

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: Correct.

15 MR LOK PUI FAI, ANDREW (sworn in Puntì)

16 Examination-in-chief by MR KHAW

17 MR KHAW: I understand you would like to give your evidence  
18 in Cantonese; is that correct?

19 A. 喺，係。

20 Q. For the purpose of this Inquiry, you have made one  
21 witness statement. If we can have a look at H7/2187,  
22 you can see your witness statement there.

23 A. 係，見到，係。

24 Q. It's not a short statement. It consists of about  
25 27 pages.

26 If we can turn to 2213, we can see that this is your

1 statement dated 13 September this year; do you see that?

2 A. 係，正確。

3 Q. You confirm that you put your signature at the end of  
4 this statement?

5 A. Confirm.

6 Q. You confirm that the contents of this statement are true  
7 to the best of your knowledge, information and belief?

8 A. 係。

9 Q. You would like adopt the contents of your statement as  
10 your evidence for the purpose of this Inquiry?

11 A. 係。

12 MR KHAW: As you may know, the gentleman in front of me,  
13 Mr Pennicott, who has a very Christmassy tie today, will  
14 ask you some questions first, and then lawyers acting  
15 for other parties may have some questions for you, so  
16 please remain seated.

17 WITNESS: 明白。

18 Examination by MR PENNICOTT

19 MR PENNICOTT: Good morning, Mr Lok.

20 A. Good morning.

21 Q. Thank you very much for coming back today to give  
22 evidence to the Commission. As Mr Khaw has indicated,  
23 my name is Ian Pennicott. I have a few questions for  
24 you, not too many, and then maybe others will have  
25 questions for you as well, and of course the Chairman

1 and the professor may also have questions.

2 Mr Lok, could we first of all look at H7/2657. If  
3 we look at the left-hand side of this organisation  
4 chart, which is said, as you can see at the top, to be  
5 from 10 January 2012; do you see that?

6 A. 係，見到。

7 Q. If we look at the left-hand side, under the Government  
8 Engineer, then there's the Chief Engineer. Then if one  
9 goes to the right, one sees the box where it says  
10 "Senior Structural Engineer/Railway Development"; do you  
11 see that?

12 A. 見到，係。

13 Q. My understanding is that that is the position which you  
14 occupied from 12 January 2016; is that correct?

15 A. Correct, 係，正確。

16 Q. As I understand it, your predecessor in that position  
17 was Mr Wong Wing Keung; is that correct?

18 A. 正確。

19 Q. Prior to taking up your position on 12 January 2016,  
20 Mr Lok, what position did you hold prior to that date?

21 A. 我之前係屋宇署現有樓宇部嘅一個高級結構工程師，就喺之前個位置，屋宇  
22 署現有樓宇部Existing Buildings division嘅一個工程師，喺2016年  
23 之前。

24 Q. Yes. In that role, in that position, did you have any  
25 involvement in the SCL project?

1 A. 冇。

2 Q. Right. So it's only since January 2016 that that  
3 involvement -- that's when your involvement started?

4 A. 係。

5 Q. All right. Can you tell me this: during Mr Wong's  
6 tenure, before you took over, do you know who the  
7 structural engineer was, that is Mr Wong's subordinate?

8 A. Before Mr Wong?

9 Q. No, no, when Mr Wong was there, before you took over,  
10 who was the structural engineer, if you know?

11 A. For沙中線，係有一位同事，就structural engineer，係叫Alex Hung。

12 Q. Right. Did he remain in post when you took over?

13 A. 其實我講一講，就係有兩個post嘅，就首先senior structural  
14 engineer，第一個post就係王永強，跟住我就take up咗王永強個post  
15 做senior structural engineer，至於個structural engineer之  
16 前就係Alex Hung，即係佢個位係structural engineer，佢之後下一  
17 個就係Patrick Fan，至於你話我喺--其實之前我都係BO team嘅，但係  
18 我喺2009至2013，我其實嗰時就係做緊XRL高鐵嘅。

19 Q. Understood. When did Mr Patrick Fan take over from Alex  
20 Hung?

21 A. 係。

22 Q. When?

23 A. 係2018年5月。

24 Q. All right, very recently.

1 A. 係。

2 Q. All right. And, as I understand it, Mr Lok, when you  
3 took over, in January 2016, one of your primary duties  
4 was the vetting of structural-related building  
5 submissions, both of the XRL and the SCL; is that right?

6 A. 係，主要係structural aspect。

7 Q. Right. We'll see an example of that in a short while.

8 As I understand also from your witness statement,  
9 you were responsible for supervising the Pypun BSRC  
10 team; is that right?

11 A. 係。

12 Q. Is this right, that you and your structural engineer  
13 colleague, Alex Hung, as it would have been, gave  
14 instructions to Pypun as to the works that they should  
15 carry out?

16 A. 喺。

17 Q. Just so that we can see a typical, perhaps, example of  
18 such an instruction, albeit before the time that you  
19 took up your role, can we just look at K1/822, please.  
20 We can see that this is a document headed "Highways  
21 Department, Railway Development Office". There's  
22 a reference to the consultancy agreement with Pypun and  
23 the assignment number; it's obviously addressed to  
24 Pypun. Then if we could see what it says -- it says:

25 "Please check and provide structural comments for

1 the following submission", and then the details are  
2 given.

3 In the "Remark" column we see:

4 "Please return comments by 30 March 2015."

5 And we can see that it's signed at the bottom of the  
6 page by Alex Hung.

7 A. 喎。

8 Q. Is this a typical example of an instruction to Pypun?

9 A. 係，呢個係一個typical嘅example，係。

10 Q. Would one of these instructions be issued as a matter of  
11 course for all the tasks that Pypun were required to  
12 carry out with regard to analysing or providing comments  
13 on submissions?

14 A. 我哋都係主要每出一個assignment form或者有時如果有其他嘅，會用電  
15 話或者用email嚟通知佢，Pypun收到之後，就會按照我哋嘅instruction，  
16 就會譬如喺submission就會畀comment，譬如如果要出site嘅，佢哋就會  
17 安排。

18 Q. Okay. So I think the answer is that it wouldn't  
19 necessarily follow that this type of relatively formal  
20 instruction would be issued; there may be other means by  
21 which --

22 A. 係，可以係其他嘅，email或者係電話。

23 Q. Yes, I see. All right.

24 A. 我補充少少，就係如果通常係consultation submission，我哋都會出  
25 assignment form嘅，等佢有個紀錄。

1 Q. Okay. Do you agree, Mr Lok, with Mr Yueng of Pypun when  
2 he says that the BSRC team would only carry out  
3 a specific audit, site inspection, or deal with  
4 a submission that we've just seen an example of, on the  
5 instruction of BD?

6 A. 可以咁講嘅，係我哋instruct佢，佢先至會做我哋要求嘅嘢嘅，係under  
7 我哋嘅instruction，佢先會出去做有關嘅site inspection、site  
8 audit同埋site witness。

9 Q. And only review and comment upon submissions if you gave  
10 them the type of instruction that we've just looked at?

11 A. 因為有啲site witness嗰啲，我哋會可能有email或者係電話，未必係一  
12 張assignment form嘅形式。

13 Q. All right. To what extent -- obviously you can only  
14 speak from your experience from January 2016 onwards,  
15 Mr Lok -- but in your experience, thinking back, to what  
16 extent were Pypun proactive in making suggestions to the  
17 Buildings Department or to the BO team about things that  
18 should be done?

19 A. 所謂“proactive”就係我哋畀咗一個assignment畀佢，佢會根據BO嘅  
20 requirement去執行，佢到時會問我哋擺晒有關嘅資料，make sure喺到  
21 地盤嗰度可以跟到BO嘅requirement嚟執行。

22 Q. All right. But there was never a question, is this  
23 right, of Pypun coming to you, the BD, and saying, "We  
24 think an audit should be carried out on this aspect of  
25 the work", or "We think a site inspection should be

1 carried out for this reason"? Was there any of that or  
2 not?

3 A. Can you repeat the question?

4 Q. Yes, sure. Was there ever, to your knowledge,  
5 obviously, a situation where Pypun would come to you and  
6 say, "We think a site audit ought to be carried out on  
7 this aspect of the works"?

8 A. 我哋其實site audit, 我哋可以參考嗰個BD個PNAP個practice note  
9 ADM-18, 入面有個appendix 1, 有好多item喺度嘅, 我哋主要係follow  
10 嗰啲item嘅, 我哋都會跟嗰啲item叫Pypun去做audit嘅。

11 Q. Right, but as far as site inspections are concerned, did  
12 they ever suggest to you that they ought to carry out  
13 an inspection under a particular contract at  
14 a particular time? Have you had any experience of that?

15 A. For site inspection, 我哋主要就係首先睇番嗰個site嗰個nature、  
16 個type, 即係嗰個complexity, 睇番嗰個frequency個需要, 同埋我睇幾  
17 樣嘢嘅, 就係睇下有冇public safety嘅concern、有冇傳媒嘅concern  
18 或者由MTRC或者由我哋Pypun嗰邊或者嗰度如果佢哋喺開會又或者喺其他地  
19 方告知我哋話有需要嘅, 我哋就可以安排一個site inspection。

20 Q. All right. Because in your witness statement at  
21 paragraph 1(3) at page 2187 you say:

22 "My duties include, amongst other things", and then  
23 it's (3):

24 "providing structural advice on site matters and  
25 conducting joint site inspection with SEs if and when



1 necessary ..."

2 Then in paragraph 28 of your witness statement, you  
3 say:

4 "Site inspection by the BO team and the BSRC team  
5 will be carried out as needed ..."

6 A. 係。

7 Q. I was wondering how you determined whether and when  
8 there was a need; when did it become necessary?

9 A. 我頭先其實跟我第28段嗰度都提過，譬如我哋話有啲public safety嘅  
10 issues或者我哋有啲同事見到呢個地盤可能有啲嘢有concern，可能喺  
11 開會有人提過話地盤可能有啲工種做緊或者有傳媒嗰個concern，我舉  
12 個例子，就係喺2018年3月嗰度有一個North Approach Tunnel有個  
13 stitch joint嗰度有個問題，我哋就喺嗰時就carry out咗一次site  
14 inspection。

15 Q. Yes. So, if I've understood it, then, there's -- in  
16 terms of audits, there's a fairly well-defined regime  
17 within the Pypun contract and the agreement you have  
18 with them about site audits, but the actual subject  
19 matter of the audit would be determined by the Buildings  
20 Department?

21 A. 係。

22 Q. So far as site inspections are concerned, those would be  
23 needed when something, some issue or problem, was drawn  
24 to your attention by your colleagues dealing with  
25 a particular contract; is that a fair way of putting it,

1 Mr Lok?

2 A. 係。

3 Q. All right.

4 Could we look at your helpful exhibit LPF-7, which  
5 I think is in H10, at page 4791.

6 This, as I understand it, Mr Lok, is a list that you  
7 have prepared or perhaps supervised the preparation of,  
8 and it's based upon, presumably, your records?

9 A. 係我哋嘅record, 係。

10 Q. Yes. It's a list of site inspection, site audit and  
11 site witness record in relation to contract 1112?

12 A. 係。

13 Q. And those inspections and audits having been carried out  
14 by both Pypun and the BO team?

15 A. 係。

16 Q. I think it's evident, is it not, from the records, and  
17 the list that you prepared here, that there was no site  
18 inspection carried out by the BO team and Pypun when the  
19 EWL slab was being constructed under contract 1112?

20 A. EWL slab, 睇番紀錄, 嗰時係冇inspection, 但係就我哋喺做diaphragm  
21 wall嗰時, 我哋有落去做過呢個site witness of嗰個proof test嘅。

22 Q. Yes, certainly back in 2014, Mr Lok, the records show  
23 that there was indeed a degree of focus on the diaphragm  
24 walls.

25 A. 係。

1 Q. Because the very first entry on your list, on 9 July  
2 2013, was a site inspection where "checking monitoring  
3 for D-wall construction" took place; yes?

4 A. 係。

5 Q. And we also know that on 21 January 2014, item 7, there  
6 was an inspection for the diaphragm wall excavation.

7 A. 係。

8 Q. We also know, because we looked at this with Mr Yueng,  
9 that there was indeed a site audit in relation to the  
10 couplers on 22 and 24 January, which is also shown on  
11 your chart or your list.

12 A. 係。

13 Q. During that period and indeed a bit further on, on  
14 15 July 2015, at item 30 -- this is on the next page --  
15 there was also a site inspection for the barrettes.

16 A. 係。

17 Q. All right. Now, in terms of site audits, we've seen the  
18 coupler audit done in January 2014 and, as I understand  
19 it, no other audit was done on contract 1112 until April  
20 of this year, when you did an audit on the  
21 superstructure works; is that right?

22 A. 係。

23 Q. So there was -- sorry --

24 A. 我想睇睇--因為有啲我哋叫hammer test嘅audit嘅，係可唔可以睇番下  
25 面下一版？

1 Q. Yes, of course. 4793. What are we looking for,  
2 "hammer"?

3 A. 50- --

4 Q. The next one, 4794.

5 A. 4794, 係, 其實我哋其實有啲audit係叫做rebound hammer test, 即係  
6 check啲石屎嘅strength嘅。

7 Q. Right. I can see a couple of references, Mr Lok. There  
8 is one at 51, which is the hammer test for the  
9 transformer building.

10 A. 係, 係。

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

12 A. Slab就有嘅, 因為啲嘢主要係for啲column、啲嘢vertical member。

13 Q. Understood.

14 CHAIRMAN: And 59 --

15 MR PENNICOTT: And 54 and --

16 CHAIRMAN: 59.

17 MR PENNICOTT: 54, 56 and 59, yes, indeed -- a number of  
18 hammer tests?

19 A. 係。

20 MR PENNICOTT: I see.

21 CHAIRMAN: What is a hammer test?

22 MR PENNICOTT: A good question, sir.

23 CHAIRMAN: Sorry, you were probably going to ask it in the  
24 next question.

25 MR PENNICOTT: I might have done!

1 A. 即係test呢個concrete嗰個strength嘅。

2 Q. Yes. We can see -- thank you for pointing this out --  
3 that there was a hammer test for the EWL platform at OTE  
4 level on 7 July 2017, so that would have been two years  
5 or so -- not quite two years -- about 18 months after  
6 the completion of the EWL slab. Is that the sort of  
7 time lag that takes place for this sort of test, or  
8 perhaps you were going to explain what it is as well?

9 A. 其實我哋個site audit做嗰啲test其實係主要跟番嗰個practice note  
10 ADM-18嘅，嗰度其實個類別hammer test係有包到嗰個度嘅，佢其實主要  
11 係嗰個EW slab同上面嗰個column做好咗，先可以做呢個test嘅，或者做  
12 呢個audit嘅。咁要其實係睇番當時個construction works嘅進度，要  
13 做好咗嗰個column，先可以做到嘅。其實嗰個時間性就係要做好咗嗰個  
14 column，complete咗，先可以做到呢個test嘅。

15 Q. Right. You say it's to test the strength of the  
16 concrete. Is it done in a number of different locations  
17 along the EWL slab, or a specific location? What  
18 happens?

19 A. 我哋會random咁選擇一啲位置，係喺column，主要喺嗰個column嘅位置嘅，  
20 係random咁選擇嘅，即係唔係喺塊slab上面做嘅，喺個column上面做嘅。

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. 係。

25 Q. -- on the EWL slab?

1 A. 係。

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. 見到。

10 Q. Do you recall whether that event, that site inspection,  
11 was triggered by anything in particular, or not?

12 A. 嗰時我原意都係落去喺個site嗰度行一次睇睇嗰個site嘅進展，主要係，  
13 因為我係2016年1月就take up呢個post，我都想了解番個site嘅  
14 condition。

15 Q. All right. Understood.

16 Mr Mok, I believe that you were aware, would have  
17 been aware when you took up your post, that there was  
18 a quality supervision plan, a QSP, in relation to  
19 coupler installation and in relation to, in particular,  
20 the rebar connections to the diaphragm walls.

21 A. 係，了解。

22 Q. You probably understand also that that quality  
23 supervision plan was required as a condition of the  
24 Buildings Department acceptance of the MTRC's proposals?

25 A. 係。

1 Q. And what that QSP did was enhanced the supervision that  
2 was required under the Code?

3 A. 係，係呢個task-specific嘅，係。

4 Q. Yes. It essentially identified a known risk area, would  
5 you agree with that, or potential risk area?

6 A. 我哋只可以講我哋對呢個coupler係有一個要求嘅，即係呢個係一個BO嘅  
7 requirement。

8 Q. Right. Do you think it would have been an ideal subject  
9 matter for an audit, that is the connections of the  
10 rebar to the couplers on the diaphragm wall?

11 A. 其實根據PNAP ADM-18，coupler唔係其中一個audit嘅item喺度嘅。

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

13 A. 我哋主要跟隨PNAP ADM-18，但係我哋同時喺2014年都有兩日落過去做  
14 coupler嘅audit，即係唔係話一定要全部跟隨，我哋可以如果覺得有需  
15 要，我哋可以去做。

16 Q. All right.

17 Just going on from there, Mr Lok, can we please look  
18 at H10/5061. On 22 January 2016, so some ten days after  
19 you had taken up your post, the MTR submitted a batch of  
20 documents, including a completion certificate, of the  
21 diaphragm wall batch 6. That was submitted to your  
22 colleague from whom we heard yesterday, Mr Humphrey Ho.

23 A. 係。

24 Q. If we go to page H10/5073, we see that what was  
25 submitted included a quality supervision report for the

1 diaphragm wall and barrettes; do you see that?

2 A. 係，見到。

3 Q. If you turn over the page, we see on 5074 the quality  
4 supervision report is signed off by Mr Jason Wong as the  
5 competent person; do you see that?

6 A. 係，見到。

7 Q. Then if we go to the next page, please, 5075, we see the  
8 first sheet of the inspection records, or inspection  
9 record summaries, which run on -- if you've got the hard  
10 copy there, it will be easier -- for a number of pages  
11 for each of the diaphragm wall panels; do you see that?

12 A. 係，見到。

13 Q. What we can see here, in relation to -- let's just focus  
14 on 5075 for the moment -- if we go down, we've got EH87;  
15 do you see that?

16 A. 見到。

17 Q. So we've got the panel number. We've then got each cage  
18 identified, so it looks as though EH87 had 15 cages; do  
19 you see that?

20 A. 見到。

21 Q. Then we've got the inspection dates of each of the  
22 cages, and then the result, "Satisfactory" result; do  
23 you see that?

24 A. 見到。

25 Q. As I understand it, we've got those -- those records



1 are, as we know -- sorry, this summary is taken from  
2 records that we've seen, contemporary records, and  
3 summarised on this sheet.

4 A. 係。

5 Q. I think you became aware of these documents because if  
6 we go to page 5148, you responded to this submission  
7 yourself, Mr Lok. We can see that on page 5150.

8 A. 係。

9 Q. In your capacity as the senior structural engineer at  
10 that time. So you would have looked, as I say, at those  
11 quality supervision reports?

12 A. 係。

13 Q. In relation to your consideration of the submission,  
14 that would have been done jointly with Pypun or ...?

15 A. Pypun有幫我哋check嗰個as-built submission。

16 Q. All right. But you did your own independent check  
17 yourself, Mr Lok?

18 A. Pypun check完咗，會交界另一位structural engineer Alex Hung  
19 去check番，跟住Alex Hung check咗，會再畀我簽呢封信，即係成個流  
20 程係咁樣。

21 Q. Right. But would you personally review the materials,  
22 the documents that have been submitted, such as the  
23 quality supervision report?

24 A. 我有睇過嘅，係。

25 Q. Okay. This is a sort of slightly hypothetical question,

1 Mr Lok, but can you help us with this. At some point,  
2 there will need to be a BA14 submission in relation to  
3 the EWL slab; do you agree?

4 A. Can you say again?

5 Q. Yes. At some time, there will need to be, from MTR,  
6 a BA14 submission in relation to the EWL slab?

7 A. EWL slab嗰個佢所謂BA14就係一個報完工，即係certificate of  
8 completion嘅submission，但係so far仲未入嘅，係。

9 Q. I appreciate it hasn't been submitted, but it will need  
10 to be submitted at some point?

11 A. 會，會，係，喺最後都要submit嘅，係。

12 Q. Right. Now, in relation to the -- let's focus on the  
13 EWL slab. What documents will the Buildings Department  
14 expect to see in relation to the quality supervision of  
15 that element of the works?

16 A. 我哋會根據番我哋嗰個acceptance letter入面嗰個appendix，係關於  
17 嗰個code，mechanical coupler appendix入面嘅要求，即係包括有  
18 嗰個叫quality supervision report，同埋會入面有一個statement，  
19 就會signed by個CP，confirm佢做嘅嘢in accordance with BO嘅  
20 requirement，同埋佢入面要畀埋地盤嘅logbook同埋嗰個coupler嘅  
21 checklist畀我哋嘅。當然，但係我哋入面仲有其他requirement，包  
22 括有啲test report嗰啲都要入埋畀我哋。

23 除咗coupler之外，嗰個EW slab嗰個as-built嘅plan都要入埋畀  
24 我哋嘅。

1 Q. Yes. I understand about the as-built plans. I'm just  
2 focusing on what you would expect to see in terms of  
3 quality supervision.

4 A. 係。

5 Q. And I think, broadly speaking, you would expect to see  
6 something perhaps not too dissimilar to what we saw in  
7 relation to the diaphragm walls; is that right?

8 A. 佢會畀呢個--會入番個個--要入番啲checklist嗰個coupler，即係包括  
9 由CP嗰邊，嗰個quality control supervisor同埋contractor嗰邊  
10 嘅quality control coordinator做嗰個coupler嗰個checklist，  
11 要入番畀我哋。

12 MR PENNICOTT: Okay. Thank you very much.

13 Sir, thank you very much. I have no more questions  
14 for Mr Lok.

15 CHAIRMAN: Thank you very much.

16 MR SHIEH: Subject to the same caveat yesterday in relation  
17 to not questioning a factual government witness on  
18 matters of structure/foundation, et cetera, I have no  
19 questions.

20 CHAIRMAN: Thank you.

21 MR SO: No questions from China Technology.

22 MR CONNOR: No questions from Atkins. Thank you, sir.

23 MR BOULDING: I adopt the same caveat as Mr Shieh, and on  
24 that basis, no questions.

25 CHAIRMAN: Thank you.

1 MR KHAW: No re-examination.

2 MR COLEMAN: Even without a caveat, no questions.

3 CHAIRMAN: Good. Is there any --

4 COMMISSIONER HANSFORD: No, nothing from me.

5 CHAIRMAN: Would I be correct to say, then -- just so that

6 I understand the position -- that Pypun carried out

7 specific audits and specific inspections, but only with

8 and under the instructions of the Buildings Department?

9 A. 係。

10 CHAIRMAN: Thank you very much indeed. I have no further  
11 questions.

12 WITNESS: Thank you.

13 CHAIRMAN: Thank you, Mr Lok, and thank you for having to  
14 come back today. Thank you very much. Your evidence is  
15 now completed.

16 WITNESS: 係，多謝，Thank you。

17 (The witness was released)

18 MR KHAW: Mr Chairman and Professor, that completes the  
19 government's factual evidence.

20 CHAIRMAN: Good. Excellent. Thank you.

21 MR PENNICOTT: Sir, it does indeed, but subject to this  
22 caveat: that I need again, for the purposes of formality  
23 and completeness, just to say this, that three  
24 government witnesses who were going to be called are no  
25 longer going to be called, and they are to be added to  
26 the list that I read out a few days ago.

1           They are Fan Tak Pun, whose witness statement is at  
2           H20/44018; Wong Wing Wah, whose witness statement is  
3           H20/40112; and Fung Lim Cheung, whose witness statement  
4           is at G13/10873.

5           I should also add, again for the sake of formality,  
6           that as you will recall one of the witnesses from Atkins  
7           was also not required to be called and questioned. His  
8           name is Chan Chi Kong and his witness statement is at  
9           J6/4502.

10          All of those witness statements will be uploaded  
11          onto the Commission's website in the usual way.

12          CHAIRMAN: Good. Thank you.

13          MR KHAW: Sorry, Mr Chairman, just perhaps one minor  
14          correction in relation to the transcript. It's [draft]  
15          page 20, line 12. It says:

16                 "... there is a statement signed by the CP  
17                 confirming the work that has been done, confirmation of  
18                 BO requirement ..."

19                 I believe it should be "compliance of the BO  
20                 requirement" instead of "confirmation of the BO  
21                 requirement".

22          CHAIRMAN: Thank you. Good.

23                 Concerning the directions given yesterday about  
24                 final submissions, are there any applications or  
25                 concerns?

26          MR BOULDING: Sir, I have a question and a suggestion.

1 CHAIRMAN: Yes.

2 MR BOULDING: So far as the question is concerned -- and  
3 I don't expect an answer today -- we would find it  
4 helpful to know in due course what the order of the oral  
5 submissions will be. No need for it today but in due  
6 course we will need to know that.

7 CHAIRMAN: Yes.

8 MR BOULDING: We are content with the directions you have  
9 handed down. So I come to my suggestion. I know how  
10 busy people like you are, and you have to work on  
11 trains, planes, and so on and so forth. I wonder  
12 whether, in addition to 100 pages, it might be useful to  
13 you to have a box file per submission with all the very,  
14 very key documents in it. It's just a suggestion.

15 MR PENNICOTT: Sir, this is a matter that Mr Boulding was  
16 kindly able to share with me last night. Sir, I think  
17 in principle it's a good idea. What I would, however,  
18 encourage -- and I think this was being emphasised by  
19 Mr Boulding in what he just said -- is that it really is  
20 the key documents, or the key part of the transcript,  
21 and it is limited to a box file. We don't, with  
22 respect, want a 100-page submission turning up with  
23 10 lever-arch files. It really must be key documents.  
24 I think if it's limited to that, the suggestion will be  
25 extremely helpful.

26 CHAIRMAN: We are both taken with that idea, because it

1 really does help us.

2 MR PENNICOTT: Yes. I don't think it's compulsory but if  
3 parties wish to do so.

4 CHAIRMAN: Absolutely, yes. We are not suggesting that they  
5 should, but it does help us because instead of having to  
6 go to a very large volume of documents and try to find  
7 out way around -- and we won't have this sort of benefit  
8 with us on a day-to-day basis -- so that would help very  
9 much.

10 COMMISSIONER HANSFORD: I assume that we don't need to  
11 define the dimensions of the box?

12 MR BOULDING: A good question, Professor!

13 I'm grateful for that indication, that you find it  
14 helpful. It also it seems to me that it will be helpful  
15 to people like myself and my learned friends, because  
16 obviously we've got to read each other's submissions,  
17 and if there is a box file of very, very key documents  
18 that we can just look at, that will save a lot of time  
19 and effort in terms of locating them. So we will  
20 proceed on that basis, sir.

21 CHAIRMAN: Yes.

22 MR PENNICOTT: In anticipation of you agreeing to that  
23 proposal, I took instructions from those instructing me  
24 this morning, and they have indicated that any party who  
25 should take that step of providing the box file, we  
26 would be grateful if it could be served both in hard

1 copy and soft copy.

2 CHAIRMAN: All right. I think today that's not too  
3 difficult. But again, there's no obligation on anybody  
4 to do this, but it would be very helpful as far as  
5 Prof Hansford and I are concerned.

6 Any further applications?

7 MR SHIEH: One question. At present, we are advised that  
8 the end date for all the hearings would be 29 January,  
9 which is a Tuesday.

10 CHAIRMAN: That's right.

11 MR SHIEH: From the time limits given by the Commission  
12 yesterday in relation to oral submissions, do I take it  
13 that the oral submissions would take place on 28th and  
14 29th, which would be Monday and Tuesday?

15 MR PENNICOTT: Sir, so far as consideration has been given  
16 to that, I think the proposal will be that we will have  
17 the closing submissions on the Friday, which is the  
18 25th, I think, and on the 28th and 29th.

19 MR SHIEH: Three days.

20 CHAIRMAN: I think three days we had decided.

21 MR PENNICOTT: Yes.

22 CHAIRMAN: There will be an order of procedure as far as  
23 delivery of the oral submissions are concerned, and we  
24 will give you that early in the New Year.

25 Good. Anything else at all of a procedural nature,  
26 or anything else? Good. Thank you.



1 I think Mr Pennicott may have indicated to you  
2 already --

3 MR PENNICOTT: Not to everybody, sir.

4 CHAIRMAN: Okay.

5 MR PENNICOTT: I have managed to speak to both MTR and  
6 government, who seem to be primarily concerned about  
7 what you are about to say.

8 CHAIRMAN: Yes.

9 MR PENNICOTT: But I'm afraid I've not had an opportunity to  
10 speak to anybody else, but certainly I have spoken to  
11 Mr Khaw and Mr Boulding.

12 CHAIRMAN: All right. We would like to meet with counsel on  
13 a purely administrative matter, immediately after we  
14 have adjourned, and we will do so -- there's a room  
15 here, so we can all meet. There's just a couple of  
16 matters, or a single matter, actually, we wish to  
17 discuss with counsel, purely and simply on  
18 an administrative basis. It's a Commission of Inquiry.  
19 Sometimes, we think that the way forward can best be  
20 decided if we have the assistance of all counsel. So we  
21 will gather as soon as we adjourn; all right?

22 There's no need for the solicitors to come. That's  
23 not in any way to say that their assistance is not  
24 always of the greatest help, but we have seating  
25 limitations and the like.

26 Thank you very much. May I wish everybody a very

1           good festive season and I relish the prospect of seeing  
2           you in the New Year. Thank you.

3           (10.58 am)

4                           (The hearing adjourned until 10.00 am  
5                           on Wednesday, 9 January 2019)

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