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<p>1 Wednesday, 19 December 2018 2 (10.07 am) 3 MR KHAW: The next witness is -- 4 CHAIRMAN: I notice a festive air in the front row. 5 MR KHAW: Yes. 6 CHAIRMAN: I'm sorry, Mr Khaw. Please continue. 7 MR KHAW: Mr Pennicott has a tie for Christmas already. 8 Also, I have been told by colleagues of Mr Lok that 9 whenever he says, "It's okay", he usually means, "You 10 are welcome", but I'm not sure what he said yesterday 11 falls within the general rule of exceptions. 12 Mr Lok, can you confirm that your full name is Lok 13 Pui Fai? 14 WITNESS: (In English) Correct. 15 MR LOK PUI FAI, ANDREW (sworn in Punti) 16 (All answers given via simultaneous interpreter 17 except where otherwise specified) 18 Examination-in-chief by MR KHAW 19 MR KHAW: I understand you would like to give your evidence 20 in Cantonese; is that correct? 21 A. Correct. 22 Q. For the purpose of this Inquiry, you have made one 23 witness statement. If we can have a look at H7/2187, 24 you can see your witness statement there. 25 A. Yes, I can see that.</p>	<p>1 my name is Ian Pennicott. I have a few questions for 2 you, not too many, and then maybe others will have 3 questions for you as well, and of course the Chairman 4 and the professor may also have questions. 5 Mr Lok, could we first of all look at H7/2657. If 6 we look at the left-hand side of this organisation 7 chart, which is said, as you can see at the top, to be 8 from 10 January 2012; do you see that? 9 A. Yes, I see that. 10 Q. If we look at the left-hand side, under the Government 11 Engineer, then there's the Chief Engineer. Then if one 12 goes to the right, one sees the box where it says 13 "Senior Structural Engineer/Railway Development"; do you 14 see that? 15 A. Yes, I see that. 16 Q. My understanding is that that is the position which you 17 occupied from 12 January 2016; is that correct? 18 A. Correct. 19 Q. As I understand it, your predecessor in that position 20 was Mr Wong Wing Keung; is that correct? 21 A. Correct. 22 Q. Prior to taking up your position on 12 January 2016, 23 Mr Lok, what position did you hold prior to that date? 24 A. Prior to that, I was a senior structural engineer of the 25 Existing Buildings in the Buildings Department. So</p>
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<p>1 Q. It's not a short statement. It consists of about 2 27 pages. 3 If we can turn to 2213, we can see that this is your 4 statement dated 13 September this year; do you see that? 5 A. That's correct. 6 Q. You confirm that you put your signature at the end of 7 this statement? 8 A. (In English) Confirm. 9 Q. You confirm that the contents of this statement are true 10 to the best of your knowledge, information and belief? 11 A. I can confirm that. 12 Q. You would like adopt the contents of your statement as 13 your evidence for the purpose of this Inquiry? 14 A. Yes. 15 MR KHAW: As you may know, the gentleman in front of me, 16 Mr Pennicott, who has a very Christmassy tie today, will 17 ask you some questions first, and then lawyers acting 18 for other parties may have some questions for you, so 19 please remain seated. 20 WITNESS: I understand. 21 Examination by MR PENNICOTT 22 MR PENNICOTT: Good morning, Mr Lok. 23 A. (In English) Good morning. 24 Q. Thank you very much for coming back today to give 25 evidence to the Commission. As Mr Khaw has indicated,</p>	<p>1 Buildings Department, Existing Building Division, that 2 was the post I held before 2016. 3 Q. Yes. In that role, in that position, did you have any 4 involvement in the SCL project? 5 A. No. 6 Q. Right. So it's only since January 2016 that that 7 involvement -- that's when your involvement started? 8 A. Correct. 9 Q. All right. Can you tell me this: during Mr Wong's 10 tenure, before you took over, do you know who the 11 structural engineer was, that is Mr Wong's subordinate? 12 A. (In English) Before Mr Wong? 13 Q. No, no, when Mr Wong was there, before you took over, 14 who was the structural engineer, if you know? 15 A. For SCL, there was a colleague, a structural engineer, 16 with the next of Alex Hung. 17 Q. Right. Did he remain in post when you took over? 18 A. Let me say this. There were two posts. First, senior 19 structural engineer, it was Mr Wong Wing Keung, and then 20 I took up the post after Mr Wong Wing Keung, and 21 I became the senior structural engineer. 22 As for the structural engineer, it was Alex Hung. 23 He occupied the post of structural engineer. Then, 24 after him, it was Patrick Fan. Actually, I belonged to 25 the BO team as well, but between 2009 and 2013 I worked</p>

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<p>1 on the XRL.</p> <p>2 Q. Understood. When did Mr Patrick Fan take over from Alex</p> <p>3 Hung?</p> <p>4 A. Correct, yes.</p> <p>5 Q. When?</p> <p>6 A. It was May 2018.</p> <p>7 Q. All right, very recently.</p> <p>8 A. Yes.</p> <p>9 Q. All right. And, as I understand it, Mr Lok, when you</p> <p>10 took over, in January 2016, one of your primary duties</p> <p>11 was the vetting of structural-related building</p> <p>12 submissions, both of the XRL and the SCL; is that right?</p> <p>13 A. Yes, mainly the structural aspect submissions.</p> <p>14 Q. Right. We'll see an example of that in a short while.</p> <p>15 As I understand also from your witness statement,</p> <p>16 you were responsible for supervising the Pypun BSRC</p> <p>17 team; is that right?</p> <p>18 A. Right.</p> <p>19 Q. Is this right, that you and your structural engineer</p> <p>20 colleague, Alex Hung, as it would have been, gave</p> <p>21 instructions to Pypun as to the works that they should</p> <p>22 carry out?</p> <p>23 A. Right.</p> <p>24 Q. Just so that we can see a typical, perhaps, example of</p> <p>25 such an instruction, albeit before the time that you</p>	<p>1 visit, they would make arrangements.</p> <p>2 Q. Okay. So I think the answer is that it wouldn't</p> <p>3 necessarily follow that this type of relatively formal</p> <p>4 instruction would be issued; there may be other means by</p> <p>5 which --</p> <p>6 A. Yes, it may be by email or by telephone.</p> <p>7 Q. Yes, I see. All right.</p> <p>8 A. Let me add that if it's consultation submissions, we</p> <p>9 would issue assignment form for record purpose.</p> <p>10 Q. Okay. Do you agree, Mr Lok, with Mr Yueng of Pypun when</p> <p>11 he says that the BSRC team would only carry out</p> <p>12 a specific audit, site inspection, or deal with</p> <p>13 a submission that we've just seen an example of, on the</p> <p>14 instruction of BD?</p> <p>15 A. You may put it this way. We give them instructions and</p> <p>16 then they would do what we require them to do. That is,</p> <p>17 they would only carry out site inspections, site audits</p> <p>18 and site visits upon our instructions.</p> <p>19 Q. And only review and comment upon submissions if you gave</p> <p>20 them the type of instruction that we've just looked at?</p> <p>21 A. There are some site witness. Maybe it's done by email</p> <p>22 or telephone. There may not be an assignment form.</p> <p>23 Q. All right. To what extent -- obviously you can only</p> <p>24 speak from your experience from January 2016 onwards,</p> <p>25 Mr Lok -- but in your experience, thinking back, to what</p>
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<p>1 took up your role, can we just look at K1/822, please.</p> <p>2 We can see that this is a document headed "Highways</p> <p>3 Department, Railway Development Office". There's</p> <p>4 a reference to the consultancy agreement with Pypun and</p> <p>5 the assignment number; it's obviously addressed to</p> <p>6 Pypun. Then if we could see what it says -- it says:</p> <p>7 "Please check and provide structural comments for</p> <p>8 the following submission", and then the details are</p> <p>9 given.</p> <p>10 In the "Remark" column we see:</p> <p>11 "Please return comments by 30 March 2015."</p> <p>12 And we can see that it's signed at the bottom of the</p> <p>13 page by Alex Hung.</p> <p>14 A. Yes.</p> <p>15 Q. Is this a typical example of an instruction to Pypun?</p> <p>16 A. Yes, that is a typical example.</p> <p>17 Q. Would one of these instructions be issued as a matter of</p> <p>18 course for all the tasks that Pypun were required to</p> <p>19 carry out with regard to analysing or providing comments</p> <p>20 on submissions?</p> <p>21 A. We would mainly issue an assignment form. Sometimes we</p> <p>22 would make telephone calls or use emails to inform them.</p> <p>23 After Pypun has received the information, they would</p> <p>24 follow our instructions. Say, for example, on</p> <p>25 submissions, we would make comment. If it's a site</p>	<p>1 extent were Pypun proactive in making suggestions to the</p> <p>2 Buildings Department or to the BO team about things that</p> <p>3 should be done?</p> <p>4 A. Well, by "proactive", it means that we give them</p> <p>5 an assignment to act in accordance with BO requirements.</p> <p>6 They would ask us for all the information that were</p> <p>7 relevant, to make sure that they would be able to follow</p> <p>8 the BO requirements.</p> <p>9 Q. All right. But there was never a question, is this</p> <p>10 right, of Pypun coming to you, the BD, and saying, "We</p> <p>11 think an audit should be carried out on this aspect of</p> <p>12 the work", or "We think a site inspection should be</p> <p>13 carried out for this reason"? Was there any of that or</p> <p>14 not?</p> <p>15 A. (In English) Can you repeat the question?</p> <p>16 Q. Yes, sure. Was there ever, to your knowledge,</p> <p>17 obviously, a situation where Pypun would come to you and</p> <p>18 say, "We think a site audit ought to be carried out on</p> <p>19 this aspect of the works"?</p> <p>20 A. When it comes to site audits, you can refer to PNAP</p> <p>21 ADM-18. There is appendix 1, listing out a number of</p> <p>22 items. We would mainly follow the items. We would ask</p> <p>23 Pypun to conduct the audit according to these items.</p> <p>24 Q. Right, but as far as site inspections are concerned, did</p> <p>25 they ever suggest to you that they ought to carry out</p>

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<p>1 an inspection under a particular contract at 2 a particular time? Have you had any experience of that? 3 A. For site inspections, we would first look at the 4 type/nature of the site and complexity and the 5 frequency. We would look at a number of things, 6 including public safety concern, if any, if there is any 7 concern expressed by the media, or if MTRC or Pypun has, 8 during meetings or on other occasions, expressed a need, 9 we would arrange for a site inspection. 10 Q. All right. Because in your witness statement at 11 paragraph 1(3) at page 2187 you say: 12 "My duties include, amongst other things", and then 13 it's (3): 14 "providing structural advice on site matters and 15 conducting joint site inspection with SEs if and when 16 necessary ..." 17 Then in paragraph 28 of your witness statement, you 18 say: 19 "Site inspection by the BO team and the BSRC team 20 will be carried out as needed ..." 21 A. Yes. 22 Q. I was wondering how you determined whether and when 23 there was a need; when did it become necessary? 24 A. As I mentioned in paragraph 28, if there were public 25 safety issues, and if some of our colleagues might have</p>	<p>1 A. Our records, yes. 2 Q. Yes. It's a list of site inspection, site audit and 3 site witness record in relation to contract 1112? 4 A. Yes. 5 Q. And those inspections and audits having been carried out 6 by both Pypun and the BO team? 7 A. Right. 8 Q. I think it's evident, is it not, from the records, and 9 the list that you prepared here, that there was no site 10 inspection carried out by the BO team and Pypun when the 11 EWL slab was being constructed under contract 1112? 12 A. EWL slab, according to the record, there was no 13 inspection. However, at the time of the diaphragm wall 14 being constructed, we conducted a site visit of -- 15 a site witness. 16 Q. Yes, certainly back in 2014, Mr Lok, the records show 17 that there was indeed a degree of focus on the diaphragm 18 walls. 19 A. Yes. 20 Q. Because the very first entry on your list, on 9 July 21 2013, was a site inspection where "checking monitoring 22 for D-wall construction" took place; yes? 23 A. Yes. 24 Q. And we also know that on 21 January 2014, item 7, there 25 was an inspection for the diaphragm wall excavation.</p>
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<p>1 spotted areas of concern, say for example certain types 2 of work were being carried out at the site or the media 3 expressed a concern -- let me give you an example. In 4 March 2018, in the North Approach Tunnel at the stitch 5 joint, there was a problem. At that time, we carried 6 out one site inspection. 7 Q. Yes. So, if I've understood it, then, there's -- in 8 terms of audits, there's a fairly well-defined regime 9 within the Pypun contract and the agreement you have 10 with them about site audits, but the actual subject 11 matter of the audit would be determined by the Buildings 12 Department? 13 A. Right. 14 Q. So far as site inspections are concerned, those would be 15 needed when something, some issue or problem, was drawn 16 to your attention by your colleagues dealing with 17 a particular contract; is that a fair way of putting it, 18 Mr Lok? 19 A. Yes. 20 Q. All right. 21 Could we look at your helpful exhibit LPF-7, which 22 I think is in H10, at page 4791. 23 This, as I understand it, Mr Lok, is a list that you 24 have prepared or perhaps supervised the preparation of, 25 and it's based upon, presumably, your records?</p>	<p>1 A. Yes. 2 Q. We also know, because we looked at this with Mr Yueng, 3 that there was indeed a site audit in relation to the 4 couplers on 22 and 24 January, which is also shown on 5 your chart or your list. 6 A. Yes. 7 Q. During that period and indeed a bit further on, on 8 15 July 2015, at item 30 -- this is on the next page -- 9 there was also a site inspection for the barrettes. 10 A. Right. 11 Q. All right. Now, in terms of site audits, we've seen the 12 coupler audit done in January 2014 and, as I understand 13 it, no other audit was done on contract 1112 until April 14 of this year, when you did an audit on the 15 superstructure works; is that right? 16 A. Yes. 17 Q. So there was -- sorry -- 18 A. I'd like to take a look, because some were called hammer 19 test audits. Can I please look at the next page? 20 Q. Yes, of course. 4793. What are we looking for, 21 "hammer"? 22 A. (In English) 50- -- 23 Q. The next one, 4794. 24 A. Actually, there were some audits that were called 25 rebound hammer tests. This is to check the strength of</p>

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1 the concrete.

2 Q. Right. I can see a couple of references, Mr Lok. There

3 is one at 51, which is the hammer test for the

4 transformer building.

5 A. Yes.

6 Q. Does that have anything to do with either of the slabs?

7 A. Not for slabs. This is really for columns and vertical

8 members.

9 Q. Understood.

10 CHAIRMAN: And 59 --

11 MR PENNICOTT: And 54 and --

12 CHAIRMAN: 59.

13 MR PENNICOTT: 54, 56 and 59, yes, indeed -- a number of

14 hammer tests?

15 A. Yes.

16 MR PENNICOTT: I see.

17 CHAIRMAN: What is a hammer test?

18 MR PENNICOTT: A good question, sir.

19 CHAIRMAN: Sorry, you were probably going to ask it in the

20 next question.

21 MR PENNICOTT: I might have done!

22 A. This is for testing the strength of the concrete.

23 Q. Yes. We can see -- thank you for pointing this out --

24 that there was a hammer test for the EWL platform at OTE

25 level on 7 July 2017, so that would have been two years

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1 or so -- not quite two years -- about 18 months after

2 the completion of the EWL slab. Is that the sort of

3 time lag that takes place for this sort of test, or

4 perhaps you were going to explain what it is as well?

5 A. The tests done at site audits usually followed the

6 practice note ADM-18. Hammer test is included in that

7 practice note. The EWL slab and the columns should have

8 been completed before the audit or the test could take

9 place. It would depend on the progress of the

10 construction works. We can do this only after the

11 column is completed.

12 So the time line is you need to complete the column

13 before you can do this test.

14 Q. Right. You say it's to test the strength of the

15 concrete. Is it done in a number of different locations

16 along the EWL slab, or a specific location? What

17 happens?

18 A. We would choose locations randomly, usually on the

19 columns, that we would do a random selection. In other

20 words, we don't do it on the slab but on the columns.

21 Q. Right. So when it says "Hammer test for EWL slab --

22 platform & OTE level", is that a slight misdescription?

23 You're talking about the columns --

24 A. Yes.

25 Q. -- on the EWL slab?

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1 A. Yes.

2 Q. All right. And in terms of your own personal site

3 inspections, Mr Lok, leaving aside this year, 2018,

4 where you have obviously made a number of visits more

5 recently, for obvious reasons, I've only managed to find

6 one reference, which is number 53 on page 4794, when you

7 apparently carried out a general site inspection; do you

8 see that?

9 A. I can see that.

10 Q. Do you recall whether that event, that site inspection,

11 was triggered by anything in particular, or not?

12 A. My intent was to go to the site, take a walk and see the

13 progress on site. Because I took up the post in January

14 2016, I wanted to seek an understanding into the

15 condition on site.

16 Q. All right. Understood.

17 Mr Mok, I believe that you were aware, would have

18 been aware when you took up your post, that there was

19 a quality supervision plan, a QSP, in relation to

20 coupler installation and in relation to, in particular,

21 the rebar connections to the diaphragm walls.

22 A. I understand.

23 Q. You probably understand also that that quality

24 supervision plan was required as a condition of the

25 Buildings Department acceptance of the MTRC's proposals?

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1 A. Yes.

2 Q. And what that QSP did was enhanced the supervision that

3 was required under the Code?

4 A. Yes. It is task-specific.

5 Q. Yes. It essentially identified a known risk area, would

6 you agree with that, or potential risk area?

7 A. I can only say that we have a requirement on couplers.

8 It is a BO requirement.

9 Q. Right. Do you think it would have been an ideal subject

10 matter for an audit, that is the connections of the

11 rebar to the couplers on the diaphragm wall?

12 A. Actually, according to PNAP ADM-18, coupler is not

13 an audit item.

14 Q. Okay. So you were relying on PNAP 18?

15 A. We mainly follow PNAP ADM-18, but at the same time, in

16 2014, we went to do two coupler audits. So we do not

17 necessarily have to just follow the ADM-18. If there is

18 a need, we can do something else.

19 Q. All right.

20 Just going on from there, Mr Lok, can we please look

21 at H10/5061. On 22 January 2016, so some ten days after

22 you had taken up your post, the MTR submitted a batch of

23 documents, including a completion certificate, of the

24 diaphragm wall batch 6. That was submitted to your

25 colleague from whom we heard yesterday, Mr Humphrey Ho.

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1 A. Yes.  
 2 Q. If we go to page H10/5073, we see that what was  
 3 submitted included a quality supervision report for the  
 4 diaphragm wall and barrettes; do you see that?  
 5 A. Yes, I see that.  
 6 Q. If you turn over the page, we see on 5074 the quality  
 7 supervision report is signed off by Mr Jason Wong as the  
 8 competent person; do you see that?  
 9 A. I see that.  
 10 Q. Then if we go to the next page, please, 5075, we see the  
 11 first sheet of the inspection records, or inspection  
 12 record summaries, which run on -- if you've got the hard  
 13 copy there, it will be easier -- for a number of pages  
 14 for each of the diaphragm wall panels; do you see that?  
 15 A. I see that.  
 16 Q. What we can see here, in relation to -- let's just focus  
 17 on 5075 for the moment -- if we go down, we've got EH87;  
 18 do you see that?  
 19 A. Yes.  
 20 Q. So we've got the panel number. We've then got each cage  
 21 identified, so it looks as though EH87 had 15 cages; do  
 22 you see that?  
 23 A. Yes.  
 24 Q. Then we've got the inspection dates of each of the  
 25 cages, and then the result, "Satisfactory" result; do

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1 you see that?  
 2 A. Yes, I see that.  
 3 Q. As I understand it, we've got those -- those records  
 4 are, as we know -- sorry, this summary is taken from  
 5 records that we've seen, contemporary records, and  
 6 summarised on this sheet.  
 7 A. Yes.  
 8 Q. I think you became aware of these documents because if  
 9 we go to page 5148, you responded to this submission  
 10 yourself, Mr Lok. We can see that on page 5150.  
 11 A. Yes.  
 12 Q. In your capacity as the senior structural engineer at  
 13 that time. So you would have looked, as I say, at those  
 14 quality supervision reports?  
 15 A. Yes.  
 16 Q. In relation to your consideration of the submission,  
 17 that would have been done jointly with Pypun or ...?  
 18 A. Pypun helped us to check the as-built submissions.  
 19 Q. All right. But you did your own independent check  
 20 yourself, Mr Lok?  
 21 A. After Pypun has done the checking, they will give to the  
 22 structural engineer, Alex Hung, for checking. Then,  
 23 after that, he will let me sign the letter. That's the  
 24 process.  
 25 Q. Right. But would you personally review the materials,

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1 the documents that have been submitted, such as the  
 2 quality supervision report?  
 3 A. Yes, I have read them.  
 4 Q. Okay. This is a sort of slightly hypothetical question,  
 5 Mr Lok, but can you help us with this. At some point,  
 6 there will need to be a BA14 submission in relation to  
 7 the EWL slab; do you agree?  
 8 A. (In English) Can you say again?  
 9 Q. Yes. At some time, there will need to be, from MTR,  
 10 a BA14 submission in relation to the EWL slab?  
 11 A. The EWL slab -- BA14 is in relation to the certificate  
 12 of completion submission, but so far it hasn't been  
 13 submitted yet.  
 14 Q. I appreciate it hasn't been submitted, but it will need  
 15 to be submitted at some point?  
 16 A. Yes, in the end it has to be submitted.  
 17 Q. Right. Now, in relation to the -- let's focus on the  
 18 EWL slab. What documents will the Buildings Department  
 19 expect to see in relation to the quality supervision of  
 20 that element of the works?  
 21 A. We would make reference of the appendix of the  
 22 acceptance letter in relation to mechanical coupler  
 23 requirements. It includes quality supervision report.  
 24 Therein, there is a statement signed by the CP  
 25 confirming the work that has been done, confirmation of

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1 [disputed translation; may be "compliance with"] the BO  
 2 requirement, also confirmation of the site logbook and  
 3 the coupler checklist. There are also other  
 4 requirements, including test reports; they also have to  
 5 be submitted to us.  
 6 Apart from couplers, for the EWL slab as-built plan,  
 7 it has to be submitted to us as well.  
 8 Q. Yes. I understand about the as-built plans. I'm just  
 9 focusing on what you would expect to see in terms of  
 10 quality supervision.  
 11 A. Right.  
 12 Q. And I think, broadly speaking, you would expect to see  
 13 something perhaps not too dissimilar to what we saw in  
 14 relation to the diaphragm walls; is that right?  
 15 A. They would give us the checklist of couplers, including  
 16 quality control supervisor and contractor's quality  
 17 control coordinator; those checklists would have to be  
 18 given to us.  
 19 MR PENNICOTT: Okay. Thank you very much.  
 20 Sir, thank you very much. I have no more questions  
 21 for Mr Lok.  
 22 CHAIRMAN: Thank you very much.  
 23 MR SHIEH: Subject to the same caveat yesterday in relation  
 24 to not questioning a factual government witness on  
 25 matters of structure/foundation, et cetera, I have no

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<p>1 questions.</p> <p>2 CHAIRMAN: Thank you.</p> <p>3 MR SO: No questions from China Technology.</p> <p>4 MR CONNOR: No questions from Atkins. Thank you, sir.</p> <p>5 MR BOULDING: I adopt the same caveat as Mr Shieh, and on</p> <p>6 that basis, no questions.</p> <p>7 CHAIRMAN: Thank you.</p> <p>8 MR KHAW: No re-examination.</p> <p>9 MR COLEMAN: Even without a caveat, no questions.</p> <p>10 CHAIRMAN: Good. Is there any --</p> <p>11 COMMISSIONER HANSFORD: No, nothing from me.</p> <p>12 CHAIRMAN: Would I be correct to say, then -- just so that</p> <p>13 I understand the position -- that Pypun carried out</p> <p>14 specific audits and specific inspections, but only with</p> <p>15 and under the instructions of the Buildings Department?</p> <p>16 A. Right.</p> <p>17 CHAIRMAN: Thank you very much indeed. I have no further</p> <p>18 questions.</p> <p>19 WITNESS: (In English) Thank you.</p> <p>20 CHAIRMAN: Thank you, Mr Lok, and thank you for having to</p> <p>21 come back today. Thank you very much. Your evidence is</p> <p>22 now completed.</p> <p>23 WITNESS: Thank you.</p> <p>24 (The witness was released)</p> <p>25 MR KHAW: Mr Chairman and Professor, that completes the</p>	<p>1 BO requirement ..."</p> <p>2 I believe it should be "compliance of the BO</p> <p>3 requirement" instead of "confirmation of the BO</p> <p>4 requirement".</p> <p>5 CHAIRMAN: Thank you. Good.</p> <p>6 Concerning the directions given yesterday about</p> <p>7 final submissions, are there any applications or</p> <p>8 concerns?</p> <p>9 MR BOULDING: Sir, I have a question and a suggestion.</p> <p>10 CHAIRMAN: Yes.</p> <p>11 MR BOULDING: So far as the question is concerned -- and</p> <p>12 I don't expect an answer today -- we would find it</p> <p>13 helpful to know in due course what the order of the oral</p> <p>14 submissions will be. No need for it today but in due</p> <p>15 course we will need to know that.</p> <p>16 CHAIRMAN: Yes.</p> <p>17 MR BOULDING: We are content with the directions you have</p> <p>18 handed down. So I come to my suggestion. I know how</p> <p>19 busy people like you are, and you have to work on</p> <p>20 trains, planes, and so on and so forth. I wonder</p> <p>21 whether, in addition to 100 pages, it might be useful to</p> <p>22 you to have a box file per submission with all the very,</p> <p>23 very key documents in it. It's just a suggestion.</p> <p>24 MR PENNICOTT: Sir, this is a matter that Mr Boulding was</p> <p>25 kindly able to share with me last night. Sir, I think</p>
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<p>1 government's factual evidence.</p> <p>2 CHAIRMAN: Good. Excellent. Thank you.</p> <p>3 MR PENNICOTT: Sir, it does indeed, but subject to this</p> <p>4 caveat: that I need again, for the purposes of formality</p> <p>5 and completeness, just to say this, that three</p> <p>6 government witnesses who were going to be called are no</p> <p>7 longer going to be called, and they are to be added to</p> <p>8 the list that I read out a few days ago.</p> <p>9 They are Fan Tak Pun, whose witness statement is at</p> <p>10 H20/44018; Wong Wing Wah, whose witness statement is</p> <p>11 H20/40112; and Fung Lim Cheung, whose witness statement</p> <p>12 is at G13/10873.</p> <p>13 I should also add, again for the sake of formality,</p> <p>14 that as you will recall one of the witnesses from Atkins</p> <p>15 was also not required to be called and questioned. His</p> <p>16 name is Chan Chi Kong and his witness statement is at</p> <p>17 J6/4502.</p> <p>18 All of those witness statements will be uploaded</p> <p>19 onto the Commission's website in the usual way.</p> <p>20 CHAIRMAN: Good. Thank you.</p> <p>21 MR KHAW: Sorry, Mr Chairman, just perhaps one minor</p> <p>22 correction in relation to the transcript. It's [draft]</p> <p>23 page 20, line 12. It says:</p> <p>24 "... there is a statement signed by the CP</p> <p>25 confirming the work that has been done, confirmation of</p>	<p>1 in principle it's a good idea. What I would, however,</p> <p>2 encourage -- and I think this was being emphasised by</p> <p>3 Mr Boulding in what he just said -- is that it really is</p> <p>4 the key documents, or the key part of the transcript,</p> <p>5 and it is limited to a box file. We don't, with</p> <p>6 respect, want a 100-page submission turning up with</p> <p>7 10 lever-arch files. It really must be key documents.</p> <p>8 I think if it's limited to that, the suggestion will be</p> <p>9 extremely helpful.</p> <p>10 CHAIRMAN: We are both taken with that idea, because it</p> <p>11 really does help us.</p> <p>12 MR PENNICOTT: Yes. I don't think it's compulsory but if</p> <p>13 parties wish to do so.</p> <p>14 CHAIRMAN: Absolutely, yes. We are not suggesting that they</p> <p>15 should, but it does help us because instead of having to</p> <p>16 go to a very large volume of documents and try to find</p> <p>17 out way around -- and we won't have this sort of benefit</p> <p>18 with us on a day-to-day basis -- so that would help very</p> <p>19 much.</p> <p>20 COMMISSIONER HANSFORD: I assume that we don't need to</p> <p>21 define the dimensions of the box?</p> <p>22 MR BOULDING: A good question, Professor!</p> <p>23 I'm grateful for that indication, that you find it</p> <p>24 helpful. It also it seems to me that it will be helpful</p> <p>25 to people like myself and my learned friends, because</p>

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<p>1 obviously we've got to read each other's submissions,  2 and if there is a box file of very, very key documents  3 that we can just look at, that will save a lot of time  4 and effort in terms of locating them. So we will  5 proceed on that basis, sir.  6 CHAIRMAN: Yes.  7 MR PENNICOTT: In anticipation of you agreeing to that  8 proposal, I took instructions from those instructing me  9 this morning, and they have indicated that any party who  10 should take that step of providing the box file, we  11 would be grateful if it could be served both in hard  12 copy and soft copy.  13 CHAIRMAN: All right. I think today that's not too  14 difficult. But again, there's no obligation on anybody  15 to do this, but it would be very helpful as far as  16 Prof Hansford and I are concerned.  17 Any further applications?  18 MR SHIEH: One question. At present, we are advised that  19 the end date for all the hearings would be 29 January,  20 which is a Tuesday.  21 CHAIRMAN: That's right.  22 MR SHIEH: From the time limits given by the Commission  23 yesterday in relation to oral submissions, do I take it  24 that the oral submissions would take place on 28th and  25 29th, which would be Monday and Tuesday?</p>	<p>1 have adjourned, and we will do so -- there's a room  2 here, so we can all meet. There's just a couple of  3 matters, or a single matter, actually, we wish to  4 discuss with counsel, purely and simply on  5 an administrative basis. It's a Commission of Inquiry.  6 Sometimes, we think that the way forward can best be  7 decided if we have the assistance of all counsel. So we  8 will gather as soon as we adjourn; all right?  9 There's no need for the solicitors to come. That's  10 not in any way to say that their assistance is not  11 always of the greatest help, but we have seating  12 limitations and the like.  13 Thank you very much. May I wish everybody a very  14 good festive season and I relish the prospect of seeing  15 you in the New Year. Thank you.  16 (10.58 am)  17 (The hearing adjourned until 10.00 am  18 on Wednesday, 9 January 2019)  19  20  21  22  23  24  25</p>
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<p>1 MR PENNICOTT: Sir, so far as consideration has been given  2 to that, I think the proposal will be that we will have  3 the closing submissions on the Friday, which is the  4 25th, I think, and on the 28th and 29th.  5 MR SHIEH: Three days.  6 CHAIRMAN: I think three days we had decided.  7 MR PENNICOTT: Yes.  8 CHAIRMAN: There will be an order of procedure as far as  9 delivery of the oral submissions are concerned, and we  10 will give you that early in the New Year.  11 Good. Anything else at all of a procedural nature,  12 or anything else? Good. Thank you.  13 I think Mr Pennicott may have indicated to you  14 already --  15 MR PENNICOTT: Not to everybody, sir.  16 CHAIRMAN: Okay.  17 MR PENNICOTT: I have managed to speak to both MTR and  18 government, who seem to be primarily concerned about  19 what you are about to say.  20 CHAIRMAN: Yes.  21 MR PENNICOTT: But I'm afraid I've not had an opportunity to  22 speak to anybody else, but certainly I have spoken to  23 Mr Khaw and Mr Boulding.  24 CHAIRMAN: All right. We would like to meet with counsel on  25 a purely administrative matter, immediately after we</p>	<p style="text-align: center;">INDEX</p> <p style="text-align: center;">PAGE</p> <p>MR LOK PUI FAI, ANDREW (sworn in Punti) .....1  Examination-in-chief by MR KHAW .....1  Examination by MR PENNICOTT .....2  (The witness was released) .....21</p>