Friday, 14 December 2018

(10.02 am)

MR COLEMAN: Chairman and Professor, good morning.

CHAIRMAN: Yes.

MR COLEMAN: I see Mr Yueng is standing by, literally standing by, ready to give evidence this morning, and he's going to give the oath, please.

MR YUENG WAI HUNG, RON (sworn in Punti)

Examination-in-chief by MR COLEMAN

Q. Can you be shown K727, and can you confirm that that is your full name at the top, Yueng Wai Hung?

A. (Nodded head).

Q. And is it correct that you are sometimes called Ron, Ron Yueng?

A. 啱。

Q. Can you then turn to page K742. Is that your signature on this page?

A. 見到。

Q. Subject to some corrigenda which I'm going to deal with in a moment, are the contents of the witness statement true and correct to the best of your information and belief?

A. 係。

Q. And the corrigenda can be found at page 743.1, with the amendments shown in, for lawyers at least, the traditional fashion, being amendments to paragraphs 12,

29.2(4), which goes over the page.

Do you wish to make these changes to your statement?

A. 係。

Q. Together with those changes, do you ask that the content of this statement be part of your evidence before this Commission?

A. 冇錯。

MR COLEMAN: With the Chairman's leave, I have a few points for further examination-in-chief.

CHAIRMAN: Yes, of course.

MR COLEMAN: Thank you.

Mr Yueng, I think you saw the evidence given by Mr Mak yesterday.

A. 冇錯。

Q. And you saw some of the photographs to which he was taken by my learned friend Mr Boulding.

A. 冇錯。

Q. As I understand it, you want to identify some points about those photographs which you think may help the Commission?

A. 冇錯。

Q. Can we start with a photograph at B25647. This is the photograph dated 5 October.

Chairman, you will have seen some of the photos seem to have day/month, others have month/day in order.

CHAIRMAN: Yes, I'm aware of that.

MR COLEMAN: But I think this one is not 10 May, but is 5 October 2015.

Mr Yueng, it shows EM88 through to EH85, if the designation put on the photograph is correct.

What do you want to say about that area of the wall?

A. 响EH85、86、87、88上面，喺我審批嘅紀錄圖則--審批嘅設計裏面，上面應該係一個capping beam嘅，個capping beam個top level應該係同EWL slab個頂係平嘅，所以做個capping beam嘅時候，係需要打咗連續牆先做到個capping beam，而個EWL slab係由個capping beam承托住，跟住傳落個diaphragm wall度。

Q. I wonder if you could be shown page H407, please. This is a letter of 20 August this year, which provides -- if one scrolls down, please, to paragraph numbered (i) in the middle of the page:

"Latest accepted detailed design consultant drawings concerning the diaphragm walls and platform slabs [including of the] East West Line ('EWL') [slab] ..."

Then could you go to page H888, please. Perhaps it can be enlarged little bit so that we can see the numbers at the bottom. So we are concerned with, on this photograph, reading from right to left, EH85, 86, 87 and 88.

Mr Chairman, do you see that?

CHAIRMAN: Yes.

MR COLEMAN: If we go up, straight up -- keep going -- we can see a hatched area drawn on the top of that. What is that, Mr Yueng?

A. 你可以去圖紙嘅右手面嘛？嗰度有個legend。

Q. Yes.

A. 我對番個legend，嗰個係cross-hatched legend ，應該係代表一個capping beam。

Q. So if we go back to that hatched area, cross-hatched.

COMMISSIONER HANSFORD: Sorry, which panels were these again, please?

MR COLEMAN: The panels shown in the photograph 25647, EH85 to 88 inclusive.

COMMISSIONER HANSFORD: Thank you.

MR COLEMAN: Thank you. Can we now have -- I'm going to come back to this file but a different page in a moment.

Can we go back to photograph 25685, please. We can see that that's dated 13 October, there being no 13th month, 2015, and it is described as showing areas EH112, 113 and 114.

Mr Yueng, what do you want to tell us about this photograph?

A. 喺EH113同114呢個D-wall上面其實係有一個air duct嘅，個D-wall個頂部應該係會比平時嘅D-wall頂部較低位置，平時。

Q. I wonder if you could be shown, back where the drawings are, H887, just the page before the one we were looking

at. On the left-hand side, we can see EH112, 113 and 114, reading from right to left, where the Chairman's hand is.

And can we go up, and can you tell us what the drawing shows there, please?

A. 喺螢光幕嗰度左手面有兩個長方形，裏面有一個交叉，喺工程圖紙，呢一個代表一個opening。

Q. And what's the relevance of that as regards the photograph of that area taken on 13 October 2015?

A. 你可以喺嗰兩個長方形下面見到一個level嘅reference，嗰度顯示咗嗰個D-wall其實喺較低位置，即係正1.25就會完咗，所以相對於--比較番個圖片，嗰度部分喺跟個工序，都係要打低。

Q. Can we also see photograph B25605, please. I'm not sure this is one of the photographs that Mr Boulding meant to go to, but he did. This shows, it says, the area around EM72. What do you want to tell me about that photograph, Mr Yueng?

MR PENNICOTT: The date?

MR COLEMAN: Sorry, the date is 14 August.

MR BOULDING: Sir, I just ought to point out that it was a transcriber error, perhaps because I gave the wrong reference, but I didn't intend to go to this photo, and the transcript records that I immediately corrected it and I went to the photo I intended to go to.

MR COLEMAN: Then I'll drop it.

MR BOULDING: So it doesn't seem to me that this re-examination is in point.

MR COLEMAN: This is not re-examination, but anyway I will stop it.

Mr Yueng, can you explain what happens when Pypun goes on a site visit?

A. 我哋同RDO政府官員我哋去進行一個叫做site visit或者我哋叫site walk，每三個月一次，而喺1112，就係每次進行呢個site visit或者site walk就係每莫係一個鐘頭至一個半鐘頭。

覆蓋個範圍除咗紅磡extension呢個連續層板呢個部分之外，其實都包括喺旁邊一個我哋叫做紅磡siding HHS嘅位置，而嗰個HHS嗰個地盤工作面積，個面積好大嘅，等同於而家呢個紅磡extension嘅位置。除咗呢兩個地方，仲有係North Approach Tunnel, South Approach Tunnel，亦都有現有紅磡站嘅modification work，亦都包括喺Northern area嘅一啲ancillary structure。

其實嗰個site walk就會覆蓋整個1112嘅works area。嗰個site walk嘅主要目的其實係讓政府嘅官員佢哋可以有一個general feeling in個progress，我哋喺嗰度從來唔會去睇一啲工程位置睇到咁深入嘅。

Q. You've mentioned government officials. Would they be present on a site visit?

A. 嗰個係site walk或者site visit，佢哋係--我哋會--陪同我哋一齊去做呢個site walk同埋site visit嘅。

Q. Can you be shown, please, at page G7665. I don't know which file it's in but it's the M&V contract.

Can you scroll down to 6.6.4(f).

Mr Yueng, you can see it on the screen, I think. In paragraph (f) it refers to conducting audit and surprise checks to construction sites on aspects of structural safety, integrity of foundation, tunnel, superstructure and et cetera for safety assurance and for compliance with building safety standards, and so on.

Firstly, can I ask you, in respect of the area under contract 1112, did Pypun conduct any surprise checks?

A. 冇。

Q. Why not?

A. 因為突擊檢查其實都要個地盤條件配合嘅，因為個工地好大，我哋唔可以喺工地外面可以去望到裏面，未通知contractor或者係港鐵嘅情況可以望到入面嘅情況。

另外個工地都相當大，個access或者其他安全設施我哋唔係好了解，所以我哋每次去做個audit或者係做一啲叫site witness嘅時候，我哋都係由港鐵公司陪住，帶我哋去到我哋需要做嘢嘅地方。

另外就係其實政府官員或者係屋宇署嗰邊嘅同事，佢哋落去嗰陣時，佢哋都會着住自己部門嘅反光衣或者頭盔嘅，相當容易被識別到出嚟。

Q. What about in respect of any of the other contracts for which Pypun had responsibility under the M&V agreement? Were surprise checks ever conducted on any of the other contracts?

A. 有，有做過。

Q. Now, we've heard in evidence from a number of people

that the use of couplers is very common in Hong Kong. Do you agree with that?

A. 同意，特別係一啲咁大型嘅civil嘅contract。

Q. Why is there a QSP specifically for couplers, if they are so common in Hong Kong?

A. 螺絲帽其實係一啲proprietary product，每一個牌子佢嗰個做個絞牙嘅程序或者係將個螺絲帽配上去個已經絞咗牙嘅鋼筋度，佢哋都會有唔同嘅要求同埋唔同嘅做去，亦都有唔同嘅inspection嘅方法同埋儀器嘅。所以就個QSP係特別係為每一種當承建商或者係MTRC去propose使用嘅時候，都有自己按住嗰隻牌子特定嘅檢測方法同埋安裝方法。

Q. Just by way of an example, we know from the QSP in this case that once the rebar had been screwed into the coupler, there was no torque checking requirement; am I right about that?

A. 係，BOSA呢隻係，唔需要。

Q. What about for other proprietary couplers?

A. 我哋亦都睇過另外一隻牌子嘅coupler，佢喺佢哋嘅QSP裏面都訂明咗當個coupler扭咗--當個已經絞咗牙嘅rebar扭咗入個coupler嘅時候，亦都係要有個wrench同埋要有個torque gauge去證實嗰個有足夠嘅扭力扭咗入去。

Q. Can you please be shown, in G9, page 7658, and at the bottom of the page, clause 6.1.7, dealing with the main roles of the consultants.

MR SO: Sir, I do apologise. As per the transcript, page 10, line 3, I wonder if it is a winch or it is a wrench.

A. Wrench.

MR COLEMAN: Perhaps, Mr Yueng, you can tell us the English word.

A. Wrench.

MR COLEMAN: Thank you. I'm grateful to Mr So.

This is at 6.1.7 in the M&V agreement which identifies the main roles of the consultants. I want to look at the last sentence:

"Hence, the Consultants shall be proactive" -- and of course the sentence doesn't end there; we need to go over the page -- "working closely with the Director's Representative and the MTRCL and timely adjust its work plan to suit the progress and programme of the SCL works."

Are you able to give one or two examples of the way in which you say Pypun was proactive, working closely with the director's representative and the MTRC?

A. 可以，我哋個M&V最主要有兩部分，M&V嗰邊其實我哋有一次喺PCG嘅會議裏面，雖然我哋唔係負責呢個地方，我哋喺個cost audit嗰陣時，我哋發現到有部分contract嘅顧問公司同時服務港鐵公司同埋個承建商，引起我哋嘅關注，我哋喺15年12月嘅會議度，我哋將呢樣嘢匯報咗畀RDO。RDO亦都要我哋做跟進。

喺之後，我哋去到港鐵公司查詢佢哋呢個安排，亦都睇過佢哋嘅PIMS，亦都見到佢哋可以出示到話佢哋同意呢個做法，亦都係見到喺個同意嘅信裏面講出就要求係需要有兩team人separate team去做呢個唔同--由服務

港鐵公司同埋服務顧問公司，需要有兩team唔同嘅人做，佢哋都出示咗係有兩個organisation chart，而我哋嘅同事去睇嗰陣時亦都發現呢兩個organisation chart裏面係冇疊量嘅。我哋將呢樣嘢喺16年1月就報告番畀--透過PCG meeting報告番畀RDO。

至於係BSRC team，我哋嗰邊嘅工作，其實我哋亦都係經常性同港鐵公司安排一啲我哋叫做working section，係去仔細咁樣討論嗰啲design submission，即係啲設計裏面我哋有咩嘢comment，亦都鼓勵佢哋儘快去address嗰啲comment，可以令到呢個項目就可以順利進行。

Q. Just in relation to the first point you mentioned, which consultant was concerned?

A. 當中有幾個合約都係咁，我哋去睇過嗰個文件同埋嗰個organisation chart嘅，係1112係有關Atkins嘅。

Q. Perhaps if we can go to G7166, also in G9.

CHAIRMAN: I'm sorry to interrupt -- are you saying that one of the duties you fulfilled was checking to see whether, within Atkins, with their team A and team B, that there was in fact a conflict of interest and you decided and advised that there was no conflict?

A. 其實我哋發現呢樣嘢係做cost audit嗰陣時發現嘅，我哋cost auditor就見到有啲咁嘅情況，就擔心喺做payment嗰陣時會有double pay咗某一啲party，我哋去follow up嘅就係我哋去睇番港鐵公司嘅PIMS，係一個procurement嘅PIMS，同埋睇番港鐵公司批准去同一個顧問公司去serve港鐵公司，同時亦serve contractor呢個嘅--即係一個叫做acceptance letter，我哋睇咗裏面當中嘅接受條款，而當中係要求佢哋兩個--需要兩個

team嘅。

MR COLEMAN: Perhaps I can deal with it in this way. If we look at 7166, we can see from the top of the page that this is the notes of the 38th meeting of the PSC held on 30 December 2015.

If we go on to page 7169, in helpfully the only paragraph on that page that's not redacted, there's a reference to something being stated by Mr Vincent Chan.

Who is Mr Vincent Chan?

A. Vincent Chan係我哋cost audit嗰啲人。

Q. In fact, if we go back to 7166, we can see he's described as being present for the M&V consultant, Pypun, as deputy project manager-financial.

Then back to 7169, what Mr Chan stated was:

"... that some of MTRCL's design consultants had also been appointed by some contractors as their designer for alternative works under the same contract, for example contracts 1106, 1112, 1114 and 1123. It appears there might be a conflict of interest. MTRCL was requested to review their procedures to ensure that adequate firewall was in place. Pypun would review the responses provided by MTRC and advise the finding in the next meeting."

As I understand the answer you gave to the Chairman's question, Pypun did review the responses and

reported back that there did not appear to be a conflict, or at least not one that was not protected by different teams and walls?

A. 陳先生話畀我聽喺港鐵公司嘅management system裏面係並冇反對同一個顧問公司喺同一張合約同時去serve MTRC同埋個contractor嘅。所以我哋都追查嗰個acceptance letter，亦都睇到佢個acceptance letter裏面嘅條款，亦都追查咗佢哋提供嘅organisation chart，裏面team A、team B係冇人重複嘅，所以我哋就喺下一個會，即係2016年1月嘅會，我哋將呢樣嘢報告番畀RDO。

Q. Now can you be shown your witness statement, please, at page K740. On that page, at paragraph 45, you are referring to a supplementary engagement, so an engagement on top of the M&V agreement, where you were asked to undertaken a check of the records in June, July and September 2018, and you exhibited or annexed to your witness statement five draft reports issued for RDO comments.

In paragraph 46 you refer to awaiting RDO's comments on the draft report issued on about 27 September. We know your witness statement was made on 13 November and, as we were told yesterday, the final report by you has I think now been produced this week.

Can we see G18, please, 13414. This is a document title page. Do we see your signature there under your name, "Ron Yueng"?

A. 見到。

Q. Against the date of 12 December this year, that was Wednesday this week?

A. 冇錯。

Q. Can we go to the next page, please. This shows the issue dates and the final report dated 11 December 2018, and you as one of the authors?

A. 冇錯。

MR COLEMAN: I'm not going to ask you any questions about that; I'll leave that to Mr Pennicott.

Sir, those are the only additional matters I wanted to deal with in-chief.

CHAIRMAN: Thank you.

MR COLEMAN: Mr Yueng, I think Mr Pennicott will have some questions for you now, and after him maybe some of the other counsel will have some questions. I may come back with a few questions at the end, and of course the Chairman and the professor can ask you questions at any time, and you will try to help us all as much as you can. Thank you.

Examination by MR PENNICOTT

MR PENNICOTT: Good morning, Mr Yueng. As Mr Coleman has indicated, I'm one of the counsel to the Commission. My name is Ian Pennicott. I have a few questions for you. First of all, thank you very much for coming along to give evidence to the Commission this morning.

Mr Yueng, you were, as I understand it, the team leader of the BSRC of Pypun?

A. 冇錯。

Q. Am I right in thinking that you've been team leader throughout the provision of services by Pypun to the government, stretching back to 2012 up to today?

A. 冇錯。

Q. I understand from paragraph 4 of your witness statement that you have specific responsibility for contract 1112?

A. 冇錯。

Q. Can I just, slightly out of order but just in case I lose the point -- you gave some evidence a moment ago, when Mr Coleman was asking you some questions, about Atkins, the consultants, and their dual role in acting for MTRC and for the contractors, Leighton.

A. 冇錯。

Q. We were referred to some minutes of a meeting that took place in December 2015; do you remember that?

A. 記得。

Q. Can you recall now what the circumstances were in which, as I understand it, you gave this as an example of you, Pypun, being proactive -- how you picked this point up?

A. 其實並唔係我發現嘅，因為--我正話咁講，剛才嗰個有可能嘅conflict of interest其實係我哋cost audit嘅team leader Mr Vincent Chan佢喺做cost audit佢哋嗰陣時係見到一啲咁嘅情況，所以向RDO提出。

Q. Okay. It's just that certainly so far as contract 1112 is concerned, the arrangements between MTRC and Atkins had been in place since about 2010, and the arrangements between MTRC and Leighton had been in place since April 2013, and I just wondered how it came to be that this was being picked up in 2015, late 2015 by the sounds of it or by the looks of it.

A. 呢個我唔清楚。

Q. Okay. Thank you very much.

Just on that, I think you said to Mr Coleman a report was produced and you indicated the conclusion of that report was that there was no identifiable conflict of interest.

A. 係我哋Mr Vincent Chan去審閱嗰啲文件，係佢嘅結論，然後喺會上報告番畀RDO聽。

Q. All right. And was some form of report prepared, an audit report, and given to RDO?

A. 呢個我唔清楚，因為陳生話畀我聽佢哋喺個會議度報告咗。

Q. I see. So it may have just been reported back during the course of the meetings as opposed to any formal written report having been prepared and submitted to RDO?

A. 可能會有咁嘅情況，因為我都將嗰件事擺咗落去個minute。

Q. Okay.

Sir, I am not aware of having seen any such report.

I don't know whether it has been disclosed by government. It may well have been, but it's not passed me yet, but there it is. I will leave it to others to assist if they are able.

CHAIRMAN: Sorry, can I just interrupt at this stage, because I may have missed the points of the photographs that were shown.

You were shown certain photographs at the very beginning of your evidence this morning, and you pointed out certain technical aspects in respect of those photographs, and you referred, in doing so, to certain plans. What was the purpose of that?

A. 因為琴日我嘅同事Mr Mak係被問及呢幾張相，我都想自己翻查下啲相，同埋比較下我自己手頭上嘅紀錄。

CHAIRMAN: All right. So a couple of things would emerge from that; I may be wrong. Number one, either you or somebody in your organisation had seen that work taking place, on inspections; would that be right?

A. 主席，唔啱，因為我哋唔係負責site supervision嘅，我哋嘅M&V agreement已經寫得好清楚。剛才嗰啲相就好明顯係要做site supervision先可以拍攝到，同埋你可以留意到啲相係喺好近嘅地方影，同埋要喺workfront嗰度先影到。

CHAIRMAN: All right. So, if you didn't take the photographs, if you didn't see the work, are you saying that the photographs, as they stand, when read in

conjunction with the plans, show entirely proper works being carried out in accordance with the design?

A. 我唔係咁嘅意思。

CHAIRMAN: Okay.

A. 喺嗰個相片上面其實都有好多其他附加嘅內容喺度。

CHAIRMAN: All right. I will leave this to you.

MR PENNICOTT: I was going to ask a couple of questions, but let's do it now.

CHAIRMAN: Yes.

MR PENNICOTT: Mr Yueng, I thought the point that you were making was that one saw some demolition or reduction in height of the diaphragm wall, in the particular areas that you were shown on those two photographs, and the point that you were making was that there was a good reason for that taking place, namely the capping beam in relation to one photograph and the air duct in relation to the other photograph. So this wasn't an example of sort of general demolition of the diaphragm wall, but demolition or reduction in height for a specific purpose.

Is that what you were trying to convey to us, Mr Yueng?

A. 冇錯，我都想指出有部分嘅位置，capping beam同埋係air duct嘅位置，其實個連續牆個頂係按個工序係需要打咗佢，先可以做到個capping beam同埋嗰個air duct嘅。喺個設計裏面，個air duct嘅底部其實就係個連續

牆嘅頂嚟嘅。

COMMISSIONER HANSFORD: Can I ask a question on this one, Mr Yueng. It seems to me what you were answering, or the answer you gave, if I understood it, was along the lines that if you had seen that work in operation, which indeed you didn't see that work in operation, but had you seen that work in operation, you would have found it to be in line with the drawings. Is that what you were answering?

A. 如果我係有見到呢個工程進行緊，我會對番圖紙，因為我琴日睇完啲相，我都係要對番圖紙，我先睇到。對番圖紙，喺嗰個部分，其實嗰兩張相顯示嘅地方係的而且確係有需要打咗部分嘅連續牆，先可以做到個capping beam，因為個capping beam嘅闊度同個連續牆一樣，而個高度亦都同個slab一樣，所以一定係嵌埋一個D-wall嗰度。

COMMISSIONER HANSFORD: I understand that, Mr Yueng, but I also think I understand that you didn't actually see that; is that correct? You didn't actually see that work in progress; is that correct?

A. 我冇睇到。

COMMISSIONER HANSFORD: Okay. Thank you.

MR PENNICOTT: Mr Yueng, can I ask you this question. From the period between, let's say, March 2013 and May of this year -- so a period of just over five years -- how many times did you in fact visit the contract 1112 site?

A. 我同埋我哋嘅BSRC成員，有時我有份出席，有時冇，一共應該超過八十次去

過1112做site inspection、site audit同埋site witness。

Q. Right. Could we look at, please, the document at H10/4791.

Do you have that, Mr Yueng?

A. 搵到，唔該。

Q. This is an exhibit to or an annex to one of the government witness statements, and it's a matter or a document that you refer to in paragraph 31 of your witness statement, and which -- you say this document we are looking at is consistent with the BSRC team records.

A. 係，冇錯。

Q. Just so I understand the document and what you are saying about it, we can see the very first item is in July 2013, and one sees that there's a "Site inspection (checking monitoring for D-wall construction at HHS)", and one sees the description and also sees the type of inspection on this one is a site inspection, "Attended by" -- now, you see on the right-hand column; do you see that? The names in the right-hand column, are they Pypun personnel names, Mr Yueng?

A. 冇錯，除咗我哋運基嘅同事之外，亦都會有當刻同我哋一齊去出席呢啲site inspection、site audit、site witness嘅政府官員或者其他其他人士。

Q. Yes, but this, as I understand it, purports to be a comprehensive list of site inspection, site audits and site witness events that took place, and as I say

I don't want to go into beyond May of this year, because we know that there are special circumstances in which various visits have taken place in the last few months. And so if we just take it up to April of this year, which is on page 4795 -- and I may be misunderstanding the document, Mr Yueng, but you tell me. You say it accords with your records. I don't see your name appearing as having visited until a general site inspection -- sorry, there's one inspecting an excavation which we are going to come to a bit later, on 21 January 2014; do you see that, item 7, 4791?

A. 睇到。

Q. Then -- I'm trying to look as carefully as I can -- there's a "Site inspection (general)" on 29 November 2016 on page 4794.

A. 對唔住，item幾多？

Q. Sorry, item 53.

A. 係，見到。

Q. Then there's a site inspection on 27 March this year and 18 April this year?

A. 見到。

Q. And the one on the 27th, certainly, of March this year is described as the "Site inspection with MTR at the stitch joints of EWL trough and NSL tunnel (remedial works in progress)", and I think that was something we

heard about from Mr Mak yesterday as well.

So apart from -- leaving aside 2018, we appear to have identified just two inspections that you personally made over that period.

A. 係，我personally係，冇錯。

Q. So the rest of the inspections would have been made by your colleagues?

A. 冇錯，係我同事做嘅。

Q. All right. Now, can I ask you, please, to look at paragraphs 8 to 12 of your witness statement. So we are back at K1/728. You are dealing in those paragraphs with the general criteria for the assessments that the BSRC team have carried out, the general criteria; is that right?

A. 冇錯。

Q. Right. Then you refer us, in paragraph 13 and onwards, to annex 3, which is the detailed M&V consultant's review and assessment procedure, which was a deliverable under paragraph 6.6.2 of the brief, which we looked at with Mr Mak yesterday and we don't need to go to. I will come to some aspects of that in a moment, because you actually set them out in your witness statement and we don't need to therefore go to the document itself.

But could I ask you, however, to go, in that context, to paragraph 21 of your witness statement, where you say, by reference to section 7.3 of the review

and assessment procedure, the BSRC team was involved in the assessment of the "fundamental and structural and geotechnical aspects, rather than detailed design or actual construction details, on the following", and then you list those items out; do you see that, Mr Mak?

A. 見到。

Q. And, as I understand it, that is, as it were, a document exercise, based upon the submissions that are made to the BD by the various contractors on the various contracts?

A. 對唔住，可唔可以重複問題？

Q. Certainly. The assessment that you are talking about that, that is the assessment into the fundamental and structural and geotechnical aspects of the items listed, is an exercise that you do on paper, by reference to the various submissions that you receive from the contractors concerned?

A. 呢部分工種就係我哋去審閱設計同埋去撰寫文件。

Q. Right. Would I be right in thinking that the exercise does not involve you receiving a particular submission, no doubt via BD -- it may be copied directly to you -- you don't then think to yourselves in any particular submission, "We'd better go to the site and check this out"? It really is a paper exercise; if you have any issues, you raise them by way of queries, written queries?

A. 冇錯。

Q. All right. Then, so far as paragraph 24 of your witness statement is concerned, again you set out there certain items that are set out in the assessment document, and there at paragraph 24 you say:

"As regards the structural engineering sub-team of the BSRC team, section 8.1 [of the assessment document] sets out the wide-ranging types of documents to be checked".

And we have there, in the third bullet point, "Site supervision plans"; do you see that, Mr Yueng?

A. 見到。

Q. If we then go down to paragraph 25, you say:

"The plans, reports and proposals to be checked include:

-- Site supervision plans", which are reviewed against the background of the Code of Practice for Site Supervision 2009 and the Technical Memorandum of the same year. Then you say:

"Special attention will be paid to the nominated TCPs' qualifications and their relevant experience ..."

When you are looking at site supervision plans, Mr Yueng, do you also give consideration to the records that are required to be kept by those site supervision plans to see whether they comply with the Code of Practice?

A. 個site supervision plan係一個計劃，當中並冇包含個紀錄嘅，因為我呈交呢個時候應該邏輯上係個supervision未開始，係唔應該有個紀錄喺裏面，我哋係審查個plan，唔係個紀錄，因為冇紀錄喺度。

Q. I appreciate there aren't any records, there are not any records created, but do you look at the site supervision plan to see what it requires by way of records to be kept by the people doing the supervision?

A. 有，有考慮。

Q. Right. And we know that in this particular contract that we're concerned with -- that's 1112 -- you did vet both the site supervision plan and the quality supervision plan, the QSP; that's right, isn't it?

A. 冇錯。

Q. Once you have done that vetting and you are satisfied with the contents -- let's focus on the quality supervision plan, the QSP -- am I right in thinking that you would not follow up the QSP in the sense that you would monitor whether its requirements were being complied with?

A. 冇錯。

Q. Nonetheless, would it have been open to you to suggest to RDO or BD that the quality supervision plan on contract 1112 ought to be audited to see whether it was being complied with?

A. 冇錯。

Q. So you could have done, had you thought it appropriate; you could have recommended an audit on compliance with the QSP?

A. 我哋唔會本身自己會去提出一個審核，個審核係會由屋宇署提出，我哋--應該係BO team提出，我哋會協助佢哋去做呢樣嘢。

Q. Okay. So you wouldn't take the initiative, be proactive, in suggesting such an audit; you would only do that sort of audit if required or requested to do so by the BO team or the BD?

A. 冇錯。

Q. Okay. Could I ask you, please, to go to paragraph 27 of your witness statement, where you say at the bottom of page K1/732:

"Section 8.3.2 of the review and assessment procedure details the aspects of site monitoring, audits and inspections. The following aspects are included for each of the three".

Then "Site monitoring", and can I ask you to look at the fifth item down, the "Use of defective materials"; do you see that?

A. 見到。

Q. How would you go about auditing -- sorry, this is monitoring, site monitoring? How would you go about monitoring that item, the use of defective materials; how would you implement it?

A. 如果屋宇署提出要我哋一齊去做一個site monitoring或者site audit，呢啲審核嘅內容我哋羅列咗喺度其實就喺PNAP ADM-13同埋18嗰度刊載咗。

回應番你個問題，嗰個點樣去睇番嗰個defective material，其實我哋會做audit嗰陣時或者site monitoring嗰陣時，我哋會審查好多文件嘅，其中嘅文件會包括係嗰啲材料嘅證書、材料嘅測試報告，透過呢個文件，我哋會可以睇到呢度有冇一啲defective work。同埋睇下佢哋有冇係喺個site supervision plan裏面form B裏面刊載過有乜嘢non-compliance work。

Q. Yes. Again, at the beginning of that answer, you again refer to "If the BD asked us to ..."

Is it the situation that the use of defective materials and an audit or -- monitoring or audit or inspection of that aspect of the assessment document would only happen on the request of the BD?

A. 係，冇錯。

Q. Okay.

CHAIRMAN: Were you then very much an agent of the Buildings Department?

A. 唔係，我哋係協助佢哋，我哋係一個輔助角色。

MR PENNICOTT: It may be that this would be an appropriate time just to clarify the set-up. We will certainly do this with the government witnesses when we get to them. But as I understand it, Mr Yueng -- and perhaps you can help us with this -- what happened is this, that under the Highways Department there is the RDO, the Railway

Development Office.

A. 冇錯。

Q. A number of -- in fact four people, two structural engineers, two surveyors, were seconded from BD to the RDO, to form what is called the BO team.

A. 冇錯。

Q. Pypun was in effect assisting that BO team for the purposes of the SCL project; is that right?

A. 冇錯。

Q. So it was a particular set-up for the SCL project, but, so far as you were concerned, you were assisting that BO team, which was made up of certain people from the RDO office and other people from BD that had been seconded; that's really what it comes to?

A. 冇錯。

Q. If you could go, please, to paragraph 29.2 of your witness statement at K1/734. You have a heading "Site inspection" there, and at subparagraph (4) you say:

"the BSRC will then prepare a site inspection report in the form/template provided by the BO team. Annex 7 hereto is the form/template provided by the BO team."

You then say this:

"In respect of contract 1112, the BSRC team carried out one site inspection, on 21 January 2014 of trial excavation for diaphragm walls ..."

Do you see that, Mr Yueng?

A. 見到。

Q. And I might be right in thinking, if we go back to that list that we were looking at earlier, that is an inspection that you attended personally?

A. 我可唔可以睇番一次？唔該。

Q. Yes, of course. I can tell you you are listed on that day, on 21 January.

A. 我記得邊次。

Q. Okay. And consistent presumably with your other evidence, that would have been a site inspection, looking at the excavation for one of the diaphragm wall panels, instigated by BD or the BO team?

A. 冇錯。

Q. If you look under into the next paragraph of your witness statement, under the heading "Site audit" -- in the same week, right at the end of paragraph 29.3 on page K735, you say:

"The BSRC team jointly with the BO team carried out two audits on couplers on 22 and 24 January 2014 as regards the threading process carried out in the fabrication yard of contract 1112 site ..."

Do you see that, Mr Yueng? Just pausing there for the moment.

A. 見到。

Q. You are not recorded, in our list, as having attended that audit. It was done by others. But presumably you came to know of it, or you knew about it?

A. 冇錯。

Q. And the threading process presumably would have been looking at the BOSA threading process, since they were the ones that were threading the rebar?

A. 冇錯。

Q. Then also it says -- you go on in your paragraph to say:

"... and also to witness the sampling, assembling and testing of couplers."

Now, would that have been -- if you know, would that have been a documents exercise, "witness the sampling, assembling and testing of couplers" -- you'd have looked at all the documents that existed, or would that have been a physical demonstration of assembling and testing of couplers, or assembling of couplers at least?

A. 呢個係喺現場有工人示範，亦都係按住--有一個physical嘅嘢我哋係喺地盤見到。.

Q. And the inspection report with photographs is in bundle H10 at 4797.

I think we can see from the report itself and the various documents that are attached, a whole series of photographs and other materials, that this was all carried out in the fabrication yard itself?

A. 冇錯。

Q. And this was the only audit of this type that took place in relation to contract 1112? This was the one and only audit?

A. 冇錯，仲有一次。

Q. Right. What was the other one?

A. 應該係喺個page 4795個item 64。

Q. Right. You think -- item 64, the site inspection on 18 April 2018; is that right?

A. 係，冇錯。

Q. You think we may find a report -- sorry, carry on.

A. 嗰度係應該有個報告，我哋做完個報告，交咗畀屋宇署。嗰日嘅site audit係我哋喺做咗一啲玻璃欄河嗰啲glass balustrades嘅site audit。

Q. Okay. Just going back to paragraph 29.3 for a moment, of your witness statement, and the audit that was carried out in January 2014, do you see subparagraph (2), that's 29.3(2). There you say:

"the audit work is to verify that the site supervision plan and the respective duties of MTR and Leighton thereunder are implemented on site by way of spot-checking of supervision checklists/records maintained on site ..."

Did you fulfil that part of the audit? Did you spot-check checklists and records at that time?

A. 檢查喺SSP下面嘅supervision record係site audit要做嘅checklist

其中一個部分嚟嘅，我哋會睇番嗰個supervision嗰個工種究竟有乜嘢嘅TCP會需要巡查，我哋會睇番個record。亦都會係問要--有機會會見到嗰個TSP嘅，尤其有啲TSP係要full-time嘅話，到時我哋--當時我哋會問番佢譬如畀個工作證我哋睇下，係咪佢當人--本人嘅。

Q. "TCP"?

A. "TCP".

Q. Understood. Thank you. Indeed, I noticed, Mr Yueng, in your report, there's a photograph at page H10/4808 of the files, and I imagine that's indicative of the point that you've just made, that you would look at documents that were made available to you. That's presumably the reason for the photograph?

A. 冇錯。

COMMISSIONER HANSFORD: Sorry, are these your files or are these the files you looked at in the audit? Are these Pypun files or are they files that you audited?

A. 呢啲唔係運基嘅文件，呢啲係喺地盤保存嘅文件。

COMMISSIONER HANSFORD: Okay. Thank you.

MR PENNICOTT: That's what I'd inferred. Thank you very much.

COMMISSIONER HANSFORD: I wasn't quite clear.

MR PENNICOTT: Yes, sorry.

COMMISSIONER HANSFORD: Do we know what these files contain?

A. 我哋清楚嘅，因為我哋當日同事去做個audit，其實係喺個絞牙嘅地方嘅，喺個QSP裏面亦都講咗絞牙個工序點樣去測試，亦都係點樣記錄嘅。嗰啲

file裏面就裝咗嗰啲絞牙嗰啲紀錄，因為絞牙都需要有人去做supervision。

COMMISSIONER HANSFORD: They would be rather interesting files, I would think, for this Commission, but there we are.

MR PENNICOTT: All right. Could I change tack somewhat, Mr Yueng. Could I ask you to be shown, please, B10/7236.

In that case, we will go somewhere more reliable. C17/11952.

This is a letter, Mr Yueng, of 29 July 2015 from the MTR to the Buildings Department; do you see that?

A. 睇到。

Q. And it's enclosing a number of documents, including a design report, which I'll take you to in a moment, a design report we have looked at with a number of witnesses.

If we could go down to the bottom of the page, please, we see this report, the A1 drawings and the certificate, that is, was copied to Pypun; do you see that?

A. 冇錯。

Q. Then if we could please go on a couple of pages. Keep going, please. Keep going. Keep going. Keep going. I can't find the report.

MR BOULDING: Try B8984.

MR PENNICOTT: Yes, that's it. That's the front sheet of the report that was attached to the letter I've just shown you, Mr Yueng.

We see the front sheet. Let's look at the next page, just to see whether -- do you see that? It's a deliverable number TWD-004B3, and then another page, please, just to -- there we see details of its various iterations, up to the fifth issue. Having just shown you those few pages, Mr Yueng, do you have any recollection of you personally seeing this document, Pypun seeing this document, back in July 2015?

A. 有見過。

Q. Did you personally give it some consideration?

A. 有，我有閱讀過，因為1112係我負責範圍。

Q. Right. Can I ask you, please, to go to paragraph 6.2 in the document. That's B9034.

These are paragraphs and sentences that we have looked at a number of times with different witnesses and probably you won't be the last. Do you see there the heading, "Construction sequence", Mr Yueng?

A. 見到。

Q. Then, helpfully, it's the highlighted bit that we're concerned with. It says:

"The top of diaphragm wall panel will be trimmed to the lowest level of top rebar for the EWL slab (minimum

420 millimetres below the top level of the EWL slab).

The top rebar of EWL slab at the D-wall panel will then fix to the top rebar of OTE slab to achieve full tension laps.

The EWL slab and OTE slab will be casted concurrently with temporary openings around the existing columns and pile caps."

Do you have any specific recollection of reading about this construction sequence, Mr Yueng?

A. 有。

Q. Do you remember reading the first one, "The top of diaphragm wall will be trimmed to the lowest level of top rebar"; do you remember that?

A. 我冇印象，我都係近排因為呢個調查委員會再見番呢個文件，因為我哋審批嘅時候，我哋會係審批圖紙，並唔係審批個report，喺report裏面寫嘅嘢如果佢哋想propose喺個工程裏面，佢哋必須要喺個圖紙嗰度反映出嚟。

Q. Did you, Pypun, comment on this report when it was received back in July 2015, do you recall?

A. 有嘅，有畀評論佢哋嘅，但係並唔係按住呢頁紙裏面三點評論，因為呢個design report最主要係愛嚟去substantiate佢哋嗰個strutting design嘅，因為其實個信件初頭喺後面附帶著兩個certificate嘅，一個係CP certificate同埋一個係RGE certificate，嗰度裏面係好清楚寫明今次嘅submission所propose嘅work同埋所要做嘅範圍，嗰個係一啲strutting work嚟嘅。

Q. Yes. I understand from a previous page that you were

focusing on that aspect of it, the strutting, in respect of which there was a certificate from the registered geotechnical engineer?

A. 冇錯，因為喺呢個圖紙顯示嘅工作同土力有關係。

Q. Right, and that was the area of your focus?

A. 土力並唔係，土力嘅範圍喺土力工程署有畀support BO team。

Q. But when you were looking at this report, were you looking at it generally, looking at any particular aspects of it; do you recall?

A. 一般我哋審批呢一類圖則嗰陣時，係可以話ELS嘅圖則，我哋會係了解咗--喺個design report裏面了解咗佢哋嗰個設計理念、design assumption、design synopsis同埋有一啲設計嘅design parameters，我哋會了解咗佢哋想做啲乜嘢，我哋會去圖紙睇下喺個design report裏面想做嘅嘢或者佢哋想話畀大家知佢哋想做嘅嘢喺圖紙裏面有冇反映番出嚟。當然個construction sequence亦都係一部分，因為呢個都係喺個ELS裏面係最重要嘅一部分。

Q. But if you had seen the words, and focused on the words, "The top of diaphragm wall panel will be trimmed to the lowest level", you would not have found any drawings which showed that.

A. Will you please repeat the question?

Q. Yes. I understand your last answer, but if you're reading of that sentence, "The top of diaphragm wall panel will be trimmed to the lowest level of top rebar for the EWL slab (minimum 420 millimetres below the top

level of EWL slab)" -- if you had read that, would you then have said to yourself: is there a drawing that shows this, is there a drawing that supports that statement?

A. 我唔係好記得，因為圖則比較多啲。

Q. All right. But anyway your evidence is, Mr Yueng, you did receive this report, you read it, you reported on it, but to the best of your recollection you did not comment upon the three sentences that we've been looking at in particular?

A. 我記得喺屋宇署回覆呢一個臨時工程設計嘅信件裏面，喺appendix I裏面係講咗有一啲permanent work嘅change係包咗喺呢一份temporary work design裏面，而屋宇署亦都係將--有一句comment，就係話呢一啲permanent work design嘅details係喺呢啲臨時嘅工程嘅圖紙裏面，為免避免ambiguity，呢啲permanent work嘅details就只係當作for information only。而亦都提醒咗MTRC係需要响個permanent work嘅design submission裏面反映番呢啲佢哋想做嘅construction detail喺個permanent work design嗰度。

Q. You're entirely right, Mr Yueng. Good. There is a revision in appendix I to that letter to that effect.

All right. Let's put that away.

Could I then ask you a few questions about the recent report that Mr Coleman introduced earlier. We can find it at G18.

CHAIRMAN: Is this an opportune moment?

MR PENNICOTT: Sorry, sir, I have no idea what the time is. That's fine. Yes, indeed.

CHAIRMAN: All right.

MR COLEMAN: The witness has already been reminded that he cannot discuss his evidence during any break in his evidence.

CHAIRMAN: Good. Thank you very much indeed. 15 minutes.

(11.35 am)

(A short adjournment)

(11.54 am)

MR PENNICOTT: Mr Yueng, with my apologies, can you just put G18 on one side for the moment. I just want to ask you a couple more questions about the report of 24 January 2014 that we touched on earlier. It's in H10, starting at 4797.

If you could look in particular at the next page, 4798, we see there it says, "Site inspection form for mechanical couplers for steel reinforcing bars -- quality control and testing audit".

Then there are a series of items, first of all under "Documentations", and then secondly under "Sampling procedures". Then if we could, under that heading, go over the page, please. Do you see item (5) on page 4799? It says:

"Are quality control procedures (eg go/no-go rings [whatever that might mean]) implemented on site?"

And the box "Yes" is ticked.

Given the nature of the audit that was carried out, how are you able to form a view whether the quality control procedures had been implemented or were being implemented on site?

A. 我哋去審--做site audit嗰陣時，我哋係去睇嗰個threading yard，而喺QSP裏面亦都講咗--或者係一個叫做QAS嘅document，講咗嗰個threading做完之後，會有個go/no-go ring去睇下嗰啲牙係咪做得好嘅。

Q. I understand that answer in the context of you're in the threading yard, but -- I'm just reading the words, and perhaps you put a different interpretation on them:

"Are quality control procedures ... implemented on site?"

As I understand it, there was no question in relation to this particular audit of the auditors visiting anywhere else other than the fabrication yard. So I don't -- unless "on site" means the fabrication yard; perhaps it does, I don't know -- I don't understand how you could tick the box if the site means the site at which the diaphragm walls are being installed.

A. 個紮鐵工場其實係喺1112個地盤裏面嘅，係喺個HHS嘅範圍裏面嘅，以為嘅紅磡thread yard 。

Q. But I am right, in any event, from your answers earlier, this audit was limited to the fabrication yard itself?

A. 冇錯。

COMMISSIONER HANSFORD: And, Mr Yueng, what is a "go/no-go ring"?

A. Professor，你可以掩後少少。

COMMISSIONER HANSFORD: Could someone do that for me? Which page?

A. Page H4805. There's a photo 11.

COMMISSIONER HANSFORD: Right. What are we seeing in this photograph, Mr Yueng? What are you pointing out to us?

A. 喺嗰個threading做完之後，係需要用呢個go/no-go ring去扭入一個已經啱啱thread好--做咗螺絲牙嘅部分，如果係好順暢咁扭咗入去，即係係代嗰個threading係做得妥當嘅，呢個snapshot就睇唔到一個扭入去嗰個動作。

COMMISSIONER HANSFORD: But I think I understand what you are telling me, Mr Yueng. So being held in those gloved hands there is the ring, and it's used as a check, a test on the thread, is that what you are telling us, and the check is that it works -- that it can be screwed onto the thread or it cannot be screwed onto the thread, so it's a go or no-go; is that the principle?

A. 冇錯。

COMMISSIONER HANSFORD: Now I understand. Thank you.

MR PENNICOTT: Thank you, sir.

Sir, you may recall, or you may not -- we have a Mr Lim from BOSA giving evidence next week, and it may

be -- we will give some thought to this over the weekend -- we might be able to show him some of these photographs and get him to explain in a bit more detail, if we need it, these procedures.

COMMISSIONER HANSFORD: Good.

MR PENNICOTT: It's literally just occurred to me that we might be able to do that.

COMMISSIONER HANSFORD: It's just that I don't think we'd come across a go/no-go ring until now, or I certainly hadn't.

MR PENNICOTT: No. Self-evidently from the question I asked just now, I hadn't either.

MR COLEMAN: I think sometimes they call it a doughnut.

COMMISSIONER HANSFORD: The doughnut. Okay.

MR PENNICOTT: Let's put that away, and can we then go to G18, please, page 13414.

Mr Yueng, just to try to set the scene, what happened back in late May/early June when the various media reports came to pass and led to ultimately the setting up of this Inquiry, you, Pypun that is, were requested by government to inspect certain of the MTR's records.

A. 冇錯。

Q. In particular, obviously, with a focus on the EWL slab and the diaphragm walls, the couplers and the rebar, in particular.

A. 冇錯。

Q. You and your colleagues visited the MTRC's offices, as we can see from page 13418, on a number of occasions. First of all, the first on-site record-checking exercise was on 4, 5 and 8 June this year?

A. 冇錯。

Q. Then, just to get the time line right, the MTR then produced its report of 15 June. That didn't stop you, however, and you went on a second record-checking visit, and we can see the dates there: the end of June and the beginning of July. Then if we go over the page to 13419, you then did a third record-checking exercise on four days in September this year.

A. 見到。

Q. If we want to see who was present on those occasions, that is evident from page 13421 and 13422, where you have the table, a couple of tables, with initials of both the RDO and Highways Department officer or officers and the BD officers, and the Pypun representatives as well?

A. 冇錯。

Q. We can see that you are "RY" and that you attended on some but not all of those days that we've identified?

A. 冇錯。

Q. Out of those visits and the inspection of the documents,

you prepared a series of reports which were given to government from time to time, and up until yesterday we were working by reference to a final report -- sorry, semi-final report -- of 24 September this year, and what we see before us now is the final report that's been submitted by you, prepared by you, approved by I think Mr Mak in fact, by looking at 13414. And as I understand it -- correct me if I am wrong, Mr Yueng -- this has also been, as it were, signed off by government, with no more comments; is that right? Or is it still at a stage where government may have more comments on it?

A. 對唔住。我講番個時序，我哋之前嗰個draft版本係9月應該係27號，我哋送咗畀政府，跟住及後應該係11月23號、24號嘅，我唔係好記得邊日，就RDO就約我哋上去開會，就想finalise埋呢個report，就最後個report就都有啲修訂，呢一個final report喇所謂，final report就係12月11號我哋做完，就係12月--我記得應該係12月12號朝頭早呈交咗畀RDO。

Q. That's my understanding. My question is, or was: is it a report that you are expecting any further comments on from RDO, or what is the position?

A. 我唔預期佢會再有其他comment嘅，因為都傾咗好多次。

Q. Right. So far as you are concerned, Pypun and yourself, this is the final report?

A. 冇錯。

Q. There's no doubt, Mr Yueng, that there are a number of

quite significant changes from the 27 September report -- I think I said the 24th; there's a typographical error, you are quite right, even though it says the 24th, it was the 27th -- there's quite a lot of changes from that report to this report; would you agree?

A. 係有修改，但係我唔覺得好重大，因為都係我哋同RDO傾嗰陣時，佢哋想個report嗰個可讀性readability可以好啲，所以我哋執過啲appendix嘅次序同埋個chapters嗰啲次序。

Q. Yes. It goes a bit further than that, Mr Yueng. Please look at page 13423.

Do you see paragraph 2.2 there:

"Site supervision records of the CP's stream ... were available."

Do you see that?

A. 見到。

Q. That's how that sentence reads now, whereas previously, in the previous report, it said, "Site supervision records of the CP's stream were available and found to be in order"; all right? So that's one change.

Now, it may be I can find the answer to that in paragraph 2.3. If you could please go to paragraph 2.3. It says:

"Based on the SSP, all supervisors on MTR's supervision team should carry out periodic site

supervision only ... According to available site supervision records, all MTR's supervisors had carried out the site supervision under CoP for Site Supervision 2009 and the supervision frequencies by MTR were found in order."

Do you see that, Mr Yueng?

A. 見到。

Q. And my understanding is that the records that you are talking about there are the ones -- I don't know if you remember this -- that we saw with Mr Jason Wong, the competent person, and he had filled in the sheets on his monthly visits. Are those the particular records that you're talking about in that paragraph?

A. 我哋睇嘅文件應該係喺SSP裏面嘅form A嗰個文件，有好多格嘅，有“S”、“N/S”嗰個文件。

Q. It's the form A filled in by the competent person and other people in the CP stream, the form A?

A. 明白。

Q. And they tell you, as Mr Jason Wong explained to us, the fact that they visited the site on a particular day, but they don't tell you what they actually inspected on those days. Do you follow?

A. 唔係好明白問題。Will you please repeat the question?

Q. Well, the form A indicates, for example, Mr Jason Wong, the competent person, did a fortnightly visit to the

site, and he's put "S" or a tick on the form A, but it doesn't tell you -- it tells you he was there, he did the inspection, but it doesn't tell you what he actually inspected.

A. 呢啲表格嘅，喺第一個column裏面有一啲數目字嘅，譬如係A1、A2、E1、E2，嗰度係有一啲checklist item，而呢啲A1、A2，因為個表格個格仔好細，其實係嗰個內容係refer番去喺個site supervision plan裏面唔同單子裏面要求嘅check item嚟嘅。

Q. Yes. Could you get B5/TS2, possibly 41114.

It's this type of form that you were looking at, is it, Mr Yueng?

A. 冇錯。

Q. Can we just look at 40451 in the same bundle. Yes, okay. Here's one of the examples from, indeed, Mr Jason Wong. Again, it was this document or this type of document that you were looking at?

A. Correct.

Q. All right. There were, I think, similar documents in relation to other technically competent persons no. 5 and no. 3, and so forth, that you looked at as well, in similar form?

A. 冇錯。

Q. All right. If we just go back to G18, and you go to 3.4, please, at page 13425, you say:

"The inspections by both MTR and the contractor of

the mechanical coupler installation are recorded in the MTR's coupler inspection forms and the contractor's coupler inspection forms. The check items contained in both coupler inspection forms are as follows".

Then you list out (i), (ii), (iii) and (iv):

"coupler fully screwed and fitted;

has coupler been cleared of foreign material;

has thread been cleared of foreign materials; and

complete splice between coupler/rebar".

Then you say this:

"Both coupler inspection forms from MTR and the contractor for each subdivided bay of EWL slab recorded 'satisfactory' for all the above check items (i), with (ii), (iii) and (iv)."

Then you refer to:

"Other information contained in the coupler inspection forms of MTRC and the contractor for each subdivided bay is summarised and presented in part B of appendix III ..."

That's to your report which we will come to in a moment.

First of all, could you please be shown B7/4538.

So far as MTRC is concerned, Mr Yueng, is it this form and a series of these forms that you were looking at and are describing in paragraph 3.4 of your report?

A. 冇錯。

Q. So these are, so far as MTRC are concerned -- we can see right at the bottom the remark:

"This form serves a retrospective record of coupler installation."

Do you see that?

A. Question?

Q. Yes. Do you see, right at the bottom of the page, any page --

A. 呢度，見到。

Q. And I assume that you recall seeing this annotation, that remark, at the time you inspected these documents, either in June, July or September?

A. 有，有機會。

Q. Right. And we certainly know that you saw the date of 10 February 2017?

A. 冇錯。

Q. Because if we go to page 13446, this is appendix I to your report -- sorry, back in G18 -- an appendix headed, "Summary on availability of on-site inspection records of EWL slab construction", then "Quality supervision for mechanical coupler", and so forth. "Y denotes the record is available; '[a blank]' denote the record is not available".

If one looks under the heading -- what you've done here, Mr Yueng, is you have tabulated essentially the basic details from the forms we have just been looking

at, the sheets we have just been looking at?

A. 冇錯。

Q. And you have -- so far as the -- you've got the area, the pour reference, the concrete casting date, the inspection record, then the inspection date. I'll come back to that in a moment. Then you've got the inspection sign-off date, and you've got the date of 10 February 2017; do you see that?

A. 見到。

Q. And those sheets, back in bundle B7, Mr Yueng, what assumption did you make as to when those documents had been prepared?

A. 假設係危險嘅，我哋見到喺個文件上面簽署係2017年2月10號，我哋相信佢係2017年2月10號嘅簽署同製作。

Q. "We believe that it was signed on 10 February 2017." Did you make any assumption as to the date upon which the documents themselves had been prepared?

A. 冇。

Q. But you have got a date on your schedule that is inspection sign-off date at least was 10 February and that they were all the same date?

A. 冇錯。

Q. Then can I ask you this. In the next column you've got the "Inspection percentage comparing with the contractor". Can you just explain how you derive those

percentages, Mr Yueng? Because I'm afraid we have failed to work it out.

A. 呢個百分比唔係計算出嚟嘅，係喺港鐵公司佢哋有個表格，佢哋係羅列咗喺度嘅，我哋抄落去嘅。

Q. I see. Ah, right, yes. In that case, I think I know where it comes from.

MR KHAW: I'm sorry to interrupt, Mr Pennicott.

MR PENNICOTT: Not at all.

MR KHAW: Probably just one correction regarding the transcript or perhaps the translation. Mr Pennicott asked Mr Yueng, "What assumption did you make as to when those documents had been prepared?" I gathered from Mr Yueng's answer that the assumption is apparent or is obvious, instead of it's dangerous.

CHAIRMAN: Oh, I thought it said dangerous. I think it was dangerous.

MR PENNICOTT: That's why I followed up by putting the question again in a slightly different way.

CHAIRMAN: So I think the words "apparent" or "obvious" would replace that.

MR KHAW: Thank you.

A. 唔係，我係講「危險」。

CHAIRMAN: Okay. Thank you very much. In other words, it's dangerous to make assumptions.

MR KHAW: Because in Chinese, the second word is the same but ...

CHAIRMAN: All right. Thank you.
MR PENNICOTT: Well, he certainly clarified it.
MR KHAW: Sorry about that.
COMMISSIONER HANSFORD: Mr Yueng, I don't understand what the "Inspection percentage comparing with the contractor" means. Perhaps Mr Pennicott does so perhaps he's going to come to it later.
MR PENNICOTT: Not necessarily, but I think I know the document -- I think the witness --
COMMISSIONER HANSFORD: What does it mean?
MR PENNICOTT: Okay, let's try it that way.
A. 因為呢一個係個coupler嘅supervision嘅紀錄，喺承辦商佢係要100%，而喺港鐵公司嘅supervisor係20%或者50%，視乎嗰個構件係咪一個transfer plate。
COMMISSIONER HANSFORD: Yes, I understand what the requirement is, but I don't understand what these numbers are. What does 57 per cent mean?
A. 呢啲數字係喺港鐵公司另外一份文件我哋抄出嚟，節錄番，寫番落去。
COMMISSIONER HANSFORD: Okay, so these were provided in an MTRC document?
A. 冇錯。
COMMISSIONER HANSFORD: Okay. Thank you.
MR PENNICOTT: Sir, I think I know what the document is but I can't immediately give you the reference. I think I know --

COMMISSIONER HANSFORD: That's fine. I assume we will come to it at some point.

MR PENNICOTT: We may. I couldn't guarantee it.

COMMISSIONER HANSFORD: Maybe that's a dangerous assumption.

MR PENNICOTT: In my case, highly dangerous.

Could I just ask you to be shown -- where were we? -- back to bundle B7, and 4537, please. I should have asked you to keep the last one.

Do you see this sheet? Is that familiar to you, Mr Yueng?

A. 可以睇到。

Q. You see the inspection dates on this sheet?

A. 係。

Q. Would I be right in thinking that so far as your table at 13446 is concerned, that we were just looking at -- and thankfully you've still got the hard copy -- the dates there on your schedule were taken from this document?

A. 應該係。

Q. Just looking at the foot -- so if we go back to G18/13466, and looking at your remarks at the bottom of the page, please, so far as the MTR records are concerned, highlighted in yellow, your remark is:

"MTR's inspection records were available during the 2nd record check."

Do you see that, Mr Yueng?

A. 見到。

Q. So they were available in the inspection that we saw towards the end of June/beginning of July, that is after the MTR report on 15 June, but they were not available in your first inspection on 4, 5 and 6 June and so forth?

A. 係，冇錯，冇呢份。

COMMISSIONER HANSFORD: Can we leave this on the screen just a little bit so we can absorb all these remarks?

MR PENNICOTT: Yes, sir.

If one takes them sequentially, the first one is the point I mentioned a couple of questions ago:

"the inspection dates were provided in 'MTR mechanical coupler checklist for HUH EWL slab', which was undated and signed by Mr Wong".

COMMISSIONER HANSFORD: Yes.

MR PENNICOTT: So that's the document at B7/4327.

COMMISSIONER HANSFORD: Yes.

MR PENNICOTT: Then the next one:

"on each available inspection form by MTR ... [all] signed off [on the] same day, 10 February ...

-- on each available inspection from the contractor" -- and I'm not going there -- "no inspector name nor signature ... MTR informed that the name and signature of the inspector were recorded on contractor's 'cast in situ concrete quality control checklist ...'

where item 6 -- starter bar boxes and couplers was applicable.

The coupler inspection form was included in 'pre-pour check' RISC form.

-- the checklist date was the date of contractor's 'cast in situ concrete quality control checklist", and so forth.

COMMISSIONER HANSFORD: Okay. Thank you.

MR PENNICOTT: Mr Yueng, as I understand it, if we can go to appendix III of your report, which starts at G18/13591, what you did or your team did was in relation to each area, or each bay in each area -- we see the first example -- that's bay reference A1 -- you, as it were -- these are tables, this is information, as I understand it, in relation to A1, that runs for four pages, or three and a bit pages, through to 13594, and you collated all this information that you've got here from the RISC forms and the checklists and the other documents that you inspected?

A. 冇錯。

Q. Could I ask you to look, please, at paragraph 3.7.4 of the report at G18/13429. I just wonder if you could help us with this.

You say in 3.7.4:

"In addition to the coupler installation, some of the contractor's coupler inspection forms also recorded

information of the drilled-in steel bars."

Do you see that, Mr Yueng?

A. 見到。

Q. You say:

"A total of 663 drilled-in steel bars were recorded and the findings of which are presented in part B of appendix III" -- that's the appendix we've just looked at -- "Check on MTR and contractor's inspection records ...'"

You go on to say:

"Drilled-in steel rebars are commonly used as remedy for missing/damaged starter bars or mechanical couplers. However, the contractor's coupler inspection forms did not contain details of the inspection of the drilled-in steel bars. Further, the MTR's coupler inspection forms for mechanical coupler installation[s] ... did not even record such drilled-in steel rebars.

For the use of drilled-in steel rebars, BD requires that a pull-out test proposal be submitted and testing be carried out for approval. However, no pull-out test proposal or test report was made available for inspection during the three on-site record checkings."

Obviously, this is your final report, Mr Yueng. Is the position the same in terms of these drilled-in steel rebars, you have seen no further information than what you were given back in June and July; is that correct?

A. 係，冇錯。

Q. Have you asked for and been pressing for further information about these drilled-in steel rebars?

A. 有嘅，當時安排呢啲文件畀我哋睇嘅港鐵同事，只有港鐵同事啫，冇禮頓嘅同事喺度，港鐵同事，我哋問過佢哋點解承建商嘅紀錄係有呢啲drill-in steel rebar而港鐵嘅紀錄冇，當時佢哋答唔到我哋。

Q. Right. And, so far as you're concerned, is the situation still the same, that no answer has been given to that enquiry?

A. 冇錯，當時港鐵同事冇畀答案我哋。

Q. Okay.

Sir, I think that is all I wanted to deal with. Can I just double-check, please?

Just perhaps one final question, Mr Yueng. Apologies for the delay. Could you look, please, at G18/13453, which I have had blown up for me into A3 size which is rather helpful.

As I understand this page -- and it may be better to look at this on the screen because it can be blown up a bit, Mr Yueng -- this is, as I understand it, your tabulation of the number of couplers; is that right?

A. 冇錯，呢個表係喺我哋第二次去檢查呢啲文件嘅時候，數番嗰個coupler嘅數目嘅總表。

Q. Right. But, as I understand it, you would have done that calculation by reference to the forms and the

sheets that we were looking at just a moment ago; is that right?

A. 冇錯，當時我哋手上只有呢個紀錄。

Q. Right, and so, to the extent that those records are, as we know they are, inaccurate because they fail to take into account the change of the detail to the top of the east diaphragm wall, your table is going to be, if you like, as inaccurate as the records you were relying on. It's not a criticism but that must follow.

A. 冇錯。

Q. Okay. One picks that up, the exercise that you've done, by looking at the right-hand side of the drawing, or the table, where we see, apart from anything else, apart from a number of things, the eastern diaphragm wall panel, and the assumption that there were rebar both at the top and the bottom.

A. 係，呢個喺我啲紀錄度搵到出嚟。

Q. Yes. Okay. Thank you for that, Mr Yueng. I have no further questions. I don't know whether anybody else has.

MR BOULDING: If no one else has any questions, I have one or two matters I'd like to raise with this witness.

Cross-examination by MR BOULDING

Q. Good afternoon, Mr Yueng.

Mr Yueng, I covered quite a lot of ground yesterday with your colleague, Mr Mak, and Mr Pennicott has also

covered a lot of the ground that I intended to cover with you today, but nevertheless there are one or two matters that I would like to raise with you.

I wonder if we could go, please, to B12/8888. Splendid.

Here, you will see a letter dated 29 July 2015 to the Buildings Department; correct?

A. 可以見到。

Q. This letter says:

"Further to your above reference ... dated 14 May 2015, we are pleased to submit herewith the followings for your comment and agreement."

Then there's:

"1 set of design report (total 4 volumes) and 1 set of A1 drawings for ELS submission for area C [then the areas and the grids are identified] which are delivered to Pypun as per the agreed submission logistic."

Now, so far as the agreed submission logistic is concerned, that was an arrangement whereby the MTR had agreed with the BD that MTR's drawings and submissions were to be delivered directly to Pypun's office; that's correct, isn't it?

A. 冇錯。

Q. And that was so these submissions could be read at the earliest convenience and reviewed expeditiously; that's right, is it not?

A. 冇錯。

Q. We can see that the letter also included the CP certificate and the RGE certificate; correct?

A. 係。

Q. Just for clarification, Mr Mak said that he had not seen this letter before, but I understand that you have seen this letter before; correct?

A. 冇錯。

Q. And presumably you read it at the time; is that right?

A. 冇錯。

Q. Would anyone else in your Pypun organisation have been involved in reading this letter and the enclosures thereto?

A. 會比較少，因為其實呢一個信件附帶住嗰個design submission同埋design report同埋圖紙，因為我係負責1112嘅審批，所以呢個信嚟到我哋個文員嗰度，個文員就會直接送到去我哋嗰度，我哋做完審批嘅工作，我哋會將呢個文件會交番畀BO team嗰邊嘅同事嗰邊做嘢。中間過程應該其他同事見到嘅機會真係好細。

Q. Right. So it sounds as though you are the appropriate person to ask about the letter and the enclosures; would that be right?

A. 冇錯。

Q. Now, if we can go on to a document that Mr Pennicott correctly said would be thumbed over quite a lot in these proceedings. Perhaps we can go to B9034.

Perhaps I could trouble the operator to go pack to page B8984. Here we see, do we not, the first page of the design report TWD-004B3; correct?

A. 我見到呢度。

Q. And presumably this was one of the documents you would have reviewed at the time; right?

A. 冇錯。

Q. If we were to go on to B9033, do you see there a section of the report headed, "Permanent works design"?

A. 見到。

Q. Thank you. No doubt this is something that you would have read at the time; correct?

A. 冇錯。

Q. "Permanent works design.

Introduction.

The subject of this submission includes the permanent diaphragm wall design, the structural design of EWL top slab, the NSL bottom slab, and columns and walls that support the primary structure."

Do you see that, Mr Yueng?

A. 見到。

Q. Then we have various introductory statements, but I would invite your attention to B9034. Do you see the heading, "Construction sequence"?

A. 可以。

Q. And you would understand, would you not, with all your engineering qualifications, that what the writer is pointing out here is the construction sequence that the MTR and Leighton intend to adopt for the permanent works; correct?

A. 喺個report係咁寫。

Q. I thought you'd agree with me.

Then if we look down to the highlighted part, we can see that the writer is pointing out:

"The top of diaphragm wall panel will be trimmed to the lowest level of top rebar for the EWL slab (minimum 420 millimetres below the top level of EWL slab)."

Do you see that?

A. 見到。

Q. And what the reader is being told there, is he not, is that works that had already been carried out and completed on site are going to be demolished in part; that's right, isn't it?

A. 我正話聽到話“already”，我諗我唔能夠同意“already”，因為呢度寫係“will be”。

Q. Well, they will be, because the top of the diaphragm wall which is going to be trimmed down would already have been constructed; correct? There's no need to trim something down unless it's been constructed, is there?

A. 係，冇錯。

Q. Then we can see, second sentence:

"The top rebar of EWL slab at the D-wall panel will then fix to the top rebar of OTE slab to achieve full tension laps."

Now, that is telling you what's going to happen to the rebar in the part of the D-wall which has been demolished; correct?

A. 我喺字面讀，係見到EWL slab嘅top bar喺個D-wall panel嗰度係將會接駁OTE嘅top rebar。

Q. Yes. Read on.

A. So我用第一、第二句睇埋一齊，係會理解到係個東西層板嗰個top bar係會同OTE嗰個top bar係會係連接住。

Q. Yes, and it's clear from the way in which the sentence is written that that's something that's going to happen, is it not, after the top of the diaphragm wall panel has been trimmed down; correct?

A. 係。

Q. Then finally the reader is being told that "The EWL slab and OTE slab will be casted concurrently with temporary openings around the existing columns and pile caps"; you see that, do you not?

A. 睇到。

Q. So can I suggest to you that anybody reading this report, particularly a reader with engineering qualifications, would have no doubt at all, would they,

as to the construction sequence which the MTR and Leightons intended to adopt; that's right, isn't it?

A. 冇錯。

Q. Then if we have a look at B10/7452, please. Perhaps we ought to pick it up at 7448, just to get the context.

Now, this is a letter of 8 December 2015, which is signed off by Wing Keung Wong, senior structural engineering for the Building Authority. That's clear from B7450. Presumably Wing Keung Wong is somebody you know, is he?

A. 認識，認識。

Q. And the letter is addressed to another Mr Wong, Jason Wong at the MTR; do you see that, page 7448?

A. 見到。

Q. Then if we look under the emboldened heading:

"I refer to MTR's letter dated 29 July 2015 (received on 5 August 2015) for consultation in respect of the following proposal ..."

That is a reference, is it not, to the document we were looking at two or three minutes ago enclosing the design report; correct?

A. 我想睇番港鐵嗰封信。

Q. Please do. It is at B8888, all the 8s, a very lucky Chinese number, I would have thought.

A. 冇錯，B7448係回應港鐵B8888嗰封信。

Q. Thank you very much. Thank you very much indeed.

It runs on to several pages, but we see, do we not, starting at page B7451 an appendix I; do you see that, Mr Yueng?

A. 可以見到。

Q. And at A we can see that the writer is saying, "Structural comments are as [follows]:

General.

1. The contents of the submission, namely strutting for area C ... covered by CP/RGE's certificate no. 1112 ... dated 29 July 2015, have been noted."

In particular, you can see that it's referring to the contents of a report, do you see that, TWD-004B; correct?

A. 見到。

Q. Then if we look over the page, if you would be so kind, can you see the subheading "Others" just above the number 13?

A. 可以。

Q. Then paragraph 15:

"It is noted that reinforcement details of permanent slab of the station have been included in this temporary works design submission. In order to avoid ambiguity, it is recorded that the said reinforcement details were submitted for information only and you are required to ensure the corresponding permanent station structure

submission are fully compatible with [the] ELS ... submission."

Were you involved in preparing this response in the appendix, Mr Yueng?

A. 有可能，但係我唔係好記得呢個係咪我落嘅comment。

Q. Well, if it wasn't you, would it have been someone else within Pypun?

A. 應該唔會喇，因為啲comment係我哋制定，制定，然後我哋--草擬完喇，應該個文字係，草擬完，我哋會送畀BO team嘅官員再睇下同唔同意我哋嘅comment，特別係佢哋會特別--我哋個comment最主要係technical嘅comment，佢哋屋宇署嘅官員佢哋特別關注個procedural correctness嘅。所以我睇嚟，呢個第15項呢個有機會係我或者係有機會係BO team嘅屋宇署同事寫落去，因為呢個好明顯係講個procedural correctness。

Q. Yes. It might be about procedural correctness. But it's also picking up, is it not, on the construction sequence and the details referred to in paragraph 6.2.2 of the design report that we looked at together five or six minutes ago; correct?

A. 唔好意思，可唔可以重複問題？Sorry, can you repeat your question?

Q. It might be about procedural correctness, but it's also picking up, is it not, on the construction sequence and the details referred to in paragraph 6.2.2 of the design report that we looked at together five or six minutes ago; correct?

A. 冇錯，好可能呢個第15段嘅comment就係去由6.2嗰度睇到有個--可能佢喺

個permanent work度修改，引致會有第15段嗰個comment。

Q. Thank you. It's obvious, is it not, that whoever wrote paragraph 15 is not objecting to the contents of paragraph 6.2.2. All they are saying is:

"... you are required to ensure the corresponding permanent station structure submission are fully compatible with this ELS design submission."

That's right, isn't it?

A. 係，15段係咁講。

MR BOULDING: Sir, I have gone over. I'm going on to another matter. I couldn't finish in five or ten minutes, I don't think. Would that be a convenient moment?

CHAIRMAN: Yes, it certainly would. 2.20 this afternoon.

Again, just a brief reminder that you are not entitled to discuss your evidence at the moment with anybody; okay? You can obviously talk with people, and I hope you have a relaxing lunch, but you are not allowed to talk about your evidence; okay? Thank you very much. 2.20.

WITNESS: Okay.

(1.06 pm)

(The luncheon adjournment)

(2.25 pm)

MR BOULDING: Good afternoon, Chairman. Good afternoon, Professor.

And good afternoon, Mr Yueng. I want to move on to a different subject which will involve us discussing a little bit about site visits and looking at one or two photographs together.

But firstly perhaps I can look at a photograph that my learned friend Mr Coleman took you to in evidence-in-chief this morning. That's B25685. Yes, that's it.

Now, we've looked at the transcript and it's right, is it not, that you explained to the Commissioners this morning that the area shown was diaphragm wall being broken down in order to install an air duct; do you remember giving that evidence?

A. 冇錯。

Q. You were taken to drawing H887. It's the left-hand side we're going to need, and if we could go down to the bottom of the document first, do we see there panels 11, 13, 12 and 14, across the bottom: EH112, EH113, and EM114; do you see that?

A. 可以。

Q. They are the same panels, assuming the descriptions are correct, that are depicted in photograph 25685, are they not?

A. 唔一樣，啲相片係顯示緊做緊個過程，而呢張圖係一個完成嘅圖。你指嘅「一樣」係咩嘢意思？

Q. Well, we are referring there to panels 112, 113 and 114 in the photograph, are we not; correct?

A. 見到。

Q. Then if you look at the drawing at H887. There we see at the bottom the panels 112, 113 and 114; correct?

A. 見到。

Q. So this drawing is related, amongst other things, to the three panels we see on the photograph; that's correct, is it not?

A. 冇錯。

Q. Now let's go up to the top of the drawing, if we can, please. Do you see that little boxed area with a cross in it, between the statements "Existing ground level" and "Top of wall"?

A. 見到。

Q. That is the air duct that you told Mr Coleman about, is it not?

A. 係嗰兩個長方形，有個交叉喺裏面嘅，嗰兩個就係通風槽。

Q. Right. So you've got an air duct transversing panel 114 and 113; do you see that? Correct?

A. 見到。

Q. Let's go back up to the top again. Then you've got just a little bit of an air duct coming into 112; that's correct, is it not?

A. 冇錯，見到。

Q. Right. With that in mind then, perhaps we can go back to the photograph. If you look at the panel EH112 -- do you see that there on the right-hand side?

A. 對唔住，個翻譯冇個問題，可唔可以重複個問題？

Q. Yes. If you look at that, you can see panel EH112 on the right-hand side of the photograph, can you not?

A. 睇到。

Q. It would be the far end of that panel, would it not, that would have the air duct going into it just a little bit; correct?

A. 喺呢張相睇唔到。

Q. Let me approach this a different way. What I am suggesting to you, Mr Yueng, is that having looked at the drawing, H887, and having established that an air duct might just impact upon panel 112, the rest of that panel is shown in the photograph as being trimmed down, with the couplers and the rebar being removed. That's correct, isn't it?

A. 對唔住，你講112嘅圖...

Q. I mean 112.

A. 相片左邊定右邊？

Q. On the right-hand side, EH112, and someone has very helpfully, assuming the caption is right, put in a little box of squiggly red lines where panel EH112 is being broken out with the top couplers being removed; do

you see that?

A. 見到。

Q. What I suggest to you is that that work, that demolition work, is absolutely nothing to do, is it, with the presence of an air duct?

A. 我喺現場見過，琴日我都係第一次見呢張相。不過如果你比較--剛才你講112嘅右手邊，如果喺--有個着住反光衣工人下面嗰個係通風槽嘅話，其實佢嘅高度同埋睇番個鋼筋上面黐住石屎嘅狀況，其實同112--113同114係一樣嘅。

Q. I've got to suggest to you that that's incorrect, because we know by looking at H887 that 113 had an air duct extending across it for most of its width. That's right, isn't it?

A. 冇錯。

Q. On the other hand, 112, for the most part, comprised D-wall with no air duct intruding into it, didn't it?

A. 冇錯，知道。

Q. In those circumstances, what I suggest to you is that the work we can see going on there is in fact the trimming down of the D-wall and the removal of the couplers and associated rebars; correct?

A. 睇張相，我睇唔到呢樣嘢，因為如果睇番張相，律師先生，你講嘅112左邊係唔係有一個工人有一、兩個木方踩住下面嗰個狀況？因為你係正話refer我呢個狀況去做比較，係咪呢個位？定係112比較較高位置有紅色嚟住嗰個位？

Q. Yes, that's exactly what I'm talking about, and I'm

saying to you -- what I'm suggesting to you is that that is demolition work which is absolutely nothing to do with the installation of an air duct but is indeed demolition work comprising the trimming down of panel 112 and the removal of the rebars and the couplers which had previously been inserted therein. That's correct, is it not?

A. 我能夠喺紅色嘅位住嗰度，嗰度見唔到coupler嗰度，可以同意你嘅講法。

Q. Well, thank you. I'll move on then, in the light of that.

Now, site visits. You were asked by my learned friend Mr Pennicott this morning -- he said:

"Mr Yueng, can you explain what happens when Pypun goes on a site visit?"

This is [draft] page 7 of the transcript, for the record. And you answered:

"We would conduct a site visit with RDO government officials -- it's also called a site walk -- once every three months. At 1112, every time when we conducted a site visit or site walk, it would take about an hour or an hour and a half. The area covered, apart from Hung Hom Extension D-wall, it also included something on the side, that is Hung Hom siding, HHS."

Do you remember giving that answer, Mr Yueng?

A. 記得。

Q. Slightly later on in the discussion you had with

Mr Pennicott, he posed a question to you:

"You've mentioned government officials. Would they be present on a site visit?

Answer: The site walk or site visit, they would accompany us to do the site walk or site visit."

Do you remember giving that evidence?

A. 記得，係我哋陪伴佢哋，唔係佢哋陪同我哋。

Q. Good. Then slightly later on, the professor, Prof Hansford, picked up the matter with you and said:

"Okay, thank you.

Mr Pennicott: Mr Yueng, can I ask you this question. From the period between let's say March 2013 and May of this year -- so a period of just over five years -- how many times did you in fact visit the contract 1112 site?

Answer: I, together with BSRC team members -- sometimes I would be present, sometimes not. Definitely more than 80 times for a site witness and site audit."

Do you remember giving that evidence?

A. 我記得。

Q. As I understand your evidence, when these site visits took place, the site walk would in fact entail looking at areas of interest so far as you and government officials were concerned; that's right, is it not?

A. 我諗大家誤會咗個site inspection、site walk，可唔可以容許補充下

或者解釋下呢啲terminology，好相似嘅terminology，可唔可以？

Q. Yes, I'm sure the Commissioners would find that very useful indeed. Thank you. Go ahead.

A. 剛才我提過喺今早講嘅site walk或者係site visit，嗰個係我哋M&V隊伍嘅同事係同RDO嘅官員去到地盤係有一個general feeling of the process嘅。而Mr Boulding你refer嗰個site inspection係我哋BSRC team小組按屋宇署要求嘅時候，我哋會出去巡查，兩個係完全唔同嘅事嚟嘅，site inspection係BSRC team小組按屋宇署需要，我哋出去巡查。

而點樣叫有需要呢？喺屋宇署高級工程師陸沛輝先生嘅口供嗰度已經寫得好清楚，佢界定得好清楚，喺BSRC team小組裏面個site inspection係乜嘢、site audit係乜嘢、site witness係乜嘢，同剛才你講話同官員我哋M&V同事出去嗰個site inspection、site walk係兩件事嚟嘅。

Q. Right. So you've got on the one hand site walks and on the other hand site visits?

A. 我哋site walk同site visit係同一件事嚟。

Q. I thought you just told me they were different.

MR PENNICOTT: Site inspection.

A. 我頭先係同site inspection同埋site walk或者叫site visit嘅分別。

MR BOULDING: Okay.

And a site walk, how many of these did you ever attend?

A. 我並冇去過，因為嗰邊係M&V小組嘅同事帶。

Q. Right. And the M&V team, can you give me a few names,

please.

A. 我哋PM Mr Mak，佢第一次--因為佢係2016年1月1號先開始做PM，佢第一次用PM嘅身分去1112做site visit或者site walk係2016年3月，跟住每三個月會做一次嘅。除咗麥先生之外，我哋有一個叫做黃先生，Sidney Wong，另外就會--都有其他同事出席，一般係三個同--我哋嘅同事喺喇。

Q. As a matter of accuracy, Mr Mak is recorded in yesterday's transcript as saying that he joined the site walks the minute he joined your organisation in September 2015, but that's not something I'm going to take up with you.

But these site walks, how often did they take place on average?

A. 佢係2015年9月加入我哋公司，佢2016年1月1號先開始係沙中線嘅PM，而喺1112...

Q. Yes, I know that. And on these site walks, I assume that it would be of interest to Pypun to ensure that their contractual obligations were being undertaken properly, those contractual obligations being set out in the contract that they made with government; correct?

A. 冇錯。

Q. You will have heard, won't you, Mr Mak telling the Commissioners yesterday that he would be particularly interested in matters which showed a possible departure from, firstly, the programme -- you heard him say that, did you not?

A. 有，但係我記得你應該係用--refer嗰個句子，其實嗰個應該係BSRC team下面嘅範圍工作。

Q. Well, I didn't think there was going to be any contention over this. I was just reminding you of what Mr Mak had said.

Firstly, he referred to programme. Secondly, he said the cost would also be an important consideration. Do you remember him saying that?

A. 冇錯，因為我哋個M&V個focus係三樣嘢，成本、programme同埋public safety。

Q. Splendid.

With that in mind, I wonder whether we can just have a quick look at one or two other photos together, to see whether or not we can agree anything. Could you go to B25659. This is a photograph of 14 September 2015; do you see that in the bottom right-hand corner, Mr Yueng?

A. 睇到。

Q. It is right, is it not, that the photograph depicts breaking out of the top of the diaphragm wall, and the couplers having been removed from that part of the D-wall in area C2, bays C2 to 6; correct?

A. 單憑呢張相，好難睇到剛才--或者可以結論到你想講嗰個有連續牆打走。

Q. It's pretty obvious, isn't it -- in the area which is shown enclosed in the hatched red lines, that's what's happened, hasn't it? That's breaking out of the D-wall;

that's right, isn't it?

A. 係，我見到，係。

Q. Okay. Let's move on a bit. Page B25642. Here we've got a photo of 3 October 2015, and again if you look at the red square box there, which encloses a couple of workers, again you would agree with me, would you not, that it shows the top of the D-wall broken out; correct?

A. 可以咁講。

Q. Good.

Then if we jump on a bit. If you could go to B25673, and here we've jumped over a month and we are on 6 November 2015. If you would be kind enough to look at the area below the two hole-punches, which is enclosed in the red box, again I suggest that this shows, does it not, that the top of the D-wall has been broken out; correct?

A. 正確。

Q. Of course, as a matter of record, this is exactly what MTR told BD that they were going to do in the design report, which you and I discussed before lunch; that's right, isn't it?

A. 可唔可以顯示到有屋宇署accept咗嘅圖紙係顯示呢一個做法？因為我唔係好記得喇，因為圖紙太多。我哋審批或者屋宇署接受一個設計，係唔會單憑個design report嘅，屋宇署審批係審批個圖紙，佢接受圖紙上面所顯示嘅做法，而喺嗰個design report裏面並--就算提及，而喺個圖紙度冇顯示，其實

屋宇署都唔會覺得佢係接受咗呢個設計。

可唔可以睇番相關嘅圖紙？

Q. Not by me. What I suggest to you is that -- and let there be no doubt about it -- this reduction in the D-wall, and the removal of the couplers and the lapping of the rebars, was exactly what MTR told BD that they were going to do in terms of the construction sequence set out in paragraph 6.2.2 of the design report which we looked at together before lunch. It was submitted under copy of a letter, I think, of 29 July.

A. 係，我哋睇過呢封信，但係我唔肯定呢一個只係喺design report裏面提及嘅做法有冇顯示喺個圖紙上面。

Q. For the avoidance of doubt, Mr Yueng, I'm not suggesting that this was formally accepted. What I'm suggesting is that what we see here is exactly what both Pypun and BD knew about because they had been told of the proposed construction sequence in paragraph 6.2.2 of the design report that we looked at before lunch. That's correct, isn't it?

A. 我哋係睇過呢個報告，係，冇錯。

Q. Just for the avoidance of doubt, if you could go to B8984, and there we've got the first page of the report, because I want you to know what I'm talking about.

Then if you would be kind enough to go on to B9034, you will remember that we discussed this before lunch,

did we not, Mr Yueng?

A. 記得。

Q. Splendid. You can see that there's a reference under the heading 6.2, "Construction sequence"; right? Do you see that?

A. 見到。

Q. Then you can go down and it's helpfully coloured in yellow:

"The top of diaphragm wall will be trimmed to the lowest level of top rebar for the EWL slab (minimum 420 millimetres below the top level of EWL slab)."

Do you see that?

A. 見到。

Q. That is exactly what we are seeing, is it not, in the two or three photographs that I've just discussed with you?

A. 係顯示呢樣嘢，不過係我哋--屋宇署佢哋會只係接納喺圖紙上面顯示嘅proposal或者佢哋想做嘅做法。Design report裏面講嘅嘢，如果喺圖紙裏面冇反映出嚟或者冇顯示出嚟其實唔係當係一個接受咗嘅一部分。

Q. If we look perhaps just at one final photograph. If we go on to B25665 -- splendid, thank you very much -- it's not a particularly good photograph, but do you see the red box again there, Mr Yueng?

A. 見到。

Q. I suggest that that again shows an area of the D-wall,

does it not, that's been trimmed down?

A. 我會覺得係一個臨時嘅fencing防止啲工人跌落嚟，有可以睇法。

Q. Let's have a look at just one more then. B25636. Whatever you say about 25665, here we're in 25636, and do you again see the little red box?

A. 見到。

Q. And that shows without a doubt, does it not, that the D-wall is being trimmed down, and again the couplers removed; that's right, isn't it?

A. 冇錯，見到。

Q. Now, I know that you were perhaps not on these site walks at the time these photographs were taken, over the course of three or four months. But what I suggest to you is that it's simply not credible that none of the Pypun representatives who attended these site walks can have missed such an obvious demolition of part of the constructed works. That must be right, mustn't it, Mr Yueng?

A. 我哋公司去陪同政府官員去做site walk或者site visit個目的係一個場合可以令政府官員係了解整個1112嘅大約施工情況。行嘅當中，其實我正話都講過，嗰個面積相當大，而個時間只係一個鐘至一個半鐘。

呢啲相係好近先影到，應該都要喺啲workfront嘅地方先影到，而我哋行嘅地方一般距離個workfront都會比較大啲，原因係其實個site walk或者site visit最主要嘅目的都係去了解一下嗰個整個1112喺咁大範圍嘅地方嘅大約嘅進度progress。

我唔奇怪，甚至乎當時個site visit或者site walk嘅意義本身唔係去inspect某一個地方或者係周圍行去睇下啲工人做緊--係好仔細咁做緊啲乜嘢。

Q. Well, as you say very fairly, you weren't there, but I haven't got anyone else to cross-examine on this particular matter, and for that reason I suggest to you that if government officials, if Pypun representatives if were going around the site on a one and a half hour site walk, looking at progress, they would be very likely, wouldn't they, to be interested in part of the works that had already been constructed being knocked down? Is that fair comment?

A. 我個人冇喺1112做過site walk，但係我除咗負責1112，我負責過1109，我參與過1109嘅site walk。1109個工地範圍，如果單一工地範圍冇1112咁大添。個目的非常清晰，都係陪同政府官員，讓佢了解嗰個contract做緊乜嘢，從來都唔會話走去一個好仔細嘅地方去睇下啲工人係咪做緊--打緊石屎或者係嗰個其他嘅狀況，一個general feeling of progress。

所以雖然我自己冇喺1112做過site wallk，但係我非常了解site walk嘅意義或者個目的同埋可以做到乜嘢嘅當時。

MR BOULDING: There we are, Mr Yueng. We've got your answer for what it's worth, and I suspect the Commissioners have got my point, and I have no further questions for you. Thank you very much indeed.

MR KHAW: A few questions from the government.

CHAIRMAN: Thank you.

Cross-examination by MR KHAW

MR KHAW: Mr Yueng, good afternoon.

A. Good afternoon.

Q. I represent the government.

If I may just cast your mind back to one of the last few questions from Mr Boulding before the lunch break. He asked you to look at paragraph 15 of one of BD's letters of reply. If we can put that letter on the screen. It is H14/35348.

You remember you were referred to this particular paragraph before; right?

A. 可唔可以睇番呢封信嘅第一頁？因為appendix I嘅內容有幾封信都好相似。

Q. It's a letter dated 8 December 2015.

A. 係，冇錯，係呢封信，早上，係。

Q. If we go back to the paragraph that you and Mr Boulding were looking at earlier, paragraph 15. When you were referred to this paragraph, Mr Boulding asked you one question. It's not a short question but I can try to repeat what he asked you.

He said:

"It's obvious, is it not, that whoever wrote paragraph 15 is not objecting to the contents of paragraph 6.2.2. All they are saying is:

'... you are required to ensure the corresponding permanent station submissions, structure submissions, are fully compatible with the ELS design submissions.'

That is right, isn't it?"

Do you remember that question?

A. 記得。

Q. It's actually a compound question which consists of two parts. First of all, you were asked whether it is obvious that the author of paragraph 15 is not objecting to the contents of paragraph 6.2.2. The second part of his question is whether or not it is obvious that according to paragraph 15, one is required "to ensure the corresponding permanent station submissions, Structure submissions are fully compatible with the ELS design submissions".

Part 2 is very clear, because we can all see from paragraph 15. If we can focus on part 1, and if we can go back to 6.2 -- in fact it should be 6.2 instead of 6.2.2 -- 6.2, it's B12/9034. I believe Mr Boulding discussed a few times the three highlighted paragraphs with you; do you remember that?

A. 記得。

Q. We have all heard evidence from Atkins -- in fact the witness from Atkins confirms that Atkins team 1 is in fact MTR's designer -- sorry, team A -- Atkins team A was in fact MTR's designer. And Atkins has given evidence that these three paragraphs could not amount to a change to a permanent design as it provided insufficient details for that particular purpose.

Would you agree with that particular statement?

A. 我同意。

Q. In that case, if we go back to paragraph 15 again, would you agree with me that in the circumstances, the author of paragraph 15, whoever he or she is, could not be taken to mean that they have no objection to the contents of 6.2; would you agree?

A. 同意。

Q. Now, regarding the latest report that Pypun has prepared, if I can just clarify with you a few minor points. If we can turn to G18/13414. If I may take you to a table at 13421.

It's a table under paragraph 3, where the reports says:

"All on-site record checking was conducted inside the MTRCL Hung Hom site office with the following representatives from RDO/HyD, BD and Pypun ..."

Now, in the first table, ie in relation to the first round of the on-site record-checking -- because we understand that there are three rounds of on-site record-checking; do you remember?

A. 記得。

Q. Now, in relation to the first round of on-site record-checking, if we look at the first row -- it's "JF", which means James Fung. Do you remember that?

A. 冇錯，喺第二頁有個abbreviation。

Q. Yes. We can see the explanatory note on the next page, 13422, "JF" actually stands for Mr James Fung.

Here, in relation to the 7 June visit, you put a tick in relation to James Fung regarding "pm"; do you see that?

A. 見到。

Q. According to Mr James Fung's evidence, he only attended the morning session on 7 June, not the afternoon session.

A. 聽到。

Q. Do you know why there was such a discrepancy?

A. 其實你如果睇番今個final report同上一次我哋9月二十幾號嗰個report，呢個attendance個表係expand咗嘅，之前我哋係只係記錄運基--我哋公司attendance，及後就我哋加埋政府路政署同埋屋宇署嘅人員個attendance落去。當時嗰啲attendance都係個別政府人員透過email畀番我哋，因為我哋當時冇take佢哋嘅紀錄。

Q. So would you take it that we can rely on Mr James Fung's own record, rather than this table?

A. 冇錯，我覺得係。

Q. Again, this morning, when Mr Pennicott took you to see some MTR records -- do you remember that there are some MTR records with a remark that they were retrospective records; do you remember that?

A. 係咪個簽署係2017年2月10號嗰時？

Q. Yes.

A. 係，今朝睇過。

Q. Yes. Maybe we can have a quick look: B7/4538. Do you remember seeing this particular document earlier today?

A. 記得。

Q. Now, your answer to Mr Pennicott -- sorry, one of your answers to Mr Pennicott's questions was that the MTR records were not shown to you during the first round of inspection; do you remember that?

A. 記得。

Q. So if we can just take a look at some other records. If I can trouble you to have a look at G12/9883.

Do you recall whether it is one of those records that you saw during the first round of the record-checking?

A. 唔太記得係咪exact呢個，不過呢個應該係contractor嗰邊嘅，嗰陣時都幾多類似咁樣樣。

Q. Maybe we can try another one: H14/35067.

Can you recall whether it is one of the records that you managed to see during the first round of your record-checking?

A. 應該有，但係我唔確定，因為亦都好多張好類似嘅，咁...

Q. If I may then take you to just have a look at one passage of Mr James Fung's witness statement. It's at G13/10873.

If I can take you to paragraph 5 of this particular statement. He said:

"Upon the instructions of Mr Johnny Chu ... of RDO, I attended site visits at MTRCL's Hung Hom site office as representative of RDO to supervise the M&V consultant to inspect construction records regarding the diaphragm wall to EWL slab connection on 4, 5 and 6 June 2018 and also in the morning of 7 June 2018. From my recollection, I was not informed by any representative of MTRCL during those site visits that any of the coupler inspection records shown by them to me, BD or to the M&V consultant were records prepared retrospectively."

Do you see that?

A. 睇到，睇到。

Q. Just pausing here, if I can just ask you to see whether you can confirm whether during the first round of the site records checking, were you ever told by the representative -- by any representative of MTR that any of the coupling inspection records were in fact created retrospectively?

A. 冇。

Q. Thank you.

Finally, this morning Mr Pennicott put one question to you, and he asked you whether Pypun was in effect supporting -- sorry, Pypun was in effect assisting the

BO team for the purpose of the SCL project. Do you remember that?

A. 記得。

Q. Would you agree with me that just for the avoidance of doubt, Pypun was in fact assisting both the BO team and also the Highways Department in relation to the SCL project?

A. 冇錯。

MR KHAW: Thank you, Mr Yueng. I have no further questions.

CHAIRMAN: Thank you.

Mr Coleman, I think --

Re-examination by MR COLEMAN

MR COLEMAN: Thank you, sir. Just a few points in re-examination.

Mr Yueng, you were asked about paragraphs 20 and 21 of your witness statement, page K730, and going over to 731, relating to assessment procedure, and in paragraph 22 you have referred to "a flow chart setting out the agreed procedure in practice for the vetting of plans, and a sample instruction from the RDO to Pypun to vet a structural plan/submission."

Can we just identify that document, in case the Commission want to see it. Annex 5 I think is found at K821. The front sheet, in fact, 820. 821 is the flow chart.

Who prepared this flow chart?

A. 我畫出嚟嘅，因為我係team leader，我比較清楚個流程。

Q. Then 822, this is the sample instruction from the RDO; is that right?

A. 冇錯。

Q. You were asked about and you were taken to documents which related to a visit, audit or inspection of the threading of the reinforcement bars in January 2014.

Perhaps we can just have H4808. There's a photograph of some of the documents which were inspected on that occasion. We have seen the checklist. I think Mr Boulding took you to the checklist that showed that.

Can we just scroll up a little bit. The date of the report -- well, it results from visiting the location on 22 and 24 January; is that right?

A. 冇錯。

Q. So -- it may sound like a dumb lawyer's question -- but presumably the documents shown in the photograph are only those that have been created on or before 22 or 24 January 2014?

A. 冇錯。

Q. Now can we go, please, to bundle B, page 8888. Mr Boulding's lucky number. Or not; we will see.

This identifies -- this is the letter of 29 July 2015, and the design report that's included is one for

ELS submission, which I think we can take from the heading of the letter stands for excavation and lateral support.

Is that permanent or temporary work?

A. 呢個係個temporary work。

Q. And if we go to 8897, please -- actually, before we do that, let's just go -- you mentioned in your evidence two certificates from the CP and the RGE. Can we have 8891. Is that the CP's certificate to which you were making reference?

A. 係，冇錯。

Q. And the submission title relates to "Strutting for area C"; do you see that?

A. 見到。

Q. Then the next page, 8892, is this the RGE's certificate to which you were making reference, also with the same submission title?

A. 冇錯。

Q. If we go to 8897, this sets out the scope of the submission, and the first bullet point is:

"Structural design of steel struts with verification of axial stiffness being adopted in D-wall design submission by Atkins."

Is that a reference to strutting again?

A. 冇錯。

Q. Then let's go to Mr Boulding's favourite page, 9034. Firstly, can we look at the bottom of the page, the very bottom of the page. This is said to be a "Design report for HUH Station primary structure: primary slabs for temporary load cases: area C (grid 22-40): [deliverable no. TWD-004B3]".

Do you know what "TWD" stands for?

A. 應該係temporary work design。

Q. Then if we go back to the highlighted three sentences.

Let's look at the middle one. It says:

"The top rebar of EWL slab at the D-wall panel will then fix to the top rebar of OTE slab to achieve full tension laps."

What would you use to fix one rebar to another rebar?

A. 喺呢個case，應該係coupler。

Q. Could we then go, please, to B13 -- would you give me one moment? -- and can we start with the first page of it which is 9721. This looks as though it's the second volume of the design report temporary works design 004B3, the same design report but the second volume of it.

A. 係，冇錯，封信上面寫咗有四冊。

Q. Although this is chock-full of interesting statistics, I want to go to page 10557, please.

Can we look -- blow up the centre picture in the

top.

MR PENNICOTT: The date first.

MR COLEMAN: If we look at the bottom, the date is I think 20 January 2015.

MR PENNICOTT: 7 July.

MR COLEMAN: Where is that? I see. Sorry, reading up on the left-hand side, yes, 7 July 2015.

Then the one in the middle which says this is a "Typical anchorage detail at interface of OTE duct and EWL slab -- applicable for [quite a large number of panels]".

Are couplers shown on this drawing and, if so, can you point out where they are?

A. 响呢個位置，用一個細小嘅長方形顯示住。

Q. If you would be so good as to look on the screen, the Chairman's hand is hovering underneath those three.

A. 冇錯，呢度有三個，另外喺個螢光幕嘅右手面都有另外三個。

Q. The Chairman is again demonstrating the digital equivalent of ventriloquism.

Can I ask you to be shown a passage in yesterday's transcript, please, Day 34, page 59. I'm going to go to the question in the middle which by definition is a good question because it's asked by the Chairman. I should say this is in the evidence of Mr WC Lee from Atkins, who gave evidence yesterday. The Chairman said:

"I just have one question, and for those who are

used to this there's probably a very obvious answer to it, but if in your drawings themselves, as opposed to any written directions -- if you were asking for certain abortive work, as you have called it, certain destructive work, for example trimming down and removal of certain objects, would it appear in the drawing itself, or would there be an instruction?"

The answer Mr Lee gave was:

"It would be on the drawing. And also, showing the sequence how to trim the concrete off. It will be going in details, how they trim in layers or per panel, that detail will have to show on the drawings."

Do you agree with that answer?

A. 同意。

Q. If different panels were treated differently at the top of the D-wall, would that require different drawings?

A. 會有唔同嘅construction detail。

MR COLEMAN: I have no further questions. Does either the Chairman or the professor have any question for Mr Yueng?

COMMISSIONER HANSFORD: No.

CHAIRMAN: No.

Thank you very much, Mr Yueng. It's very good of you. Your evidence is now completed. Thank you for your attendance.

WITNESS: Thank you.

MR COLEMAN: Mr Chairman, I know you haven't had to put up with me for that long, but that's the end of Pypun's witnesses.

CHAIRMAN: Thank you very much, Mr Coleman.

(The witness was released)

MR PENNICOTT: Sir, first of all it's 3.30 so perhaps we could have a break.

CHAIRMAN: Certainly.

MR PENNICOTT: Secondly, we have lined up two government witnesses for the rest of the afternoon. I'm not sure we are going to be able to deal with both of them but I don't see any reason why we shouldn't start the first witness, and indeed we may finish.

CHAIRMAN: Of course.

MR PENNICOTT: So if we could have 15 minutes and then it's Mr Chung.

CHAIRMAN: Thank you very much. 15 minutes.

(3.31 pm)

(A short adjournment)

(3.46 pm)

MR PENNICOTT: Sir, good afternoon again.

CHAIRMAN: Yes.

MR PENNICOTT: Before we start with the government witnesses, and lest I forget, and largely for the benefit of those not in this room who are aware of the situation, and in order to get the matter on the

transcript all in one place, sir, can I just remind everybody that with the agreement of all the parties, the government are not going to call nine of the witnesses who have provided witness statements.

They are So Pui Yin -- and I will give the references in the bundle where their witness statements can be found.

A. Yes.

MR PENNICOTT: G3/2056.

Secondly, Leung Sai Ho; G3/2024.

Thirdly, Chu Tun Hon, that's Vincent Chu; G3/2108.

Lai Wai Yin; G3/2053.

Giang Tsz Sheung, Keith; G3/2051.

Cheng Nim Tai; G3/2020.

Wong Ying or Christie Wong; G3/2150.

Pun Ting Ting, Rebecca; G3/1852.

And Loo Kam Wah, Maurice; H6/1124.

Those are the nine witnesses not to be called. For the sake of completeness, another government officer has given two witness statements to the police, Mr Lo Kai Cheung, who will also not be called.

Sir, all of the nine witnesses, but not including Mr Lo, all those witness statements will be uploaded onto the website in the usual way for viewing by anybody who wishes to do so.

Sir, I hope that is, as I say, all in one place in

the transcript, if anybody needs to find it in the weeks to come.

Sir, with that, I will hand over to Mr Khaw.

CHAIRMAN: Yes. Thank you.

MR KHAW: Thank you, Mr Pennicott. We have told Mr Coleman and Ms Cheung that we have decided not to redeem our mileage to get upgraded to the front seat for the rest of today.

The government calls Mr Chung Kum Wah, who is now sitting at the witness seat.

Mr Chung, just to confirm that your full name is Chung Kum Wah; is that correct?

WITNESS: 正確。

MR CHUNG KUM WAH, DANIEL (sworn in Punti)

Examination-in-chief by MR KHAW

MR KHAW: Mr Chung, I understand that you would prefer giving your evidence in Cantonese?

A. 冇錯。

Q. For the purpose of this Commission of Inquiry, you have made one witness statement. If we can all take a look at G3/2058, we see the witness statement of Chung Kum Wah. It consists of several pages and it goes all the way to 2074. Maybe you can just have a look. It runs for 17 pages altogether.

At G3/2074 is a statement dated 29 August 2018; do you see that, Mr Chung?

A. 見到。
Q. There's a signature at the end of this page. Can you identify that?
A. 呢個係我嘅簽名。
Q. You confirm that the contents of your witness statement are true to the best of your knowledge, information and belief?
A. 冇錯。
Q. Just a few questions in relation to your current position. At the time when you made your witness statement, you were the Director of Highways; is that correct?
A. 冇錯。
Q. Since then, has there been any change to this position?
A. 係有一啲改變嘅，因為我作為路政署署長，我就係去到今年，即係2018年10月21日為止，因為我喺10月22日係開始放我嘅退休前休假。
Q. Thank you. When did you make your decision to retire?
A. 喺政府嚟講，去到我呢個職位係需要一年之前就要通知政府嘅，所以就係我--我唔記得係邊一日，不過就係一定係喺2017年10月或者之前就已經係通知咗政府。
Q. Thank you.
Can I just confirm with you whether you participated in any meetings or discussions -- well, obviously save and except the discussions that you had with the legal team for the purpose of this Inquiry -- did you

participate in any other meetings or discussions in respect of the subject matter of this Inquiry after your retirement?

A. 喺10月22號，即係我開始放我嘅退休前休假，之後我就冇參與任何路政署相關嘅工作，包括處理呢個沙中線呢啲嘅事務。

Q. Finally, would you like to adopt the contents of your witness statement as your evidence for the purpose of this Commission of Inquiry?

A. 正確。

Q. As you may have been told, counsel acting for the Commission will get priority to ask you some questions. Lawyers acting for other parties will also ask you some questions afterwards. Meanwhile, Chairman and also the Commissioner may also have some questions for you. If necessary, I may ask you some questions for re-examination at the end of the day. Is that clear to you?

A. 明白。

MR KHAW: Thank you very much.

Examination by MR PENNICOTT

MR PENNICOTT: Good afternoon, Mr Chung. My name is Ian Pennicott, I'm one of the counsel to the Commission, and as Mr Khaw has just indicated I get to ask you some questions first. Thank you very much for coming along, in your pre-retirement period, to assist the Commission,

and may I wish you a long and successful and happy retirement. Some of us feel like that's probably what we want to do at the moment.

A. 多謝。

Q. Mr Chung, you became the Director of Highways on 9 August 2016; is that right?

A. 正確。

Q. Can I ask you, as it were, to go back in history. Before becoming the Director of Highways, what was the position that you held before that?

A. 喺我做路政署署長之前，我係木土工程署署長，喺我木土工程署署長之前，我係渠務署署長。

Q. How long were you the Director of Civil Engineering and Development?

A. 我做咗土木工程拓展署署長係由--我做咗一年零幾個月，我大概係2015年嘅5月，如果我冇記錯，不過我呢啲資料，我其實畀咗委員會嘅秘書處，我相信係。咁係做到2016年嘅8月8號。

Q. Okay. So am I right in thinking that it was only when you became Director of Highways that you had any involvement with the SCL project?

A. 正確。

Q. Right. We've got, helpfully, within your witness statement, at paragraph 11 on page G3/2062, a basic organisation chart of the Highways Department. Primarily, we're interested in the right-hand side of

this chart, for the purposes of the Inquiry, because we can see that, as it were, coming down from you on the right-hand side is the Principal Government Engineer in the Railway Development, who I understand is or was Mr Henry Chan; is that correct?

A. 喺我任內嘅時候，就Mr Henry Chan已經退咗休，喺我做路政署署長期間，呢兩年零兩個幾月就做呢個位嘅同事叫做Mr Jimmy Chan。

Q. Mr Jimmy Chan, yes, indeed.

And two other senior people in the Railway Development Office -- and perhaps for this purpose we could look at G9/7022 -- were first of all the Government Engineer, Railway Development Group, Mr Jonathan Leung, and I understand from his witness statement he's been in post since 1 December 2015, so he would have been there throughout your tenure, as I understand it, Mr Chung.

A. 冇錯。

Q. Then if we come down from Mr Leung and we go to the left-hand side of the chart, in the Railway Development Division 1-1 we have Mr Ralph Li as well, as the Chief Engineer?

A. 冇錯。

Q. Mr Chung, in your position as Director of Highways, did you have day-to-day contact with Mr Leung, occasional contact with Mr Leung? How often would you speak to

Mr Leung in perhaps a working week or a working month?

A. 梁先生佢因為係喺鐵路拓展署佢係專職係負責沙中線呢個項目嘅，就係關於鐵路嘅項目因為都係部門重視嘅大型嘅基建項目，所以我每兩個星期係會同鐵路拓展署嘅高層，包括鐵路拓展署署長同埋佢兩位嘅副署長係會有定期嘅會議，佢哋係會向我報告佢哋負責嘅工程相關嘅項目嘅進展等等。所以就我同梁先生就最少兩個禮拜都會見一次面嘅。

Q. Understood. All right.

Now can I ask you, please, to look at paragraph 16 in your witness statement. You say there, in paragraph 16:

"For the SCL project, a project management approach similar to the one in the Express Rail Link project has been adopted. This approach essentially covers three elements, namely (1) entrustment of the whole project to MTR, (2) adoption of a 'check the checker' approach with support from a monitoring and verification consultant and (3) use of a building safety control mechanism handled by the Buildings Department."

First question, Mr Chung: was this the first experience that you had had, personally, of the "check the checker" system in your long government service?

A. 喺我嘅供詞嗰度，我呢度講，我話沙中線係用一個推展嘅方法，係類似高鐵，係類似，就因為兩個項目係有佢嘅本身嘅特點，所以就亦都有佢好相近嘅相近嘅地方，所以就係我哋係用咗呢個高鐵XRL相類似嘅一個嘅方法嚟到推展。

正話律師先生你所講嘅，我係唔係做呢一個位，即係作為路政署署長

係第一次係接觸到一個咁樣嘅模式“check the checker”，“check the checker”呢個名，我係知道就係--以我所知，就喺鐵路拓展署去推展呢兩個項目用嘅。但係你話係唔係我之前就完全冇呢方面嘅接觸呢？咁又未必係咁樣。不過就正話你提到嘅係啱嘅，我嚟到做呢個位，然之後我先至係第一次有直接嗰個經驗係用一個“check the checker”呢一個元素，包括喺個推展呢個項目裏面。

不過有一點其實我都想提嘅，其實喺呢一度提到嘅呢三個元素，其實基本上係按照我哋嘅委託協議裏面鋪陳出嚟嘅嗰個要求裏面都有嘅。

Q. All right, Mr Chung. Thanks for that. I think the answer to my question is: this was the first experience you ever had of the "check the checker" system, and that probably would have done to answer my question, but there we are.

The reason I ask you that, Mr Chung, is that we have heard some evidence over the last couple of days from two witnesses from Pypun who are the "check the checker", and still are. I just wanted to ask you some questions about, as it were, the government's perspective of that system. I just wanted to try to find out how familiar you may be about the system. But let's see how we get on.

Insofar as Pypun are concerned, you will appreciate, I presume, that they really have two teams. They have a monitoring and verification team -- a monitoring team, let's call it, the monitoring team -- and they have the

BSRC team. You're familiar with that concept, the two teams; yes?

A. 我係知道嘅。

Q. Right. So far as the monitoring team is concerned, they appear to be the ones that are really carrying out the "check the checker" responsibilities, and the BSRC team are doing something a little bit different, and we'll come to the BSRC team in a moment.

What you say, in paragraph 18 of your witness statement, if I could refer you to that, please, about just over halfway down paragraph 18 you say:

"Hence, 'check the checker' is a risk-based sampling approach to verify delivery of the requirements of the project scope and authorised expenditure ..."

Mr Chung, what do you mean by a "risk-based sampling approach"?

A. 「風險為本」就係其實我哋推展工程嗰個過程係有不同嘅風險嘅，喺唔同嘅地方涉及嘅風險係有高低，有一啲嘅地方個風險係高一啲嘅，係需要多一啲嘅關注，所以就因為我哋始終個資源其實唔係話無限嘅，所以就我哋如果要有用--我哋有嘅資源要係做到最有效嘅話，其實我哋其中一個方法就係按照嗰個風險嘅高低。風險高嘅，就係會需要擺多啲關注落去，即係嗰個背後嘅理念就係咁樣嘅。

Q. To your understanding of the arrangement between the government and Pypun, who should be identifying the risk and who should be putting those risks in some form of

priority? Is it the government -- Highways/Buildings Department -- or is it Pypun?

A. 我諗呢個問題就未必係可以咁簡單話邊一個嚟到去決定呢一樣嘢，因為就其實嗰個風險嘅管理其實係整個團隊其實佢哋都係有參與嘅，譬如話喺推展工程嘅時候，港鐵公司佢哋就掌握嗰啲嘅工程嘅細節係掌握得最多嘅，所以佢哋亦都係會有好大嘅程度喺呢個風險管理係佢哋係會有一啲嘅input嘅，亦都佢哋亦都需要負責嚟到去管理。因為其實我哋喺我哋整個嘅安排，我哋嗰個委託協議，其實我哋係將個項目係委託咗畀港鐵公司，所有嘅呢啲嘅無論風險嘅管理以至其他嘅相關嘅工作，其實佢都有一個責任。

當然喺現在我哋嘅安排，我哋除咗委託咗畀港鐵公司去推展呢個工程項目之外，其實我哋再多咗一重，就係我哋喺我哋嘅witness statement裏面嘅第16段，我話呢度係有三個元素，第一個元素，我正話所講，就我哋已經係將個項目委託咗畀港鐵公司，喺管理風險嗰方面，其實港鐵公司已經有一個首先要負責嘅責任嚟嘅。

不過就我哋喺整個管理呢個項目裏面有第二個元素，我哋就係嗰個“check the checker”，即係一個咁樣嘅安排。喺當中，我哋亦都有好幾重嘅架構，我哋不同嘅同事參與其中。我哋再加埋我哋有一個嘅M&V嘅consultant佢嚟到協助我哋。

我哋RDO嘅同事同呢一個核證顧問M&V consultant佢哋嗰個合作應該係緊密，而我哋亦都係要求就我哋呢一個嘅顧問公司佢係要主動嘅，換句話嚟講，有好多嘢其實佢都係需要同我哋RDO嘅同事係有好多嘅交流，有好多嘅互動喺各方面。所以就喺呢一方面嚟講，我哋都唔能夠話一刀切，到底邊一個方面去定出呢一個嘅先後嘅次序。因為譬如港鐵公司佢掌握呢一啲嘅細節

嘅資料，佢會提出佢哋嘅睇法，我哋RDO嘅同事亦都會考慮佢呢啲嘅嘢，呢啲嘅資料。我哋核證顧問亦都係會畀一啲意見我哋，佢哋都會睇番到底嗰一啲--譬如話由港鐵公司佢所見得到嘅有一啲嘅風險嘅地方有邊啲有高嘅，佢哋提出嘅意見，我哋嘅核證顧問亦都係會同我哋RDO嘅同事一齊嚟到去睇呢一啲嘅情況。

我哋其實第三個元素亦都有喇，我哋亦都係因為我哋係有--譬如話今次嚟講，喺紅磡站呢一度，紅磡站嗰個嘅工程係受呢個《建築物條例》嚟到去監管嘅。所以喺其中我哋就有屋宇署佢本身佢有個角色喺當中，亦都有個BO team，呢個BO team亦都如果係涉及到《建築物條例》規管範圍以內嘅嘢，佢亦都會代表屋宇署係去處理呢啲事務嘅，所以整體嚟講，如果我哋去睇一個風險管理呢一個嘅問題，並不可以好簡單咁話邊一個嘅party佢係可以決定邊啲係嗰個優次係先一啲。

Q. Okay. At the moment, Mr Chung, I'm trying to just ask you a few questions about the second element, which is the adoption of the "check the checker" approach. I will be coming to the Buildings Department in a moment.

So I think, in summary, your answer is that -- to my original question -- both the RDO officers and Pypun, the M&V consultant, through discussion, through consultation with each other, through that approach will identify and prioritise the risks on any given contract?

A. 我正話所講嘅就係一啲嘅大嘅原則，因為我正話都講，其實係我哋RDO嘅同事佢日常去管理呢啲嘅鐵路項目，嗰啲細節到底係點，我相信我都會留待我哋

RDO嘅同事佢作進一步嘅解釋。

我正話所講嘅，其實我係想讓委員會知道我哋喺推展呢啲工程項目，我哋有呢三個嘅元素喺嗰個推展項目嗰個嘅方法，嗰個背後嗰個理念同埋原則就係咁樣嘅啫。

Q. Yes, and at the moment, Mr Chung, I'm just trying to explore with you the second element and the relationship between government and its "check the checker". That's what I'm trying to ask you, a few, what I thought were relatively straightforward and simple questions.

Anyway, let's go to paragraph 19 of your witness statement, where you say:

"Whilst the SCL project has been entrusted to MTR, Highways under the 'check the checker' approach still maintains its role in monitoring and verifying MTR's compliance with its obligations under the entrustment assessments, including quality", you say, "and public safety aspects."

Then at paragraph 20, just to pick it up, it says:

"When significant issues [arise in] public safety and quality of works arise ..."

So is it your understanding, Mr Chung, that Pypun were responsible and had a responsibility in respect of quality aspects of the works?

A. 或者我咁樣講，Pypun佢就係按照我哋嗰個嘅顧問合約就嚟到去做嘅，當中佢喺個顧問合約嗰度其實就講出咗佢嗰個責任。當然你話係嗰個工程嘅質量

一個呢個咁嘅general嘅term，其實喺好多方面其實都同個工程質量有關，佢係要係負責嘅。

Q. Yes. Quality, for example, relates to cost; yes?

A. 冇錯。

Q. All right. Could I then just turn to the third aspect of paragraph 16, which is use of building safety control mechanism handled by the Buildings Department.

When you say "use of a building safety control mechanism handled by the Buildings Department", Mr Chung, I think in the context of the SCL project, if I've understood paragraph 21 of your witness statement correctly, you're actually referring to the BO team; would that be right?

A. 其實我講緊嘅就喺16段嗰度所講嘅就係第三個元素其實就係同屋宇署係相關嘅，喺第21段，其實呢度所講就係屋宇署係調派咗一班嘅同事嚟到路政署嘅鐵路拓展署RDO就成立咗一個叫做BO team。喺21段呢度就係講呢一班嘅同事佢做嘅工作。佢做嘅工作如果係涉及到同屋宇署相關，即係話《建築物條例》所管轄嘅地方，呢一班同事係代表屋宇署去做相關嘅工作嘅。

Q. Yes, and the point is this, I think, Mr Chung. We've seen the RDO on your organisation chart, and what happened, as a matter of fact, as you explain in paragraph 21 of your witness statement, is four members/personnel from the Buildings Department, from the BD, were seconded to the RDO to form the BO team, and the Pypun BSRC team worked with and assisted that BO

team. That's how it worked on this particular project; that's correct, is it not?

A. 啱。

Q. So, in relation to number (2), your element number (2) and your element number (3) that you list in paragraph 16, Highways, the RDO, was reliant upon Pypun in respect of both of those elements?

A. 我諗就係運基或者話Pypun佢係協助我哋鐵路拓展署與及BO team，呢個係正確嘅。

Q. And in terms of structural matters -- structural safety, structural engineering matters -- essentially, the BO team consisted of the two senior structural engineers seconded from BD, together with the assistance and help that Pypun were providing through the BSRC team?

A. 冇錯。

Q. All right. And, as I understand it, the two building surveyors that you make reference to in paragraph 21 of your witness statement that were seconded were dealing with perhaps other matters, perhaps E&M matters, general building plan matters and suchlike; is that right?

A. 去到呢啲咁具體、細節嘅情況，我諗我會留待我RDO嘅同事去詳細啲解釋。

Q. Understood.

We have heard evidence from Pypun that their M&V team, the monitoring team, went to site approximately once every three months. Were you aware of that?

Sorry, let me rephrase that.

We know that Pypun, under the SCL project, had a lot of contracts to monitor and verify. So far as each individual contract is concerned -- and we are obviously concerned with contract 1112 -- they went to the contract 1112 site once every three months. Were you aware of that?

A. 其實喺我哋同港鐵簽嘅，其實就係政府同港鐵簽嘅委託協議嘅第3，EA3，其實裏面係有講到，應該係17段裏面係有講到就我哋係要--即係可以做呢一啲嘅site visit，係quarterly，quarterly就即係三個月一次。

Q. All right. And so far as the BSRC team is concerned, the evidence appears to be that they only went to the contract 1112 site if specific tests needed to be done or if they were requested for some other reason to go to the site by the RDO or BD officers. Does that accord with your understanding of the situation, Mr Chung?

A. 去到個顧問合約呢啲細節，到底係個安排係點呢，我都係留番畀我哋RDO嘅同事去詳細解釋。不過有一點就我想講嘅，就係喺我哋政府，其實係運房局同港鐵簽嘅委託協議，佢其實裏面就賦予畀政府係可以去睇呢一啲嘅嘢嘅。當然，我哋RDO我哋係透過呢一個嘅顧問合約就係搵顧問嚟到去協助我哋做呢個M&V嘅工作，需要嗰個細節嘅安排就我留番畀我RDO嘅同事去詳細嚟到解釋畀委員會聽。

Q. Yes. The reason I asked you the question, Mr Chung, is that in paragraph 21 of your witness statement you say -- and I am six or seven lines down paragraph 21 on

2065:

"With the support from the M&V consultant, the BO team mainly vets the structural plan submissions and submissions related to fire safety, health standard and precautionary measures such as building layout plans and drainage plans."

Then you say this:

"The BO team also conducts site inspections, if necessary, during the course of construction works."

You seem to be saying that you don't know the details of the site inspections, would that be right, and the site inspection obligations?

A. 其實我正話講嘅，我唔係話詳細嘅情況我係唔知道，我正話講就係因為日常嗰個做呢方面嘅工作就係我哋RDO嘅同事佢去負責，所以嗰個安排上，啲細節嘅安排，佢哋去解釋會係準確一啲。即係我唔想講一啲其實唔係我自己日常真係參與去做嘅，呢啲嘅嘢我唔係一手自己去參與嘅時候，我希望係由我啲同事佢日常佢係做呢啲嘅工作，由佢哋嚟到去解釋畀委員會聽，呢個會係準確，更加係有效一啲。

Q. All right. We'll obviously do that if we get the chance, or when we get the chance, rather.

For example, we have heard from the Pypun witnesses that so far as contract 1112 is concerned, because of the enormity of the size of the site and the project generally, it would be impractical for unannounced, surprise visits to be made to the site. Is that

something you can comment on, or should I be asking Mr Leung or somebody else?

A. 我覺得突擊檢查其實應該係可以做嘅，當然，一個地盤其實唔係可以其他啲人話進入去就進入去嘅，其實佢係會有一啲嘅管制，所以就突擊檢查嘅意思其實都係要作出一啲譬如話好短時間嘅安排，因為如果唔安排嘅話，就係入唔到地盤。

突擊檢查是否能夠做，我自己嘅睇法，呢個係我個人嘅睇法，同嗰個地盤嘅大細，我唔覺得係有乜嘢關係。因為你地盤大嘅時候，你個突擊檢查可能係睇當中嘅一部分，但係做突擊檢查就唔係等如隨意就可以行到入個地盤，我諗兩者係有分別嘅。

我會覺得突擊檢查就係如果我哋有需要去做，我哋係好短嘅通知嘅時間，港鐵公司就要讓我哋啲同事與及我哋嘅顧問公司嘅人員係可以進入地盤，呢個就係我理解嘅突擊檢查。

Q. Okay. Could I move on to a separate and distinct topic, Mr Chung. It's paragraph 43 of your witness statement, please. Before I ask you a couple of questions about paragraph 43 and following, can I just ask you this introductory question. When the MTRC submitted its report to government on 15 June 2018, did you read it?

A. 我有睇嗰個報告。

Q. In paragraph 43, you refer to a press conference that was held on 7 August this year, 2018, and that was a press conference that you gave, Mr Chung, or are you referring to some other press conference?

A. 呢個記者會就係由--當中有好幾位同事有出席，就不是我主持嘅，係由--當中有運房局局長，有運房局嘅常任秘書長，仲有發展局嘅常任秘書長，有我同埋屋宇署署長嚟到出席嘅。

Q. So you were there?

A. 我係其中一個，係。

Q. Right. That was a press conference on 7 August held on the same day that the Chief Executive had a meeting in the morning with Prof Ma, the Chairman of the MTRC.

A. 我唔知道...

Q. Sorry, I haven't asked a question yet. Can I ask you, Mr Chung, whether you had any involvement in briefing the Chief Executive prior to the meeting she had with Prof Ma?

A. 我有參與嗰一個咁嘅會嘅。

Q. You were?

A. 我有。

Q. Prior to 7 August?

A. 冇錯。

Q. All right. I won't go any further than that.

Now, going to paragraph 43(1), you say:

"... the government [had] identified a number of problems with MTR's supervision of the construction of the diaphragm wall ..."

Pause there, Mr Chung, because this is quite important, because there are different parties involved

in this Inquiry, with their own respective interests. The diaphragm wall, or walls, east and west, were constructed by a company called Intrafor. What supervision problems had been identified by the government in respect of the construction of the diaphragm walls by 7 August 2018?

A. 我想搞清楚Mr Pennicott你嗰個問題，因為就喺我個證人口供嘅第43段，其實我哋呢度嘅(1)(a)、(b)、(c)、(d)，其實呢度就冇講到你正話提到嗰個嘅問題嘅。我想搞清楚你到底係咪想問呢幾點嗰啲問題，定係根據呢幾點引申嘅睇法？

Q. At the moment, Mr Chung, I would, with respect, ask you just to focus on my question, because, so far as I can tell, having looked at (a), (b), (c), (d) in paragraph 43(1) of your witness statement, and the various documents that you there refer to, there is no criticism of the supervision of the construction of the diaphragm walls by Intrafor. Do you agree?

A. 呢度冇嘅，係。

Q. Right. What I think you meant, and probably mean, is that the government had identified a number of problems with MTR's supervision of the construction of the joints between the diaphragm wall and the platform slab works. Is that what you meant to say?

A. 喺現在嚟到睇，嗰個監督係有問題嘅，其實喺--即係我哋--雖然我哋喺個記者會嗰度所講主要就係(1)(a)、(b)、(c)、(d)呢啲相關嘅嘢，但係就

當中其實我哋同港鐵，我哋問佢攞好多資料，嗰度亦都反映到正話提到嘅，喺做呢啲嘅接縫嗰啲嘅位嗰個嘅監督係有出現一啲嘅問題，呢個亦都係點解後來即係我哋亦都係要求港鐵公司佢去檢討佢哋嗰個地盤嘅監督嘅問題。另外一個就係佢哋嗰個嘅溝通同上報嘅機制嘅一啲嘅問題，呢啲都係佢哋係見得到嘅，而係叫港鐵公司佢係要去檢討同埋係改善嘅。

Q. Okay. In relation to paragraphs 43(1)(a) to (d), Mr Chung, just starting at the bottom, as it were, and working backwards, at (d) you conclude by saying on that paragraph:

"The aforesaid problems had seriously undermined the government's confidence" -- a phrase we have heard before -- "in MTR's management of the SCL project and the integrity of the same."

As I understand it, Mr Chung, the undermining of the confidence of the government was as a result of the errors and discrepancies in the 15 June 2018 report that subsequently were discovered.

A. 喺呢一度，嗰個係一個整體根據當時已經掌握嘅資料，喺6月15號，就港鐵公司佢提交嘅報告，裏面佢話經過咗內部嘅調查，就係得出咗一啲嘅結果，經過兩個禮拜嘅時間做呢啲嘅調查同埋寫報告，交畀特區政府。

喺我哋收到嘅呢份報告之後，我哋睇過裏面有一啲嘅問題，我哋一路問佢哋港鐵公司，直至到去到7月嘅13號佢哋港鐵公司出咗一封信，嗰封信嘅日子係7月13號，裏面係夾附咗有幾張嘅圖，嗰幾張嘅圖所講嘅嘢其實就同佢6月15號嗰個報告係有非常之大嘅出入，喺呢一度嗰個出入其實係背後顯示好

多嘅問題嘅。

而呢一啲嘅7月13號嗰封信夾附嗰啲嘅文件亦都同屋宇署佢哋接受咗嘅嗰個圖則係有重大嘅分別，呢一個屋宇署就認為呢個係一個重大嘅分別，係需要事先係要得到屋宇署佢哋審視、佢哋睇過認可，先至係去做嘅。

另外仲有一點，就係佢喺嗰個報告裏面所提到嗰啲coupler或者螺絲頭嗰個嘅數目，嗰個數目其實喺佢哋提交咗報告之後，其實我哋RDO嘅同事聯同M&V consultant嘅人員去過地盤係睇過一啲紀錄，M&V consultant畀咗我哋一個報就話，即係確認咗嗰啲嘅地盤嘅紀錄係同佢6月15號所提交嘅報告嗰個數目係脗合嘅，但係7月13號所提交嘅資料所顯示嘅嗰啲嘅設計其實係同嗰個不同。

所以我哋亦都喺8月1號，我哋就同港鐵公司嘅工程嘅高層開過個會，問過佢哋點解會有咁嘅分別，佢喺當中，佢哋提到話7月13號嗰啲嘅資料先至係正確，當中其實係涉及到嗰個新嘅設計所需要用嘅螺絲頭嘅數目係會少一啲嘅。我喺會上亦都問過港鐵公司，佢哋話大概係少二千個，呢個問題就會變咗有一個好嚴重嘅情況，就係個紀錄就係話有大概二萬三千五百個，但係實質上佢喺7月13號提交嘅資料，係我哋問過港鐵嘅高層，佢話係應該係少二千個。我就問佢「點解你嗰啲地盤嘅紀錄係仍然有咁多呢，二萬三千五百個呢？」佢解釋唔到。

呢個紀錄上嗰個分別係一個好嚴重嘅問題嚟嘅，所以其實我哋話喺政府嚟講，對佢港鐵公司嗰個沙中線嘅工程團隊係失信心，係基於好多方面畀我哋睇得到其實係有問題，所以特區政府就對佢失信心，係咁樣得嚟嘅。

Q. Thank you for that.

Can I then just finally ask you a couple of points

in relation to paragraph 44 of your witness statement. You say at paragraph 44:

"Upon discovery of the incident ... Highways set up a task group ..."

And the footnote at 17 identifies the various members of that task group.

"... led by me ... with a view to further enhancing monitoring for the SCL project ..."

And you indicate the various measures that have been initiated.

Could I ask you, please, just to focus on number (4) over the page at 2073, where you say that one of the measures is "increasing site visits and audits by the M&V consultant". Do you see that, Mr Chung?

A. 見到。

Q. When you say "increasing site visits", do you mean increasing the frequency of site visits? That probably admits of a "yes" or "no" answer.

A. 其實頻率嘅增加亦都係等如次數嘅增加啫，其實如果喺特定嘅時間次數嘅增加就等如頻率嘅增加。

Q. Right. Are you proposing to increase the range of and scope of the site visits, or is it just the frequency?

A. 巡視嘅範圍其實係因應實際嗰個需要，如果某一方面某一個時間--某方面嘅工程係嗰個重要性或者嗰個風險係高嘅，嗰啲就都會係納入去巡查嘅範圍，所以巡查嘅範圍係按實際嘅需要，呢啲就我哋RDO嘅同事就係會同我哋嘅核

證顧問佢其實係會商議到底嗰個範圍會係點樣嘅。

Q. Are you reviewing the terms and conditions upon which you engage the M&V consultant? Sorry, were you, before you retired?

A. 呢個不是咁樣嘅情況，不是。因為其實我哋請顧問公司嚟到幫我哋工作，其實就如果請佢哋做嘅工作係同原先做嘅嘢係個範圍係冇離開，其實我哋係不需要將原有嗰個嘅--我哋所謂嗰個嘅顧問合約嚟到去覆核嘅。

有陣時我哋譬如話叫--即係佢係啱番原本我哋嗰個範圍，其實我哋好常有嘅一啲做法都係㗎喇，就我哋如果叫我哋嘅顧問公司幫我哋做多啲，就佢會需要商議嘅就係我哋係要畀多幾多錢，而唔係需要去再去審視番嗰個嘅合約或者顧問合約裏面嗰啲條款，並不是如此。

Q. Perhaps it was my question. I wasn't suggesting that you would be seeking to change or alter the terms and conditions of Pypun's contract. The question was a rather broader question: going forward, future projects, are the terms and conditions of the consultant's agreement being reviewed?

A. 其實我哋喺但凡一啲大嘅工程項目完成咗之後，我哋都有一個嘅檢視review，我哋係話睇番我哋個項目推展嘅過程，有啲咩嘢地方我哋將來係可以有改進嘅地方嘅，唔單係鐵路嘅項目，其他大嘅工程項目，其實我哋都有一個咁樣嘅做法嘅，好得我哋可以總結咗我哋推展工程嘅時候有一啲嘅嘢我哋係做得唔夠好嘅，我哋將來可以係做得好一啲。

所以返番去我哋沙中線呢一個嘅項目，雖然我現在唔在位，所以我相信當項目完成之後，呢一個嘅檢討都係會做嘅。

MR PENNICOTT: Okay. Sir, I have no further questions.

CHAIRMAN: All right. Thank you.

MR SO: No questions from China Tech.

MR COLEMAN: None for us.

MR CONNOR: None from Atkins.

MR SHIEH: None from us.

MR JAT: Sir, it may seem a long time ago and perhaps in a galaxy far, far away, but you may remember that in our written opening, way back on 15 October, in paragraph 39, we specifically put down a point that we take the view that the Buildings Ordinance is not applicable to the SCL project as a matter of law and as a matter of contract. This witness, Mr Chung, addressed that point in his witness statement and also in his testimony earlier today. But we take the view that it's not a matter of evidence, it's a matter of law, insofar as it may be relevant to the terms of reference of this Commission, and insofar as necessary we will address that in submissions rather than as a matter of evidence.

On that basis, I am happy to say that we have no questions for Mr Chung and indeed for subsequent government witnesses who touch on this particular point. So I would not want to stand up every time when that happens. I hope that would be a helpful indication, particularly on a late Friday afternoon.

CHAIRMAN: It is. Thank you very much. I confess that

I will lend a sympathetic ear to the suggestion that it's a matter of law.

MR PENNICOTT: Sir, it's certainly the position that the Commission's legal team takes.

CHAIRMAN: There we go.

COMMISSIONER HANSFORD: I have one question.

CHAIRMAN: Sorry, I was about to -- with these headphones on, I wasn't seeing where the question was coming from.

COMMISSIONER HANSFORD: It's coming from here, Mr Chairman.

CHAIRMAN: And not a galaxy far, far away.

Questioning by THE COMMISSIONERS

COMMISSIONER HANSFORD: Actually, a very close galaxy.

Mr Chung, this may be a matter of detail but I wonder if you can help me.

In your witness statement at paragraph 25, you refer to a monthly progress report, and I don't know if you've read it but in Mr Ralph Li's witness statement, he refers to a monthly progress report. I'm wondering if they are the same report or if there are two reports. Is that something you would know?

A. 教授，就我呢度所講嘅每個月嘅報告，就係我哋每個月開一次嘅PSC meeting，PSC meeting就係港鐵公司佢係要提交一個嘅進度報告嘅，呢度所指嘅就係呢個進度報告。

李先生佢嘅證人供詞嗰度所指嘅係咪同一個嘅進度報告呢，你現在問我，我就唔敢講係咪同一個，因為就其實喺佢嗰度嚟講，佢係有一個會李先生佢

係會出席嘅，或者話佢哋個就係每一個月嘅進度嘅會議，所以佢會唔會都係同一個嘅報告，我唔肯定。

COMMISSIONER HANSFORD: To be fair to you, Mr Chung, perhaps he's not, because Mr Li refers to at the PPMs, whereas you're referring to the PSCs.

My point is you have both helpfully given us an index or the headings of the two progress reports, and the progress report that Mr Li receives includes a section on quality assurance, and the section that you or the headings that you've given us do not include a question on quality assurance.

My question is: did matters of quality assurance find their way into the monthly report that you saw at the PSC?

A. 教授，就喺--我呢度個供詞嗰度都有講，其實PSC呢個會其實係喺個委託協議嗰度嘅第16段係清楚寫咗係應該傾啲乜嘢嘅。喺當中就喺個委託協議嗰度係講明就係工程嗰個進度同工程嗰個做價同埋即係procurement of嗰啲contract等等相關嘅嘢就一定要係喺呢個PSC meeting嗰度係要作為一個主要嘅商議嘅一啲嘅項目。但係我哋亦都不只於嗰一啲嘅，喺呢一度，大家都見得到都有其他嘅一啲嘅項目，其實我哋都擺咗落去我哋個PSC meeting嘅嗰個議程裏面。

其實喺個PSC同其他我哋正話都講係有三重嘅架構，喺彼此之間係有一個分工嘅。去到PSC呢度，除咗就話所講，喺個委託協議話明一定要係關注嘅，嗰啲我哋一定會討論。其他重大嘅事情，當然假若工程個質量係提出嚟

係有一啲重大嘅關注係需要做嘅，就必定會係提上嚟個PSC嚟到討論。

就正如今次，當呢件事事件係浮現咗出嚟，喺5月底提咗出嚟，之後我哋已經由喺6月開始其實就將呢一啲嘅事項納入我哋嘅議程，所以就教授你問到我哋喺個PSC，我哋係會討論一啲重要嘅事情，係應該喺高層係要處理嘅嘢，我哋會畀出一個嘅方向。

如果係一啲--譬如好似今次有一個懷疑喺個工程質量係有問題嘅，呢個亦都值得我哋係要關注嘅，所以我哋亦都將佢列咗入去個PSC meeting嘅議程裏面，係一路我哋會跟落去，直至到事情我哋係認為唔需要再喺個PSC嚟到討論，我哋就先至會呢啲嘅嘅議程嚟到再刪除咗佢。

我自己嘅睇法係咁，當然我都要講一句，就係我現在唔在位，所以將來嗰個處理係點就應該係我嘅繼任人佢去處理嘅。

COMMISSIONER HANSFORD: Yes. Thank you. That's a very helpful answer, Mr Chung. For me, there are two things, I think. One is looking to the future, but I accept that will not be your problem. But actually, looking at the past, were quality issues ever brought to the PSC prior to May 2018?

A. 喺我任內，即係由2016年嘅8月去到--即係呢段時間，就我記得所及，就冇一啲重大嘅質量嘅問題提過出嚟。不過就我啲同事幫我翻查過紀錄，喺我到任之前係曾經係有一啲相關質量嘅問題係提上去PSC係討論過，直至到個問題得到解決之後，先至將嗰個嘅議程嚟到係刪除。

我知道係有嘅，所以就正如我正話所講，其實唔係淨係工程質量問題，其他問題都係，其他問題如果有啲係需要去到最高層去處理嘅，提咗出嚟就

會擺咗落去個PSC嗰度嚟到討論，解決嗰啲問題，畀出一個方向嚟到去處理，直至到問題處理完，先至係會唔再喺PSC嚟到討論。

COMMISSIONER HANSFORD: Okay. Thank you. And presumably that's what item (10) in the PSC monthly report is for, because it's called "areas of concern". So I think what you've told us is if there were any areas of concern to be raised, they would be in the report under that heading; is that right?

A. 冇錯。

COMMISSIONER HANSFORD: Okay. That's very helpful. Thank you.

CHAIRMAN: Good. Thank you very much indeed.

MR KHAW: No re-examination.

CHAIRMAN: I'm sorry. Good. Thank you very much indeed. It's been very helpful. Your evidence is now complete.

WITNESS: 多謝主席。

(The witness was released)

CHAIRMAN: Yes.

MR KHAW: Mr Chairman, just to update the Commission, our next witness, as I have discussed with Mr Pennicott, will be the Secretary for Transport and Housing, so he will be available first thing Monday morning.

CHAIRMAN: Good. Thank you very much. Thank you.

MR PENNICOTT: Yes, that is right sir. I will need to discuss with Mr Khaw where we go after that. I assume

that Mr Ralph Li, who was going to be the second witness today if we had got there, will presumably come after the secretary?

MR KHAW: Yes, then followed by Mr Leung.

MR PENNICOTT: Yes, that's right. We have Mr Lim from BOSA coming to us on Monday afternoon. We may have to take a view later on Monday morning as to how we deal with the government witnesses, because we would quite like to call Mr Lim on Monday afternoon, if we can, and of course don't forget we will be stopping at around about 3.30 on Monday morning, having a short break, and then picking up Mr McCrae from London at 4 o'clock.

COMMISSIONER HANSFORD: Do we also have Mr Chan Chi Kong back in?

MR PENNICOTT: Tuesday.

COMMISSIONER HANSFORD: That's Tuesday? Okay.

CHAIRMAN: On a broader basis, how are we looking for next week?

MR PENNICOTT: Sir, I think we are looking very well. Having had the benefit of Mr Chung today, with the government witnesses underway, I am confident that on Monday we will be able to deal with Mr Chan, hopefully Mr Li and Mr Lim -- I'm not convinced we will get to Mr Leung but we might -- and then obviously we are going to finish Mr McCrae.

If we manage that by the end of Monday, then on

Tuesday we will have Mr Chan Chi Kong, as just indicated, followed by Mr Kevin Harman from Leighton, and then back to the government witnesses. That gives us the rest of Tuesday, Wednesday, Thursday and Friday to get through the government witnesses, and I think we will comfortably accomplish that, given particularly that the last three witnesses, as currently indicated, will only be examined, and I imagine fairly briefly, by Mr Boulding for the MTRC.

So, sir, I am very confident that we will finish by next Friday and without wishing to be over-optimistic, possibly even before the Friday, but perhaps we might be able to review that on Monday.

CHAIRMAN: Of course. We'll see how we go at the end of Monday.

Good. Thank you all very much indeed. Monday morning, 10 am.

MR PENNICOTT: Thank you.

(5.10 pm)

(The hearing adjourned until 10.00 am on Monday, 17 December 2018)

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