sheet of</p> <p>5 the report that was attached to the letter I've just</p> <p>6 shown you, Mr Yueng.</p> <p>7 We see the front sheet. Let's look at the next</p> <p>8 page, just to see whether -- do you see that? It's</p> <p>9 a deliverable number TWD-004B3, and then another page,</p> <p>10 please, just to -- there we see details of its various</p> <p>11 iterations, up to the fifth issue. Having just shown</p> <p>12 you those few pages, Mr Yueng, do you have any</p> <p>13 recollection of you personally seeing this document,</p> <p>14 Pypun seeing this document, back in July 2015?</p> <p>15 A. Yes.</p> <p>16 Q. Did you personally give it some consideration?</p> <p>17 A. Yes, I read it, because I'm responsible for</p> <p>18 contract 1112.</p> <p>19 Q. Right. Can I ask you, please, to go to paragraph 6.2 in</p> <p>20 the document. That's B9034.</p> <p>21 These are paragraphs and sentences that we have</p> <p>22 looked at a number of times with different witnesses and</p> <p>23 probably you won't be the last. Do you see there the</p> <p>24 heading, "Construction sequence", Mr Yueng?</p> <p>25 A. I see it.</p> |

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| <p>1 Q. Then, helpfully, it's the highlighted bit that we're 2 concerned with. It says: 3 "The top of diaphragm wall panel will be trimmed to 4 the lowest level of top rebar for the EWL slab (minimum 5 420 millimetres below the top level of the EWL slab). 6 The top rebar of EWL slab at the D-wall panel will 7 then fix to the top rebar of OTE slab to achieve full 8 tension laps. 9 The EWL slab and OTE slab will be casted 10 concurrently with temporary openings around the existing 11 columns and pile caps." 12 Do you have any specific recollection of reading 13 about this construction sequence, Mr Yueng? 14 A. (In English) Yes. 15 Q. Do you remember reading the first one, "The top of 16 diaphragm wall will be trimmed to the lowest level of 17 top rebar"; do you remember that? 18 A. I don't recollect that. Recently, because of the COI, 19 I had revisited this document. Because when we vetted 20 the project, we looked at the plans, not the report. 21 So, if you want to refer to the construction site works, 22 it has to be reflected in the plans. 23 Q. Did you, Pypun, comment on this report when it was 24 received back in July 2015, do you recall? 25 A. Yes, we did provide comments, but it was not on the</p> | <p>1 intend to achieve, then we would check whether these are 2 reflected on the drawings. Of course, the construction 3 sequence was part of it because it is an important part 4 of the ELS. 5 Q. But if you had seen the words, and focused on the words, 6 "The top of diaphragm wall panel will be trimmed to the 7 lowest level", you would not have found any drawings 8 which showed that. 9 A. (In English) Will you please repeat the question? 10 Q. Yes. I understand your last answer, but if you're 11 reading of that sentence, "The top of diaphragm wall 12 panel will be trimmed to the lowest level of top rebar 13 for the EWL slab (minimum 420 millimetres below the top 14 level of EWL slab)" -- if you had read that, would you 15 then have said to yourself: is there a drawing that 16 shows this, is there a drawing that supports that 17 statement? 18 A. I can't really recall, because there were many drawings. 19 Q. All right. But anyway your evidence is, Mr Yueng, you 20 did receive this report, you read it, you reported on 21 it, but to the best of your recollection you did not 22 comment upon the three sentences that we've been looking 23 at in particular? 24 A. I remember that in the reply from the BD, in relation to 25 the temporary design works, in appendix I to their</p> |
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| <p>1 three sentences on this page, because the design report 2 is -- its main purpose is to substantiate the strutting 3 design, because at the beginning of the letter they had 4 included two certificates. One was a CP certificate and 5 the other one was an RGE certificate. That states 6 clearly that the submission proposed works and scope of 7 the works, and those were some strutting works. 8 Q. Yes. I understand from a previous page that you were 9 focusing on that aspect of it, the strutting, in respect 10 of which there was a certificate from the registered 11 geotechnical engineer? 12 A. That's correct, because the plans indicated in those 13 works are related to geotechnical, are of a geotechnical 14 nature. 15 Q. Right, and that was the area of your focus? 16 A. Not the geotechnical part. The geotechnical part is -- 17 the geotechnical department will support -- the BO team 18 will support. 19 Q. But when you were looking at this report, were you 20 looking at it generally, looking at any particular 21 aspects of it; do you recall? 22 A. Normally, when we vet this kind of drawings, ELS 23 drawings, we would first understand from the design 24 report the design assumptions, design synopsis, and some 25 design parameters. We would first understand what they</p> | <p>1 letter it's stated that there were some permanent 2 changes included in the temporary work design. The BD, 3 there was a comment saying that the design details of 4 the permanent works was on the temporary drawings. To 5 avoid ambiguity, such permanent work details would be 6 taken as for information only. And there was also 7 a reminder to the MTRC that on the permanent work design 8 submission, such proposed construction details would 9 have to be reflected on the permanent design. 10 Q. You're entirely right, Mr Yueng. Good. There is 11 a revision in appendix I to that letter to that effect. 12 All right. Let's put that away. 13 Could I then ask you a few questions about the 14 recent report that Mr Coleman introduced earlier. We 15 can find it at G18. 16 CHAIRMAN: Is this an opportune moment? 17 MR PENNICOTT: Sorry, sir, I have no idea what the time is. 18 That's fine. Yes, indeed. 19 CHAIRMAN: All right. 20 MR COLEMAN: The witness has already been reminded that he 21 cannot discuss his evidence during any break in his 22 evidence. 23 CHAIRMAN: Good. Thank you very much indeed. 15 minutes. 24 (11.35 am) 25 (A short adjournment)</p> |

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| <p>1 (11.54 am)</p> <p>2 MR PENNICOTT: Mr Yueng, with my apologies, can you just put</p> <p>3 G18 on one side for the moment. I just want to ask you</p> <p>4 a couple more questions about the report of 24 January</p> <p>5 2014 that we touched on earlier. It's in H10, starting</p> <p>6 at 4797.</p> <p>7 If you could look in particular at the next page,</p> <p>8 4798, we see there it says, "Site inspection form for</p> <p>9 mechanical couplers for steel reinforcing bars --</p> <p>10 quality control and testing audit".</p> <p>11 Then there are a series of items, first of all under</p> <p>12 "Documentations", and then secondly under "Sampling</p> <p>13 procedures". Then if we could, under that heading, go</p> <p>14 over the page, please. Do you see item (5) on</p> <p>15 page 4799? It says:</p> <p>16 "Are quality control procedures (eg go/no-go rings</p> <p>17 [whatever that might mean]) implemented on site?"</p> <p>18 And the box "Yes" is ticked.</p> <p>19 Given the nature of the audit that was carried out,</p> <p>20 how are you able to form a view whether the quality</p> <p>21 control procedures had been implemented or were being</p> <p>22 implemented on site?</p> <p>23 A. Well, when we conduct a site audit, we are in the</p> <p>24 threading yard. In the QSP, we have a QAS and it says</p> <p>25 after the threading there's a go/no-go ring to check</p> | <p>1 A. Page H4805. There's a photo 11.</p> <p>2 COMMISSIONER HANSFORD: Right. What are we seeing in this</p> <p>3 photograph, Mr Yueng? What are you pointing out to us?</p> <p>4 A. So after the threading is done, they need to use the</p> <p>5 go/no-go ring to twist it into a threaded bar. So, if</p> <p>6 it can be installed smoothly, that means the threading</p> <p>7 was done properly.</p> <p>8 So this snapshot, you cannot see the action of the</p> <p>9 ring being screwed on.</p> <p>10 COMMISSIONER HANSFORD: But I think I understand what you</p> <p>11 are telling me, Mr Yueng. So being held in those gloved</p> <p>12 hands there is the ring, and it's used as a check,</p> <p>13 a test on the thread, is that what you are telling us,</p> <p>14 and the check is that it works -- that it can be screwed</p> <p>15 onto the thread or it cannot be screwed onto the thread,</p> <p>16 so it's a go or no-go; is that the principle?</p> <p>17 A. That's correct.</p> <p>18 COMMISSIONER HANSFORD: Now I understand. Thank you.</p> <p>19 MR PENNICOTT: Thank you, sir.</p> <p>20 Sir, you may recall, or you may not -- we have</p> <p>21 a Mr Lim from BOSA giving evidence next week, and it may</p> <p>22 be -- we will give some thought to this over the</p> <p>23 weekend -- we might be able to show him some of these</p> <p>24 photographs and get him to explain in a bit more detail,</p> <p>25 if we need it, these procedures.</p> |
| <p>1 whether the threads are done properly.</p> <p>2 Q. I understand that answer in the context of you're in the</p> <p>3 threading yard, but -- I'm just reading the words, and</p> <p>4 perhaps you put a different interpretation on them:</p> <p>5 "Are quality control procedures ... implemented</p> <p>6 on site?"</p> <p>7 As I understand it, there was no question in</p> <p>8 relation to this particular audit of the auditors</p> <p>9 visiting anywhere else other than the fabrication yard.</p> <p>10 So I don't -- unless "on site" means the fabrication</p> <p>11 yard; perhaps it does, I don't know -- I don't</p> <p>12 understand how you could tick the box if the site means</p> <p>13 the site at which the diaphragm walls are being</p> <p>14 installed.</p> <p>15 A. The threading yard under contract 1112, it's in the</p> <p>16 construction site. It's within HHS. That is Hung Hom</p> <p>17 thread yard.</p> <p>18 Q. But I am right, in any event, from your answers earlier,</p> <p>19 this audit was limited to the fabrication yard itself?</p> <p>20 A. That's correct.</p> <p>21 COMMISSIONER HANSFORD: And, Mr Yueng, what is a "go/no-go</p> <p>22 ring"?</p> <p>23 A. Professor, you can flip a few pages back.</p> <p>24 COMMISSIONER HANSFORD: Could someone do that for me? Which</p> <p>25 page?</p> | <p>1 COMMISSIONER HANSFORD: Good.</p> <p>2 MR PENNICOTT: It's literally just occurred to me that we</p> <p>3 might be able to do that.</p> <p>4 COMMISSIONER HANSFORD: It's just that I don't think we'd</p> <p>5 come across a go/no-go ring until now, or I certainly</p> <p>6 hadn't.</p> <p>7 MR PENNICOTT: No. Self-evidently from the question I asked</p> <p>8 just now, I hadn't either.</p> <p>9 MR COLEMAN: I think sometimes they call it a doughnut.</p> <p>10 COMMISSIONER HANSFORD: The doughnut. Okay.</p> <p>11 MR PENNICOTT: Let's put that away, and can we then go to</p> <p>12 G18, please, page 13414.</p> <p>13 Mr Yueng, just to try to set the scene, what</p> <p>14 happened back in late May/early June when the various</p> <p>15 media reports came to pass and led to ultimately the</p> <p>16 setting up of this Inquiry, you, Pypun that is, were</p> <p>17 requested by government to inspect certain of the MTR's</p> <p>18 records.</p> <p>19 A. Right.</p> <p>20 Q. In particular, obviously, with a focus on the EWL slab</p> <p>21 and the diaphragm walls, the couplers and the rebar, in</p> <p>22 particular.</p> <p>23 A. Right.</p> <p>24 Q. You and your colleagues visited the MTRC's offices, as</p> <p>25 we can see from page 13418, on a number of occasions.</p> |
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| <p>1 First of all, the first on-site record-checking exercise 2 was on 4, 5 and 8 June this year? 3 A. Yes. 4 Q. Then, just to get the time line right, the MTR then 5 produced its report of 15 June. That didn't stop you, 6 however, and you went on a second record-checking visit, 7 and we can see the dates there: the end of June and the 8 beginning of July. Then if we go over the page to 9 13419, you then did a third record-checking exercise on 10 four days in September this year. 11 A. Yes. 12 Q. If we want to see who was present on those occasions, 13 that is evident from page 13421 and 13422, where you 14 have the table, a couple of tables, with initials of 15 both the RDO and Highways Department officer or officers 16 and the BD officers, and the Pypun representatives as 17 well? 18 A. Right. 19 Q. We can see that you are "RY" and that you attended on 20 some but not all of those days that we've identified? 21 A. Right. 22 Q. Out of those visits and the inspection of the documents, 23 you prepared a series of reports which were given to 24 government from time to time, and up until yesterday we 25 were working by reference to a final report -- sorry,</p> | <p>1 Q. There's no doubt, Mr Yueng, that there are a number of 2 quite significant changes from the 27 September 3 report -- I think I said the 24th; there's 4 a typographical error, you are quite right, even though 5 it says the 24th, it was the 27th -- there's quite a lot 6 of changes from that report to this report; would you 7 agree? 8 A. Yes, there were changes but not significant ones, 9 because when we discussed with the RDO, they asked us to 10 improve the readability. That's why we have juggled the 11 sequence in the appendix, as well as the order of the 12 chapters. 13 Q. Yes. It goes a bit further than that, Mr Yueng. Please 14 look at page 13423. 15 Do you see paragraph 2.2 there: 16 "Site supervision records of the CP's stream ... 17 were available." 18 Do you see that? 19 A. Yes. 20 Q. That's how that sentence reads now, whereas previously, 21 in the previous report, it said, "Site supervision 22 records of the CP's stream were available and found to 23 be in order"; all right? So that's one change. 24 Now, it may be I can find the answer to that in 25 paragraph 2.3. If you could please go to paragraph 2.3.</p> |
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| <p>1 semi-final report -- of 24 September this year, and what 2 we see before us now is the final report that's been 3 submitted by you, prepared by you, approved by I think 4 Mr Mak in fact, by looking at 13414. And as 5 I understand it -- correct me if I am wrong, Mr Yueng -- 6 this has also been, as it were, signed off by 7 government, with no more comments; is that right? Or is 8 it still at a stage where government may have more 9 comments on it? 10 A. Sorry, let me talk about the chronology first. The 11 draft version was supposed to be 27 September, when it 12 was submitted to the government. Then later, I think it 13 was on 23 or 24 November, I can't remember which date, 14 RDO asked us to met them to finalise the report. 15 Finally -- well, there were some amendments. This final 16 report was 11 December. I think it was on the morning 17 of 12 December when it was submitted to the RDO. 18 Q. That's my understanding. My question is, or was: is it 19 a report that you are expecting any further comments on 20 from RDO, or what is the position? 21 A. I don't expect there would be further comment, because 22 we have had numerous rounds of discussions. 23 Q. Right. So far as you are concerned, Pypun and yourself, 24 this is the final report? 25 A. Right.</p> | <p>1 It says: 2 "Based on the SSP, all supervisors on MTR's 3 supervision team should carry out periodic site 4 supervision only ... According to available site 5 supervision records, all MTR's supervisors had carried 6 out the site supervision under CoP for Site Supervision 7 2009 and the supervision frequencies by MTR were found 8 in order." 9 Do you see that, Mr Yueng? 10 A. Yes, I can see that. 11 Q. And my understanding is that the records that you are 12 talking about there are the ones -- I don't know if you 13 remember this -- that we saw with Mr Jason Wong, the 14 competent person, and he had filled in the sheets on his 15 monthly visits. Are those the particular records that 16 you're talking about in that paragraph? 17 A. We looked at form A of SSP. There were many boxes with 18 "S", "N/S"; it's that document. 19 Q. It's the form A filled in by the competent person and 20 other people in the CP stream, the form A? 21 A. I understand. 22 Q. And they tell you, as Mr Jason Wong explained to us, the 23 fact that they visited the site on a particular day, but 24 they don't tell you what they actually inspected on 25 those days. Do you follow?</p> |

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| <p>1 A. I don't understand. 2 (In English) Will you please repeat the question? 3 Q. Well, the form A indicates, for example, Mr Jason Wong, 4 the competent person, did a fortnightly visit to the 5 site, and he's put "S" or a tick on the form A, but it 6 doesn't tell you -- it tells you he was there, he did 7 the inspection, but it doesn't tell you what he actually 8 inspected. 9 A. For form A, in the first column, there are some numbers, 10 say A1, A2, E1, E2. There are some checklist items for 11 A1, A2. Since the boxes on the form are very small, 12 they refer to the required check items of various 13 streams in the SSP. 14 Q. Yes. Could you get B5/TS2, possibly 41114. 15 It's this type of form that you were looking at, is 16 it, Mr Yueng? 17 A. That's correct. 18 Q. Can we just look at 40451 in the same bundle. Yes, 19 okay. Here's one of the examples from, indeed, Mr Jason 20 Wong. Again, it was this document or this type of 21 document that you were looking at? 22 A. Correct. 23 Q. All right. There were, I think, similar documents in 24 relation to other technically competent persons no. 5 25 and no. 3, and so forth, that you looked at as well, in</p> | <p>1 a moment. 2 First of all, could you please be shown B7/4538. 3 So far as MTRC is concerned, Mr Yueng, is it this 4 form and a series of these forms that you were looking 5 at and are describing in paragraph 3.4 of your report? 6 A. Correct. 7 Q. So these are, so far as MTRC are concerned -- we can see 8 right at the bottom the remark: 9 "This form serves a retrospective record of coupler 10 installation." 11 Do you see that? 12 A. (In English) Question? 13 Q. Yes. Do you see, right at the bottom of the page, any 14 page -- 15 A. Yes, I see that. 16 Q. And I assume that you recall seeing this annotation, 17 that remark, at the time you inspected these documents, 18 either in June, July or September? 19 A. There was a chance that I would have seen it. 20 Q. Right. And we certainly know that you saw the date of 21 10 February 2017? 22 A. Correct. 23 Q. Because if we go to page 13446, this is appendix I to 24 your report -- sorry, back in G18 -- an appendix headed, 25 "Summary on availability of on-site inspection records</p> |
| <p>Page 50</p> <p>1 similar form? 2 A. Correct. 3 Q. All right. If we just go back to G18, and you go to 4 3.4, please, at page 13425, you say: 5 "The inspections by both MTR and the contractor of 6 the mechanical coupler installation are recorded in the 7 MTR's coupler inspection forms and the contractor's 8 coupler inspection forms. The check items contained in 9 both coupler inspection forms are as follows". 10 Then you list out (i), (ii), (iii) and (iv): 11 "coupler fully screwed and fitted; 12 has coupler been cleared of foreign material; 13 has thread been cleared of foreign materials; and 14 complete splice between coupler/rebar". 15 Then you say this: 16 "Both coupler inspection forms from MTR and the 17 contractor for each subdivided bay of EWL slab recorded 18 'satisfactory' for all the above check items (i), with 19 (ii), (iii) and (iv)." 20 Then you refer to: 21 "Other information contained in the coupler 22 inspection forms of MTRC and the contractor for each 23 subdivided bay is summarised and presented in part B of 24 appendix III ..." 25 That's your report which we will come to in</p> | <p>Page 52</p> <p>1 of EWL slab construction", then "Quality supervision for 2 mechanical coupler", and so forth. "Y denotes the 3 record is available; '[a blank]' denote the record is 4 not available". 5 If one looks under the heading -- what you've done 6 here, Mr Yueng, is you have tabulated essentially the 7 basic details from the forms we have just been looking 8 at, the sheets we have just been looking at? 9 A. Correct. 10 Q. And you have -- so far as the -- you've got the area, 11 the pour reference, the concrete casting date, the 12 inspection record, then the inspection date. I'll come 13 back to that in a moment. Then you've got the 14 inspection sign-off date, and you've got the date of 15 10 February 2017; do you see that? 16 A. Yes, I see it. 17 Q. And those sheets, back in bundle B7, Mr Yueng, what 18 assumption did you make as to when those documents had 19 been prepared? 20 A. The assumption is dangerous. We see that the signature 21 on the form was 2017, so we believe that it was signed 22 on 10 February 2017. 23 Q. "We believe that it was signed on 10 February 2017." 24 Did you make any assumption as to the date upon which 25 the documents themselves had been prepared?</p> |

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| <p>1 A. No.</p> <p>2 Q. But you have got a date on your schedule that is</p> <p>3 inspection sign-off date at least was 10 February and</p> <p>4 that they were all the same date?</p> <p>5 A. Correct.</p> <p>6 Q. Then can I ask you this. In the next column you've got</p> <p>7 the "Inspection percentage comparing with the</p> <p>8 contractor". Can you just explain how you derive those</p> <p>9 percentages, Mr Yueng? Because I'm afraid we have</p> <p>10 failed to work it out.</p> <p>11 A. This is not calculated. It's the MTRCL, they have</p> <p>12 a table, and it's listed and we just copied it.</p> <p>13 Q. I see. Ah, right, yes. In that case, I think I know</p> <p>14 where it comes from.</p> <p>15 MR KHAW: I'm sorry to interrupt, Mr Pennicott.</p> <p>16 MR PENNICOTT: Not at all.</p> <p>17 MR KHAW: Probably just one correction regarding the</p> <p>18 transcript or perhaps the translation. Mr Pennicott</p> <p>19 asked Mr Yueng, "What assumption did you make as to when</p> <p>20 those documents had been prepared?" I gathered from</p> <p>21 Mr Yueng's answer that the assumption is apparent or is</p> <p>22 obvious, instead of it's dangerous.</p> <p>23 CHAIRMAN: Oh, I thought it said dangerous. I think it was</p> <p>24 dangerous.</p> <p>25 MR PENNICOTT: That's why I followed up by putting the</p> | <p>1 COMMISSIONER HANSFORD: Yes, I understand what the</p> <p>2 requirement is, but I don't understand what these</p> <p>3 numbers are. What does 57 per cent mean?</p> <p>4 A. These figures were copied from a separate document from</p> <p>5 the MTRC. We just cut and pasted.</p> <p>6 COMMISSIONER HANSFORD: Okay, so these were provided in</p> <p>7 an MTRC document?</p> <p>8 A. Correct.</p> <p>9 COMMISSIONER HANSFORD: Okay. Thank you.</p> <p>10 MR PENNICOTT: Sir, I think I know what the document is but</p> <p>11 I can't immediately give you the reference. I think</p> <p>12 I know --</p> <p>13 COMMISSIONER HANSFORD: That's fine. I assume we will come</p> <p>14 to it at some point.</p> <p>15 MR PENNICOTT: We may. I couldn't guarantee it.</p> <p>16 COMMISSIONER HANSFORD: Maybe that's a dangerous assumption.</p> <p>17 MR PENNICOTT: In my case, highly dangerous.</p> <p>18 Could I just ask you to be shown -- where were we?</p> <p>19 -- back to bundle B7, and 4537, please. I should have</p> <p>20 asked you to keep the last one.</p> <p>21 Do you see this sheet? Is that familiar to you,</p> <p>22 Mr Yueng?</p> <p>23 A. I can see it.</p> <p>24 Q. You see the inspection dates on this sheet?</p> <p>25 A. Yes.</p> |
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| <p>1 question again in a slightly different way.</p> <p>2 CHAIRMAN: So I think the words "apparent" or "obvious"</p> <p>3 would replace that.</p> <p>4 MR KHAW: Thank you.</p> <p>5 A. No, I said "dangerous".</p> <p>6 CHAIRMAN: Okay. Thank you very much. In other words, it's</p> <p>7 dangerous to make assumptions.</p> <p>8 MR KHAW: Because in Chinese, the second word is the same</p> <p>9 but ...</p> <p>10 CHAIRMAN: All right. Thank you.</p> <p>11 MR PENNICOTT: Well, he certainly clarified it.</p> <p>12 MR KHAW: Sorry about that.</p> <p>13 COMMISSIONER HANSFORD: Mr Yueng, I don't understand what</p> <p>14 the "Inspection percentage comparing with the</p> <p>15 contractor" means. Perhaps Mr Pennicott does so perhaps</p> <p>16 he's going to come to it later.</p> <p>17 MR PENNICOTT: Not necessarily, but I think I know the</p> <p>18 document -- I think the witness --</p> <p>19 COMMISSIONER HANSFORD: What does it mean?</p> <p>20 MR PENNICOTT: Okay, let's try it that way.</p> <p>21 A. Because this is a record of coupler inspections. The</p> <p>22 contractor requires 100 per cent inspection, and the MTR</p> <p>23 supervisors, they have a 20 per cent or 50 per cent</p> <p>24 requirement. It depends on whether it is a transfer</p> <p>25 plate.</p> | <p>1 Q. Would I be right in thinking that so far as your table</p> <p>2 at 13446 is concerned, that we were just looking at --</p> <p>3 and thankfully you've still got the hard copy -- the</p> <p>4 dates there on your schedule were taken from this</p> <p>5 document?</p> <p>6 A. I think so.</p> <p>7 Q. Just looking at the foot -- so if we go back to</p> <p>8 G18/13466, and looking at your remarks at the bottom of</p> <p>9 the page, please, so far as the MTR records are</p> <p>10 concerned, highlighted in yellow, your remark is:</p> <p>11 "MTR's inspection records were available during the</p> <p>12 2nd record check."</p> <p>13 Do you see that, Mr Yueng?</p> <p>14 A. Yes.</p> <p>15 Q. So they were available in the inspection that we saw</p> <p>16 towards the end of June/beginning of July, that is after</p> <p>17 the MTR report on 15 June, but they were not available</p> <p>18 in your first inspection on 4, 5 and 6 June and so</p> <p>19 forth?</p> <p>20 A. That's right.</p> <p>21 COMMISSIONER HANSFORD: Can we leave this on the screen just</p> <p>22 a little bit so we can absorb all these remarks?</p> <p>23 MR PENNICOTT: Yes, sir.</p> <p>24 If one takes them sequentially, the first one is the</p> <p>25 point I mentioned a couple of questions ago:</p> |

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| <p>1 "the inspection dates were provided in 'MTR 2 mechanical coupler checklist for HUH EWL slab', which 3 was undated and signed by Mr Wong". 4 COMMISSIONER HANSFORD: Yes. 5 MR PENNICOTT: So that's the document at B7/4327. 6 COMMISSIONER HANSFORD: Yes. 7 MR PENNICOTT: Then the next one: 8 "on each available inspection form by MTR ... [all] 9 signed off [on the] same day, 10 February ... 10 -- on each available inspection from the 11 contractor" -- and I'm not going there -- "no inspector 12 name nor signature ... MTR informed that the name and 13 signature of the inspector were recorded on contractor's 14 'cast in situ concrete quality control checklist ...' 15 where item 6 -- starter bar boxes and couplers was 16 applicable. 17 The coupler inspection form was included in 18 'pre-pour check' RISC form. 19 -- the checklist date was the date of contractor's 20 'cast in situ concrete quality control checklist", and 21 so forth. 22 COMMISSIONER HANSFORD: Okay. Thank you. 23 MR PENNICOTT: Mr Yueng, as I understand it, if we can go to 24 appendix III of your report, which starts at G18/13591, 25 what you did or your team did was in relation to each</p> | <p>1 "Drilled-in steel rebars are commonly used as remedy 2 for missing/damaged starter bars or mechanical couplers. 3 However, the contractor's coupler inspection forms did 4 not contain details of the inspection of the drilled-in 5 steel bars. Further, the MTR's coupler inspection forms 6 for mechanical coupler installation[s] ... did not even 7 record such drilled-in steel rebars. 8 For the use of drilled-in steel rebars, BD requires 9 that a pull-out test proposal be submitted and testing 10 be carried out for approval. However, no pull-out test 11 proposal or test report was made available for 12 inspection during the three on-site record checkings." 13 Obviously, this is your final report, Mr Yueng. Is 14 the position the same in terms of these drilled-in steel 15 rebars, you have seen no further information than what 16 you were given back in June and July; is that correct? 17 A. That's right. 18 Q. Have you asked for and been pressing for further 19 information about these drilled-in steel rebars? 20 A. I did. At that time, the MTR staff -- only MTR staff, 21 no one from Leighton, who arranged for these documents 22 for us to check -- were asked by us why there was 23 a record of drilled-in steel rebar on the contractor's 24 record but not on MTR's record. However, at that time, 25 they could not answer us.</p> |
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| <p>1 area, or each bay in each area -- we see the first 2 example -- that's bay reference A1 -- you, as it were -- 3 these are tables, this is information, as I understand 4 it, in relation to A1, that runs for four pages, or 5 three and a bit pages, through to 13594, and you 6 collated all this information that you've got here from 7 the RISC forms and the checklists and the other 8 documents that you inspected? 9 A. That's right. 10 Q. Could I ask you to look, please, at paragraph 3.7.4 of 11 the report at G18/13429. I just wonder if you could 12 help us with this. 13 You say in 3.7.4: 14 "In addition to the coupler installation, some of 15 the contractor's coupler inspection forms also recorded 16 information of the drilled-in steel bars." 17 Do you see that, Mr Yueng? 18 A. Yes. 19 Q. You say: 20 "A total of 663 drilled-in steel bars were recorded 21 and the findings of which are presented in part B of 22 appendix III" -- that's the appendix we've just looked 23 at -- "Check on MTR and contractor's inspection 24 records ..." 25 You go on to say:</p> | <p>1 Q. Right. And, so far as you're concerned, is the 2 situation still the same, that no answer has been given 3 to that enquiry? 4 A. That's right. At that time, the MTR staff did not give 5 us an answer. 6 Q. Okay. 7 Sir, I think that is all I wanted to deal with. Can 8 I just double-check, please? 9 Just perhaps one final question, Mr Yueng. 10 Apologies for the delay. Could you look, please, at 11 G18/13453, which I have had blown up for me into A3 size 12 which is rather helpful. 13 As I understand this page -- and it may be better to 14 look at this on the screen because it can be blown up 15 a bit, Mr Yueng -- this is, as I understand it, your 16 tabulation of the number of couplers; is that right? 17 A. That's right. This table -- well, during our second 18 record check, we counted the number of couplers, and 19 this is the overall table of that information. 20 Q. Right. But, as I understand it, you would have done 21 that calculation by reference to the forms and the 22 sheets that we were looking at just a moment ago; is 23 that right? 24 A. That's right. At that time, we only had those records. 25 Q. Right, and so, to the extent that those records are, as</p> |

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| <p>1 we know they are, inaccurate because they fail to take 2 into account the change of the detail to the top of the 3 east diaphragm wall, your table is going to be, if you 4 like, as inaccurate as the records you were relying on. 5 It's not a criticism but that must follow. 6 A. That's right. 7 Q. Okay. One picks that up, the exercise that you've done, 8 by looking at the right-hand side of the drawing, or the 9 table, where we see, apart from anything else, apart 10 from a number of things, the eastern diaphragm wall 11 panel, and the assumption that there were rebar both at 12 the top and the bottom. 13 A. Right. Well, I found the information from the record. 14 Q. Yes. Okay. Thank you for that, Mr Yueng. I have no 15 further questions. I don't know whether anybody else 16 has. 17 MR BOULDING: If no one else has any questions, I have one 18 or two matters I'd like to raise with this witness. 19 Cross-examination by MR BOULDING 20 Q. Good afternoon, Mr Yueng. 21 Mr Yueng, I covered quite a lot of ground yesterday 22 with your colleague, Mr Mak, and Mr Pennicott has also 23 covered a lot of the ground that I intended to cover 24 with you today, but nevertheless there are one or two 25 matters that I would like to raise with you.</p> | <p>1 certificate and the RGE certificate; correct? 2 A. Yes. 3 Q. Just for clarification, Mr Mak said that he had not seen 4 this letter before, but I understand that you have seen 5 this letter before; correct? 6 A. Correct. 7 Q. And presumably you read it at the time; is that right? 8 A. Correct. 9 Q. Would anyone else in your Pypun organisation have been 10 involved in reading this letter and the enclosures 11 thereto? 12 A. Not too many of our colleagues would read this, because 13 it includes a design submission, a design report and 14 plans. I'm responsible for contract 1112, so when the 15 letter arrives the clerk will deliver it directly to me. 16 After the approval work is done, we will submit this 17 back to the BO team colleagues. 18 So, in the middle, it is a very minimal opportunity 19 for other colleagues to have access to this. 20 Q. Right. So it sounds as though you are the appropriate 21 person to ask about the letter and the enclosures; would 22 that be right? 23 A. Correct. 24 Q. Now, if we can go on to a document that Mr Pennicott 25 correctly said would be thumbed over quite a lot in</p> |
| <p>Page 62</p> <p>1 I wonder if we could go, please, to B12/8888. 2 Splendid. 3 Here, you will see a letter dated 29 July 2015 to 4 the Buildings Department; correct? 5 A. Yes, I see it. 6 Q. This letter says: 7 "Further to your above reference ... dated 14 May 8 2015, we are pleased to submit herewith the followings 9 for your comment and agreement." 10 Then there's: 11 "1 set of design report (total 4 volumes) and 1 set 12 of A1 drawings for ELS submission for area C [then the 13 areas and the grids are identified] which are delivered 14 to Pypun as per the agreed submission logistic." 15 Now, so far as the agreed submission logistic is 16 concerned, that was an arrangement whereby the MTR had 17 agreed with the BD that MTR's drawings and submissions 18 were to be delivered directly to Pypun's office; that's 19 correct, isn't it? 20 A. Correct. 21 Q. And that was so these submissions could be read at the 22 earliest convenience and reviewed expeditiously; that's 23 right, is it not? 24 A. Correct. 25 Q. We can see that the letter also included the CP</p> | <p>Page 64</p> <p>1 these proceedings. Perhaps we can go to B9034. 2 Perhaps I could trouble the operator to go back to 3 page B8984. Here we see, do we not, the first page of 4 the design report TWD-004B3; correct? 5 A. Yes, I see it. 6 Q. And presumably this was one of the documents you would 7 have reviewed at the time; right? 8 A. Correct. 9 Q. If we were to go on to B9033, do you see there a section 10 of the report headed, "Permanent works design"? 11 A. Yes, I see it. 12 Q. Thank you. No doubt this is something that you would 13 have read at the time; correct? 14 A. Correct. 15 Q. "Permanent works design. 16 Introduction. 17 The subject of this submission includes the 18 permanent diaphragm wall design, the structural design 19 of EWL top slab, the NSL bottom slab, and columns and 20 walls that support the primary structure." 21 Do you see that, Mr Yueng? 22 A. Yes. 23 Q. Then we have various introductory statements, but 24 I would invite your attention to B9034. Do you see the 25 heading, "Construction sequence"?</p> |

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

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

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| <p>1 A. Yes.</p> <p>2 Q. That is the air duct that you told Mr Coleman about, is</p> <p>3 it not?</p> <p>4 A. The two rectangular structures with a cross inside,</p> <p>5 those two are the air ducts.</p> <p>6 Q. Right. So you've got an air duct transversing panel 114</p> <p>7 and 113; do you see that? Correct?</p> <p>8 A. Yes, I can see.</p> <p>9 Q. Let's go back up to the top again. Then you've got just</p> <p>10 a little bit of an air duct coming into 112; that's</p> <p>11 correct, is it not?</p> <p>12 A. Yes, I can see it.</p> <p>13 Q. Right. With that in mind then, perhaps we can go back</p> <p>14 to the photograph. If you look at the panel EH112 -- do</p> <p>15 you see that there on the right-hand side?</p> <p>16 A. Can you please repeat your question?</p> <p>17 Q. Yes. If you look at that, you can see panel EH112 on</p> <p>18 the right-hand side of the photograph, can you not?</p> <p>19 A. Yes, I can see it.</p> <p>20 Q. It would be the far end of that panel, would it not,</p> <p>21 that would have the air duct going into it just a little</p> <p>22 bit; correct?</p> <p>23 A. Not from -- I can't see it from this photo.</p> <p>24 Q. Let me approach this a different way. What I am</p> <p>25 suggesting to you, Mr Yueng, is that having looked at</p> | <p>1 Q. I've got to suggest to you that that's incorrect,</p> <p>2 because we know by looking at H887 that 113 had an air</p> <p>3 duct extending across it for most of its width. That's</p> <p>4 right, isn't it?</p> <p>5 A. Correct.</p> <p>6 Q. On the other hand, 112, for the most part, comprised</p> <p>7 D-wall with no air duct intruding into it, didn't it?</p> <p>8 A. Correct. I can see that.</p> <p>9 Q. In those circumstances, what I suggest to you is that</p> <p>10 the work we can see going on there is in fact the</p> <p>11 trimming down of the D-wall and the removal of the</p> <p>12 couplers and associated rebars; correct?</p> <p>13 A. I can't see that from the photo. If we look at the</p> <p>14 photo, to the left of EH112, you say there is a worker</p> <p>15 who is standing there. Because you were using this</p> <p>16 position to try to draw a comparison -- or are you</p> <p>17 talking about the space above 112 where there is a red</p> <p>18 rectangle?</p> <p>19 Q. Yes, that's exactly what I'm talking about, and I'm</p> <p>20 saying to you -- what I'm suggesting to you is that that</p> <p>21 is demolition work which is absolutely nothing to do</p> <p>22 with the installation of an air duct but is indeed</p> <p>23 demolition work comprising the trimming down of</p> <p>24 panel 112 and the removal of the rebars and the couplers</p> <p>25 which had previously been inserted therein. That's</p> |
| <p>Page 74</p> <p>1 the drawing, H887, and having established that an air</p> <p>2 duct might just impact upon panel 112, the rest of that</p> <p>3 panel is shown in the photograph as being trimmed down,</p> <p>4 with the couplers and the rebar being removed. That's</p> <p>5 correct, isn't it?</p> <p>6 A. You mean 112?</p> <p>7 Q. I mean 112.</p> <p>8 A. You mean the photo, on the left-hand side or the</p> <p>9 right-hand side?</p> <p>10 Q. On the right-hand side, EH112, and someone has very</p> <p>11 helpfully, assuming the caption is right, put in</p> <p>12 a little box of squiggly red lines where panel EH112 is</p> <p>13 being broken out with the top couplers being removed; do</p> <p>14 you see that?</p> <p>15 A. Yes.</p> <p>16 Q. What I suggest to you is that that work, that demolition</p> <p>17 work, is absolutely nothing to do, is it, with the</p> <p>18 presence of an air duct?</p> <p>19 A. I didn't see it on the site. I only saw this yesterday</p> <p>20 for the first time. If you are talking about 112, on</p> <p>21 the right-hand side, you can see a worker with a vest,</p> <p>22 and underneath that person was the air duct. Then you</p> <p>23 can see from the height and also the concrete attaching</p> <p>24 to the rebars, then I would say 113 is exactly the same</p> <p>25 as 114.</p> | <p>Page 76</p> <p>1 correct, is it not?</p> <p>2 A. I can only look at this red rectangle and I cannot see</p> <p>3 any couplers. So on that I can agree with you.</p> <p>4 Q. Well, thank you. I'll move on then, in the light of</p> <p>5 that.</p> <p>6 Now, site visits. You were asked by my learned</p> <p>7 friend Mr Pennicott this morning -- he said:</p> <p>8 "Mr Yueng, can you explain what happens when Pypun</p> <p>9 goes on a site visit?"</p> <p>10 This is [draft] page 7 of the transcript, for the</p> <p>11 record. And you answered:</p> <p>12 "We would conduct a site visit with RDO government</p> <p>13 officials -- it's also called a site walk -- once every</p> <p>14 three months. At 1112, every time when we conducted a</p> <p>15 site visit or site walk, it would take about an hour or</p> <p>16 an hour and a half. The area covered, apart from Hung</p> <p>17 Hom Extension D-wall, it also included something on the</p> <p>18 side, that is Hung Hom siding, HHS."</p> <p>19 Do you remember giving that answer, Mr Yueng?</p> <p>20 A. I can remember that.</p> <p>21 Q. Slightly later on in the discussion you had with</p> <p>22 Mr Pennicott, he posed a question to you:</p> <p>23 "You've mentioned government officials. Would they</p> <p>24 be present on a site visit?</p> <p>25 Answer: The site walk or site visit, they would</p> |

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| <p>1 accompany us to do the site walk or site visit." 2 Do you remember giving that evidence? 3 A. Yes. Well, yes, they accompanied -- they accompanied 4 us, yes. 5 Q. Good. Then slightly later on, the professor, 6 Prof Hansford, picked up the matter with you and said: 7 "Okay, thank you. 8 Mr Pennicott: Mr Yueng, can I ask you this 9 question. From the period between let's say March 2013 10 and May of this year -- so a period of just over five 11 years -- how many times did you in fact visit the 12 contract 1112 site? 13 Answer: I, together with BSRC team members -- 14 sometimes I would be present, sometimes not. Definitely 15 more than 80 times for a site witness and site audit." 16 Do you remember giving that evidence? 17 A. Yes, I remember. 18 Q. As I understand your evidence, when these site visits 19 took place, the site walk would in fact entail looking 20 at areas of interest so far as you and government 21 officials were concerned; that's right, is it not? 22 A. I think we misunderstood "site inspection" and "site 23 walk". Can I please supplement or explain such 24 terminology? These terminology are very similar. Can 25 I please explain them?</p> | <p>1 attend? 2 A. I never went on site walks, because that was done by M&V 3 team. 4 Q. Right. And the M&V team, can you give me a few names, 5 please. 6 A. Our PM, Mr Mak. He started on 1 January 2016 to be the 7 PM. He went on a site visit for 1112 as the PM. In 8 March 2016 and every three months, he would do it again. 9 Apart from Mr Mak, we also had Mr Wong, Sidney Wong, and 10 also other staff members. Usually it would be a team of 11 three. 12 Q. As a matter of accuracy, Mr Mak is recorded in 13 yesterday's transcript as saying that he joined the site 14 walks the minute he joined your organisation in 15 September 2015, but that's not something I'm going to 16 take up with you. 17 But these site walks, how often did they take place 18 on average? 19 A. Yes, he joined in September 2015 and then started from 20 1 January 2016; he started to be the PM for SCL and -- 21 Q. Yes, I know that. And on these site walks, I assume 22 that it would be of interest to Pypun to ensure that 23 their contractual obligations were being undertaken 24 properly, those contractual obligations being set out in 25 the contract that they made with government; correct?</p> |
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| <p>1 Q. Yes, I'm sure the Commissioners would find that very 2 useful indeed. Thank you. Go ahead. 3 A. I mentioned this morning site walk or site visit. Our 4 M&V team, together with RDO officials, would go to the 5 site, to get a general feel of the process. 6 Mr Boulding, you referred to site inspection. That is, 7 on the requirement of the BD, our BSRC team would do it. 8 The two are very different. Site inspection would be 9 done according to the requirement of the BD, and it's 10 done by the BSRC team. 11 What I mean by need or requirement -- Mr Lok 12 Pui Fai, senior engineer, wrote in his statement very 13 clearly that within the BSRC team, what is meant by site 14 inspection, site witnessing or site visit. As to what 15 you said, together with RDO staff we go for site walks, 16 those are two different matters. 17 Q. Right. So you've got on the one hand site walks and on 18 the other hand site visits? 19 A. Site walk and site visit are the same thing to us. 20 Q. I thought you just told me they were different. 21 MR PENNICOTT: Site inspection. 22 A. I was trying to distinguish site walk or site visit with 23 site inspection. 24 MR BOULDING: Okay. 25 And a site walk, how many of these did you ever</p> | <p>1 A. That's correct. 2 Q. You will have heard, won't you, Mr Mak telling the 3 Commissioners yesterday that he would be particularly 4 interested in matters which showed a possible departure 5 from, firstly, the programme -- you heard him say that, 6 did you not? 7 A. Yes. But I remember you should be referring to the 8 scope of work of the BSRC team. 9 Q. Well, I didn't think there was going to be any 10 contention over this. I was just reminding you of what 11 Mr Mak had said. 12 Firstly, he referred to programme. Secondly, he 13 said the cost would also be an important consideration. 14 Do you remember him saying that? 15 A. That's correct, because the M&V focus would be on three 16 things: cost, programme and public safety. 17 Q. Splendid. 18 With that in mind, I wonder whether we can just have 19 a quick look at one or two other photos together, to see 20 whether or not we can agree anything. Could you go to 21 B25659. This is a photograph of 14 September 2015; do 22 you see that in the bottom right-hand corner, Mr Yueng? 23 A. Yes. 24 Q. It is right, is it not, that the photograph depicts 25 breaking out of the top of the diaphragm wall, and the</p> |

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

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| <p>1 walks at the time these photographs were taken, over the</p> <p>2 course of three or four months. But what I suggest to</p> <p>3 you is that it's simply not credible that none of the</p> <p>4 Pypun representatives who attended these site walks can</p> <p>5 have missed such an obvious demolition of part of the</p> <p>6 constructed works. That must be right, mustn't it,</p> <p>7 Mr Yueng?</p> <p>8 A. Our people went with government officials on these site</p> <p>9 walks, for the purpose of enabling the officials to</p> <p>10 understand the general progress of works. On 1112, as</p> <p>11 I have said, they would have to cover a big ground and</p> <p>12 they've only got one and a half hours. Such photos had</p> <p>13 to be taken very close up. Near the workfront, usually</p> <p>14 when we did the site walk or site visit, we would be at</p> <p>15 some distance, and the purpose of a site walk or site</p> <p>16 visit would be carried out for the purpose of general</p> <p>17 progress in such a big area.</p> <p>18 I wouldn't be surprised if it can be suggested that</p> <p>19 the site walk or site visit would not be for any</p> <p>20 particular work area or to look for the detailed work</p> <p>21 being carried out by workers.</p> <p>22 Q. Well, as you say very fairly, you weren't there, but</p> <p>23 I haven't got anyone else to cross-examine on this</p> <p>24 particular matter, and for that reason I suggest to you</p> <p>25 that if government officials, if Pypun representatives</p> | <p>1 Cross-examination by MR KHAW</p> <p>2 MR KHAW: Mr Yueng, good afternoon.</p> <p>3 A. Good afternoon.</p> <p>4 Q. I represent the government.</p> <p>5 If I may just cast your mind back to one of the last</p> <p>6 few questions from Mr Boulding before the lunch break.</p> <p>7 He asked you to look at paragraph 15 of one of BD's</p> <p>8 letters of reply. If we can put that letter on the</p> <p>9 screen. It is H14/35348.</p> <p>10 You remember you were referred to this particular</p> <p>11 paragraph before; right?</p> <p>12 A. Can I be shown the first page of this letter? Because</p> <p>13 the appendixes look similar in a number of letters.</p> <p>14 Q. It's a letter dated 8 December 2015.</p> <p>15 A. Yes, yes. Okay, I see it.</p> <p>16 Q. If we go back to the paragraph that you and Mr Boulding</p> <p>17 were looking at earlier, paragraph 15. When you were</p> <p>18 referred to this paragraph, Mr Boulding asked you one</p> <p>19 question. It's not a short question but I can try to</p> <p>20 repeat what he asked you.</p> <p>21 He said:</p> <p>22 "It's obvious, is it not, that whoever wrote</p> <p>23 paragraph 15 is not objecting to the contents of</p> <p>24 paragraph 6.2.2. All they are saying is:</p> <p>25 '... you are required to ensure the corresponding</p> |
| <p>Page 86</p> <p>1 if were going around the site on a one and a half hour</p> <p>2 site walk, looking at progress, they would be very</p> <p>3 likely, wouldn't they, to be interested in part of the</p> <p>4 works that had already been constructed being knocked</p> <p>5 down? Is that fair comment?</p> <p>6 A. I was not personally involved in site walk for 1112, but</p> <p>7 apart from 1112 I'm also responsible -- I was also</p> <p>8 responsible for 1109. I did participate in the site</p> <p>9 walk regarding 1109. The site area for 1109 was</p> <p>10 smaller, not as big as 1112. The purpose of the site</p> <p>11 walk was the same, that is to enable the government</p> <p>12 officials to understand what's going on under the</p> <p>13 contract.</p> <p>14 We never did this to an area, to look into the</p> <p>15 detail of the workers' endeavours, such as whether they</p> <p>16 are working on a wall or something. So although I did</p> <p>17 not take part in any site walk for 1112, but I do</p> <p>18 understand the meaning, the purpose of site walk and</p> <p>19 what could actually be expected out of such site walks.</p> <p>20 MR BOULDING: There we are, Mr Yueng. We've got your answer</p> <p>21 for what it's worth, and I suspect the Commissioners</p> <p>22 have got my point, and I have no further questions for</p> <p>23 you. Thank you very much indeed.</p> <p>24 MR KHAW: A few questions from the government.</p> <p>25 CHAIRMAN: Thank you.</p> | <p>Page 88</p> <p>1 permanent station submissions, structure submissions,</p> <p>2 are fully compatible with the ELS design submissions.'</p> <p>3 That is right, isn't it?"</p> <p>4 Do you remember that question?</p> <p>5 A. Yes, I can remember that.</p> <p>6 Q. It's actually a compound question which consists of two</p> <p>7 parts. First of all, you were asked whether it is</p> <p>8 obvious that the author of paragraph 15 is not objecting</p> <p>9 to the contents of paragraph 6.2.2. The second part of</p> <p>10 his question is whether or not it is obvious that</p> <p>11 according to paragraph 15, one is required "to ensure</p> <p>12 the corresponding permanent station submissions,</p> <p>13 Structure submissions are fully compatible with the ELS</p> <p>14 design submissions".</p> <p>15 Part 2 is very clear, because we can all see from</p> <p>16 paragraph 15. If we can focus on part 1, and if we can</p> <p>17 go back to 6.2 -- in fact it should be 6.2 instead of</p> <p>18 6.2.2 -- 6.2, it's B12/9034. I believe Mr Boulding</p> <p>19 discussed a few times the three highlighted paragraphs</p> <p>20 with you; do you remember that?</p> <p>21 A. I remember that.</p> <p>22 Q. We have all heard evidence from Atkins -- in fact the</p> <p>23 witness from Atkins confirms that Atkins team 1 is in</p> <p>24 fact MTR's designer -- sorry, team A -- Atkins team A</p> <p>25 was in fact MTR's designer. And Atkins has given</p> |

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| <p>1 evidence that these three paragraphs could not amount to 2 a change to a permanent design as it provided 3 insufficient details for that particular purpose. 4 Would you agree with that particular statement? 5 A. I agree. 6 Q. In that case, if we go back to paragraph 15 again, would 7 you agree with me that in the circumstances, the author 8 of paragraph 15, whoever he or she is, could not be 9 taken to mean that they have no objection to the 10 contents of 6.2; would you agree? 11 A. I agree. 12 Q. Now, regarding the latest report that Pypun has 13 prepared, if I can just clarify with you a few minor 14 points. If we can turn to G18/13414. If I may take you 15 to a table at 13421. 16 It's a table under paragraph 3, where the reports 17 says: 18 "All on-site record checking was conducted inside 19 the MTRCL Hung Hom site office with the following 20 representatives from RDO/HyD, BD and Pypun ..." 21 Now, in the first table, ie in relation to the first 22 round of the on-site record-checking -- because we 23 understand that there are three rounds of on-site 24 record-checking; do you remember? 25 A. I remember.</p> | <p>1 Q. Again, this morning, when Mr Pennicott took you to see 2 some MTR records -- do you remember that there are some 3 MTR records with a remark that they were retrospective 4 records; do you remember that? 5 A. Are you talking about records with the date 10 February 6 2017? 7 Q. Yes. 8 A. I saw them this morning. 9 Q. Yes. Maybe we can have a quick look: B7/4538. Do you 10 remember seeing this particular document earlier today? 11 A. I remember. 12 Q. Now, your answer to Mr Pennicott -- sorry, one of your 13 answers to Mr Pennicott's questions was that the MTR 14 records were not shown to you during the first round of 15 inspection; do you remember that? 16 A. I remember that. 17 Q. So if we can just take a look at some other records. If 18 I can trouble you to have a look at G12/9883. 19 Do you recall whether it is one of those records 20 that you saw during the first round of the 21 record-checking? 22 A. I can't remember whether this was exactly the record, 23 but this one should have come from the contractor, and 24 at that time there were many records that look like 25 this.</p> |
| Page 90 | Page 92 |
| <p>1 Q. Now, in relation to the first round of on-site 2 record-checking, if we look at the first row -- it's 3 "JF", which means James Fung. Do you remember that? 4 A. That's correct. That is the abbreviation. 5 Q. Yes. We can see the explanatory note on the next page, 6 13422, "JF" actually stands for Mr James Fung. 7 Here, in relation to the 7 June visit, you put 8 a tick in relation to James Fung regarding "pm"; do you 9 see that? 10 A. Yes. 11 Q. According to Mr James Fung's evidence, he only attended 12 the morning session on 7 June, not the afternoon 13 session. 14 A. I heard you. 15 Q. Do you know why there was such a discrepancy? 16 A. If you look at this final report, and also the other one 17 near the end of September, this attendance table has 18 been expanded. We used to only record Pypun's 19 attendance, but then we also added the BD and Highways 20 Department's staff attendance. The attendance was given 21 to us by email because we did not do the record 22 ourselves. 23 Q. So would you take it that we can rely on Mr James Fung's 24 own record, rather than this table? 25 A. That's correct. That's what I think.</p> | <p>1 Q. Maybe we can try another one: H14/35067. 2 Can you recall whether it is one of the records that 3 you managed to see during the first round of your 4 record-checking? 5 A. I should have but I'm not sure, because there were many 6 similar records. 7 Q. If I may then take you to just have a look at one 8 passage of Mr James Fung's witness statement. It's at 9 G13/10873. 10 If I can take you to paragraph 5 of this particular 11 statement. He said: 12 "Upon the instructions of Mr Johnny Chu ... of RDO, 13 I attended site visits at MTRCL's Hung Hom site office 14 as representative of RDO to supervise the M&V consultant 15 to inspect construction records regarding the diaphragm 16 wall to EWL slab connection on 4, 5 and 6 June 2018 and 17 also in the morning of 7 June 2018. From my 18 recollection, I was not informed by any representative 19 of MTRCL during those site visits that any of the 20 coupler inspection records shown by them to me, BD or to 21 the M&V consultant were records prepared 22 retrospectively." 23 Do you see that? 24 A. Yes, I can see that. 25 Q. Just pausing here, if I can just ask you to see whether</p> |

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| Page 93 | 1 you can confirm whether during the first round of the 2 site records checking, were you ever told by the 3 representative -- by any representative of MTR that any 4 of the coupling inspection records were in fact created 5 retrospectively? 6 A. No. 7 Q. Thank you. 8 Finally, this morning Mr Pennicott put one question 9 to you, and he asked you whether Pypun was in effect 10 supporting -- sorry, Pypun was in effect assisting the 11 BO team for the purpose of the SCL project. Do you 12 remember that? 13 A. Yes, I remember. 14 Q. Would you agree with me that just for the avoidance of 15 doubt, Pypun was in fact assisting both the BO team and 16 also the Highways Department in relation to the SCL 17 project? 18 A. That's correct. 19 MR KHAW: Thank you, Mr Yueng. I have no further questions 20 CHAIRMAN: Thank you. 21 Mr Coleman, I think -- 22 Re-examination by MR COLEMAN 23 MR COLEMAN: Thank you, sir. Just a few points in 24 re-examination. 25 Mr Yueng, you were asked about paragraphs 20 and 21 | Page 95 | 1 report -- well, it results from visiting the location on 2 22 and 24 January; is that right? 3 A. Correct. 4 Q. So -- it may sound like a dumb lawyer's question -- but 5 presumably the documents shown in the photograph are 6 only those that have been created on or before 22 or 7 24 January 2014? 8 A. Correct. 9 Q. Now can we go, please, to bundle B, page 8888. 10 Mr Boulding's lucky number. Or not; we will see. 11 This identifies -- this is the letter of 29 July 12 2015, and the design report that's included is one for 13 ELS submission, which I think we can take from the 14 heading of the letter stands for excavation and lateral 15 support. 16 Is that permanent or temporary work? 17 A. It's a temporary work. 18 Q. And if we go to 8897, please -- actually, before we do 19 that, let's just go -- you mentioned in your evidence 20 two certificates from the CP and the RGE. Can we have 21 8891. Is that the CP's certificate to which you were 22 making reference? 23 A. Correct. 24 Q. And the submission title relates to "Strutting for 25 area C"; do you see that? |
| Page 94 | 1 of your witness statement, page K730, and going over to 2 731, relating to assessment procedure, and in 3 paragraph 22 you have referred to "a flow chart setting 4 out the agreed procedure in practice for the vetting of 5 plans, and a sample instruction from the RDO to Pypun to 6 vet a structural plan/submission." 7 Can we just identify that document, in case the 8 Commission want to see it. Annex 5 I think is found at 9 K821. The front sheet, in fact, 820. 821 is the flow 10 chart. 11 Who prepared this flow chart? 12 A. I did it, because I was the team leader and I knew the 13 flow of work very clearly. 14 Q. Then 822, this is the sample instruction from the RDO; 15 is that right? 16 A. Correct. 17 Q. You were asked about and you were taken to documents 18 which related to a visit, audit or inspection of the 19 threading of the reinforcement bars in January 2014. 20 Perhaps we can just have H4808. There's 21 a photograph of some of the documents which were 22 inspected on that occasion. We have seen the checklist. 23 I think Mr Boulding took you to the checklist that 24 showed that. 25 Can we just scroll up a little bit. The date of the | Page 96 | 1 A. I can see that. 2 Q. Then the next page, 8892, is this the RGE's certificate 3 to which you were making reference, also with the same 4 submission title? 5 A. Yes. 6 Q. If we go to 8897, this sets out the scope of the 7 submission, and the first bullet point is: 8 "Structural design of steel struts with verification 9 of axial stiffness being adopted in D-wall design 10 submission by Atkins." 11 Is that a reference to strutting again? 12 A. Correct. 13 Q. Then let's go to Mr Boulding's favourite page, 9034. 14 Firstly, can we look at the bottom of the page, the very 15 bottom of the page. This is said to be a "Design report 16 for HUH Station primary structure: primary slabs for 17 temporary load cases: area C (grid 22-40): [deliverable 18 no. TWD-004B3]". 19 Do you know what "TWD" stands for? 20 A. It should be temporary work design. 21 Q. Then if we go back to the highlighted three sentences. 22 Let's look at the middle one. It says: 23 "The top rebar of EWL slab at the D-wall panel will 24 then fix to the top rebar of OTE slab to achieve full 25 tension laps." |

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| Page 97 | 1 What would you use to fix one rebar to another 2 rebar? 3 A. In this case, it should be the use of coupler. 4 Q. Could we then go, please, to B13 -- would you give me 5 one moment? -- and can we start with the first page of 6 it which is 9721. This looks as though it's the second 7 volume of the design report temporary works design 8 004B3, the same design report but the second volume of 9 it. 10 A. Yes. There are four volumes, according to the letter. 11 Q. Although this is chock-full of interesting statistics, 12 I want to go to page 10557, please. 13 Can we look -- blow up the centre picture in the 14 top. 15 MR PENNICOTT: The date first. 16 MR COLEMAN: If we look at the bottom, the date is I think 17 20 January 2015. 18 MR PENNICOTT: 7 July. 19 MR COLEMAN: Where is that? I see. Sorry, reading up on 20 the left-hand side, yes, 7 July 2015. 21 Then the one in the middle which says this is 22 a "Typical anchorage detail at interface of OTE duct and 23 EWL slab -- applicable for [quite a large number of 24 panels]". 25 Are couplers shown on this drawing and, if so, can | Page 99 | 1 sequence how to trim the concrete off. It will be going 2 in details, how they trim in layers or per panel, that 3 detail will have to show on the drawings." 4 Do you agree with that answer? 5 A. Agree. 6 Q. If different panels were treated differently at the top 7 of the D-wall, would that require different drawings? 8 A. It would be different construction details. 9 MR COLEMAN: I have no further questions. Does either the 10 Chairman or the professor have any question for 11 Mr Yueng? 12 COMMISSIONER HANSFORD: No. 13 CHAIRMAN: No. 14 Thank you very much, Mr Yueng. It's very good of 15 you. Your evidence is now completed. Thank you for 16 your attendance. 17 WITNESS: (In English) Thank you. 18 MR COLEMAN: Mr Chairman, I know you haven't had to put up 19 with me for that long, but that's the end of Pypun's 20 witness. 21 CHAIRMAN: Thank you very much, Mr Coleman. 22 (The witness was released) 23 MR PENNICOTT: Sir, first of all it's 3.30 so perhaps we 24 could have a break. 25 CHAIRMAN: Certainly. |
| Page 98 | 1 you point out where they are? 2 A. This is a small rectangle. It's shown by this small 3 rectangle. 4 Q. If you would be so good as to look on the screen, the 5 Chairman's hand is hovering underneath those three. 6 A. Yes, there are three here, and then to the right-hand 7 side another three. 8 Q. The Chairman is again demonstrating the digital 9 equivalent of ventriloquism. 10 Can I ask you to be shown a passage in yesterday's 11 transcript, please, Day 34, page 59. I'm going to go to 12 the question in the middle which by definition is a good 13 question because it's asked by the Chairman. I should 14 say this is in the evidence of Mr WC Lee from Atkins, 15 who gave evidence yesterday. The Chairman said: 16 "I just have one question, and for those who are 17 used to this there's probably a very obvious answer to 18 it, but if in your drawings themselves, as opposed to 19 any written directions -- if you were asking for certain 20 abortive work, as you have called it, certain 21 destructive work, for example trimming down and removal 22 of certain objects, would it appear in the drawing 23 itself, or would there be an instruction?" 24 The answer Mr Lee gave was: 25 "It would be on the drawing. And also, showing the | Page 100 | 1 MR PENNICOTT: Secondly, we have lined up two government 2 witnesses for the rest of the afternoon. I'm not sure 3 we are going to be able to deal with both of them but 4 I don't see any reason why we shouldn't start the first 5 witness, and indeed we may finish. 6 CHAIRMAN: Of course. 7 MR PENNICOTT: So if we could have 15 minutes and then it's 8 Mr Chung. 9 CHAIRMAN: Thank you very much. 15 minutes. 10 (3.31 pm) 11 (A short adjournment) 12 (3.46 pm) 13 MR PENNICOTT: Sir, good afternoon again. 14 CHAIRMAN: Yes. 15 MR PENNICOTT: Before we start with the government 16 witnesses, and lest I forget, and largely for the 17 benefit of those not in this room who are aware of the 18 situation, and in order to get the matter on the 19 transcript all in one place, sir, can I just remind 20 everybody that with the agreement of all the parties, 21 the government are not going to call nine of the 22 witnesses who have provided witness statements. 23 They are So Pui Yin -- and I will give the 24 references in the bundle where their witness statements 25 can be found. |

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| <p>1 A. Yes.</p> <p>2 MR PENNICOTT: G3/2056.</p> <p>3 Secondly, Leung Sai Ho; G3/2024.</p> <p>4 Thirdly, Chu Tun Hon, that's Vincent Chu; G3/2108.</p> <p>5 Lai Wai Yin; G3/2053.</p> <p>6 Giang Tsz Sheung, Keith; G3/2051.</p> <p>7 Cheng Nim Tai; G3/2020.</p> <p>8 Wong Ying or Christie Wong; G3/2150.</p> <p>9 Pun Ting Ting, Rebecca; G3/1852.</p> <p>10 And Loo Kam Wah, Maurice; H6/1124.</p> <p>11 Those are the nine witnesses not to be called. For</p> <p>12 the sake of completeness, another government officer has</p> <p>13 given two witness statements to the police, Mr Lo</p> <p>14 Kai Cheung, who will also not be called.</p> <p>15 Sir, all of the nine witnesses, but not including</p> <p>16 Mr Lo, all those witness statements will be uploaded</p> <p>17 onto the website in the usual way for viewing by anybody</p> <p>18 who wishes to do so.</p> <p>19 Sir, I hope that is, as I say, all in one place in</p> <p>20 the transcript, if anybody needs to find it in the weeks</p> <p>21 to come.</p> <p>22 Sir, with that, I will hand over to Mr Khaw.</p> <p>23 CHAIRMAN: Yes. Thank you.</p> <p>24 MR KHAW: Thank you, Mr Pennicott. We have told Mr Coleman</p> <p>25 and Ms Cheung that we have decided not to redeem our</p> | <p>1 A. It's my signature.</p> <p>2 Q. You confirm that the contents of your witness statement</p> <p>3 are true to the best of your knowledge, information and</p> <p>4 belief?</p> <p>5 A. Yes.</p> <p>6 Q. Just a few questions in relation to your current</p> <p>7 position. At the time when you made your witness</p> <p>8 statement, you were the Director of Highways; is that</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. Since then, has there been any change to this position?</p> <p>12 A. Yes, there's been some change. As my tenure as Director</p> <p>13 of Highways ended on 21 October 2018, and with effect</p> <p>14 from 22 November I have been on pre-retirement leave.</p> <p>15 Q. Thank you. When did you make your decision to retire?</p> <p>16 A. In government service, for my post, for people holding</p> <p>17 posts like mine, we have to give one year's notice to</p> <p>18 the government. I cannot recall exactly which day, but</p> <p>19 it would be in October 2017 or earlier than that,</p> <p>20 I would have to inform the government.</p> <p>21 Q. Thank you.</p> <p>22 Can I just confirm with you whether you participated</p> <p>23 in any meetings or discussions -- well, obviously save</p> <p>24 and except the discussions that you had with the legal</p> <p>25 team for the purpose of this Inquiry -- did you</p> |
| Page 102 | Page 104 |
| <p>1 mileage to get upgraded to the front seat for the rest</p> <p>2 of today.</p> <p>3 The government calls Mr Chung Kum Wah, who is now</p> <p>4 sitting at the witness seat.</p> <p>5 Mr Chung, just to confirm that your full name is</p> <p>6 Chung Kum Wah; is that correct?</p> <p>7 WITNESS: (Via interpreter) Correct.</p> <p>8 MR CHUNG KUM WAH, DANIEL (sworn in Punti)</p> <p>9 (All answers given via simultaneous interpreter</p> <p>10 except where otherwise specified)</p> <p>11 Examination-in-chief by MR KHAW</p> <p>12 MR KHAW: Mr Chung, I understand that you would prefer</p> <p>13 giving your evidence in Cantonese?</p> <p>14 A. Correct.</p> <p>15 Q. For the purpose of this Commission of Inquiry, you have</p> <p>16 made one witness statement. If we can all take a look</p> <p>17 at G3/2058, we see the witness statement of Chung</p> <p>18 Kum Wah. It consists of several pages and it goes all</p> <p>19 the way to 2074. Maybe you can just have a look. It</p> <p>20 runs for 17 pages altogether.</p> <p>21 At G3/2074 is a statement dated 29 August 2018; do</p> <p>22 you see that, Mr Chung?</p> <p>23 A. Yes, I can see it.</p> <p>24 Q. There's a signature at the end of this page. Can you</p> <p>25 identify that?</p> | <p>1 participate in any other meetings or discussions in</p> <p>2 respect of the subject matter of this Inquiry after your</p> <p>3 retirement?</p> <p>4 A. On 22 October, the day I started to take my</p> <p>5 pre-retirement leave, and after that as well, I have not</p> <p>6 participated in any work carried out by the Highways</p> <p>7 Department, including the business of this SCL Inquiry.</p> <p>8 Q. Finally, would you like to adopt the contents of your</p> <p>9 witness statement as your evidence for the purpose of</p> <p>10 this Commission of Inquiry?</p> <p>11 A. Yes.</p> <p>12 Q. As you may have been told, counsel acting for the</p> <p>13 Commission will get priority to ask you some questions.</p> <p>14 Lawyers acting for other parties will also ask you some</p> <p>15 questions afterwards. Meanwhile, Chairman and also the</p> <p>16 Commissioner may also have some questions for you. If</p> <p>17 necessary, I may ask you some questions for</p> <p>18 re-examination at the end of the day. Is that clear to</p> <p>19 you?</p> <p>20 A. I understand that.</p> <p>21 MR KHAW: Thank you very much.</p> <p>22 Examination by MR PENNICOTT</p> <p>23 MR PENNICOTT: Good afternoon, Mr Chung. My name is Ian</p> <p>24 Pennicott, I'm one of the counsel to the Commission, and</p> <p>25 as Mr Khaw has just indicated I get to ask you some</p> |

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| <p>1 questions first. Thank you very much for coming along, 2 in your pre-retirement period, to assist the Commission, 3 and may I wish you a long and successful and happy 4 retirement. Some of us feel like that's probably what 5 we want to do at the moment. 6 A. Thank you. 7 Q. Mr Chung, you became the Director of Highways on 8 9 August 2016; is that right? 9 A. Correct. 10 Q. Can I ask you, as it were, to go back in history. 11 Before becoming the Director of Highways, what was the 12 position that you held before that? 13 A. Before I became the Director of Highways, I was 14 the Director of Civil Engineering and Development, and 15 before that I was the Director of Drainage Services. 16 Q. How long were you the Director of Civil Engineering and 17 Development? 18 A. I was the Director of Civil Engineering and Development 19 for one year and a few months. It was about May 2015, 20 if I remember correctly. It was May 2015 -- actually, 21 I have provided such information to the Secretariat of 22 the COI -- and that's up to 8 August 2016. 23 Q. Okay. So am I right in thinking that it was only when 24 you became Director of Highways that you had any 25 involvement with the SCL project?</p> | <p>1 Division 1-1 we have Mr Ralph Li as well, as the Chief 2 Engineer? 3 A. Correct. 4 Q. Mr Chung, in your position as Director of Highways, did 5 you have day-to-day contact with Mr Leung, occasional 6 contact with Mr Leung? How often would you speak to 7 Mr Leung in perhaps a working week or a working month? 8 A. For Mr Leung, he was responsible for the SCL project 9 when he worked in the RDO. Railway projects are to the 10 department important infrastructure matters, so every 11 two weeks I would meet the senior people of the RDO, 12 including the director and the two deputies. There were 13 regular meetings with them, and they would report to me 14 things under their charge, relevant matters under the 15 projects they were in charge of. 16 So at least, in respect of Mr Leung, I would meet 17 once every two weeks. 18 Q. Understood. All right. 19 Now can I ask you, please, to look at paragraph 16 20 in your witness statement. You say there, in 21 paragraph 16: 22 "For the SCL project, a project management approach 23 similar to the one in the Express Rail Link project has 24 been adopted. This approach essentially covers three 25 elements, namely (1) entrustment of the whole project to</p> |
| <p>Page 106</p> <p>1 A. Correct. 2 Q. Right. We've got, helpfully, within your witness 3 statement, at paragraph 11 on page G3/2062, a basic 4 organisation chart of the Highways Department. 5 Primarily, we're interested in the right-hand side of 6 this chart, for the purposes of the Inquiry, because we 7 can see that, as it were, coming down from you on the 8 right-hand side is the Principal Government Engineer in 9 the Railway Development, who I understand is or was 10 Mr Henry Chan; is that correct? 11 A. During my term, Mr Henry Chan had retired. When I was 12 Director of Highways, the two years and two months or 13 so, the post-holder was Mr Jimmy Chan. 14 Q. Mr Jimmy Chan, yes, indeed. 15 And two other senior people in the Railway 16 Development Office -- and perhaps for this purpose we 17 could look at G9/7022 -- were first of all the 18 Government Engineer, Railway Development Group, 19 Mr Jonathan Leung, and I understand from his witness 20 statement he's been in post since 1 December 2015, so he 21 would have been there throughout your tenure, as 22 I understand it, Mr Chung. 23 A. Correct. 24 Q. Then if we come down from Mr Leung and we go to the 25 left-hand side of the chart, in the Railway Development</p> | <p>Page 108</p> <p>1 MTR, (2) adoption of a 'check the checker' approach with 2 support from a monitoring and verification consultant 3 and (3) use of a building safety control mechanism 4 handled by the Buildings Department." 5 First question, Mr Chung: was this the first 6 experience that you had had, personally, of the "check 7 the checker" system in your long government service? 8 A. In my statement, I state here that for the SCL project, 9 the project management approach was similar to the XRL. 10 Similar. The two projects have their own special 11 characteristics. There were similarities as well. We 12 therefore adopted the approach similar to the one for 13 XRL for management. 14 As, counsel, you have pointed out, your question is: 15 as Director of Highways, was it the first time that 16 I experienced or adopted this "check the checker" 17 approach? 18 This terminology, "check the checker", according to 19 my knowledge, was used by the RDO in taking forward 20 these two railway projects. 21 As to whether I had no knowledge of this before that 22 time -- well, not necessarily so. But what you said was 23 correct. It was only after assuming this position that 24 I had the experience of using a "check the checker" 25 approach, and that is to adopt this as part of the</p> |

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1 implementation of the project.
 2 However, I would like to mention also one point.
 3 These three elements mentioned here are actually based
 4 on our entrustment agreements, and these are the
 5 requirements in the EAs.
 6 Q. All right, Mr Chung. Thanks for that. I think the
 7 answer to my question is: this was the first experience
 8 you ever had of the "check the checker" system, and that
 9 probably would have done to answer my question, but
 10 there we are.
 11 The reason I ask you that, Mr Chung, is that we have
 12 heard some evidence over the last couple of days from
 13 two witnesses from Pypun who are the "check the
 14 checker", and still are. I just wanted to ask you some
 15 questions about, as it were, the government's
 16 perspective of that system. I just wanted to try to
 17 find out how familiar you may be about the system. But
 18 let's see how we get on.
 19 Insofar as Pypun are concerned, you will appreciate,
 20 I presume, that they really have two teams. They have
 21 a monitoring and verification team -- a monitoring team,
 22 let's call it, the monitoring team -- and they have the
 23 BSRC team. You're familiar with that concept, the two
 24 teams; yes?
 25 A. I know about that.

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1 Q. Right. So far as the monitoring team is concerned, they
 2 appear to be the ones that are really carrying out the
 3 "check the checker" responsibilities, and the BSRC team
 4 are doing something a little bit different, and we'll
 5 come to the BSRC team in a moment.
 6 What you say, in paragraph 18 of your witness
 7 statement, if I could refer you to that, please, about
 8 just over halfway down paragraph 18 you say:
 9 "Hence, 'check the checker' is a risk-based sampling
 10 approach to verify delivery of the requirements of the
 11 project scope and authorised expenditure ..."
 12 Mr Chung, what do you mean by a "risk-based sampling
 13 approach"?
 14 A. By "risk-based", when we implement projects, there will
 15 be different risks along the way. There may be
 16 different degrees of risks. Sometimes the risks are
 17 higher at certain places and we need to pay more
 18 attention. But our resources are not unlimited. If we
 19 want to apply our resources to do the most, one of the
 20 ways to do it is to act according to the degree of risk.
 21 We should pay more attention to the higher risks.
 22 That's the concept behind.
 23 Q. To your understanding of the arrangement between the
 24 government and Pypun, who should be identifying the risk
 25 and who should be putting those risks in some form of

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1 priority? Is it the government -- Highways/Buildings
 2 Department -- or is it Pypun?
 3 A. On this question, I don't think I can say simply who
 4 should make the decision, because risk management should
 5 see the involvement of the entire team. For example,
 6 when the project is implemented, the MTRCL is the one
 7 who knows the details of the project. So, to a large
 8 extent, the MTRCL has input vis-a-vis risk management,
 9 and in fact they should be responsible for it. In the
 10 entire arrangement under the entrustment agreement, we
 11 have entrusted the entire project to the MTRCL. So
 12 whether it is risk management or related work, the MTRCL
 13 has some responsibility for those.
 14 And of course, apart from entrusting the project to
 15 the MTRCL, we have another layer. In my witness
 16 statement, in paragraph 16, I have said that there are
 17 three elements: number one, as I said, we entrust the
 18 entire project to MTRCL, and in terms of risk
 19 management, MTRCL should first be held responsible.
 20 But then there is a second element in the management
 21 of the project, and that is "check the checker". There
 22 are a few layers in this structure of checking the
 23 checker. Plus we have the M&V consultant assisting us.
 24 Our RDO staff cooperate with M&V consultant very
 25 closely. We also require the consultant to be

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1 proactive. In other words, the consultant should
 2 interact and exchange with our RDO staff closely. So,
 3 in this respect, we cannot say in a broadbrush manner
 4 who should take the responsibility of assigning
 5 priorities to risks. Say, for example, MTRCL, it has
 6 information on details and it can come up with its own
 7 view, and RDO staff will consider those views and the
 8 information and our M&V consultant will also have some
 9 input.
 10 Say, for example, the MTRCL may mention high-risk
 11 areas and then our M&V consultant, together with RDO,
 12 will review the information. And then the third element
 13 is also there. Say, for example, this time, about the
 14 Hung Hom Station, the Hung Hom Station is regulated by
 15 the Buildings Ordinance, so the BD has a role to play.
 16 There is a BO team as well. If there is anything which
 17 has to do with the Buildings Ordinance jurisdiction, the
 18 BO team will act on behalf of the BD.
 19 Therefore, overall speaking, if we look at risk
 20 management, I cannot say in a simple manner which party
 21 will be able to decide the priorities of the risks.
 22 Q. Okay. At the moment, Mr Chung, I'm trying to just ask
 23 you a few questions about the second element, which is
 24 the adoption of the "check the checker" approach.
 25 I will be coming to the Buildings Department in

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| <p>1 a moment.</p> <p>2 So I think, in summary, your answer is that -- to my</p> <p>3 original question -- both the RDO officers and Pypun,</p> <p>4 the M&V consultant, through discussion, through</p> <p>5 consultation with each other, through that approach will</p> <p>6 identify and prioritise the risks on any given contract?</p> <p>7 A. What I said just now was about the major principles. As</p> <p>8 I said, RDO staff on a daily basis manage railway</p> <p>9 projects. As to the details, I think I would have to</p> <p>10 defer to my RDO staff for further explanation.</p> <p>11 What I said was to tell the Commission that when we</p> <p>12 implement projects, we have the three elements within</p> <p>13 our approach, and that is the rationale and the</p> <p>14 principle behind it.</p> <p>15 Q. Yes, and at the moment, Mr Chung, I'm just trying to</p> <p>16 explore with you the second element and the relationship</p> <p>17 between government and its "check the checker". That's</p> <p>18 what I'm trying to ask you, a few, what I thought were</p> <p>19 relatively straightforward and simple questions.</p> <p>20 Anyway, let's go to paragraph 19 of your witness</p> <p>21 statement, where you say:</p> <p>22 "Whilst the SCL project has been entrusted to MTR,</p> <p>23 Highways under the 'check the checker' approach still</p> <p>24 maintains its role in monitoring and verifying MTR's</p> <p>25 compliance with its obligations under the entrustment</p> | <p>1 A. In paragraph 16, for the third element there, it was</p> <p>2 related to the Buildings Department, and in paragraph 21</p> <p>3 I'm saying that the Buildings Department deployed a team</p> <p>4 of staff to the RDO and they set up a so-called BO team.</p> <p>5 In paragraph 21, I talk about the work of this team.</p> <p>6 If what they had to do comes under the jurisdiction of</p> <p>7 the Buildings Ordinance, these officers would be doing</p> <p>8 the job on behalf of the Buildings Department.</p> <p>9 Q. Yes, and the point is this, I think, Mr Chung. We've</p> <p>10 seen the RDO on your organisation chart, and what</p> <p>11 happened, as a matter of fact, as you explain in</p> <p>12 paragraph 21 of your witness statement, is four</p> <p>13 members/personnel from the Buildings Department, from</p> <p>14 the BD, were seconded to the RDO to form the BO team,</p> <p>15 and the Pypun BSRC team worked with and assisted that BO</p> <p>16 team. That's how it worked on this particular project;</p> <p>17 that's correct, is it not?</p> <p>18 A. Correct.</p> <p>19 Q. So, in relation to number (2), your element number (2)</p> <p>20 and your element number (3) that you list in</p> <p>21 paragraph 16, Highways, the RDO, was reliant upon Pypun</p> <p>22 in respect of both of those elements?</p> <p>23 A. I think Pypun assisted the RDO and the BO team. That's</p> <p>24 the correct way to say.</p> <p>25 Q. And in terms of structural matters -- structural safety,</p> |
| <p>Page 114</p> <p>1 assessments, including quality", you say, "and public</p> <p>2 safety aspects."</p> <p>3 Then at paragraph 20, just to pick it up, it says:</p> <p>4 "When significant issues [arise in] public safety</p> <p>5 and quality of works arise ..."</p> <p>6 So is it your understanding, Mr Chung, that Pypun</p> <p>7 were responsible and had a responsibility in respect of</p> <p>8 quality aspects of the works?</p> <p>9 A. Maybe I should say this. Pypun acts according to the</p> <p>10 consultancy agreement. In that agreement, the</p> <p>11 responsibilities of Pypun are spelt out. Talking about</p> <p>12 the quality of the works, this is a general term --</p> <p>13 well, actually, many things are related to the quality</p> <p>14 of the project, and Pypun should be responsible.</p> <p>15 Q. Yes. Quality, for example, relates to cost; yes?</p> <p>16 A. Correct.</p> <p>17 Q. All right. Could I then just turn to the third aspect</p> <p>18 of paragraph 16, which is use of building safety control</p> <p>19 mechanism handled by the Buildings Department.</p> <p>20 When you say "use of a building safety control</p> <p>21 mechanism handled by the Buildings Department",</p> <p>22 Mr Chung, I think in the context of the SCL project, if</p> <p>23 I've understood paragraph 21 of your witness statement</p> <p>24 correctly, you're actually referring to the BO team;</p> <p>25 would that be right?</p> | <p>Page 116</p> <p>1 structural engineering matters -- essentially, the BO</p> <p>2 team consisted of the two senior structural engineers</p> <p>3 seconded from BD, together with the assistance and help</p> <p>4 that Pypun were providing through the BSRC team?</p> <p>5 A. Correct.</p> <p>6 Q. All right. And, as I understand it, the two building</p> <p>7 surveyors that you make reference to in paragraph 21 of</p> <p>8 your witness statement that were seconded were dealing</p> <p>9 with perhaps other matters, perhaps E&M matters, general</p> <p>10 building plan matters and suchlike; is that right?</p> <p>11 A. When it comes to details like these, I think I will have</p> <p>12 to defer to my colleagues from the RDO for elaboration</p> <p>13 and explanations.</p> <p>14 Q. Understood.</p> <p>15 We have heard evidence from Pypun that their M&V</p> <p>16 team, the monitoring team, went to site approximately</p> <p>17 once every three months. Were you aware of that?</p> <p>18 Sorry, let me rephrase that.</p> <p>19 We know that Pypun, under the SCL project, had a lot</p> <p>20 of contracts to monitor and verify. So far as each</p> <p>21 individual contract is concerned -- and we are obviously</p> <p>22 concerned with contract 1112 -- they went to the</p> <p>23 contract 1112 site once every three months. Were you</p> <p>24 aware of that?</p> <p>25 A. Actually, in the entrustment agreements we signed with</p> |

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| <p style="text-align: right;">Page 117</p> <p>1 MTRCL, I think under EA3 there's something, I think it's 2 clause 17 or paragraph 17, that site visits would be 3 conducted quarterly, that means once every three months. 4 Q. All right. And so far as the BSRC team is concerned, 5 the evidence appears to be that they only went to the 6 contract 1112 site if specific tests needed to be done 7 or if they were requested for some other reason to go to 8 the site by the RDO or BD officers. Does that accord 9 with your understanding of the situation, Mr Chung? 10 A. When it comes to details of the consultancy contracts 11 and the actual arrangements, I think again I will have 12 to defer to RDO colleagues for detailed explanation. 13 But I would like to make a point here. The 14 Transport and Housing Bureau, the government, in the 15 entrustment agreements signed with the MTRCL, the 16 government was entitled to make the checks, and RDO, 17 through the consultancy agreements, engaged consultants 18 to help us carry out the M&V. The detailed 19 arrangements -- well, I will leave these to my RDO 20 colleagues to offer detailed explanations to assist the 21 Commission. 22 Q. Yes. The reason I asked you the question, Mr Chung, is 23 that in paragraph 21 of your witness statement you 24 say -- and I am six or seven lines down paragraph 21 on 25 2065:</p> | <p style="text-align: right;">Page 119</p> <p>1 that so far as contract 1112 is concerned, because of 2 the enormity of the size of the site and the project 3 generally, it would be impractical for unannounced, 4 surprise visits to be made to the site. Is that 5 something you can comment on, or should I be asking 6 Mr Leung or somebody else? 7 A. Well, surprise visits could have been done, in my view. 8 Of course, no one can just say he wants to enter a site 9 any time he wants. There will be regulation of access. 10 Even surprise visits must be subject to some short-term 11 notification, otherwise entry might not be easy. 12 My view is that this access has got nothing to do 13 with the size of the site. If the site is big, you may 14 want to inspect or visit to a certain limited area or 15 smaller part of the site, but a surprise visit doesn't 16 mean that you just turn up and want to get in. I think 17 it is not the same thing. It doesn't need to conduct 18 a surprise visit. You give them a very short notice. 19 And MTRCL would need to admit our officers or our 20 consultancy staff to the site upon the giving of very 21 short notice. That's what I understand to be a surprise 22 visit. 23 Q. Okay. Could I move on to a separate and distinct topic, 24 Mr Chung. It's paragraph 43 of your witness statement, 25 please. Before I ask you a couple of questions about</p> |
| <p style="text-align: right;">Page 118</p> <p>1 "With the support from the M&V consultant, the BO 2 team mainly vets the structural plan submissions and 3 submissions related to fire safety, health standard and 4 precautionary measures such as building layout plans and 5 drainage plans." 6 Then you say this: 7 "The BO team also conducts site inspections, if 8 necessary, during the course of construction works." 9 You seem to be saying that you don't know the 10 details of the site inspections, would that be right, 11 and the site inspection obligations? 12 A. As I said, it's not that I did not know any of the 13 details. I was actually saying that the day-to-day work 14 was carried out by RDO officers. 15 On the arrangement of such details, it would be more 16 accurate if you get the answers from them. I don't want 17 to explain things which I actually did not participate 18 in a hands-on manner. For such matters, I hope I would 19 defer to my colleagues who actually did this day in and 20 day out. It would be better for them to explain the 21 matters to the Commission. It would be more accurate. 22 I think it would be more effective. 23 Q. All right. We'll obviously do that if we get the 24 chance, or when we get the chance, rather. 25 For example, we have heard from the Pypun witnesses</p> | <p style="text-align: right;">Page 120</p> <p>1 paragraph 43 and following, can I just ask you this 2 introductory question. When the MTRC submitted its 3 report to government on 15 June 2018, did you read it? 4 A. I did. 5 Q. In paragraph 43, you refer to a press conference that 6 was held on 7 August this year, 2018, and that was 7 a press conference that you gave, Mr Chung, or are you 8 referring to some other press conference? 9 A. This press conference was attended by a few colleagues. 10 It was not chaired by me. That was the Secretary for 11 Transport and Housing, the Permanent Secretary for the 12 TH Bureau, and also the Permanent Secretary of the 13 Development Bureau, myself and also the Director of 14 Buildings. 15 Q. So you were there? 16 A. I was one of them. 17 Q. Right. That was a press conference on 7 August held on 18 the same day that the Chief Executive had a meeting in 19 the morning with Prof Ma, the Chairman of the MTRC. 20 A. (Chinese spoken) -- 21 Q. Sorry, I haven't asked a question yet. Can I ask you, 22 Mr Chung, whether you had any involvement in briefing 23 the Chief Executive prior to the meeting she had with 24 Prof Ma? 25 A. I was involved in such a meeting.</p> |

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1 Q. You were?
2 A. Yes, I was.
3 Q. Prior to 7 August?
4 A. Correct.
5 Q. All right. I won't go any further than that.
6 Now, going to paragraph 43(1), you say:
7 "... the government [had] identified a number of
8 problems with MTR's supervision of the construction of
9 the diaphragm wall ..."
10 Pause there, Mr Chung, because this is quite
11 important, because there are different parties involved
12 in this Inquiry, with their own respective interests.
13 The diaphragm wall, or walls, east and west, were
14 constructed by a company called Intrafor. What
15 supervision problems had been identified by the
16 government in respect of the construction of the
17 diaphragm walls by 7 August 2018?
18 A. I would like to clarify your question first,
19 Mr Pennicott, because in my statement, 43(1)(a), (b),
20 (c), (d) -- actually, the matter you mentioned is not
21 mentioned in paragraph 43. I'd like to clarify whether
22 you are going to ask about these few points in
23 paragraph 43 or on the basis of these few points you
24 would like to ask for comments on these.
25 Q. At the moment, Mr Chung, I would, with respect, ask you

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1 just to focus on my question, because, so far as I can
2 tell, having looked at (a), (b), (c), (d) in
3 paragraph 43(1) of your witness statement, and the
4 various documents that you there refer to, there is no
5 criticism of the supervision of the construction of the
6 diaphragm walls by Intrafor. Do you agree?
7 A. Indeed, there was no criticism.
8 Q. Right. What I think you meant, and probably mean, is
9 that the government had identified a number of problems
10 with MTR's supervision of the construction of the joints
11 between the diaphragm wall and the platform slab works.
12 Is that what you meant to say?
13 A. Looking at it now, the supervision is problematic. At
14 the press conference, we said first (1)(a), (b), (c),
15 (d). But we asked the MTRCL for a lot of information,
16 and that could reflect what we said just now, and that
17 is there was a problem with the supervision of the
18 construction of the joints. This is also why,
19 afterwards, we asked the MTRCL to review their
20 supervision work on site, and we also asked them to look
21 at communication and reporting systems. We identified
22 those and we asked the MTRCL to do a review and improve.
23 Q. Okay. In relation to paragraphs 43(1)(a) to (d),
24 Mr Chung, just starting at the bottom, as it were, and
25 working backwards, at (d) you conclude by saying on that

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1 paragraph:
2 "The aforesaid problems had seriously undermined the
3 government's confidence" -- a phrase we have heard
4 before -- "in MTR's management of the SCL project and
5 the integrity of the same."
6 As I understand it, Mr Chung, the undermining of the
7 confidence of the government was as a result of the
8 errors and discrepancies in the 15 June 2018 report that
9 subsequently were discovered.
10 A. Well, according to the information we had at that time,
11 on 15 June the MTRCL submitted a report. It said that
12 it went through an internal investigation and came up
13 with certain findings. It took two weeks to do the
14 investigation and to write the report for submission to
15 the SAR government.
16 After receiving the report, we found that there were
17 problems with the report and we continued to ask the
18 MTRCL about those. Then, by 13 July, the MTRCL issued
19 a letter dated on that day, with a few drawings
20 attached. The drawings were very different from what
21 the report of 15 June said, and that reflected many
22 problems behind the scenes. The documents attached to
23 the 13 July letter were also inconsistent with the
24 drawings accepted by the Buildings Department, and the
25 BD thought that the discrepancies were so big that these

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1 should have been vetted by the BD beforehand and should
2 have been accepted by BD before the works could have
3 been carried out.
4 One more point. In the report, the number of
5 couplers mentioned was such that after the report was
6 submitted, RDO staff together with the M&V consultant
7 went to the site to check records. The M&V consultant
8 submitted a report to us, confirming that the site
9 records showed a number consistent with that mentioned
10 in the report of 15 June. But then, in the 13 July
11 letter, the design shown there was different from
12 before, and therefore, on 1 August, we had a meeting
13 with the senior management for the project of MTRCL and
14 we asked them about the discrepancies. They said that
15 the information in the 13 July letter should be the
16 accurate information. However, the number of couplers
17 for the new design, they said, would be smaller.
18 At the meeting, I asked the MTRCL about it and they
19 said that it would be 2,000 fewer. So this was really
20 serious, in that the record said that there should be
21 23,500, but in fact, in the 13 July letter, we asked the
22 senior management of MTRCL; they said there should be
23 2,000 fewer. Then we asked them, "Why is it that? Your
24 site records showed the number of 23,500", and they
25 could not explain it.

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| <p>1 We believe this is a very serious problem because</p> <p>2 there were discrepancies in the records. To the</p> <p>3 government, with regard to the management of the SCL</p> <p>4 project, we had lost confidence. This is because we</p> <p>5 could see from many aspects that there were problems,</p> <p>6 and that is why the SAR government lost confidence.</p> <p>7 This is the background to it.</p> <p>8 Q. Thank you for that.</p> <p>9 Can I then just finally ask you a couple of points</p> <p>10 in relation to paragraph 44 of your witness statement.</p> <p>11 You say at paragraph 44:</p> <p>12 "Upon discovery of the incident ... Highways set up</p> <p>13 a task group ..."</p> <p>14 And the footnote at 17 identifies the various</p> <p>15 members of that task group.</p> <p>16 "... led by me ... with a view to further enhancing</p> <p>17 monitoring for the SCL project ..."</p> <p>18 And you indicate the various measures that have been</p> <p>19 initiated.</p> <p>20 Could I ask you, please, just to focus on number (4)</p> <p>21 over the page at 2073, where you say that one of the</p> <p>22 measures is "increasing site visits and audits by the</p> <p>23 M&V consultant". Do you see that, Mr Chung?</p> <p>24 A. Yes, I can see it.</p> <p>25 Q. When you say "increasing site visits", do you mean</p> | <p>1 consultants to do a bit more, then we need to discuss</p> <p>2 how much we should pay the consultant, instead of</p> <p>3 reviewing the consultancy agreement or the clauses in</p> <p>4 that agreement. That's not what we do.</p> <p>5 Q. Perhaps it was my question. I wasn't suggesting that</p> <p>6 you would be seeking to change or alter the terms and</p> <p>7 conditions of Pypun's contract. The question was</p> <p>8 a rather broader question: going forward, future</p> <p>9 projects, are the terms and conditions of the</p> <p>10 consultant's agreement being reviewed?</p> <p>11 A. After the completion of a big project or any big</p> <p>12 project, we would carry out a review. We would look</p> <p>13 back at how things had gone in the project so that we</p> <p>14 can try to make improvements, and I'm not just talking</p> <p>15 about railway projects. For all major projects we adopt</p> <p>16 this practice. We want to learn from the experience, in</p> <p>17 implementing such projects, we want to make amendments</p> <p>18 to things that we did not do well.</p> <p>19 Turning back to this SCL project, although I am no</p> <p>20 longer the director, I believe, when this project is</p> <p>21 completed, there will be the review that I talk about.</p> <p>22 MR PENNICOTT: Okay. Sir, I have no further questions.</p> <p>23 CHAIRMAN: All right. Thank you.</p> <p>24 MR SO: No questions from China Tech.</p> <p>25 MR COLEMAN: None for us.</p> |
| <p>Page 126</p> <p>1 increasing the frequency of site visits? That probably</p> <p>2 admits of a "yes" or "no" answer.</p> <p>3 A. Well, the increase in frequency is also the increase in</p> <p>4 the number of visits. Within a specific time, if you</p> <p>5 increase the frequency you increase the number of</p> <p>6 visits.</p> <p>7 Q. Right. Are you proposing to increase the range of and</p> <p>8 scope of the site visits, or is it just the frequency?</p> <p>9 A. When it comes to the scope of site visits, well, it</p> <p>10 depends on the actual need. If in respect of certain</p> <p>11 aspects, within a certain time frame, some works are</p> <p>12 important or some works carried higher risk, those areas</p> <p>13 will be covered by the site visits. So this is done</p> <p>14 based on actual need. Our RDO officers would work with</p> <p>15 the M&V consultant. They would discuss on how the scope</p> <p>16 should be.</p> <p>17 Q. Are you reviewing the terms and conditions upon which</p> <p>18 you engage the M&V consultant? Sorry, were you, before</p> <p>19 you retired?</p> <p>20 A. No. No. The answer is no. We engaged the consultants</p> <p>21 to assist us. If the work the consultants are required</p> <p>22 to carry out comes within the original agreed scope,</p> <p>23 then there's no need to review the original consultancy</p> <p>24 agreement. Sometimes, although the original scope is</p> <p>25 not exceeded, our usual practice is that if we ask the</p> | <p>Page 128</p> <p>1 MR CONNOR: None from Atkins.</p> <p>2 MR SHIEH: None from us.</p> <p>3 MR JAT: Sir, it may seem a long time ago and perhaps in</p> <p>4 a galaxy far, far away, but you may remember that in our</p> <p>5 written opening, way back on 15 October, in</p> <p>6 paragraph 39, we specifically put down a point that we</p> <p>7 take the view that the Buildings Ordinance is not</p> <p>8 applicable to the SCL project as a matter of law and as</p> <p>9 a matter of contract. This witness, Mr Chung, addressed</p> <p>10 that point in his witness statement and also in his</p> <p>11 testimony earlier today. But we take the view that it's</p> <p>12 not a matter of evidence, it's a matter of law, insofar</p> <p>13 as it may be relevant to the terms of reference of this</p> <p>14 Commission, and insofar as necessary we will address</p> <p>15 that in submissions rather than as a matter of evidence.</p> <p>16 On that basis, I am happy to say that we have no</p> <p>17 questions for Mr Chung and indeed for subsequent</p> <p>18 government witnesses who touch on this particular point.</p> <p>19 So I would not want to stand up every time when that</p> <p>20 happens. I hope that would be a helpful indication,</p> <p>21 particularly on a late Friday afternoon.</p> <p>22 CHAIRMAN: It is. Thank you very much. I confess that</p> <p>23 I will lend a sympathetic ear to the suggestion that</p> <p>24 it's a matter of law.</p> <p>25 MR PENNICOTT: Sir, it's certainly the position that the</p> |

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| <p>1 Commission's legal team takes.</p> <p>2 CHAIRMAN: There we go.</p> <p>3 COMMISSIONER HANSFORD: I have one question.</p> <p>4 CHAIRMAN: Sorry, I was about to -- with these headphones</p> <p>5 on, I wasn't seeing where the question was coming from.</p> <p>6 COMMISSIONER HANSFORD: It's coming from here, Mr Chairman.</p> <p>7 CHAIRMAN: And not a galaxy far, far away.</p> <p>8 Questioning by THE COMMISSIONERS</p> <p>9 COMMISSIONER HANSFORD: Actually, a very close galaxy.</p> <p>10 Mr Chung, this may be a matter of detail but</p> <p>11 I wonder if you can help me.</p> <p>12 In your witness statement at paragraph 25, you refer</p> <p>13 to a monthly progress report, and I don't know if you've</p> <p>14 read it but in Mr Ralph Li's witness statement, he</p> <p>15 refers to a monthly progress report. I'm wondering if</p> <p>16 they are the same report or if there are two reports.</p> <p>17 Is that something you would know?</p> <p>18 A. Professor, the monthly progress report I mentioned here,</p> <p>19 is said there would be a PSC meeting every month. For</p> <p>20 the PSC meeting, the MTRCL would have to submit</p> <p>21 a monthly progress report and that's the report I'm</p> <p>22 talking about here.</p> <p>23 Mr Li, in his statement, mentioned also monthly</p> <p>24 progress report. Is it the same report? I am not sure</p> <p>25 at this point. For him, for Mr Li, he would attend</p> | <p>1 under the division of labour arrangement. So we would</p> <p>2 discuss matters which we are required to pay attention</p> <p>3 to under the EA. For other major issues such as when</p> <p>4 there are major concerns expressed for quality</p> <p>5 assurance, then the matter will be brought to the</p> <p>6 attention of PSC. For example, after this incident was</p> <p>7 reported at the end of May, in June the same matter was</p> <p>8 put on the agenda of the PSC.</p> <p>9 So, in answering your question, Professor, the PSC</p> <p>10 would discuss important matters requiring the attention</p> <p>11 of the senior management. We would provide the steer,</p> <p>12 the direction. If there is a question like this</p> <p>13 particular incident, a question about quality, we would</p> <p>14 pay attention to this, and in this case the matter was</p> <p>15 put on the agenda and the matter would be followed up</p> <p>16 until we come to the view that the PSC should no longer</p> <p>17 discuss the matter. Then we would delete the item from</p> <p>18 the agenda at that point.</p> <p>19 That's my view, but I have to add that I am no</p> <p>20 longer the director. I think it would be for my</p> <p>21 successor to deal with that business in the future.</p> <p>22 COMMISSIONER HANSFORD: Yes. Thank you. That's a very</p> <p>23 helpful answer, Mr Chung. For me, there are two things,</p> <p>24 I think. One is looking to the future, but I accept</p> <p>25 that will not be your problem. But actually, looking at</p> |
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| <p>1 another meeting. It's a meeting on the monthly</p> <p>2 progress. So would he be talking about the same report?</p> <p>3 I'm just not sure.</p> <p>4 COMMISSIONER HANSFORD: To be fair to you, Mr Chung, perhaps</p> <p>5 he's not, because Mr Li refers to at the PPMs, whereas</p> <p>6 you're referring to the PSCs.</p> <p>7 My point is you have both helpfully given us</p> <p>8 an index or the headings of the two progress reports,</p> <p>9 and the progress report that Mr Li receives includes</p> <p>10 a section on quality assurance, and the section that you</p> <p>11 or the headings that you've given us do not include</p> <p>12 a question on quality assurance.</p> <p>13 My question is: did matters of quality assurance</p> <p>14 find their way into the monthly report that you saw at</p> <p>15 the PSC?</p> <p>16 A. Professor, as I have mentioned in my statement, for this</p> <p>17 meeting, PSC meeting, it can be found in clause 16 of</p> <p>18 the entrustment agreement. As regards what should be</p> <p>19 discussed in the meeting, it's in the EA. It's about</p> <p>20 the progress of the project. Matters about cost and</p> <p>21 procurement matters would be the major items of</p> <p>22 discussion in the PSC, but there are more. As you can</p> <p>23 see there, there are other matters covered by the agenda</p> <p>24 of the PSC meeting.</p> <p>25 We talked about the three levels which are decided</p> | <p>1 the past, were quality issues ever brought to the PSC</p> <p>2 prior to May 2018?</p> <p>3 A. During my term, that is from 2016 -- August 2016, during</p> <p>4 my term, according to my recollection, there were no</p> <p>5 major problems with quality raised at the meeting. But</p> <p>6 my colleague did help me in checking the records. That</p> <p>7 is before I assumed the post, there were issues of</p> <p>8 quality presented to the PSC for discussion. The</p> <p>9 problems were resolved and then the item on quality was</p> <p>10 deleted.</p> <p>11 So there has been some discussion, and I understand</p> <p>12 this is the case for other major issues which will</p> <p>13 require attention at the highest level, and those</p> <p>14 matters would be discussed at the PSC and the PSC would</p> <p>15 provide a steer in finding a solution and then it would</p> <p>16 not be discussed anymore after the solution had been</p> <p>17 carried out.</p> <p>18 COMMISSIONER HANSFORD: Okay. Thank you. And presumably</p> <p>19 that's what item (10) in the PSC monthly report is for,</p> <p>20 because it's called "areas of concern". So I think what</p> <p>21 you've told us is if there were any areas of concern to</p> <p>22 be raised, they would be in the report under that</p> <p>23 heading; is that right?</p> <p>24 A. Correct.</p> <p>25 COMMISSIONER HANSFORD: Okay. That's very helpful. Thank</p> |

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| <p>1 you.</p> <p>2 CHAIRMAN: Good. Thank you very much indeed.</p> <p>3 MR KHAW: No re-examination.</p> <p>4 CHAIRMAN: I'm sorry. Good. Thank you very much indeed.</p> <p>5 It's been very helpful. Your evidence is now complete.</p> <p>6 WITNESS: Thank you, Chairman.</p> <p>7 (The witness was released)</p> <p>8 CHAIRMAN: Yes.</p> <p>9 MR KHAW: Mr Chairman, just to update the Commission, our</p> <p>10 next witness, as I have discussed with Mr Pennicott,</p> <p>11 will be the Secretary for Transport and Housing, so he</p> <p>12 will be available first thing Monday morning.</p> <p>13 CHAIRMAN: Good. Thank you very much. Thank you.</p> <p>14 MR PENNICOTT: Yes, that is right sir. I will need to</p> <p>15 discuss with Mr Khaw where we go after that. I assume</p> <p>16 that Mr Ralph Li, who was going to be the second witness</p> <p>17 today if we had got there, will presumably come after</p> <p>18 the secretary?</p> <p>19 MR KHAW: Yes, then followed by Mr Leung.</p> <p>20 MR PENNICOTT: Yes, that's right. We have Mr Lim from BOSA</p> <p>21 coming to us on Monday afternoon. We may have to take</p> <p>22 a view later on Monday morning as to how we deal with</p> <p>23 the government witnesses, because we would quite like to</p> <p>24 call Mr Lim on Monday afternoon, if we can, and</p> <p>25 of course don't forget we will be stopping at around</p> | <p>1 So, sir, I am very confident that we will finish by</p> <p>2 next Friday and without wishing to be over-optimistic,</p> <p>3 possibly even before the Friday, but perhaps we might be</p> <p>4 able to review that on Monday.</p> <p>5 CHAIRMAN: Of course. We'll see how we go at the end of</p> <p>6 Monday.</p> <p>7 Good. Thank you all very much indeed. Monday</p> <p>8 morning, 10 am.</p> <p>9 MR PENNICOTT: Thank you.</p> <p>10 (5.10 pm)</p> <p>11 (The hearing adjourned until 10.00 am</p> <p>12 on Monday, 17 December 2018)</p> |
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| <p>1 about 3.30 on Monday morning, having a short break, and</p> <p>2 then picking up Mr McCrae from London at 4 o'clock.</p> <p>3 COMMISSIONER HANSFORD: Do we also have Mr Chan Chi Kong</p> <p>4 back in?</p> <p>5 MR PENNICOTT: Tuesday.</p> <p>6 COMMISSIONER HANSFORD: That's Tuesday? Okay.</p> <p>7 CHAIRMAN: On a broader basis, how are we looking for next</p> <p>8 week?</p> <p>9 MR PENNICOTT: Sir, I think we are looking very well.</p> <p>10 Having had the benefit of Mr Chung today, with the</p> <p>11 government witnesses underway, I am confident that on</p> <p>12 Monday we will be able to deal with Mr Chan, hopefully</p> <p>13 Mr Li and Mr Lim -- I'm not convinced we will get to</p> <p>14 Mr Leung but we might -- and then obviously we are going</p> <p>15 to finish Mr McCrae.</p> <p>16 If we manage that by the end of Monday, then on</p> <p>17 Tuesday we will have Mr Chan Chi Kong, as just</p> <p>18 indicated, followed by Mr Kevin Harman from Leighton,</p> <p>19 and then back to the government witnesses. That gives</p> <p>20 us the rest of Tuesday, Wednesday, Thursday and Friday</p> <p>21 to get through the government witnesses, and I think we</p> <p>22 will comfortably accomplish that, given particularly</p> <p>23 that the last three witnesses, as currently indicated,</p> <p>24 will only be examined, and I imagine fairly briefly, by</p> <p>25 Mr Boulding for the MTRC.</p> | <p>1 INDEX</p> <p>2 PAGE</p> <p>3 MR YUENG WAI HUNG, RON (sworn in Punti)1</p> <p>4 Examination-in-chief by MR COLEMAN1</p> <p>5 Examination by MR PENNICOTT15</p> <p>6 Cross-examination by MR BOULDING61</p> <p>7 Cross-examination by MR KHAW87</p> <p>8 Re-examination by MR COLEMAN93</p> <p>9 (The witness was released)99</p> <p>10 MR CHUNG KUM WAH, DANIEL (sworn in Punti)102</p> <p>11 Examination-in-chief by MR KHAW102</p> <p>12 Examination by MR PENNICOTT104</p> <p>13 Questioning by THE COMMISSIONERS129</p> <p>14 (The witness was released)133</p> |