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<p>1 Wednesday, 29 May 2019 2 (10.02 am) 3 MR PENNICOTT: Good morning, sir. 4 CHAIRMAN: Good morning. 5 MR PENNICOTT: Sir, I can see but perhaps others can't -- 6 but I see the samples of the Lenton and BOSA couplers 7 that were put on your desk at the front. 8 COMMISSIONER HANSFORD: This is it. 9 MR PENNICOTT: There is a rather rusty one so I would be 10 rather careful with that. 11 CHAIRMAN: Yes. 12 COMMISSIONER HANSFORD: I've already tried this one so 13 I know what I'm doing. 14 MR PENNICOTT: So that's the 32 millimetre coupler and the 15 taper-threaded rebar. 16 There is also a BOSA coupler, also 32 millimetre, 17 with a rather rusty rebar, that's also been given to us. 18 COMMISSIONER HANSFORD: This one. 19 MR PENNICOTT: Then there's the one we had previously, which 20 is the type 1 40 millimetre coupler and rebar. 21 CHAIRMAN: Good. 22 MR PENNICOTT: Secondly, before we start the evidence this 23 morning, can I just mention this: yesterday afternoon, 24 at about 2.38, we were provided by those instructing my 25 learned friend Mr Tsoi, that is for Wing &amp; Kwong, with</p>	<p>1 hard copies, as I understand it, but they are not 2 available as yet. 3 COMMISSIONER HANSFORD: That's fine. 4 MR PENNICOTT: With that, I will ask invite Mr Tsoi to call 5 Mr Ng. 6 MR TSOI: I thank counsel for the Commission for that 7 introduction. I must apologise for the late materials. 8 It is a breakdown of internal communications. We did 9 not realise the significance of the location of the 10 photographs before. I explain that now lest it be 11 suggested that we tried to conceal or tried to not 12 disclose relevant information to the Commission. 13 I personally looked at the 20-odd new photos that we 14 provided to the Commission. I have been told that only 15 two or three of them have any significance, but I will 16 in any event, to avoid any misunderstanding, take the 17 witness through each one of them, so he can comment, if 18 he wants to, about the significance of the photo. 19 With that in mind, may I call Mr Ng Man Chun to give 20 evidence? 21 MR NG MAN CHUN (affirmed in Cantonese) 22 (All answers given via simultaneous interpreter 23 except where otherwise specified) 24 Examination-in-chief by MR TSOI 25 Q. Are you Ng Man Chun?</p>
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<p>1 a photograph, one photograph. That's been put in the 2 bundle at EE404, and I have at least had a chance to 3 look at that photograph. We understand the photograph 4 to have been taken by Mr Ng, who is the first witness, 5 on 21 July 2017. 6 Sir, at 9.42 this morning, we were given another 20 7 photographs from the same source. I'm afraid I've not 8 had an opportunity of looking at any of them yet, but 9 I understand that they are already on the system and the 10 Secretariat. 11 What I have indicated to Mr Tsoi for Wing &amp; Kwong is 12 this: I am content, if you are, for Mr Ng to be taken to 13 any of those photographs during the course of his 14 examination-in-chief, so that he may give any 15 explanation he wishes to do so. Thereafter, if I or 16 anybody else need a bit of time to consider them, then 17 we will ask for it. 18 I am not, I have to say, proposing to stop my 19 cross-examination of Mr Ng, and I will just get on with 20 it, but if I need to come back to the photographs at any 21 point over the next day or so, then I request that 22 I would be able to do so. 23 COMMISSIONER HANSFORD: Do we have hard copies for the 24 bench? 25 MR PENNICOTT: They are being prepared at the moment, the</p>	<p>1 A. Yes. 2 Q. Can I ask you to look at page EE341 of the file. The 3 English can be found at page EE371.1. 4 Mr Ng, can you just confirm that this is your 5 witness statement? 6 A. Yes. Yes. 7 Q. Can you turn to the signature page. The Chinese can be 8 found at EE371 and the English is at page -- sorry, the 9 English is not signed, but the signature page is at 10 EE371.7. 11 Can you just confirm that that is your signature? 12 A. Yes, correct. 13 Q. Before you signed this witness statement, did you have 14 an opportunity to read the contents? 15 A. I don't quite understand. Can you repeat your question? 16 Q. Before you signed the witness statement, did you have 17 an opportunity to read the contents of this witness 18 statement? 19 A. Do you mean whether I signed after reading the 20 statement? 21 Q. Yes. 22 Now, do you wish to adopt this witness statement as 23 your evidence in this Inquiry? 24 A. Okay. No problem. 25 Q. Perhaps if you can speak louder, Mr Ng.</p>

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<p>1 Can I now turn you to page CC1303. This is the 2 Leightons list of the rebar fixers that were engaged by 3 Wing &amp; Kwong. 4 Can you see your name at entry 152? 5 A. I do. 6 Q. Can you see Mr Leung Chi Wah's name at entry 115? 7 A. I do. 8 Q. Leung Chi Wah is the rebar fixer that will testify in 9 this Inquiry; is that correct? 10 A. Yes. 11 Q. Looking back at your entry at entry 152, you are listed 12 as the rebar fixer? 13 A. Yes. 14 Q. If we turn to page CC1304, at entry 233, we see 15 a Mr Yuet Yung Tai has been listed as the foreman; do 16 you see that? 17 A. I do. 18 Q. Can you explain why Mr Yuet was listed as the foreman 19 but you were listed as the rebar fixer? 20 A. Those I don't know. 21 Q. Do you know Mr Yuet Yung Tai? 22 A. I know who he is. I have met him a few times. 23 Q. Was he the foreman working on site? 24 A. I'm not sure. 25 Q. How about you: were you the foreman working on site?</p>	<p>1 Q. And he is an inspector of works of MTR? 2 A. That's correct. 3 Q. There you also mention the name Tony? 4 A. Yes. 5 Q. But you don't know Tony's full name? 6 A. I don't know. 7 Q. Could that be an individual called Tony Tang, Tang 8 Siu Hang? 9 A. I only know he's Tony. I don't know his full name. 10 Q. At this juncture, I would like you to look at 11 page EE404. Perhaps it's easiest if you look at the 12 screen, because it's a new insertion. 13 A. Okay. 14 Q. Do you recognise this photograph? 15 A. Yes, I do. 16 Q. Who took it? 17 A. I did. 18 Q. When did you take it? 19 A. 2017, when I worked there. 20 Q. Perhaps to give you some context, we know that from -- 21 and I think this is undisputed in Michael Fu's witness 22 statement -- we know that the 1111/1112 NSL stitch 23 joint, to which my learned friend has been referring to 24 as "joint 1", the track slab, the rebar fixing works for 25 the track slab, was carried out between 5 and 6 July</p>
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<p>1 A. Yes. 2 Q. You were under the employ formally of Loyal Ease? 3 A. Yes. 4 Q. And Loyal Ease is engaged by Wing &amp; Kwong to conduct 5 rebar fixing work? 6 A. Yes. 7 Q. And does the fact that you are under the official employ 8 of Loyal Ease make you any less competent to perform 9 your task as a foreman? 10 A. I don't quite get your question. Can you repeat it? 11 Q. You are under the employ of Loyal Ease; yes? 12 A. Yes. 13 Q. Does it matter, as a foreman, in terms of competence, 14 whether you are engaged by Loyal Ease or directly by 15 Wing &amp; Kwong? 16 A. No, no. It doesn't make any difference. 17 Q. Can I turn you to page EE348 of your witness statement. 18 The English could be found at page EE371.9. 19 Do you see there subparagraph (11) -- you make 20 mention of an individual called Rita but who is in fact 21 a man? 22 A. Yes. 23 Q. Could that individual in fact be an individual called 24 Victor, Victor Tong -- his name is Tung Hiu Yeung? 25 A. Could be.</p>	<p>1 2017. Then the concreting was completed on 8 July 2017, 2 and the rebar fixing works for the wall commenced on 3 22 July to 25 July 2017. 4 Do you understand? 5 A. Yes. 6 Q. So, with that in mind, can you now recall -- 7 MR BOULDING: You're leading him. 8 MR TSOI: Is it in dispute? Are you objecting? 9 MR BOULDING: Sir, we are having obvious leading questions 10 here. My learned friend might as well tell the witness 11 the date and ask him whether it's true. In my 12 respectful submission, this is not the way to run this 13 hearing, where, as I understand, the normal Rules of 14 Evidence apply. 15 MR TSOI: We have the photos and the record of the photos 16 being sent. If my learned friend would like to inspect 17 that, that's absolutely fine. But is he suggesting he 18 is challenging the authenticity or the provenance of the 19 photo or not? Are you? 20 MR BOULDING: I'm not. I'm not challenging the provenance 21 of the photo, because the witness said he took it. What 22 my learned friend is now trying to lead him on, it 23 would appear, is the date of the photo. 24 MR TSOI: Because I was giving him some context. I can't 25 just ask him when the picture was taken. He has taken</p>

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<p>1 lots of pictures.</p> <p>2 CHAIRMAN: Perhaps we can just avoid the leading questions,</p> <p>3 if we can.</p> <p>4 MR TSOI: Perhaps I should ask this: do you now recall when</p> <p>5 you took this picture?</p> <p>6 A. It was so long ago that I cannot recall exactly, but if</p> <p>7 you look at the background, the context and the WhatsApp</p> <p>8 message on my phone, I would be able to tell, because</p> <p>9 they were taken on the same day and they were sent out</p> <p>10 on the same day.</p> <p>11 Q. Do you have the record of when you sent this picture?</p> <p>12 A. May I check my phone now so that I can tell you the</p> <p>13 date?</p> <p>14 MR TSOI: If it pleases the Commission?</p> <p>15 CHAIRMAN: Yes.</p> <p>16 MR TSOI: Yes.</p> <p>17 A. So that's yes? (Looking at phone).</p> <p>18 It should be 21 July 2017.</p> <p>19 Q. Where was this picture taken; can you recall?</p> <p>20 A. If I look at this photo now, I was saying it should be</p> <p>21 what you call joint 1 or at the top of 1111.</p> <p>22 Q. Where were you standing at the time, when you took the</p> <p>23 picture?</p> <p>24 A. At the platform, at the surface of that platform.</p> <p>25 Q. Why did you take this picture?</p>	<p>1 A. Well, as far as I understand, the yellow caps are what</p> <p>2 you call the so-called conical-shaped ones, and the red</p> <p>3 ones are the flat tops; I think they are different.</p> <p>4 CHAIRMAN: You mean the couplers themselves are different?</p> <p>5 A. They are different couplers.</p> <p>6 MR TSOI: On the left, the yellow couplers or the caps of</p> <p>7 the couplers, we see there is a row of yellow caps. But</p> <p>8 the row, there's some -- I would say a gap there,</p> <p>9 I think there's a gap; the witness may be able to</p> <p>10 confirm, but why is there a gap in the row of caps?</p> <p>11 Or perhaps if my learned friend could assist with</p> <p>12 the computer to point out where it is. Yes, that spot.</p> <p>13 Why don't I see a yellow cap there?</p> <p>14 A. There could be a few reasons for that. Maybe it was not</p> <p>15 fully exposed for the cap to be put on, or if it wasn't</p> <p>16 really exposed, therefore you couldn't put a cap there.</p> <p>17 Q. Can you see anywhere else in this picture of the</p> <p>18 situation you just described?</p> <p>19 A. For that particular coupler, I think the two couplers</p> <p>20 next to this one are just the same. If you move</p> <p>21 forward, you can see -- you will see two to four missing</p> <p>22 yellow caps.</p> <p>23 MR TSOI: Have I lost you, Prof Hansford?</p> <p>24 COMMISSIONER HANSFORD: You haven't lost me. It's just that</p> <p>25 I can't see that.</p>
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<p>1 A. When we were working at this location, it has to do with</p> <p>2 Wing &amp; Kwong; we are doing this with additional manpower</p> <p>3 to do the work, so we needed to take photos to send to</p> <p>4 the company.</p> <p>5 Q. On the left of the photo, we see yellow bits. Can you</p> <p>6 tell us what they are? I think they are on the wall.</p> <p>7 A. The coupler with the top installed.</p> <p>8 Q. But why are the couplers coloured?</p> <p>9 CHAIRMAN: I think we are aware of that from before. My</p> <p>10 understanding is that these are the caps that protect</p> <p>11 the couplers from the ingress of concrete residue, and</p> <p>12 presumably different couplers have different caps.</p> <p>13 MR TSOI: I'm grateful to you, Chairman, but I am eager to</p> <p>14 please my learned friend not to lead.</p> <p>15 CHAIRMAN: Sure. That's why I have said what I've said.</p> <p>16 It's a matter which we've already -- let me put it this</p> <p>17 way: we've heard evidence that these yellow caps are in</p> <p>18 fact caps that you take off in order to have access to</p> <p>19 couplers in the wall; is that correct?</p> <p>20 A. That's correct.</p> <p>21 CHAIRMAN: And, similarly, on the other wall opposite, you</p> <p>22 will see red caps, and those are the same?</p> <p>23 A. Yes, yes.</p> <p>24 CHAIRMAN: Why are they yellow on one side and red on the</p> <p>25 other? Is this just random or is there a plan to it?</p>	<p>1 MR TSOI: I'm trying to work it out myself.</p> <p>2 COMMISSIONER HANSFORD: I think it's a bit indistinct.</p> <p>3 CHAIRMAN: I think we want to try to avoid confusion here.</p> <p>4 The yellow caps which you see on the wall in this</p> <p>5 photograph, who put them on?</p> <p>6 A. For this location, it's 1111. People responsible for</p> <p>7 1111 did it. I think it should be someone from</p> <p>8 Leighton.</p> <p>9 CHAIRMAN: Good. So it wasn't your organisation that put</p> <p>10 them on?</p> <p>11 A. No, no, no.</p> <p>12 MR TSOI: How about the other wall, the one with the red</p> <p>13 caps? Can you identify, if any, similar situation?</p> <p>14 A. On this side, there are fewer. For this location in the</p> <p>15 middle, the exposure was insufficient.</p> <p>16 CHAIRMAN: Again, who put those caps on?</p> <p>17 A. For the red side, it was ourselves.</p> <p>18 MR TSOI: Okay. You have a hard copy of the photo; yes?</p> <p>19 A. I do.</p> <p>20 Q. Can you circle for us the location you just identified?</p> <p>21 A. I have circled those that could be clearly seen.</p> <p>22 Q. Perhaps if I could ask you to pass that to the Chairman</p> <p>23 and the learned Commissioner. Have you marked it?</p> <p>24 A. I have. (Handed).</p> <p>25 COMMISSIONER HANSFORD: Thank you.</p>

Page 13	1 MR TSOI: Perhaps counsel would like to look at -- does the 2 counsel wish to look at it? Perhaps Mr Shieh. 3 MR SHIEH: Can I see the photo? 4 MR TSOI: Sure. 5 I hope that makes it clear for the Commission. 6 CHAIRMAN: I could do with a little bit of help, actually, 7 just so we are not talking at cross-purposes. I'd like 8 to know -- I think I understand, but I'd like to know 9 what the wall is that has the yellow caps and what the 10 wall is that has the red caps. I appreciate that the 11 one with the yellow caps is contract 1111 and the wall 12 with the red caps is contract 1112. I'd like to know, 13 in particular, who built that wall, because that -- you 14 know, was it actually built by W&K; if so, did they do 15 all the metal fixing? If they did, then they would have 16 been responsible for fixing in the couplers into the 17 metal cages before the concrete was poured. 18 MR PENNICOTT: Sir, I don't think there is any dispute that 19 on, if you like, the red side of the wall -- let's call 20 it that -- all the rebar fixing, including the couplers, 21 was done by Wing & Kwong, under the supervision of this 22 witness. 23 CHAIRMAN: Good. Okay. I just wanted to make sure of that. 24 Then we are not talking at cross-purposes at all. 25 MR PENNICOTT: No. If one can cut through this a little	Page 15
Page 14	1 know. 2 So that's really, as I understand, what this 3 photograph shows. The date seems to fit, and as 4 I understand it, what is trying to be derived as 5 a matter of evidence from this photograph is that we 6 know the red and the yellow caps were exposed by 7 a chipping-away process by somebody else, so that the 8 rebar can then be fixed to create the roof of the stitch 9 joint. 10 COMMISSIONER HANSFORD: Yes. 11 MR PENNICOTT: That's really what it comes to. 12 COMMISSIONER HANSFORD: And I think what I'm seeing on this 13 photograph is, very clearly, that on the left-hand side 14 the caps are yellow and on the right-hand side the caps 15 are red, and that's very clear. I think we've got to be 16 a little bit careful in using this photograph to 17 identify whether there are any missing couplers, because 18 it's not very distinct. 19 MR PENNICOTT: That's right. 20 COMMISSIONER HANSFORD: And also, the fact that there may be 21 missing caps at the surface does not necessarily mean 22 there are missing couplers. 23 MR PENNICOTT: The coupler could be there. 24 COMMISSIONER HANSFORD: The coupler could be there but 25 hidden by concrete.	
Page 16	1 MR PENNICOTT: Either -- 2 CHAIRMAN: Or deeper into the wall. 3 MR PENNICOTT: Deeper without the cap. There could be 4 a number of explanations. 5 COMMISSIONER HANSFORD: It may be or may not be. 6 MR PENNICOTT: We don't know. 7 COMMISSIONER HANSFORD: We don't know. And that's true on 8 both sides of the interface. 9 MR BOULDING: Sir, I don't know where Mr Tsoi is going with 10 this but can I just point out, for the sake of accuracy, 11 that the circle on the far left appears to us to be in 12 the wrong place, if you have a look at the photograph. 13 Perhaps I can just hand the photograph up and you 14 can form a view as to whether or not ... 15 COMMISSIONER HANSFORD: Mr Boulding, that's exactly my 16 point; that, you know, it's indistinctive as to whether 17 there are missing couplers or indeed even missing caps, 18 and I don't think we can use that photograph. 19 MR BOULDING: I think you are absolutely right, but insofar 20 as it is going to be used for anything, it appears to me 21 that when you look at what the witness has marked, he 22 has marked a circle to the right of the far-left circle 23 which the computer operators have helpfully put on the 24 screen. I don't know whether it's going to be of any 25 significance but it just occurred to me and I hope to	

<p style="text-align: right;">Page 17</p> <p>1 find out.</p> <p>2 CHAIRMAN: Yes. Thank you.</p> <p>3 Sorry, Mr Tsoi, we have a benefit over you in that</p> <p>4 we have canvassed the whole question of couplers, how</p> <p>5 they are set into metal frameworks and how then cages</p> <p>6 are built and concrete poured, and then the walls which</p> <p>7 hold in the concrete are then removed.</p> <p>8 COMMISSIONER HANSFORD: You see, what is being shown on the</p> <p>9 screen here at the moment is three red circles on the</p> <p>10 right-hand side, but the witness has actually put some</p> <p>11 circles on the left-hand side and they don't appear on</p> <p>12 the screen. So this is only of partial use to us,</p> <p>13 I think.</p> <p>14 MR TSOI: Perhaps if I could ask those who are helpfully ...</p> <p>15 MR BOULDING: Can I see where the witness ...</p> <p>16 MR TSOI: I'm so sorry. Perhaps if I could ask --</p> <p>17 COMMISSIONER HANSFORD: I'm just wondering how useful this</p> <p>18 is, to be honest.</p> <p>19 MR PENNICOTT: It's not.</p> <p>20 COMMISSIONER HANSFORD: What I'm taking from this, Mr Tsoi,</p> <p>21 is the ones on the left are yellow and the ones are the</p> <p>22 right are red.</p> <p>23 MR TSOI: I'm grateful, and I'm very grateful to my learned</p> <p>24 friend for the Commission.</p> <p>25 CHAIRMAN: And what we can take from it -- it's clearly on</p>	<p style="text-align: right;">Page 19</p> <p>1 page EE404.</p> <p>2 MR TSOI: Perhaps it's easier to look at the electronic</p> <p>3 version, because that seems to be clearer.</p> <p>4 Mr Ng, I'm going to ask you to look at these</p> <p>5 photographs and tell us, the best you can, when and</p> <p>6 where they were taken.</p> <p>7 A. I can.</p> <p>8 Q. Let's look at the first one. Can you recall now when</p> <p>9 that was taken?</p> <p>10 A. Just a minute. Let me check my records. (Looking at</p> <p>11 phone).</p> <p>12 1 June 2017.</p> <p>13 Q. Can you recall where it was taken?</p> <p>14 A. Either joint 1 or joint 2. I am checking now. (Looking</p> <p>15 at phone).</p> <p>16 I can't recall clearly, but it would be the base of</p> <p>17 either joint 1 or joint 2.</p> <p>18 Q. Does this photograph show anything of significance,</p> <p>19 which may be of importance to the Commission?</p> <p>20 A. What would you like me to say? If you talk about</p> <p>21 imperfect installation of couplers, I can circle them to</p> <p>22 you, because you can see our workers already working on</p> <p>23 it.</p> <p>24 Maybe I can circle the darker parts and the lighter</p> <p>25 parts.</p>
<p style="text-align: right;">Page 18</p> <p>1 a raised platform near the roof, and clearly, if the</p> <p>2 caps are going to be undone and reinforcing bars are</p> <p>3 going to be inserted, there's going to be a reinforcing</p> <p>4 bar going right the way across.</p> <p>5 COMMISSIONER HANSFORD: But it is a very useful photograph</p> <p>6 because it's the first time we have seen a photograph of</p> <p>7 the stitch joint.</p> <p>8 MR TSOI: I am grateful.</p> <p>9 COMMISSIONER HANSFORD: I assume this is the NSL.</p> <p>10 MR PENNICOTT: Yes, joint 1.</p> <p>11 MR TSOI: I am very grateful.</p> <p>12 Perhaps I could now take you, Mr Ng, to other</p> <p>13 photographs which I think have now been produced in hard</p> <p>14 copies. Can I ask that to be handed out. (Handed).</p> <p>15 COMMISSIONER HANSFORD: Thank you. We have them already</p> <p>16 MR TSOI: May I ask the one that has been circled by Mr Ng</p> <p>17 to be handed to Mr Shieh so he can have a look.</p> <p>18 (Handed).</p> <p>19 Mr Ng, can you flip through the set of photographs</p> <p>20 that have been produced? I think they have been added</p> <p>21 into the network.</p> <p>22 MR PENNICOTT: While Mr Ng is doing that, can I just, for</p> <p>23 the purpose of the transcript, say that there are 24</p> <p>24 photographs in this clip that we've been given, but that</p> <p>25 includes the one that we've been looking at</p>	<p style="text-align: right;">Page 20</p> <p>1 CHAIRMAN: Okay.</p> <p>2 A. (Chinese spoken).</p> <p>3 CHAIRMAN: Again, I'm going to need a bit of help. My</p> <p>4 apologies.</p> <p>5 This first photograph, is that taken at the base</p> <p>6 level?</p> <p>7 A. Yes, that's correct.</p> <p>8 CHAIRMAN: Good. So that's where you've got the one tunnel</p> <p>9 that's already been built, and you are in the stitch</p> <p>10 joint and you are laying reinforcing for the base?</p> <p>11 A. Yes, that's correct.</p> <p>12 CHAIRMAN: All right. Photograph number 2?</p> <p>13 MR TSOI: I think the witness has circled the bits that he</p> <p>14 wants the Commission to look at in the first photo.</p> <p>15 CHAIRMAN: All right.</p> <p>16 MR TSOI: Perhaps that could be passed to those ...</p> <p>17 (Handed).</p> <p>18 COMMISSIONER HANSFORD: The circles are at the bottom left</p> <p>19 and the bottom right of this photo.</p> <p>20 CHAIRMAN: What do those circles show?</p> <p>21 A. The lack of sufficient exposure of the end part of the</p> <p>22 coupler.</p> <p>23 MR TSOI: I think we're trying to mark it on the screen.</p> <p>24 COMMISSIONER HANSFORD: Then could we blow it up, once it's</p> <p>25 marked, please?</p>

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<p>1 Can we blow it up a little bit further, please? 2 And the one on the right? 3 MR TSOI: Unless other questions arise, I shall move on to 4 the second -- 5 MR SHIEH: Which photo are you on? 6 MR TSOI: The first one, of the pile. 7 MR SHIEH: This is a close-up ... 8 MR TSOI: If we now turn to the second photo, I'm going to 9 ask the same thing: can you now recall when and where 10 that was taken and anything significant arises? 11 A. Just the same as the last photo. It was taken on the 12 same day, the same location. Nothing special for this 13 photo. 14 Q. All right. 15 A. Just like the last one, the same day, nothing special. 16 Q. The next one? 17 A. The same, taken on 1 June. Maybe there are some 18 problematic problems at the circled area here 19 (indicating). 20 Q. Can we show the Commission? (Handed). 21 I've been asked by my learned friend for the 22 Commission: can you, Mr Ng, looking at this photograph, 23 identify the size of the rebar that we see there? 24 MR PENNICOTT: The diameter. 25 MR TSOI: The width of the rebar.</p>	<p>1 MR TSOI: Mr Ng, what did you just circle in the photograph 2 we see on the screen? 3 A. Well, the coupler should have been there, but they were 4 not exposed and you couldn't see any here. They have 5 not been exposed, that is. 6 CHAIRMAN: You mean they were still covered with concrete? 7 A. Yes. 8 MR TSOI: I see a wall on the left in the photograph. Can 9 you identify where that wall was? 10 A. It should be joint 2. 11 Q. Why do you say that? 12 A. It's a slanted wall. That could only be found at 13 joint 2. 14 Q. Now, in your witness statement, you mention this wall. 15 Can you turn to paragraph 78 of your witness statement. 16 From that -- onwards, I think the reference to a wall we 17 can find on 82, paragraph 82. 18 Is this the same wall you are talking about in the 19 witness statement? 20 A. Yes. Yes. 21 Q. Now, in the witness statement, at paragraphs 83 and 84, 22 you mentioned there that there was a row of couplers 23 that is not exposed. Do you see that? 24 A. Yes. 25 Q. On the photograph, can we see that or not?</p>
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<p>1 A. No, not from this photo. It's not clear. 2 MR TSOI: If I may ask the marker -- can I ask the circle to 3 be put on the screen? 4 If I can move on to the next photo, the same 5 questions: when, where, and anything significant? 6 A. This was taken on 21 July. It's also at the wall of 7 joint 1 or joint 2. At that time, we had already 8 started to work on the wall, and none of the couplers 9 here had been exposed at that point, but you can sort of 10 see quite indistinctly (indicating). You will see the 11 cap, if the coupler had been exposed, it should be red, 12 but nothing here. 13 MR TSOI: Can I ask that to be shown to the Commission? 14 (Handed). 15 CHAIRMAN: Sorry, I can't see anything there. 16 MR TSOI: Perhaps we should ask that to be blown up. 17 CHAIRMAN: Well, in a sense, I can't see anything 18 significant. I can see a little bit of red but that's 19 clearly not a cap, and the rest of it seems to be wall. 20 MR TSOI: No, I think -- well, I will ask the witness -- 21 CHAIRMAN: Sorry, are we talking about the same photograph? 22 I was talking about this one. 23 MR TSOI: Perhaps we should ask the witness to explain again 24 what he just circled. 25 CHAIRMAN: Yes.</p>	<p>1 A. I was talking about the circled area. That's the 2 location. 3 MR TSOI: Any questions arising? 4 COMMISSIONER HANSFORD: That's rather obscured by the 5 scaffolding, isn't it? So it's a little bit difficult 6 to tell from the photograph. 7 MR TSOI: Perhaps. 8 COMMISSIONER HANSFORD: Well, not "perhaps"; it is obscured 9 by the scaffolding. 10 MR TSOI: I can only ask on the evidence. 11 COMMISSIONER HANSFORD: Not the evidence ... 12 MR TSOI: You mean the photograph? Sure. 13 The next photo, the same questions. 14 A. This one -- give me a minute. On the 21st, taken on the 15 21st. Nothing special. It was taken on 21 July. I've 16 got nothing special to say about this one. 17 Q. So nothing significant; yes? 18 The next photo, same questions. 19 A. It was also taken on 21 July. Can you blow it up a bit? 20 CHAIRMAN: Is that the right way? 21 A. That's okay. Just a few things. You can see the 22 couplers chipped out, and these two spots here 23 (indicating) were not sufficiently chipped out, and then 24 the caps were still there, and then I have already 25 circled what I can see. You can see faintly that our</p>

Page 25	Page 27
<p>1 workers had already removed the caps. 2 MR TSOI: Can you hand that over, first? 3 COMMISSIONER HANSFORD: I think we may have the photo the 4 wrong way around. Can we orient it -- can we turn it by 5 90 degrees? That's now not right either. Rotate it 6 90 degrees to the right. I think that's correct, isn't 7 it? Is that correct? 8 A. Correct. Correct. 9 MR TSOI: Right. Can you hand that up to the Commission, 10 and tell us what you circled again? (Handed). 11 CHAIRMAN: Tell me, if you came across couplers embedded 12 into the walls which have not been exposed from the 13 concrete, what would you do? 14 A. I would speak to the person in charge of this location. 15 It could be an engineer. I would inform him. 16 CHAIRMAN: And what would that engineer then do? 17 A. Normally, after being told, we would have to deal with 18 it, to ensure we could screw it in. 19 CHAIRMAN: Right. So, in other words, as far as this 20 concreting is concerned or a failure to expose from the 21 concreting, you would report it to one of the inspectors 22 from Leighton on site, or an engineer, and somebody 23 would come along and then do the necessary remedial work 24 to expose the couplers? 25 A. Yes, correct.</p>	<p>1 come and fix it, and if they don't, you ask them again. 2 Is that what you did? Did you go and say, "Hey guys, 3 nobody has come along to fix these things; could 4 somebody come along"? 5 A. Usually, I would inform him, and his response was to go 6 ahead, to proceed and do whatever I can to screw in as 7 much as I can, then I did as instructed. 8 CHAIRMAN: But did that mean that you'd have to remove the 9 concrete yourself? 10 A. No, no, no. 11 CHAIRMAN: Then what would you do? You would try to do it 12 with the concrete there? 13 A. Yes. 14 CHAIRMAN: Can I ask this: under normal circumstances, 15 elsewhere, when you asked one of the inspectors or 16 engineers from Leighton to come and chip off some 17 concrete that hadn't been removed already, how long 18 would it take to get that job done? 19 A. Depending on the scope, how big it was -- it would take 20 a few days. 21 CHAIRMAN: A few days? I mean, all right, let's say you 22 came across three couplers that had not yet been 23 exposed, all in the same area. You spoke to the 24 Leighton engineer. How long normally would it take for 25 somebody to come along and expose those three couplers?</p>
Page 26	Page 28
<p>1 CHAIRMAN: So would it be correct to say that the fact that 2 the couplers, when you came across them, still had 3 concreting over the top was not a major problem? You 4 could get it fixed quite quickly? 5 A. Yes. After I have told them, they could be fixed. 6 CHAIRMAN: Yes. 7 MR TSOI: But, for the stitch joints, did that happen? 8 A. Come again? 9 Q. Was it fixed? 10 A. Are you saying that when I reminded them some of the 11 spots were not properly chipped out or they were 12 damaged, did they get someone to fix it? Is that your 13 question? 14 Q. Yes. 15 A. After informing them, they didn't send somebody to fix 16 it. 17 Q. Who did you inform? 18 A. Harry. 19 Q. Henry what? 20 A. I only know that he was called Harry. 21 Q. Is it Harry or Henry? 22 A. Harry. 23 CHAIRMAN: Harry. 24 Again, can I ask another question -- please forgive 25 me -- normally, the way it works is you ask somebody to</p>	<p>1 A. How long did it take for them to send somebody? Well, 2 if we have a few in one area, I think it could be fixed 3 within a couple of hours. 4 CHAIRMAN: Yes. So, if there are a limited number of 5 couplers all in the same area, a couple of hours, the 6 job's done and you can continue. Why would it take 7 several days if it was -- 8 A. Well, by several days, I meant the whole wall. 9 CHAIRMAN: All right. And in this particular instance, you 10 are saying, where the stitch joint was, even though you 11 asked them to remove the concrete, for some reason or 12 other they just said, "No, do the best you can"? 13 A. Yes. 14 CHAIRMAN: But, if it was covered in concrete, how did you 15 do the best you can? 16 A. Well, I followed the drawings and I placed the rebar 17 there. They could not be screwed in; without the 18 couplers, they could not be screwed in. 19 CHAIRMAN: I mean, did you have any tools that would enable 20 you to chip away the concrete yourself? 21 A. No, absolutely not. 22 CHAIRMAN: Did you not think that maybe, if they wouldn't do 23 it, you would do it, to make it more secure? 24 A. No, no, I won't. It is not our duty to chip it out. We 25 were only responsible for screwing it in.</p>

Page 29	1 CHAIRMAN: Okay. 2 MR TSOI: Can I turn you to the witness statement at 3 paragraph 54. I think here is the situation. So there 4 you explain, I think, when the couplers are still 5 embedded in the concrete; yes? 6 A. Yes. 7 Q. Paragraph 54(1). Here, subparagraph (1), you said this 8 in the middle: 9 "As far as I recollect, the instruction I received 10 in this situation was 'If you really cannot view them 11 in, just leave the bar there first!'" 12 What does that mean? 13 A. Well, we followed the drawings. If the coupler was not 14 chipped out, because according to the drawing there 15 should be a rebar, so we just placed the rebar there and 16 fixed it. 17 MR TSOI: Chairman, is there anything that troubles you? 18 CHAIRMAN: No, I'm just puzzled, as a layperson -- and 19 I profess my ignorance -- that they can't be that deeply 20 embedded in concrete. It's not as if they are 4 foot 21 under concrete. Surely a little, small chipping tool 22 would chip away the concrete quite quickly, wouldn't it? 23 A. This you have to ask Leighton, because we are not 24 responsible for chipping it. I don't know. 25 CHAIRMAN: I appreciate that, but if Leightons say no, then	Page 31
Page 30	1 "You do the best you can" -- you took that as meaning, 2 "Don't do anything about removing the concrete"? 3 A. We couldn't chip out the concrete. That's their duty. 4 We are only responsible for screwing in the rebar. 5 CHAIRMAN: All right. Why was it, do you think -- did you 6 have any evidence in front of you as to why Leighton 7 wouldn't do what they normally do, which is send 8 somebody along to chip it out? 9 A. We informed them. Whether they send anyone to do is out 10 of my scope. 11 MR TSOI: Did you have the tools to remove the concrete 12 yourself? 13 A. What do you mean by tool to chip out? No, it is not 14 within our duty to do so, nor would we have the tool to 15 do it. 16 Q. The next photo, same questions. 17 A. Taken on 21 July as well, but no significance. 18 COMMISSIONER HANSFORD: Can we first of all determine which 19 way up this photo is supposed to be? Is that correct? 20 A. Correct. 21 COMMISSIONER HANSFORD: So what is it we are looking at? Is 22 that the soffit? Is that the top? 23 A. Yes, yes. 24 COMMISSIONER HANSFORD: Thank you. 25 MR TSOI: The next photo, same questions.	Page 32



Page 33	1 A. The same day, and nothing special. 2 Q. The next one? 3 COMMISSIONER HANSFORD: Sorry, while we are on that one, are 4 you saying this is joint 2? Is this joint 2? 5 A. I'm not sure about this. For this photo, I'm not sure. 6 MR TSOI: Perhaps I can assist. I don't think it's in 7 dispute. In accordance with Michael Fu of MTR, who was 8 the construction manager of the project, if you go to 9 his statement at BB65, he says that joint 2, the rebar 10 fixing works for the dividing wall and the East Wall was 11 carried out between 26 and 29 July. So, if these 12 pictures were taken on 27 July, then it should be 13 joint 2. 14 COMMISSIONER HANSFORD: Okay. The only reason for my 15 question is -- I'm right joint 2 is an internal joint, 16 isn't it, within 1112? 17 MR TSOI: Yes. 18 COMMISSIONER HANSFORD: And therefore the couplers should be 19 the same on both sides of the joint? 20 MR TSOI: That's correct. 21 COMMISSIONER HANSFORD: I'm wondering if that's what this 22 photo shows us or not. 23 A. There was no cap so I cannot tell. We have loosened all 24 the caps already. 25 COMMISSIONER HANSFORD: Okay. That's fine.	Page 35	1 that we went through? 2 A. No. No. 3 Q. Can I take you to paragraph 96 of your statement. 4 A. I'm reading it. 5 Q. There, I think you give evidence of a site -- of 6 a meeting at the construction site? 7 A. Yes. 8 Q. This was after the water seepage problem has come to 9 light; yes? 10 A. Yes. 11 Q. You say there that Henry Lai and a Ms Wong also attended 12 the meeting? 13 A. That's correct. 14 Q. And then you give the contents of the meeting. Now, at 15 that meeting, why did you not say to Leighton that Henry 16 Lai knew about the Lenton couplers? 17 A. No one asked that question. There was a new supervisor. 18 I only saw him once. I don't know his name. He asked, 19 in terms of percentage, how many couplers could be 20 screwed in. That's the question he put to me. 21 Q. After this meeting, did you have further contacts with 22 Henry Lai? 23 A. No. 24 Q. During your work at the work site, how did Henry Lai and 25 you contact each other?
Page 34	1 MR TSOI: The next photo. 2 A. It's a duplicated one, the same, the same day. Nothing 3 special. 4 Q. The next one we've seen. 5 A. (Chinese spoken). 6 Q. Right. That's the photographs. 7 THE COURT REPORTER: We didn't get a translation of the last 8 answer. 9 MR TSOI: Can we translate the last answer from the witness? 10 I think he just said, "We have seen that photo." 11 Can I now take you to your witness statement again, 12 at paragraph 45. There you say that you had 13 a conversation with a Leighton engineer called Henry 14 Lai. 15 A. That's correct. 16 Q. Can you confirm the content? 17 I will ask again. Can you confirm the contents? 18 A. Yes. 19 Q. When you said Harry or Henry in your evidence before, is 20 this the Henry or is it someone else? 21 A. It's the same person that I talk about. 22 Q. This conversation you said happened when it was joint 3 23 or the stitch joint; yes? 24 A. Yes. 25 Q. So that's not the time when you have taken the pictures	Page 36	1 A. Telephone, WhatsApp, or we just met by chance. 2 Q. So he has your number? 3 A. Yes. 4 Q. After February 2018, has he ever called you to say why 5 are you making allegations against him that he 6 instructed you to screw things in as much as possible? 7 Sorry, to screw the rebars into the couplers as much as 8 possible -- has he asked you that? 9 COMMISSIONER HANSFORD: Sorry, I'm getting Cantonese on here 10 instead of English now. 11 INTERPRETER: Sorry, I have the wrong channel. 12 MR PENNICOTT: You need to put the question again, I'm 13 afraid. 14 COMMISSIONER HANSFORD: Yes. 15 MR TSOI: After the February meeting -- sorry, now he can't 16 hear it. Can you hear me now? 17 A. Please continue. 18 Q. After the February 2018 meeting, has Henry Lai ever 19 called you to ask why were you making allegations 20 against him that he instructed you to screw in the 21 rebars as much as possible? 22 A. No, no, no. I did not communicate with him. 23 Q. Have you testified in a court before? 24 A. No. 25 MR TSOI: Other counsel will now ask you questions, so just

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<p>1 try your best to answer them; all right? 2 WITNESS: Okay. 3 MR PENNICOTT: Coffee? 4 CHAIRMAN: Yes. We are going to have the mid-morning break 5 now. Just a quarter of an hour. You are giving your 6 evidence at the moment, and until you have completed 7 your evidence entirely, you must not discuss it with 8 anybody else. Do you understand? 9 A. I do. 10 CHAIRMAN: So it's a natural thing to go outside and maybe 11 speak to a colleague or something or ask somebody how 12 well you are doing or not doing, et cetera, but it's 13 considered a serious breach; okay? 14 A. (Nodded head). 15 CHAIRMAN: Good. Thank you very much. Quarter of an hour. 16 WITNESS: I do. 17 (11.32 am) 18 (A short adjournment) 19 (11.50 am) 20 Examination by MR PENNICOTT 21 MR PENNICOTT: Mr Ng, good morning. 22 A. Good morning. 23 Q. My name is Ian Pennicott and I'm one of the counsel for 24 the Commission. I get to ask you some questions first. 25 What will then happen is if any of the counsel,</p>	<p>1 A. I cannot recall. 2 Q. Well, it was certainly, what, 2015, when the 3 sub-contract between Loyal Ease and Wing &amp; Kwong was 4 entered into, so that's four years? 5 A. Yes, it should be. 6 Q. Right. So it was a bit before that, was it? 7 A. Correct. 8 Q. All right. We know that Loyal Ease was a sub-contractor 9 to Wing &amp; Kwong for the rebar fixing work in both the 10 HHS and the NAT areas near the Hung Hom Station part of 11 the SCL project? 12 A. Yes. 13 Q. Could I ask you, please, to look at the sub-contract. 14 It's at E1/401, in the Chinese. Is this a document 15 you've seen before, Mr Ng? 16 A. No. 17 Q. Do you recognise either of the signatures at the bottom 18 of the page? 19 A. No. 20 Q. All right. We'll come back to the sub-contract in 21 a moment. 22 Loyal Ease is owned by a gentleman, I understand, by 23 the name of Chan Siu Wing; is that right? 24 A. Please come again? 25 Q. By whom is Loyal Ease owned?</p>
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<p>1 representatives for the other parties, wish to ask you 2 some questions, they can do. Then, when all of that is 3 finished, if Mr Tsoi wishes to ask you any more 4 questions, he's entitled to do so. 5 During the course of that whole process, the 6 Chairman and the Commissioner may ask you further 7 questions. They've already asked you some questions 8 already. So that's how it's going to work. 9 Is that okay? Do you understand? 10 A. (In English) Okay. Okay. 11 Q. That's good. 12 So, Mr Ng, you are employed by Loyal Ease 13 Engineering Ltd? 14 A. Yes, correct. 15 Q. How long have you been employed by Loyal Ease? 16 A. I worked for ten years, not for Loyal Ease but for Wing 17 &amp; Kwong. But if you ask me about my employment with 18 Loyal Ease, I think it's three years. 19 Q. Right. So you worked for Wing &amp; Kwong before you worked 20 for Loyal Ease; is that right? 21 A. Yes. 22 Q. How long did you work for Wing &amp; Kwong before you 23 transferred to Loyal Ease? 24 A. Ten years. 25 Q. So when did you actually move to Loyal Ease?</p>	<p>1 A. I'm not sure. 2 Q. You are not sure? 3 A. No, I don't know. 4 Q. All right. Who is your boss at Loyal Ease? 5 A. Ben. I think it should be Ben, Ben Cheung. 6 Q. I thought he worked for Wing &amp; Kwong? 7 A. Who owned Loyal Ease, I really don't know. 8 Q. Is there nobody at Loyal Ease that you answer to? 9 A. I will report to those who are in charge of Wing 10 &amp; Kwong. For this particular project, I reported to 11 Ben. 12 Q. Okay. Let me just ask me to look in bundle AA, 13 page 172. I'm sure it's not a document you will have 14 seen before, Mr Ng, but it's a document that gives 15 details of Loyal Ease Engineering Ltd; do you see that 16 on page 172? 17 A. I am reading it. 18 Q. All right. If you go to page 175, please. 19 A. Yes. 20 Q. You will see the details of a director, and it's the 21 name I mentioned earlier, Chan Siu Wing, and you've 22 never heard of him or her? I think it's a her. 23 A. No. Never heard of it. 24 Q. Right. 25 Who pays your wages, Mr Ng?</p>

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<p>1 A. I was paid, as far as I know, by Loyal Ease, this 2 company. Loyal Ease pay me. 3 Q. Who was responsible for paying you? If you had 4 a problem over payment, who did you go to? 5 A. I would ask for Ben. 6 Q. Right. 7 A. I will go for Ben. 8 Q. All roads lead to Ben. Right. 9 Do you know by whom Wing &amp; Kwong is owned? 10 A. Yes. 11 Q. And who's that? 12 A. Leung Chi Kwong. 13 Q. Also known as Joe Leung? 14 A. You mean Joe Leung? 15 Q. Yes. 16 A. Yes, Joe Leung. 17 Q. Do you know how many employees Wing &amp; Kwong has? 18 A. Not sure, but many, many. 19 Q. Many, okay. And what about Loyal Ease: how many 20 employees do they have? 21 A. Not even have the remotest idea. 22 Q. Right, even though you worked for them and you 23 supervised all their workers? 24 A. Whose workers? 25 Q. Loyal Ease workers.</p>	<p>1 A. No. No. 2 Q. Are you related to Joe Leung? 3 A. No. 4 Q. So in what context do you get to meet him on what 5 appears to be a reasonably regular basis? Why do you 6 meet him? 7 A. Well, I would meet him when he contacted me. 8 Q. Why would he contact you? 9 A. He might ask me about the state of works I was doing and 10 whether there were any problems. 11 Q. So the picture I'm getting at the moment, Mr Ng, is you 12 contact Ben Cheung for certain reasons and you contact 13 Joe Leung for other reasons; is that right? 14 A. I contacted Ben more often. Usually, it was Joe who 15 contacted me. 16 Q. Right. Prior to this particular project that we're 17 concerned with, had Loyal Ease carried out much work as 18 a sub-contractor to Wing &amp; Kwong? 19 A. That I don't know. 20 Q. Okay. So is this right, Mr Ng, that throughout the 21 course of this project, if there were any issues or 22 problems that you had, you would report to Ben Cheung? 23 A. Yes. 24 Q. You essentially regarded him as your superior, your 25 boss?</p>
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<p>1 A. I was only responsible for my workers, the workers for 2 that particular project. 3 Q. Yes. Okay. But a short while ago, when Mr Tsoi was 4 asking you some questions, he showed you a list of 5 employees. It's at CC3/1302. Can you go back to that, 6 please. 7 A. Yes. 8 Q. So far as Leighton are concerned, this is a list of Wing 9 &amp; Kwong workers, but isn't the reality something rather 10 different, Mr Ng: that is, this is really a list of 11 Loyal Ease workers? 12 A. Yes. Please continue. 13 Q. Well, am I right? Is this a list of Loyal Ease workers 14 as opposed to Wing &amp; Kwong workers? 15 A. A list of workers of Loyal Ease? I think it's correct. 16 Q. Thank you. 17 Do you know Joe Leung? Do you know him? The owner 18 of Wing &amp; Kwong, Joe Leung, do you know him? 19 A. Joe Leung? Yes, I know him. 20 Q. Do you know him well? 21 A. Yes, well. I know him well. 22 Q. How often do you see him? 23 A. Maybe once a month, once a fortnight. 24 Q. Did you talk to him about this particular project, this 25 particular job?</p>	<p>1 A. Yes. 2 Q. And there was nobody else at Loyal Ease to whom you 3 reported; is that right? 4 A. Yes, correct. 5 Q. And when you contacted Ben Cheung, what was the primary 6 means of communication? How did you contact him? How 7 did you speak to him? 8 A. By phone. By phone. 9 Q. Would that be actually speaking to him by phone, having 10 a conversation with him by text message, by WhatsApp 11 message? How was it? How did it break down? 12 A. Sometimes by phone, by text messages, and also by 13 WhatsApp, all of them. 14 Q. In that sub-contract that we looked at a while ago -- 15 can I just ask you to go back to it. I appreciate that 16 you indicated that you had not seen it before, but can 17 I just ask you to look at it again. 18 A. All right. 19 Q. You will see, picking it up at the fifth line: 20 "Unit price. \$150/hundred cattles, labour only, the 21 rate includes steel wire, concrete and plastic blocks." 22 Do you see that? 23 A. I do, yes. 24 Q. It then says: 25 "Payment method. Payment request is made once</p>

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<p>1 a month, payable within 7 days thereafter." 2 Then the next sentence is the one I wanted to ask 3 you about: 4 "To ensure the sub-contractor pays its employees' 5 MPF, sub-contractor" -- which I assume is Loyal Ease -- 6 "needs to report the number of workers to the contractor 7 daily." 8 Do you see that, Mr Ng? 9 A. I do. 10 Q. Were you responsible for reporting the number of workers 11 back to, I assume, Ben Cheung? 12 A. Correct. 13 Q. Did you do that on a daily basis? 14 A. Yes. 15 Q. How did you do that? 16 A. The workers signed and I took photos and I WhatsApped 17 it. 18 Q. Right. So a photograph of a list of names and 19 signatures? 20 A. Yes. 21 Q. Okay. Thank you very much. 22 Mr Ng, can I ask you this. In your witness 23 statement, you make reference to quite a lot of dates 24 and periods. When you prepared your witness statement, 25 did you ascertain those dates by reference to any</p>	<p>1 and the workers were properly paid; is that right? 2 A. Correct. 3 Q. Did -- I think you have possibly answered this already 4 but I'll ask it again -- did Wing &amp; Kwong have any 5 presence on this site at all during the course of the 6 carrying out of the rebar works? 7 A. That I don't know. 8 Q. You were not aware of anybody from Wing &amp; Kwong being on 9 the site while the works were being carried out, the 10 rebar works? 11 A. I don't know. 12 Q. Did Ben Cheung ever make visits, occasional visits, to 13 the site? 14 A. Yes. 15 Q. How often? 16 A. A few times. 17 Q. Once a month? Once a quarter? Can you estimate? 18 A. Once every two to three months. 19 Q. All right. Now, can we just move on to a separate 20 topic, Mr Ng. In your witness statement, you explain 21 the procedure by which you acquired the material that 22 you needed to carry out the rebar fixing works. 23 A. So you ask me to explain the procedures to you once 24 again? 25 Q. No, no, that's what you do in your witness statement,</p>
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<p>1 documents, or did you do it largely from your memory? 2 A. Documents? I didn't check documents. I checked records 3 on my phone and I used my memory as well. 4 Q. All right. So largely records on your phone? 5 A. A small portion, because my phone broke down once. 6 Q. Okay. You took us through a series of photographs 7 earlier which you took in June and July 2017. 8 A. Yes. 9 Q. What prompted you to take those photographs at that 10 time? Why did you take those photographs at the time? 11 A. Well, I rarely take photos of construction sites, 12 because when I worked on there I had to take extra money 13 from Leighton and I had to take photos to Ben to recover 14 the money. 15 Q. Right. So is this right, that you took those 16 photographs and you sent them to Wing &amp; Kwong, to Ben; 17 is that right? 18 A. Yes. 19 Q. Presumably, to indicate to Ben that you were either 20 about to start work or were working in a particular area 21 at that time; is that correct? 22 A. Yes. 23 Q. Okay. So the primary purpose of taking the photographs 24 had nothing to do with any problems that may have 25 arisen, but was really focused on making sure that you</p>	<p>1 and I just want to get -- ask you a few questions about 2 that topic. Okay? 3 A. Okay. Okay. 4 Q. So, as I understand it, the way it worked was Leighton 5 provided you with working drawings for the rebar fixing 6 works? 7 A. Yes. 8 Q. You gave those working drawings to a colleague of yours, 9 who you called Ah Bong, who created what you describe as 10 sample papers and material list papers; is that right? 11 A. Correct. 12 Q. Those sample papers and material list papers, as 13 I understand it, had two purposes. The first purpose 14 was to enable you to create what you've described and 15 what we know as bar bending schedules; is that right? 16 A. Correct. 17 Q. And the other purpose, particularly for the sample 18 papers, was for the frontline rebar fixing workers to 19 enable them to know in more detail what work they needed 20 to carry out? 21 A. Yes. 22 Q. So far as the bar bending schedules are concerned, you 23 would give those to Leighton? 24 A. No, Leighton never asked to have them. 25 Q. Well, you gave something to Leighton, I thought it was</p>

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<p>1 the bar bending schedules, in order that they could then 2 order the material for you. Is that not right? 3 A. Well, that is a form for ordering materials. 4 Q. Yes, all right. And, when you ordered the materials, 5 the rebar and the couplers, from Leighton, as 6 I understand it you would specify the diameter, for 7 example, of the rebar, and the quantity that you needed? 8 A. Yes. 9 Q. But you would not specify either the type of coupler or 10 the type of thread that might be required on the rebar? 11 A. Yes. 12 Q. Those were matters that were left to Leighton? 13 A. Correct. 14 Q. Once that had happened and Leighton knew what they 15 needed to supply you with, the materials would be 16 delivered to site? 17 A. Yes. 18 Q. Would it be the normal course of events, Mr Ng, for you 19 personally to take delivery of the materials yourself, 20 or would there be other colleagues that would take 21 delivery? 22 A. Usually, I take delivery of the material, for most of 23 the time. 24 Q. Right. And you tell us that when that material arrived, 25 you would check it, and then if necessary the bars would</p>	<p>1 MR PENNICOTT: Prof Hansford is favoured, clearly! 2 COMMISSIONER HANSFORD: No, it's because my previous ones 3 were wet. I now have a dry set. 4 MR PENNICOTT: There had to be a reason! 5 Can we just look at what has now been numbered 6 EE415. 7 I think you are about to be given a fresh set, sir. 8 CHAIRMAN: Thank you very much. 9 MR PENNICOTT: Do you have that? It's page 415, Mr Ng. 10 A. (Chinese spoken). 11 Q. We looked at this earlier and of course my notes are on 12 my other copy, so just give me a moment. 13 MR BOULDING: 21 July. 14 MR PENNICOTT: It's a 21 July photograph, is it? 15 MR BOULDING: Yes. 16 MR PENNICOTT: Thank you very much. 17 You told us it's 21 July, and in answer to some 18 questions from Prof Hansford, Mr Ng, you indicated that 19 the blue-capped rebar, towards the bottom of the 20 photograph, was Y40 or 40 millimetre rebar; yes? 21 A. Yes. 22 Q. Then the red-capped was Y32. Then you were unable to 23 identify the batch at the top which, if you look on the 24 right-hand side, looks as though it has sort of white or 25 silver caps or covers; do you see that?</p>
Page 50	Page 52
<p>1 be cut to any particular required lengths and then the 2 steel fixing would take place? 3 A. Yes. 4 Q. I hesitate to ask but how did you cut the rebar? What 5 equipment did you have to cut the rebar? 6 A. We have a bar bending machine. 7 Q. Right. So you had a bar bending machine on site which 8 you could use for the purposes of cutting it to the 9 required length? 10 A. Correct. 11 Q. And that was a fixed bar bending machine, was it, 12 a fairly large piece of kit? 13 A. Correct. 14 Q. All right. That process that I've just described, 15 Mr Ng, did it apply when you came to do the stitch 16 joints? 17 A. I follow the drawings. 18 Q. Yes. Well, one of the photographs that we looked at 19 earlier -- can I just ask you to look at that. 20 Sir, I understand, with the usual efficiency of 21 those instructing me and the Secretariat, we've actually 22 had these paginated already. Sir, I don't know whether 23 you've been given paginated versions. 24 CHAIRMAN: Not yet, I don't think. 25 COMMISSIONER HANSFORD: I have one.</p>	<p>1 A. I can see that. 2 Q. And you were unable to tell us what that colour 3 signified; is that right? 4 A. Yes, that's correct. 5 Q. So does this, what we see in this photograph, this 6 rebar, does this show us the materials that you would 7 have ordered for the purposes of doing the rebar fixing 8 in this stitch joint, which we think is probably either 9 1 or 2? 10 A. Yes. 11 Q. Right. So what we have here, in particular, is 12 a combination of Y40 and Y32? 13 A. Yes. 14 Q. Right. That's helpful, and we may need to come back to 15 that in a moment when we look at some of the problems 16 you had and why you had them, but that is at least 17 a useful reference point. 18 Now, a slightly different point. In your witness 19 statement, you describe the manner in which your rebar 20 fixing works were inspected by Leighton and MTR. Do you 21 recall that? 22 A. I didn't say that. 23 Q. No, no, in your witness statement, Mr Ng, you describe 24 how Leighton would come and inspect on a regular basis 25 and occasionally MTR would come and inspect your rebar</p>

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<p>1 fixing works. Do you recollect that? 2 A. Yes, that's it, in my statement. 3 Q. Right. So far as Leighton is concerned, I think you say 4 that they carried out routine inspections as they 5 patrolled the site? Do you remember that in your 6 witness statement? 7 A. Yes. 8 Q. And you say that those routine inspections would happen 9 between five and ten times per day; do you recall that? 10 A. Yes, that's correct. 11 Q. When one of the Leighton inspectors was patrolling and 12 arrived where you and your colleagues were working, do 13 you recall how long they would stick around and watch 14 you as you were doing the works? 15 A. It varied. Maybe five to ten minutes. Five to ten 16 minutes. 17 Q. Right. You also refer to the MTR doing similar patrols 18 on a routine basis but, as I understand it, on a much 19 less frequent basis; is that right? 20 A. Not -- I wouldn't say that that's exactly the case. 21 There were also frequent inspections by MTR. 22 Q. Okay. So how frequent were the inspections by MTR, to 23 your recollection? 24 A. I think in the morning, during the middle of the day or 25 in the afternoon -- they would do it at least five to</p>	<p>1 engineers that may have inspected? 2 A. I cannot recall, but if I see their faces I might be 3 able to recall, but I don't know the names. 4 Q. Right. So "Chris Chan" means nothing to you? 5 A. Well, I had some weak impression about this. 6 Q. Okay. What about a lady called Kang Pu or Kappa Kang; 7 does she ring a bell to you? 8 A. No impression at all. 9 Q. No impression at all? Okay. 10 As well as the routine inspections, there were what 11 is described as hold-point inspections. I think you 12 understand what I'm talking about, Mr Ng, when I refer 13 to hold-point inspections. 14 A. Yes. 15 Q. Could I ask you, please, to look at paragraph 15(13) in 16 your witness statement. 17 A. I'm looking at it. 18 Q. Thank you. What you say -- and you are dealing with, 19 I think, hold-point inspections -- you say: 20 "After completion of the construction works in that 21 bay, Leighton would in most situations require our staff 22 to stay behind at the scene for after-care work during 23 the inspection process (if necessary)." 24 And I think you mean there the hold-point inspection 25 process; am I right?</p>
Page 54	Page 56
<p>1 seven times per day. 2 Q. All right. So, putting that together, you've got 3 Leightons inspectors going around five to ten times 4 a day, and you've got the MTR inspectors going around 5 five to seven times a day? 6 A. Yes. 7 Q. Would there be occasions when the Leighton and MTR 8 inspectors would be together making those inspections, 9 or did they keep separate? 10 A. They went their separate ways. 11 Q. Okay. When Mr Tsoi was asking you some questions 12 earlier, I think you were able to recall the names of 13 a couple of the MTR inspectors, in particular Victor 14 Tung and Tony Tang -- or Tony, sorry, not Tony Tang, 15 just "Tony" -- do you remember that? 16 A. Yes. 17 Q. Do you remember the names of any of the other MTR 18 inspectors? 19 A. No. I can't recall. 20 Q. Do you recall anybody called Kenneth, Kenneth Kong? 21 A. Please do it slowly, again. 22 Q. Kenneth Kong, K-O-N-G. 23 A. I cannot recall. 24 Q. The MTR also had some engineers who inspected from time 25 to time. Do you recall any of the names of the</p>	<p>1 A. Not necessarily. The hold-point inspections, this 2 happens in every location after we have done our work. 3 It's done at every location. 4 Q. But including the hold-point inspections? 5 A. That's correct. 6 Q. You go on to say: 7 "Even if they did not request us to do so, I would 8 endeavour to stay behind at the scene myself (or arrange 9 for a few workers to stay at the scene) for after-care 10 work (if necessary). Even if we were not at the scene 11 during the inspection process, if there was a situation 12 where any after-care was needed, they would contact me 13 requiring me to go back to take remedial measures." 14 Then you say this: 15 "At the latter part of the construction works (ie 16 during the inspections for these 3 stitch joints), maybe 17 it was because Leighton had to catch up with works, they 18 did not require us to be present during inspections." 19 Now, just pausing there, I don't, I'm afraid, Mr Ng, 20 understand that sentence. Why, because Leighton had to 21 catch up with the works, as you surmise, would they not 22 require you to be at the inspections of the three stitch 23 joints? I just don't understand it. Can you explain it 24 to us, please? 25 A. When we would work at the three joints, they were in</p>

<p style="text-align: right;">Page 57</p> <p>1 quite a rush. For the entire Hung Hom project, after we 2 had done our job, we would stay behind, I would stay 3 behind, or I would send one or two workers to take 4 remedial action, or if remedial work is required we 5 would be called back later. But after joint 1 was 6 completed, we proceeded to joint 2, I was not asked to 7 go back to joint 1 for the inspection. I never received 8 any notification. We were never asked to do any 9 remedial work. 10 Q. Right. So is this -- can I try to summarise that, 11 Mr Ng, that because, at the end of -- we know the stitch 12 joints were done at the end of the construction period 13 or towards the end of the construction period; yes? 14 A. Yes. 15 Q. Leighton were keen for you to complete the stitch 16 joints, all of them, as quickly as possible? 17 A. That's correct. 18 Q. So they would rather that you were getting on with, if 19 you like, the other stitch joint work, rather than 20 hanging around while they were doing their inspections; 21 is that right? 22 A. You can put it like that. 23 Q. All right. Now I think I understand. 24 Now, moving on again, Mr Ng, a few questions about 25 the HHS area; okay?</p>	<p style="text-align: right;">Page 59</p> <p>1 I think there was another drawing by Leighton. This 2 one, I drew it myself, for my company. 3 Q. All right. But this was based on information given to 4 you by Leighton? 5 A. Correct. 6 Q. What you were seeking to do, presumably trying to inform 7 Ben Cheung at Wing &amp; Kwong, was that you had been asked 8 to change and therefore fix couplers at certain 9 locations rather than lapped bars? 10 A. Correct. 11 Q. The document at 391 covers the area, we can see in the 12 box at the bottom right-hand corner, gridlines 0 to 25; 13 do you see that? 14 A. Correct. 15 Q. If you go to the next page, at 392 -- 16 A. Yes. 17 Q. -- it's the same process, as I understand it, Mr Ng, but 18 this time in relation to gridlines 26 to 50, do you see 19 that at the bottom right-hand corner? 20 A. Correct. Correct. 21 Q. If we look at either of those drawings, towards the 22 bottom right-hand corner, we see the word "Legends"; do 23 you see that? 24 A. Yes, I can see it. 25 Q. And against the red bar it says, "Couplers arrangement</p>
<p style="text-align: right;">Page 58</p> <p>1 A. (Nodded head). 2 Q. Can I ask you, please, this time to go to 3 paragraph 22(2) of your witness statement. The first, 4 possibly only, point that I want to ask you about is the 5 change that you refer to here. You say: 6 "I recall that there was a change on the use of 7 couplers instead of lapped bars as originally stipulated 8 in the RC details to connect some of the construction 9 joints on the HHS site, precisely in accordance with the 10 instructions given to us by Leighton. Exhibit 'NMC-4' 11 [which we will look at in a moment] is but 2 written 12 directions provided by Leighton to me, requiring 13 a change of the requirements stated in the RC details by 14 changing the use of lapped bars as required by the 15 original working drawings to the use of couplers to 16 connect certain construction joints." 17 Then could I ask you -- probably it's easier in the 18 hard copy that you have in front of you, Mr Ng -- to go, 19 please, to page 391. As I understand it, Mr Ng, what 20 you are telling us is that, looking at 391, this was 21 a diagram, a drawing, a document that was given to you 22 by Leighton; is that right? 23 A. You mean this one I have? 24 Q. Yes. 25 A. It was supplementary information to my company by me.</p>	<p style="text-align: right;">Page 60</p> <p>1 for wall to maintain access"; do you see that? 2 A. Yes. 3 Q. And presumably those words, "Couplers arrangement for 4 wall to maintain access", were words put on the diagram 5 or the drawing by Leighton, not by you; is that right? 6 A. Yes. 7 Q. As I think you explain in your witness statement, and as 8 we know from other witnesses, the principal reason for 9 this change was to make access, in particular vehicle 10 access, easier and more convenient; is that your 11 understanding? 12 A. Correct. 13 Q. Good. We can put those drawings away, Mr Ng. Thank 14 you. 15 Now, could I then ask you, please -- that's the easy 16 bit; now we come to the more complicated bit -- to go to 17 paragraph 38 of your witness statement. In this section 18 of your witness statement, Mr Ng, you deal with what you 19 describe as "issue 2", which we know is the shunt neck 20 joint; do you follow? 21 A. I do. 22 Q. And joint 3, which we know is the EWL interface joint; 23 do you follow? 24 A. Yes. 25 Q. You deal with these, unfortunately, compositely and not</p>

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<p>1 separately, and you say that you do that because they 2 are in the same location, and also because 3 chronologically they were done first. 4 Now, could we just, please, have a quick look at 5 BB1, I think it's 89 -- it may be 89; 89 or 90 -- 6 MR CHEUK: 90. 7 MR PENNICOTT: 90, please. If we could blow up the 8 right-hand side -- that's it; that's what we need to 9 look at. 10 Mr Ng, you've got that on the screen there. 11 A. Yes. 12 Q. The portion highlighted in sort of the brownish colour is 13 the EWL stitch joint? 14 A. Yes. 15 Q. And the slightly blue, dark blue, thicker line 16 underneath and to the right is the shunt neck joint; 17 yes? 18 A. Yes. 19 Q. Yes, they are in the vicinity of each other, but they 20 are not in precisely the same location; do you 21 understand? 22 A. Yes, I do understand. 23 Q. Could I ask you, please, to be shown -- and again, it 24 may be better if you have a hard copy the pour summary 25 sheet at BB9/6363.</p>	<p>1 Q. Of course, that shunt neck joint, Mr Ng, was 2 a construction joint, was it not, ultimately, not 3 a stitch joint? 4 A. Yes, construction joint. 5 Q. If one then looks up at the first pink section on this 6 sheet, 58a, 58b and 58c; do you see that? 7 A. Yes, I get it. 8 Q. We can see that the EWL stitch joint, the rebar started 9 on 22 January; do you see that? 10 A. I do. 11 Q. And finished, that's 58c, on 28 January; do you see 12 that? 13 A. I do. 14 Q. So the rebar fixing for that stitch joint was done in 15 a matter of six or seven days? 16 A. Yes. 17 Q. And was done concurrently with or simultaneously with 18 the work that you were doing at the shunt neck? It was 19 done within the same period; do you see? 20 A. You mean, by "simultaneous" -- which two positions are 21 you talking about? 22 Q. Well, you are doing -- and I'm focusing on the bay 3; 23 I know there are lots of other bays, but bay 3 -- you 24 are doing the bay 3 rebar. You do the base slab on 25 4 January, do you see that, just in one day? Then you</p>
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<p>1 Mr Ng, let me just tell you what this document is. 2 I appreciate you will not have seen it before, or 3 I doubt it. It's a document compiled by the MTR, and 4 there's a similar document from Leighton but don't worry 5 about that. It shows, amongst other things, when the 6 rebar or when MTR say the rebar works commenced and when 7 the rebar completed, and when the concrete pours were 8 done. Do you follow? 9 A. I do. 10 Q. So if I could ask you, please, to go to the bottom 11 portion of this page, and just look at the bottom 12 section from 43 to 50, at the bottom of the page. That 13 deals with details -- 14 A. I'm reading it. 15 Q. -- of the dates of the shunt neck; do you see that? 16 A. I do. 17 Q. So what the MTR say is that the shunt neck bay 3, which 18 is the one that connects to the 1111 works, the rebar 19 started on 4 January; do you see that, at number 45? 20 A. I do. 21 Q. And the bay 3 wall rebar completed, number 48, at 22 28 February 2017; do you see that? 23 A. What item are you talking about? 24 Q. 48, "Shunt neck -- bay 3 -- wall". 25 A. Right. I get it now.</p>	<p>1 are doing bay 4 on 20 to 21 January. Then it appears 2 you start the EWL stitch joint. Do you see that? 3 A. Yes. 4 Q. So all I'm saying -- whether "simultaneous" is the right 5 word -- you are doing it within the same period, these 6 two operations were going on broadly at the same time, 7 and I think that's how you remember it, if I may say so, 8 Mr Ng, without reference to any documents, and you are 9 right? 10 A. Yes, because they were in a rush, and many of the 11 positions were worked on together. 12 Q. Right. But, Mr Ng, what I want to try to do, if I may, 13 is ask you first of all to focus on the shunt neck 14 joint, the construction joint; all right? 15 A. Okay. 16 Q. Now, if we can put that plan up again, please, BB190. 17 A. All right. 18 Q. So, as I understand it, Mr Ng, but you tell me if I'm 19 wrong, obviously the work to the right of the blue line, 20 where it says "Shunt neck bay 3", work to the right of 21 that is done by the Gammon-Kaden Joint Venture on 22 contract 1111? 23 A. Yes. 24 Q. And what you are being required to do, to form the 25 construction joint, is to work towards where the</p>



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<p>1 Gammon-Kaden work has stopped, to form the construction 2 joint? 3 A. Correct. 4 Q. What were the problems, if any, that you encountered in 5 fixing the rebar to the work that the Gammon-Kaden Joint 6 Venture had carried out? Were there any problems with 7 the shunt neck joint, so far as you can recollect, and 8 if so what were they? 9 A. For this position, when they chipped out the cap, 10 I wondered, I was curious, why the cap was yellow. 11 I discovered that was an issue. 12 Q. Right. So is this -- it is the shunt neck, is it, which 13 we know was done first, where you first discovered the 14 yellow-capped couplers? 15 A. Correct. 16 Q. And was it the shunt neck yellow-capped couplers that 17 first persuaded you that you needed to speak to somebody 18 at Leighton about this issue? 19 A. I did talk to them. 20 Q. And it was the shunt neck that gave rise to that first 21 conversation, was it? 22 A. Yes. 23 Q. Right. As I understand it, whilst there was a degree of 24 confusion this morning, the person you say you spoke to 25 in that first conversation was Henry Lai, is that</p>	<p>1 recollection of the conversation, you used the words 2 "Wow really?" as coming from Henry, from Mr Lai. So 3 that does suggest that there was some surprise to him; 4 is that right? 5 A. Yes. 6 Q. And you say that, having had that first conversation 7 with him, he called you back a short while later. You 8 refer to that in paragraph 47. Is that right? 9 A. Yes. 10 Q. Mr Ng, are you in any doubt that those conversations 11 took place? Is it clear in your mind that they did take 12 place? 13 A. You mean the conversation in my statement? 14 Q. Yes, at 45 and 47. Are you sure they took place? 15 A. Yes, I'm sure. 16 Q. All right. Now, having received, as you say, the 17 instructions from Mr Lai just to continue, what problems 18 did you encounter at the shunt neck joint? 19 A. Please ask the question again. 20 Q. All right. Let's just break it down a bit. Having been 21 given the instruction by Mr Lai, so you say, to 22 continue, presumably the next thing you did was, what, 23 go and inspect the yellow caps, remove the yellow caps 24 from the couplers, and get ready to do the rebar work; 25 is that right?</p>
Page 66	Page 68
<p>1 correct, of Leighton? 2 A. Correct. 3 Q. Now, just so that there's no doubt about it, you did, 4 during the course of your evidence-in-chief this 5 morning, call him "Harry", but you are sure, are you, 6 that he is one and the same person, Henry Lai? 7 A. The same person. 8 Q. All right. So, in relation to the shunt neck, as 9 I understand it, that first conversation took place and 10 you set out what you best recollect about that 11 conversation in paragraph 45 of your witness statement. 12 Mr Ng, in your own words now, how would you describe 13 Mr Lai's, Henry Lai's, reaction to what you told him 14 about your discovery of the pointed or yellow-capped 15 couplers? 16 A. His reaction? You want me to recollect his reaction at 17 the time when I told him this? 18 Q. Yes. 19 A. He was surprised, sort of wondering how could this be 20 possible. 21 Q. All right. Anything to add to that? So he was 22 surprised and he just couldn't work out why this was 23 possible? 24 A. I really couldn't know what went through his mind. 25 Q. But when you recalled, as best you can, your</p>	<p>1 A. Yes, that's correct. 2 Q. Were there any problems with the couplers? I mean, were 3 they in a good state? Were they clear and visible? Did 4 you have ready access to them? 5 A. As I stated in the statement, I informed him of the 6 problems, thought that the cap was problematic. 7 Q. Why was it problematic? 8 A. I was also surprised by that. I wondered why it was 9 coloured yellow, and so I took a look, why is it that 10 the Gammon cap was not flat, and I have informed Mr Lai 11 in the first instance. 12 Q. But he told you, as I understand it, from what you tell 13 us, that despite that problem you just had to do your 14 best, to get on with it; is that right? 15 A. Yes. I asked him this question. He asked me to do our 16 best and I followed his instruction. 17 Q. So what did you do? What did you do to follow his 18 instructions? What steps did you take? 19 A. I will follow his instruction to screw in the rebar as 20 much as possible. We can only screw to two to three 21 threads in. As I have stated in the statement, he asked 22 how much these rebars could be screwed in. I said two 23 to three threads. And that's the instruction. 24 Q. Right. So that suggests to me, Mr Ng, that you had 25 available to you 32 millimetre threaded rebar, but it</p>

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<p>1 was parallel threaded rebar rather than tapered; is that 2 correct? 3 A. Yes, the threads are parallel. 4 Q. Right. But they were 32 millimetre rebar; they couldn't 5 have been 40 millimetre? 6 A. I don't understand the question. All our couplers are 7 flat heads. 8 Q. Yes, but you can't put even one or two threads of 9 a 40 millimetre rebar into a 32 millimetre coupler, 10 Mr Ng. So what I'm saying to you is you must have had 11 available to you 32 millimetre threaded rebar. 12 A. Of course not. Of course not. It could not be screwed 13 in, even if it's of the same spec, it wouldn't be 14 possible. 15 Q. Yes, quite. So were you able, with your 32 millimetre 16 rebar, to screw in, albeit only two or three threads, at 17 the location of each coupler? 18 A. Yes. 19 Q. So, at the shunt neck, am I right that there were -- 20 there was that issue, the compatibility issue, if you 21 like, that they didn't fit, but you didn't have the lack 22 of exposure problem at the shunt neck; is that correct? 23 I mean, the couplers were all exposed and readily 24 accessible? 25 A. Fewer problems, fewer of them were not exposed.</p>	<p>1 the two major problems. 2 Q. So an insufficient number of couplers; is that right? 3 A. I mean they are not sufficiently exposed. 4 Q. Not sufficiently exposed? I see. 5 A. Yes. 6 Q. Okay. And can you tell us approximately how many were 7 not sufficiently exposed? 8 A. I'm speaking from memory. A few per cent to 9 10 per cent. 10 Q. In relation to that stitch joint, that is the EWL stitch 11 joint, joint 3, did you have any separate conversation 12 with Mr Lai? 13 A. What? Mention what? 14 Q. In relation to the EWL stitch joint, joint 3, did you 15 have any separate telephone conversation or 16 communication with Mr Lai? 17 A. When I found the problems, are you saying that did 18 I reflect those problems to him? 19 Q. Yes, on the EWL stitch joint. 20 A. I did. I did. When I saw the problems, I told him. 21 Q. Is that the conversation that you are referring to in 22 paragraph 55 of your witness statement? Can you turn 23 that up, please. 24 A. Correct. 25 Q. Okay.</p>
Page 70	Page 72
<p>1 Q. Right. So a few not exposed but not a significant 2 problem at the shunt neck joint? 3 A. That's correct. 4 Q. Now, with regard to the EWL joint, joint 3, as we've 5 seen, you did the rebar work in respect of that joint, 6 that's both the base and the walls, between 22 and 7 28 January, in six or seven days. Do you recall that, 8 Mr Ng? 9 A. Yes. 10 Q. Now, again, when you did that work, presumably, once 11 more, you discovered the yellow-capped couplers on the 12 1111 side of the stitch joint. Is that correct? 13 A. Correct. 14 Q. But on the Leighton side of the stitch joint, there 15 would have been the red-capped couplers, that is the 16 BOSA couplers, which you, Wing &amp; Kwong/Loyal Ease, had 17 yourselves installed? 18 A. Right. 19 Q. Now, could I ask you just to focus, first of all, on the 20 1111 side of the joint. Apart from the fact that there 21 were tapered couplers, the yellow-pointed -- headed 22 couplers, what problems do you say you encountered on 23 the 1111 side of the stitch joint, if any? 24 A. I remember there were the yellow couplers and there were 25 some insufficient number of couplers. I think they are</p>	<p>1 Sir, I see it's three minutes past 1.00. Perhaps 2 that would be an appropriate moment? 3 CHAIRMAN: Yes. 4 MR PENNICOTT: I'm afraid if I can suggest, in the interests 5 of trying to catch up a bit of time, perhaps we can 6 start at 2.15. 7 CHAIRMAN: Certainly. Yes. 8 We are going to adjourn for lunch now until 2.15. 9 Good. 10 (1.03 pm) 11 (The luncheon adjournment) 12 (2.15 pm) 13 MR PENNICOTT: Sir, I notice that Leighton are not here. No 14 doubt, they will limp in soon. I'm so sorry, Mr Shieh. 15 We'll wait for them. 16 CHAIRMAN: Yes. 17 MR PENNICOTT: Sir, good afternoon. 18 Good afternoon, Mr Ng. Just a few more questions on 19 the shunt neck and the EWL joint, if I may. 20 First of all, can I ask you, please, to look at 21 paragraph 60 of your witness statement. 22 A. Yes, I'm reading it. 23 Q. You say: 24 "Throughout the whole course of the rebar fixing 25 works at the shunt neck joint/joint 3 which lasted</p>

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<p>1 around 3 days ..."</p> <p>2 I think, first of all, Mr Ng, in the light of some</p> <p>3 of the dates that I've shown you on this large piece of</p> <p>4 paper (indicating), I think you accept -- you now would</p> <p>5 accept, would you, that in fact the works did in fact</p> <p>6 take slightly longer than the three days that you've</p> <p>7 indicated or estimated?</p> <p>8 A. Well, for this particular location, my recollection was</p> <p>9 the works only lasted three days, but of course the</p> <p>10 duration would be different for different locations.</p> <p>11 Q. All right. Let's move on.</p> <p>12 In any event, you say, in the last four or five</p> <p>13 lines of paragraph 60:</p> <p>14 "Within these 3 days, neither Leighton nor MTRCL's</p> <p>15 representatives have ever asked me or complained about</p> <p>16 the above situation. In fact, since these instructions</p> <p>17 were given to us by Leighton's Henry Lai, and he should</p> <p>18 have consulted his superiors or made the relevant</p> <p>19 internal enquiries, therefore it was completely normal</p> <p>20 that we proceeded according to his instructions and have</p> <p>21 not been questioned."</p> <p>22 Mr Ng, can I ask you this: as a matter of, do you</p> <p>23 actually know, whether Mr Lai consulted his superiors?</p> <p>24 A. Well, whether he consulted his superiors, I do not know,</p> <p>25 but I definitely told him about it.</p>	<p>1 A. Well, there's also the problem of mismatch.</p> <p>2 Q. Sorry, on the Leighton side of the stitch joint, EWL</p> <p>3 stitch joint?</p> <p>4 A. Oh, the Leighton side? Well, our side, that's not the</p> <p>5 case. It's only with EWL -- 1111.</p> <p>6 Q. Yes. So, on the Leighton side, the mismatch problem</p> <p>7 doesn't arise. So there must be some other problem, if</p> <p>8 there was a problem, on the Leighton side?</p> <p>9 A. What is your question about really?</p> <p>10 Q. On the Leighton side, mismatch we can eliminate. Is it</p> <p>11 your evidence that on the EWL stitch joint, on the</p> <p>12 Leighton side, there were any problems encountered by</p> <p>13 your bar fixing teams?</p> <p>14 A. Well, it's possible that not all the couplers were</p> <p>15 exposed or fully exposed.</p> <p>16 Q. When you say "it's possible that not all the couplers</p> <p>17 were exposed or fully exposed", what is your</p> <p>18 recollection as to the position?</p> <p>19 A. In my recollection, it should just be a handful.</p> <p>20 Q. A handful not exposed?</p> <p>21 A. Yes, correct.</p> <p>22 Q. All right. So, if one looks at paragraph 62(2) of your</p> <p>23 witness statement, you say:</p> <p>24 "Whereas the situation that couplers were not</p> <p>25 exposed as a result of the concrete not having been</p>
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<p>1 Q. Okay.</p> <p>2 Then in paragraph 62 of your witness statement, you</p> <p>3 say this:</p> <p>4 "Based on my recollection, in terms of ratio, within</p> <p>5 the whole of the shunt neck joint/joint 3 location:</p> <p>6 (1) The problem of mismatch between pointed</p> <p>7 couplers/flat-headed rebars covered about 30 per cent of</p> <p>8 all the connection points between [the rebars and</p> <p>9 couplers]."</p> <p>10 Now, Mr Ng, I have a difficulty with that. Is the</p> <p>11 situation not this, that on the Gammon-Kaden, the 1111</p> <p>12 side of the stitch joint, and the whole of the shunt</p> <p>13 neck -- because we are only talking about one side --</p> <p>14 all of those were a mismatch?</p> <p>15 A. On the wall, that's definitely the case, I remember. As</p> <p>16 for the base, I couldn't recall exactly. For the wall,</p> <p>17 definitely it's all a mismatch.</p> <p>18 Q. All right. So are you suggesting that the base may have</p> <p>19 been different?</p> <p>20 A. That I can't recall exactly. For the wall, definitely,</p> <p>21 I'm sure it's all mismatch.</p> <p>22 Q. All right.</p> <p>23 And with regard to the Leighton side of the EWL</p> <p>24 stitch joint, the problem presumably would not have been</p> <p>25 mismatch but must have been some other problem?</p>	<p>1 completely chipped off was relatively less, which should</p> <p>2 have [been] approximately 2 to 3 per cent."</p> <p>3 So is that the evidence that you give in relation to</p> <p>4 the Leighton side of the EWL stitch joint?</p> <p>5 A. Correct.</p> <p>6 Q. So far as the chipping off is concerned, Mr Ng, do you</p> <p>7 know who was responsible for doing that work? Who was</p> <p>8 responsible for doing the chipping off?</p> <p>9 A. I'm not sure.</p> <p>10 Q. Did you see the chipping off taking place?</p> <p>11 A. Yes, I did.</p> <p>12 Q. Were you not able to identify the workers, whether they</p> <p>13 were direct Leighton labour or whether they were</p> <p>14 a sub-contractor? Had you any idea at all?</p> <p>15 A. No, I don't know.</p> <p>16 Q. You don't know. All right.</p> <p>17 CHAIRMAN: Can I ask one question: what about damaged</p> <p>18 couplers? Did you come across those at all?</p> <p>19 A. Yes, I did.</p> <p>20 MR PENNICOTT: I think the question, sir -- we're still on</p> <p>21 this EWL stitch joint.</p> <p>22 CHAIRMAN: That's right.</p> <p>23 MR PENNICOTT: I'm specifically -- I'm coming on to the</p> <p>24 others in a moment.</p> <p>25 CHAIRMAN: Good.</p>

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<p>1 MR PENNICOTT: I'm just trying to break it down, stitch 2 joint by stitch joint. 3 CHAIRMAN: Thank you very much. Sorry. The last thing 4 I want to do is run between your wheels. Sorry. 5 MR PENNICOTT: The question the Chairman asked you, Mr Ng, 6 was whether you saw any damaged couplers, and the 7 question -- I will repeat the question but it's directly 8 related to the EWL stitch joint. Do you remember seeing 9 any damaged couplers, first of all, on the Leighton side 10 of the EWL stitch joint? 11 A. EWL, whether there are damaged couplers? Well, usually 12 we had to go there to do the work, before we knew 13 whether there were couplers damaged. You can't tell 14 with naked eyes, because we will only know when we try 15 to screw the rebars in and it didn't work and then we 16 knew that there were damages caused to the couplers when 17 the cement was hacked off. So it happened. 18 Q. So it did happen on the EWL stitch joint, on the 19 Leighton side? 20 A. Yes, it did happen. 21 Q. All right. But, as I understand your evidence, not that 22 often, on a few occasions; is that right? 23 A. Yes, correct. These were relatively rare. 24 Q. You indicated, I think, just a moment ago that although 25 you didn't know who the workers were working for, you</p>	<p>1 "I understand that ... the problem of the mismatch 2 between the respective diameters of the couplers and 3 rebars raised by the Commission does not seem to tally 4 exactly with the problem of the pointed 5 couplers/flat-headed rebars I have described above. But 6 according to my recollection, the situation where rebars 7 with smaller diameters were inserted into couplers with 8 larger diameters probably did not arise at the shunt 9 neck joint/joint 3 or the entire HHS/NAT site." 10 Pausing there, that seems to make sense. You seem 11 to be saying that you do not have any recollection of 12 smaller diameter, small diameter, rebar being inserted 13 into large diameter couplers. Now, is that right or is 14 that wrong? 15 A. Well, my memory is rather blurred on this point. 16 Q. Because up until the part I read out, it seems rather 17 clear, but it's the next sentence that throws the 18 position into some confusion. You then say: 19 "Rather, this problem seemed to have occurred at 20 joint 1 before." 21 So do you have any recollection at all, Mr Ng, of 22 this problem or this incident having occurred? 23 A. I don't have a clear recollection, but my workers had 24 mentioned that I barely recalled such an incident. 25 MR TSOI: I hesitate to interrupt.</p>
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<p>1 did see the chipping off operation? 2 A. Yes, correct. 3 Q. Can you indicate to the Commission, explain to the 4 Commission, describe to the Commission, how that was 5 done; what tools were being used, how it was being done? 6 A. Well, let me explain this slowly. There would be 7 workers -- there were workers using some sort of tools 8 like a drill, and then they would be hacking or chipping 9 away at the concrete slowly. 10 Q. So this would be some sort of battery-operated drill, 11 electric drill, something of this nature? 12 A. Correct. 13 Q. And there would be other hand-tools being used at the 14 same time? 15 A. Hand-held tools, hand-held electric tools, to chip off 16 the concrete. 17 Q. Right. And obviously we know the stitch joints are 18 relatively narrow, several metres wide, as it were. 19 I mean, how many workers would be there doing the 20 chipping-off operation, when you observed it? 21 A. Two to three workers or so. 22 Q. All right. 23 Then, at paragraph 63 of your witness statement, you 24 make passing reference to another point, which you 25 say -- where you say this:</p>	<p>1 MR PENNICOTT: Not at all. Please help us. 2 MR TSOI: I think there is a translation issue. Again, 3 I would be grateful for any assistance. But the English 4 reads there that "probably did not arise at the shunt 5 neck joint/joint 3 or the entire HHS/NAT site". In the 6 Chinese version, I don't think the phrase "or the entire 7 HHS/NAT site" appears. I think there may be 8 a translation issue. 9 MR PENNICOTT: Okay. We will get that checked. Thank you 10 very much. All right. Let's move on. 11 In paragraph 65 -- this is the last couple of 12 questions on the shunt neck and the EWL joint, until we 13 move on to the others -- you say, in paragraph 65, at 14 the top of page EE371.27 in the English version -- this 15 is the second sentence, Mr Ng: 16 "According to my recollection, the rebars used at 17 the shunt neck joint/joint 3 and the corresponding 18 couplers could be divided into 3 types, respectively 19 with diameters of 40 millimetres, 32 millimetres and 20 25 millimetres ..." 21 Then you go on to calculate the difference. 22 Can you now recall, first of all, where the 23 40 millimetre rebar would have been used and fixed? 24 A. At the base slab. It would be installed and used at the 25 base slab.</p>

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<p>1 Q. Right. And the 32 millimetres; where would they be 2 used? 3 A. Also at the base slab. 4 Q. Can you explain why both would be required in the base 5 slab? 6 A. Well, we were working according to the work plans, and 7 we were using this size of material. 8 Q. What about the 25 millimetre rebar? 9 A. On the walls. 10 Q. Going back to the 40 millimetre rebar, do you recall -- 11 and let's again just focus on joint 3, the EWL joint, 12 okay, not the shunt neck, just the EWL joint -- were the 13 couplers that you installed on the Leighton side of the 14 EWL stitch joint 40 millimetre couplers, BOSA 15 40 millimetre couplers? 16 A. Yes. 17 Q. So, for those couplers, you required 40 millimetre 18 rebar? 19 A. Yes. 20 Q. Is it right that on the -- again, focusing on the EWL 21 stitch joint, on the Gammon-Kaden side, were all the 22 couplers, both in the base slab and the walls, 23 32 millimetre couplers? 24 A. I don't recall very clearly. 25 Q. Do you recall on the EWL joint on the Gammon-Kaden side,</p>	<p>1 A. I cannot recall clearly. 2 Q. All right. 3 Could I ask you, please, to go to paragraph 68 of 4 your witness statement where you have, just above 68, 5 a subheading, "Overall response to issue 1", and you 6 say: 7 "As far as I know, there are 3 main causes of issue 8 1 (ie the issue that the rebars and couplers were not 9 connected at all)". 10 The first one is: 11 "The other side [that's contract 1111] ... did not 12 install couplers at the locations where couplers should 13 have been installed. 14 (2) Leighton's personnel did not go deep enough when 15 chipping off the concrete, or did not chip off part of 16 the concrete due to insufficient time, with the result 17 that the couplers embedded in the concrete could not be 18 exposed; 19 (3) Leighton negligently damaged the couplers in the 20 process of chipping off the concrete, causing W&amp;K's 21 workers not being able to properly connect the rebars 22 and couplers." 23 Mr Ng, presumably there's those three problems that 24 you've identified, but of course there's a fourth one 25 which is the mismatch?</p>
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<p>1 seeing couplers with anything other than yellow caps? 2 A. I think so. 3 Q. Right. So, on the Gammon-Kaden side, are you saying 4 that there were not only yellow-capped colours, there 5 were caps of another colour? 6 A. Correct. 7 Q. What colour was that? 8 A. I recall they were red. 9 Q. Would those have been the ones in the base slab? 10 A. Yes, base slab. 11 Q. All right. 12 Just so I've got this clear, so far as the shunt 13 neck is concerned, the construction joint at the shunt 14 neck, again the couplers that you saw there, were they 15 all yellow-capped or yellow and another colour, on the 16 shunt neck? 17 A. There was definitely yellow caps, and in my recollection 18 I don't really recall what was in the base slab. Maybe 19 both in the base slab. 20 Q. When you say "maybe both", you mean yellow and another 21 colour? 22 A. Correct. 23 Q. Okay. That would be red, would it? 24 A. Yes. 25 Q. You don't have a clear recollection of that?</p>	<p>1 A. Well, mismatching -- I'm not sure that is -- if we were 2 following our work diagrams, then there wouldn't be 3 a mismatching problem. 4 Q. All right. As I understand it, when we look at 5 joint 1 -- not joint 2 but joint 1 -- you encountered 6 the mismatch problem as well; is that right? 7 A. Yes, yes, yes. 8 COMMISSIONER HANSFORD: This paragraph 68, Mr Pennicott, is 9 about issue 1, not joint 1, isn't it? 10 MR PENNICOTT: It's about issue 1, yes, which is joints 1 11 and 2 and 3, but of course Mr Ng has dealt in his 12 witness statement with joint 3 and the shunt neck point, 13 which is issue 2, together. So, in this section of his 14 witness statement, he talks about, first of all, 15 joint 1, and then, secondly, joint 2, which is the 16 internal one. 17 But, at the moment, I'm just focusing on joint 1. 18 COMMISSIONER HANSFORD: I understand that, but in 19 paragraph 68 he refers to "issue 1 (ie the issue that 20 the rebars and couplers were not connected at all)". 21 MR PENNICOTT: Yes, but issue 1, as you know, is joints 1, 2 22 and 3. 23 COMMISSIONER HANSFORD: Yes, I know, but I was just 24 referring to your point about mismatch. 25 MR PENNICOTT: Mismatch, yes.</p>

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<p>1 COMMISSIONER HANSFORD: Which might not be applicable to 2 issue 1. 3 MR PENNICOTT: Yes, it will be applicable to issue 1. 4 COMMISSIONER HANSFORD: Okay. 5 MR PENNICOTT: Because mismatch occurs on joints 1 and 3, 6 and in this context joint 1, as I think he's just 7 confirmed. 8 COMMISSIONER HANSFORD: Okay. 9 MR PENNICOTT: Now, Mr Ng, we then move on to consider the 10 other two joints. That's joint 1, first of all, and 11 then joint 2. Could I ask you, please, to look at 12 paragraph 71 of your witness statement. 13 Again, I'm afraid, Mr Ng, that the dates are 14 unfortunately, at least to me, somewhat confusing, but 15 let's just see if we can sort it out. You say: 16 "A few months after completion of the rebar fixing 17 works at the shunt neck joint/joint 3, at or around July 18 to August 2017, rebar fixing works at the base of 19 joint 1 (base slab) commenced." 20 If you then, just for the sake of understanding this 21 point, go to paragraph 76 of your witness statement. 22 You say: 23 "Shortly following this" -- that is doing the base 24 slab of joint 1 -- "[you] led W&amp;K's workers to the 25 adjacent joint 2 to carry out rebar [work there]."</p>	<p>1 invite you to do so in re-examination. 2 Anyway, it probably doesn't matter too much. I want 3 to just explain to you the alternative dates that we've 4 got here. Perhaps at the end of the day, Mr Ng, it 5 doesn't actually matter precisely in which order these 6 things were done. 7 Sir, can I just, for your reference -- I don't know 8 whether you've got the hard copy here; probably not -- 9 but the way in which this seems to have worked, in this 10 section, these two joints, is this. And I've put number 11 1 was 54, as I've just discussed with the witness; 2 was 12 51; then 3 was 52 and then 4 was 53; and then 5 and 6, 13 55, 56 and 57. So it's gone track slab, joint 2; track 14 slab, joint 1; then the rest of joint 1 is finished; and 15 then subsequently joint 2, with the walls and the roof, 16 is done, and that's really the sequence, it appears from 17 there. 18 There are a number of inconsistencies, I'm afraid, 19 in Mr Ng's statement about the actual timing, but it may 20 be that the actual timing, at the end of the day, is not 21 something that is really critical to us, so I won't 22 belabour the point. 23 However, Mr Ng, as I understand it, you say that 24 when you started to do the work at either joint 1 or 25 joint 2, you had another conversation with Mr Lai. Is</p>
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<p>1 Now, I'm afraid I'm going to have to suggest to you 2 that you've got it around the wrong way, Mr Ng. If you 3 could please look at the document we looked at 4 earlier -- that's right, you've got it there -- 5 BB9/6363. Can you see, at item 54, that the rebar to 6 the base slab or the track slab for the internal joint, 7 that's joint 2, was carried out between 29 May and 8 6 June; do you see that? 9 A. Are you referring to item 54? 10 Q. I am. 11 A. Yes, 29 May to 6 June. 12 Q. Yes. You can see that the base slab -- that's 13 joint 2 -- the base slab for the track slab of the 14 interface joint, that's the NSL interface joint, was two 15 days on 5 and 6 July; do you see that? 16 A. Yes. 17 Q. So what this appears to show -- and obviously I'm just 18 taking this as being accurate, Mr Ng -- is that you in 19 fact did the track slab to joint 2 first and then moved 20 on to the track slab to do joint 1? 21 A. Could you give me some time to check my phone records? 22 I need to seriously recollect the events. 23 Q. All right. I'm not going to, Mr Ng, I'm afraid, in the 24 interests of time, but obviously you'll probably get 25 a chance tonight if you need to or indeed Mr Tsoi can</p>	<p>1 that right? 2 A. Are you referring to -- what would you be referring to? 3 Q. I'm referring to paragraph 72 of your witness statement. 4 A. Yes. 5 Q. There seemed to be two issues that you perhaps raised 6 with Mr Lai on this occasion. One was that there had 7 been considerable water seepage in the area where you 8 were supposed to be working. You deal with that in 9 paragraph 72. And also, there was insufficient chipping 10 off again. Is that right? 11 A. Correct. 12 Q. And in terms of the chipping-off issue, as I understand 13 it, you say, similarly with Mr Lai's previous 14 instructions, he just told you to get on with it and do 15 your best; is that right? 16 A. Correct. 17 Q. Now, just focusing on joint 1 first, Mr Ng, if I may, 18 joint 1 on the Gammon-Kaden side of the joint, the 1111 19 contractor. Did you encounter the mismatch problem? 20 A. Yes. 21 Q. Did you encounter it in the base, the wall and the roof, 22 or just certain of those areas? 23 A. The wall and the roof, both. As for the base, 24 I couldn't recall exactly. 25 Q. Right. It was a similar problem to the one you had</p>

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<p>1 encountered at joint 3 and in the shunt neck?</p> <p>2 A. Yes, correct.</p> <p>3 Q. And, so far as the chipping-off problem is concerned,</p> <p>4 did that affect both the Gammon-Kaden side and the</p> <p>5 Leighton side of the stitch joint?</p> <p>6 A. Correct.</p> <p>7 Q. Again, did you personally see the chipping-off</p> <p>8 operations at joint 1?</p> <p>9 A. Yes, I saw that.</p> <p>10 Q. And again, presumably, you are unable to tell us whether</p> <p>11 the labourers doing that chipping-off work were Leighton</p> <p>12 direct labour or sub-contractors?</p> <p>13 A. Correct. Correct.</p> <p>14 Q. Did you encounter in joint 1 the problem of damaged</p> <p>15 couplers?</p> <p>16 A. There were relatively few, if it's about damaged</p> <p>17 couplers.</p> <p>18 Q. All right.</p> <p>19 Now, so far as joint 2 is concerned, we know that</p> <p>20 that is the internal stitch joint within contract 1112.</p> <p>21 A. Yes.</p> <p>22 Q. So, as I understand it, on both sides of that stitch</p> <p>23 joint, you, Wing &amp; Kwong, would have installed the</p> <p>24 rebars and the couplers prior to coming to do the stitch</p> <p>25 joint; is that right?</p>	<p>1 Could you please be shown CC3/1322.</p> <p>2 Mr Ng, this is just for the Chairman and the</p> <p>3 Commissioner.</p> <p>4 Sir, this is NCR95, reference to which was made</p> <p>5 during the course of the openings by various parties.</p> <p>6 It's dated 9 February, and it has a number of</p> <p>7 photographs attached to it of what was found when the</p> <p>8 opening up was done in January/February 2018, following</p> <p>9 the water seepage happening and discovery of the cracks.</p> <p>10 Could I ask you, please, Mr Ng, to be shown</p> <p>11 page 1324. I think it's easier on the screen, to be</p> <p>12 perfectly honest.</p> <p>13 A. Good.</p> <p>14 Q. Mr Ng, I assume this is a photograph you've not seen</p> <p>15 before?</p> <p>16 A. Correct.</p> <p>17 Q. Can you see at least two threads of what I assume is the</p> <p>18 end of rebar not attached -- or in fact three threads,</p> <p>19 probably, not attached to anything at all; do you see</p> <p>20 that?</p> <p>21 A. Yes, I see it.</p> <p>22 COMMISSIONER HANSFORD: Could they be pointed out?</p> <p>23 MR PENNICOTT: Yes, sir.</p> <p>24 COMMISSIONER HANSFORD: That's the middle one, is it?</p> <p>25 MR PENNICOTT: That's the middle one, yes. That's the top</p>
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<p>1 A. Yes, correct.</p> <p>2 Q. So this should have been a situation where BOSA couplers</p> <p>3 were used on both sides; is that right?</p> <p>4 A. Correct.</p> <p>5 Q. 40 millimetres couplers?</p> <p>6 A. 40, yes, but I think all three types of materials, there</p> <p>7 were those, in my recollection.</p> <p>8 Q. Yes, because we saw that photograph earlier with the 40,</p> <p>9 the 32 and something else.</p> <p>10 COMMISSIONER HANSFORD: 25.</p> <p>11 MR PENNICOTT: Probably 25.</p> <p>12 And so all three types of material were used in</p> <p>13 joint 1; is that right, Mr Ng?</p> <p>14 A. Correct.</p> <p>15 Q. Sorry, joint 2 I was on. Is that photograph that we</p> <p>16 looked at earlier, with the three different types of</p> <p>17 rebar, is that joint 1 or is it joint 2?</p> <p>18 Is it 415?</p> <p>19 A. Now, for these three types of materials, they were used</p> <p>20 on joints 1, 2 and 3.</p> <p>21 Q. Why would you be using 32 millimetre rebar at joint 2?</p> <p>22 A. Well, definitely we just followed the drawings.</p> <p>23 Q. All right.</p> <p>24 Could I ask you, please, Mr Ng, to look at some</p> <p>25 photographs, not photographs we have looked at before.</p>	<p>1 one. And then there's one further up, about an inch and</p> <p>2 a half above the one where you are at the moment.</p> <p>3 Upwards. That's it, there. Not terribly visible.</p> <p>4 There we are.</p> <p>5 COMMISSIONER HANSFORD: Okay.</p> <p>6 Up to the top one.</p> <p>7 MR PENNICOTT: No, that's it, I think. So there's one, two,</p> <p>8 three. Sorry, there is one further one up here, further</p> <p>9 up, I beg your pardon.</p> <p>10 COMMISSIONER HANSFORD: Yes.</p> <p>11 MR PENNICOTT: Come down slowly. There. You can just about</p> <p>12 see it, I think. Go to the right of it.</p> <p>13 COMMISSIONER HANSFORD: Down a bit. Down a bit. Stop.</p> <p>14 CHAIRMAN: That's it.</p> <p>15 COMMISSIONER HANSFORD: Okay.</p> <p>16 Is this the only photograph? No.</p> <p>17 MR PENNICOTT: There are some more coming up, don't worry.</p> <p>18 COMMISSIONER HANSFORD: No, I wondered if there was one</p> <p>19 before it was broken out.</p> <p>20 MR PENNICOTT: No. No photos, no.</p> <p>21 And after those three, if you come down further,</p> <p>22 there's one -- that one there underneath the fourth one</p> <p>23 which just seems to be in concrete but one can't really</p> <p>24 take a view as to whether it's screwed into anything or</p> <p>25 not, but one can see another one further down.</p>

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<p>1 Mr Ng, I'm told that that's a photograph that was 2 taken at one of the interface stitch joints. I'm bound 3 to say I'm not sure whether it's at the EWL or the NSL 4 at the moment, because the non-conformance report covers 5 both, so we are not quite sure where it was taken. 6 COMMISSIONER HANSFORD: It's got a roof, hasn't it, the 7 soffit? 8 MR PENNICOTT: Yes, which suggests it's the NSL. 9 COMMISSIONER HANSFORD: Yes. 10 MR PENNICOTT: Which is probably right. 11 Mr Ng, do you have a recollection of when you did 12 the rebar -- let's assume that this is joint 1, the NSL 13 interface joint, do you have a recollection of fixing 14 the rebar in this fashion, ie unconnected to anything, 15 these threads, unconnected to any coupler, just left, as 16 it were, in midair? 17 A. Yes, I remember that. 18 Q. Right. This is you doing your best, is it, to follow 19 Mr Lai's instructions? 20 A. Correct. 21 Q. All right. 22 Then if you could go over the page to 1325, 23 please -- again, I'm not sure which way it should be 24 oriented -- but can you see more examples of unconnected 25 threaded rebar?</p>	<p>1 of rebar simply not being -- threaded rebar simply not 2 being connected? 3 A. I cannot see clearly. 4 Q. Okay. 5 If you could then go, please, to page 1373. So this 6 is NCR96, the next NCR. So this relates to the internal 7 stitch joint, joint 2, and I think there are just again 8 a couple of photographs. There's one at 1375. Again, 9 I'm not quite sure precisely what one can see -- (using 10 magnifying device) actually, there are some couplers, 11 and the threaded rebar also going up to the coupler. Is 12 that right, Mr Ng? 13 A. Correct. 14 Q. (Using magnifying device) But not actually being 15 threaded into the coupler; do you agree? 16 A. I disagree. 17 Q. Okay. Why do you disagree? What do you disagree about? 18 A. Well, some were threaded into the couplers. 19 Q. Some were and some were not? 20 A. Correct. 21 Q. Lastly, over the page at 1376 (using magnifying device), 22 again, threaded rebar not connected into anything in 23 particular; do you agree? 24 A. I agree. 25 Q. All right.</p>
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<p>1 A. Yes. 2 CHAIRMAN: Can that be pointed out? Because I have some 3 difficulty. 4 MR PENNICOTT: The one at the top. (Using magnifying 5 device). 6 CHAIRMAN: Ah. Thank you. Yes. 7 MR PENNICOTT: We think there's one there, sir (indicating 8 and using magnifying device). 9 CHAIRMAN: And the other one down is also -- 10 MR PENNICOTT: There's that one there (indicating using and 11 magnifying device). 12 CHAIRMAN: Yes, and if we go up there, that one also you can 13 see edge there. 14 MR PENNICOTT: Possibly that one. 15 CHAIRMAN: Thank you. It just takes, with the grey and the 16 grey, a couple of minutes to focus. 17 MR PENNICOTT: It does. I'm glad to see it [the 18 magnification] works; even I can do it. 19 Then the next page, 1326, please -- do we have yet 20 more examples of the same thing, Mr Ng, the threaded 21 rebar not being connected to anything in particular? 22 A. Correct. 23 Q. And 1327 is a slightly different perspective, but again, 24 Mr Ng, do we see yet more examples -- (using magnifying 25 device) and this is in a corner area, it would appear,</p>	<p>1 Mr Ng, just to wrap this up, looking at your witness 2 statement, you appear to have had, by my calculation, 3 five or six conversations with Henry Lai about the 4 various issues that we've been discussing. Would that 5 be about right? 6 A. More or less. 7 Q. Right. So, as a result of those conversations you 8 allege you had, you were told just to get on with the 9 works and do the best you could, and that's, as 10 I understand it, your evidence to the Commission; is 11 that correct? 12 A. Correct. 13 Q. As a result even of doing your best, you knew that there 14 were obvious defects and deficiencies in the rebar 15 fixing? You knew that; do you agree? 16 A. I agree. 17 Q. And so, leaving aside the instructions that Mr Henry Lai 18 had given you, you knew that the works had not been done 19 properly? 20 A. Yes. 21 Q. And you did not inform anybody at Wing &amp; Kwong, Ben 22 Cheung or anybody else, about this; is that correct? 23 A. Yes. 24 Q. It was not until February 2018, when you were contacted 25 by Ben Cheung, that you explained to him what had</p>



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<p>1 happened; is that right? 2 A. Correct. 3 MR PENNICOTT: Mr Ng, thank you very much. 4 Sir, I have no further questions. I daresay others 5 have. 6 CHAIRMAN: Yes. Thank you. 7 Mr Shieh? 8 Cross-examination by MR SHIEH 9 MR SHIEH: Yes. May it please you. 10 Good afternoon, Mr Ng. I represent Leighton and 11 I have a few questions for you. 12 May I start off by asking you your education level? 13 A. High school. 14 Q. After high school graduation, presumably you underwent 15 some training in the construction industry? It may not 16 be in a school setting, but you had some training in 17 construction; correct? 18 A. Let me try to put it in my own way. Are you talking 19 about formal education, training? I don't think so. 20 Q. So you picked up your skills, basically, on the job, as 21 you went along? 22 A. Yes. 23 Q. Thank you. 24 You made your statement in Chinese. Can you 25 understand the English translation of your statement?</p>	<p>1 &amp; Kwong. But leave that to one side. 2 You said this morning you know Wing &amp; Kwong's boss, 3 someone called Joe Leung; correct? 4 A. Yes. 5 Q. In fact, you said you worked for Wing &amp; Kwong for about 6 ten years before moving to Loyal Ease; correct? 7 A. Yes. 8 Q. And you told us you did not know who the boss was in 9 Loyal Ease; correct? 10 A. That's correct. 11 Q. What I am interested in is: how did you find your job 12 then with Loyal Ease? 13 A. It was through Ben. 14 Q. Ben Cheung of Wing &amp; Kwong; correct? 15 A. Yes. 16 Q. So you wanted to leave Wing &amp; Kwong and find a new job, 17 and he said he would introduce you to Loyal Ease, or how 18 did it work? 19 A. I'm not sure of the internal operations of the company. 20 Q. It's fine. I'm asking all this for a reason. Later on, 21 when I ask you questions concerning what was said 22 between you and Henry Lai, so you have to bear with me 23 for asking you these questions about Loyal Ease; all 24 right? I'm not being nosy or gossipy or anything like 25 that; all right?</p>
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<p>1 A. I cannot understand it. 2 Q. First of all, I have a few questions to you about Loyal 3 Ease. Your salary or remuneration is paid to you by 4 Loyal Ease; correct? 5 A. Yes. 6 Q. Can I just ask, is it by way of a salary, fixed sum per 7 month, or is it by way of per job remuneration, you 8 know, on a day basis or on a per-week basis? Which one 9 is it? 10 A. A daily salary. 11 Q. So you are paid on a day-labour basis? 12 A. Correct. 13 Q. By Loyal Ease. I take it that when you say you are paid 14 by Loyal Ease, it's either by a cheque drawn on a Loyal 15 Ease account or through the bank account transfer from 16 Loyal Ease? 17 A. Correct. 18 Q. Now, this morning, Mr Pennicott, the gentleman in front 19 of me, he asked you whether you have ever seen or read 20 the contract between Wing &amp; Kwong and Loyal Ease, and 21 you said no. Do you remember? 22 A. Yes. 23 Q. I'll look at that contract with you later, to see 24 whether what that contract says is in accordance with 25 your understanding of the working relationship with Wing</p>	<p>1 You met no individual or natural person from Loyal 2 Ease; correct? You did not meet any human being from 3 Loyal Ease? 4 A. No. 5 Q. Was it your idea to leave Wing &amp; Kwong and say, "I want 6 to go out and see what the world is like, I want to 7 leave Wing &amp; Kwong", or did Ben Cheung of Wing &amp; Kwong 8 ask you to leave and he would arrange for you to have 9 a new job with Loyal Ease? 10 A. I'm not sure, when you say leaving Wing &amp; Kwong, what 11 the implication was, because it was only after reading 12 through the contracts I was aware of Wing &amp; Kwong and 13 Loyal Ease, and even the work with Leighton, you can see 14 the representatives are Wing &amp; Kwong, not Loyal Ease. 15 Is that correct? 16 So why don't they have Loyal Ease, why did they 17 write Wing &amp; Kwong in the workers list? 18 Q. Well, if Wing &amp; Kwong's lawyer regards that to be 19 relevant, he can no doubt ask people from Leighton, but 20 now, on behalf of Leighton, I'm asking you. 21 The question is, "Was it your idea to leave Wing 22 &amp; Kwong?", and Ben Cheung said, "Let me introduce to you 23 Loyal Ease", or was it Wing &amp; Kwong who said, "We don't 24 want you anymore but we can introduce you to Loyal Ease" 25 or what? A change of employment doesn't actually come</p>

<p style="text-align: right;">Page 101</p> <p>1 out of nowhere.</p> <p>2 A. I'm not sure. Actually, my understanding, Loyal Ease</p> <p>3 was the one paying our salary. They were only paying</p> <p>4 the salary. So did Wing &amp; Kwong employ us or -- I'm not</p> <p>5 sure.</p> <p>6 Q. Are you trying to tell us it wasn't actually your idea</p> <p>7 to say, "I want a new job, I want to leave Wing</p> <p>8 &amp; Kwong"; it was arranged for you by Wing &amp; Kwong, this</p> <p>9 change of employment to Loyal Ease?</p> <p>10 A. You could put it that way.</p> <p>11 Q. As to why Wing &amp; Kwong or Ben Cheung -- let me start</p> <p>12 again.</p> <p>13 So it was Ben Cheung who talked to you and arranged</p> <p>14 with you for this new employment where payment was made</p> <p>15 by Loyal Ease to you; it was Ben Cheung who arranged</p> <p>16 this?</p> <p>17 A. Correct.</p> <p>18 Q. Were you aware of why Ben Cheung had to re-arrange the</p> <p>19 employment or payment relationship in this way, from</p> <p>20 Wing &amp; Kwong employing you and paying you, changed to</p> <p>21 Loyal Ease employing you and paying you? Are you aware</p> <p>22 of why?</p> <p>23 A. I don't know.</p> <p>24 Q. You don't know.</p> <p>25 Can I ask you to look at the sub-contract between</p>	<p style="text-align: right;">Page 103</p> <p>1 Q. So, on the face of it, Loyal Ease is paid by Wing</p> <p>2 &amp; Kwong, not by way of day labour, you know, number of</p> <p>3 workers provided or number of days worked, but on the</p> <p>4 basis of the weight of rebars that had been worked on.</p> <p>5 That's what it says on its face; do you see that?</p> <p>6 A. Yes, I see it.</p> <p>7 Q. So it means that, at least on its face, Loyal Ease would</p> <p>8 be paid the same amount of money whether for working on</p> <p>9 a certain weight of rebars, whether it spent one day</p> <p>10 working on it or two days working on it, it would</p> <p>11 receive the same amount of money, on the face of it; do</p> <p>12 you see that?</p> <p>13 A. Yes, it should be the case.</p> <p>14 Q. Does that accord with your knowledge, if any, about how</p> <p>15 Loyal Ease was paid by Wing &amp; Kwong for the work done by</p> <p>16 Loyal Ease for Wing &amp; Kwong?</p> <p>17 A. Yes, it matches what I understand.</p> <p>18 Q. So far as you are aware, Loyal Ease does not charge on</p> <p>19 a day basis to Wing &amp; Kwong; correct?</p> <p>20 A. Correct.</p> <p>21 Q. But Loyal Ease pays you on a day basis; correct?</p> <p>22 A. Yes.</p> <p>23 Q. Loyal Ease also pays, I presume, other workers on a day</p> <p>24 basis?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 102</p> <p>1 Wing &amp; Kwong and Loyal Ease.</p> <p>2 A. Yes, I'm reading it.</p> <p>3 Q. It's bundle EE1/401.</p> <p>4 A. Yes.</p> <p>5 Q. The English version is on the next page. I wonder if</p> <p>6 there's any way where the Commission can see the English</p> <p>7 version and -- do you have the paper version in front of</p> <p>8 you? Yes. Good.</p> <p>9 A. I have the Chinese version.</p> <p>10 Q. The Commission is looking at the English version.</p> <p>11 I see, both versions are side by side.</p> <p>12 CHAIRMAN: Thank you.</p> <p>13 MR SHIEH: Now, "Contractor" is Wing &amp; Kwong.</p> <p>14 "Sub-contractor" is Loyal Ease. Now, you haven't seen</p> <p>15 this document, you told us; correct?</p> <p>16 A. Yes.</p> <p>17 Q. But let me just ask you -- if you look under</p> <p>18 "(Chinese spoken)", "Unit price", "(Chinese spoken)" --</p> <p>19 A. Here, you mean?</p> <p>20 Q. Yes.</p> <p>21 A. Please continue.</p> <p>22 Q. "\$150 [per] hundred catties, labour only, the rate</p> <p>23 includes steel wire, concrete and plastic blocks."</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. And that is the case for the Hung Hom Sidings works and</p> <p>2 for the North Approach Tunnel; correct?</p> <p>3 A. Correct.</p> <p>4 Q. So, as a matter of basic economics, the more time Loyal</p> <p>5 Ease had to spend on performing a task, the less profit</p> <p>6 it would make?</p> <p>7 A. You could put it that way.</p> <p>8 Q. Look at your witness statement at paragraph 3, bundle</p> <p>9 EE1, page 341.</p> <p>10 Paragraph 3.</p> <p>11 A. Yes.</p> <p>12 Q. It sets out your scope of work as the site supervisor;</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. It does not cover what one may call commercial or money</p> <p>16 matters between Loyal Ease and Wing &amp; Kwong; that's fair</p> <p>17 to say, yes?</p> <p>18 A. Yes, correct.</p> <p>19 Q. You said earlier this morning that in order to report to</p> <p>20 Ben concerning the number of workers for the purpose of</p> <p>21 charging additional work, you had to take pictures of</p> <p>22 signatures of workers every day and send it to Wing</p> <p>23 &amp; Kwong; do you remember that?</p> <p>24 A. Yes.</p> <p>25 Q. So, after the workers maybe had signed in, you would,</p>

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<p>1 what, take photographs of their signed document with 2 your phone; is that right? 3 A. Yes. 4 Q. And then WhatsApp to Ben? 5 A. Yes. 6 Q. So you carry your phone around at work? 7 A. Yes. 8 Q. And it's a self-obvious proposition but you have 9 WhatsApp software on your telephone? You have the 10 WhatsApp app? 11 A. Yes. 12 Q. Okay. 13 You know of a person called Joe Tam from Leighton? 14 A. Yes. 15 Q. Would you say that he is the most senior Leighton 16 official on site for the stitch joint and shunt neck 17 joint works? 18 A. You could put it that way. 19 Q. In relation to Henry Lai, were you aware, at the time 20 the stitch joints and the shunt neck joint, joint 1, 21 joint 2, joint 3 and the shunt neck joints were 22 constructed, did you know how long he had worked for 23 Leighton? 24 A. A year or so. 25 Q. Were you aware -- I'm talking about back then,</p>	<p>1 (3.31 pm) 2 (A short adjournment) 3 (3.49 pm) 4 MR SHIEH: Now, Mr Ng, can I ask you to look at your witness 5 statement, paragraph 42. The Chinese version is EE356. 6 Paragraph 42. 7 A. Yes. 8 Q. Just remember, in this part of your witness statement, 9 you dealt with the shunt neck joint and joint 3 10 together, but you then split it into stage 1 and 11 stage 2. Remember? This is the way you dealt with the 12 matter in your witness statement. 13 A. Yes, I remember. 14 Q. From what you discussed with Mr Pennicott earlier today, 15 would it be correct to understand that what you refer to 16 as stage 1 was really the shunt neck joint? 17 A. Yes. 18 Q. In paragraph 42, you described your discovery that the 19 shape of the coupler on the 1111 side did not fit the 20 shape of the rebars that would be used to screw into 21 those couplers; correct? 22 Let me put it again. In paragraph 42 you described 23 your discovery that the shape of the couplers on the 24 1111 side were not the style that you had expected to 25 see; would that be a fair way of putting it, for the</p>
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<p>1 2016-2017 -- were you aware that he was a junior 2 engineer back then? 3 A. I just knew he was an engineer. 4 Q. From his appearance, you would have -- did you have the 5 impression from his appearance that he was in his 6 mid-20s? 7 A. 20s, in his 20s/30s. 8 Q. Would you have regular daily conversations or 9 communications with Henry Lai back during the period 10 when these three joints -- well, these four joints are 11 worked on, were worked on? 12 A. When there was a need, definitely I -- 13 Q. And these communications would be, as we have heard, by 14 telephone; correct? 15 A. Yes. 16 Q. Telephone would be by mobile phone calls; correct? 17 A. Yes. 18 Q. You would also communicate with each other by WhatsApp; 19 right? 20 A. Yes. 21 MR SHIEH: Mr Chairman, I wonder whether this would be 22 an appropriate moment to take the afternoon adjournment? 23 CHAIRMAN: Yes, of course. 15 minutes, would that suit? 24 MR SHIEH: Yes. 25 CHAIRMAN: Good. 15 minutes. Thank you.</p>	<p>1 shunt neck joint? 2 A. You could put it that way. 3 Q. Because they were slanted, tapered; right? 4 A. Yes. 5 Q. Did you consider taking photographs of the appearance of 6 the tapered couplers on the 1111 side -- on the 1111 7 side of the wall? 8 A. Did I consider to take photos? So I don't quite follow 9 what you are asking. 10 Q. Let me start again. You had, in your experience, never 11 encountered a situation whereby you expected to be using 12 cylindrical bars but the couplers turned out to be of 13 an incorrect shape; correct? 14 A. Yes. 15 Q. Would it be fair to say you were shocked? 16 A. Yes. 17 Q. You obviously thought that you needed to raise it with 18 somebody; correct? 19 A. Yes. 20 Q. Did it occur to you that for the purpose of raising it 21 with somebody, you needed to show that person some 22 pictures? 23 A. At that moment, I didn't think of taking photos, because 24 when I found out I immediately called Henry. 25 Q. So you did not think of taking a photograph for the</p>

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<p>1 purpose of sending it to him because you already called 2 him on the mobile phone; that's what you're saying, 3 correct? 4 A. Yes, correct. 5 Q. You did not WhatsApp him beforehand; you just called him 6 on his mobile number, correct? 7 A. Yes, correct. 8 Q. At paragraph 45, you set out your recollection as to the 9 gist of the conversation you had with him that day; 10 correct? 11 A. Yes, roughly, that's it. 12 Q. Can I ask you to look at the actual questions and 13 answers. 14 A. Yes. 15 Q. You seem to have set out your conversation in 16 question/answer -- sorry, you seem to have described 17 your conversation in a dialogue format. You said this, 18 he said that, you said this, he said that, in this 19 dialogue format; yes? That's what it appears -- 20 A. Yes, I think so. Yes. 21 Q. This is by no means to show any disrespect, but you were 22 able to actually include colourful language at 23 particular places in the middle of the sentence; do you 24 see that? I'm not going to read that out. Correct? 25 A. Yes.</p>	<p>1 on what he thought, what he recalled to be the usual 2 attitude. 3 You asked him, Henry, to talk to his boss first -- 4 boss, (Chinese spoken) -- this is the second-last line. 5 A. Yes. 6 Q. By "boss", his boss, did you mean Joe Tam? 7 A. No, no. His superior, any of -- one who is more senior 8 than him. 9 Q. You asked him to talk to his boss -- is it because you 10 knew that a situation such as that you have seen was not 11 something that a junior staff like him could make 12 a decision about? 13 A. Yes, correct. 14 Q. Because, in the colourful language, he screwed up, or in 15 Cantonese, "It's a very big wok", a big deal; yes? 16 A. Yes. 17 Q. He called back ten minutes later at paragraph 47 of your 18 witness statement? 19 A. Yes. 20 Q. And he did not say that he had spoken to his boss? 21 A. No, he didn't say so. 22 Q. Did you consider asking him to come to the site and have 23 a look at the situation? 24 A. Well, in the first conversation, I asked him to go 25 on site. As far as I can recall, I said, "You should</p>
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<p>1 Q. There's no way in which you could actually remember 2 where you put certain words or the precise swear words 3 you have used in a particular conversation, is there? 4 A. Yes, correct. 5 Q. And this whole extract at paragraph 45 made it -- well, 6 looked as if you were transcribing from a kind of 7 recording. You wrote it out, word-by-word dialogue. It 8 looks like -- 9 A. No, no, no. I just vaguely recall that conversation. 10 That is what happened around that time, then I called 11 him and then what sort of conversation I would have with 12 him. 13 Q. Let me get this clear. You are not saying somehow you 14 have a telephone recording of what had passed between 15 you and Henry and this is a transcription of that 16 conversation? You are not saying that? 17 A. No, no. It's not a recorded conversation. 18 Q. This is just an attempt to make it lively, as to your 19 description of what has passed between you and him, to 20 make it sound real? 21 MR TSOI: Can I just say, it's actually qualified at the 22 introductory part of the paragraph as to why it is typed 23 out like that. 24 MR SHIEH: Very well. I have sorted that out. It's not 25 a transcription, but as Mr Tsoi pointed out it was based</p>	<p>1 come and take a look first." 2 Q. Well, I know it's not a memory test. According to your 3 paragraph 45, you have not asked him to come to the 4 site. 5 A. There was such a conversation. If you ask me, I recall 6 that now. First of all, I didn't take pictures -- you 7 asked me that just now. I didn't take pictures because 8 I called him about what happened and then I notified him 9 and I said that, "Do you need to call your superiors?" 10 And I told him, "You should better come to the site." 11 Now, whether he came to the site, I don't know. Whether 12 he came ultimately, I don't know. 13 Q. Leaving aside the fact that you had called him and 14 spoken to him, did you consider it necessary for the 15 sake of protecting yourself or Loyal Ease to have 16 photographic evidence of a big problem that was 17 encountered on site? 18 A. I did not consider that at the time. 19 Q. According to you, Henry Lai said in paragraph 47, after 20 he said -- after you told him that the bars could only 21 be screwed in for two to three threads, he said: 22 "... just screw them in ... It's not as if the wall 23 would collapse?" 24 He said that, according to you? 25 A. Correct.</p>

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<p>1 Q. Did you or did you not know, as a matter of science or 2 technology, whether the walls would in fact collapse if 3 the rebars were not screwed into the couplers? 4 A. I don't know. 5 Q. So what Henry said about the wall not collapsing could 6 not have provided any assurance to you? 7 A. Yes, he could not promise me that. 8 Q. Did you think he was irresponsible when he said that, 9 that he was rash when he said that, that it's not as if 10 it's going to collapse? 11 A. At that point, I didn't consider whether he was reckless 12 or irresponsible. He just told me to continue and 13 I mentioned that in my statement. You can ask me, you 14 can instruct me to do the work, and according to my 15 understanding they wouldn't accept those works, but I'm 16 following instructions and if it has to be demolished 17 and redone, I have to charge him again. I made that 18 very clear and he still instructed me to continue. Then 19 I did not have to consider this issue any more. 20 CHAIRMAN: Sorry, can I interrupt a second. This was quite 21 a big deal, as has just been said. It wasn't just one 22 coupler that was damaged or something. This was a whole 23 line of couplers; correct? 24 A. Correct. 25 CHAIRMAN: And you had spoken to a junior engineer?</p>	<p>1 Maybe I'll send a WhatsApp to confirm the situation", or 2 something like that. You don't have to think about it 3 right at the time, but often, when you ponder the 4 situation, you then realise you should do something to 5 protect your position. 6 A. At that time, I didn't think so much. Later on, there 7 were a lot of works and there was a time pressure, and 8 after my dialogue with Henry, there was a consensus that 9 if I had to demolish the works and redo it, he would 10 have to -- I would have to charge him again. But he 11 told me to continue, so there was no problem. So that's 12 why I complied. 13 So in case there were inspections and they didn't 14 accept the works, then I would take pictures for record 15 and submit that to him. 16 CHAIRMAN: Thank you, Mr Shieh. 17 MR SHIEH: Did Henry Lai say to you that if you refused to 18 carry out the work as he asked you to, there would be 19 some bad consequences for your company? 20 A. No. 21 Q. Now, in your paragraph 49, you spoke about your worry 22 and your concern; yes? You are concerned with having to 23 bear responsibility; do you see that? 24 A. Yes. 25 Q. You are employed by Loyal Ease; correct? You were</p>
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<p>1 A. Yes. 2 CHAIRMAN: And he had said, "Just go ahead", and you knew 3 that this would be noticed when it came to inspection 4 time or you believed it was highly probable? 5 A. Yes. 6 CHAIRMAN: Didn't it enter your mind what would happen if, 7 for example, somebody from MTRCL came across and said, 8 "This is all wrong, this has got to be redone", and 9 would have blamed you? 10 A. Yes, I considered that. 11 CHAIRMAN: Now you've got no evidence at all that your work 12 is being carried out at the behest of Leighton. It's 13 your word against the word of a junior engineer, if he 14 denies it. You've got no evidence at all. You've got 15 no photographs, you've got no WhatsApp that's recorded, 16 you've got nothing at all there. 17 A. That's correct. 18 CHAIRMAN: Didn't you think that was a bit -- leaving you 19 very vulnerable? 20 A. At that moment? You were referring to that specific 21 moment? 22 CHAIRMAN: Or even an hour or two hours afterwards. You 23 know, when a major event like this happens, we will 24 often, later that afternoon, think to ourselves, "Oh, 25 hang on, I think I'd better just get this sorted out.</p>	<p>1 employed by Loyal Ease; correct? 2 A. Yes. 3 Q. Loyal Ease had no contract with Leighton; correct? 4 A. I'm only aware of that now. 5 Q. So, at the time, what was your understanding as to 6 Leighton's relationship with Loyal Ease? 7 A. At that time, I was working as a representative of Wing 8 &amp; Kwong, and only recently, maybe February 2018, there 9 was a contract. At that time, I didn't know. I was 10 only aware of it recently. 11 Q. Sorry, you said at that time you were working as 12 a representative of Wing &amp; Kwong. So are you telling me 13 that, at that time, you did not know that in fact you 14 have an employer called Loyal Ease and you are taking 15 payment from Loyal Ease as your remuneration? 16 A. Yes. I didn't know that at the time, because Ben Cheung 17 told me to go over there to work, and we were referring 18 to Wing &amp; Kwong, so why was Loyal Ease paying us salary? 19 Maybe it was just for tax purposes. 20 So you will have to clarify that with Ben Cheung. 21 Q. Okay. So, just to confirm that I have not misunderstood 22 you, at the time in question, when we are talking about 23 the shunt neck joint, that would be early 2017, January 24 2017, you were under the impression that you are a Wing 25 &amp; Kwong person?</p>

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<p>1 A. Yes.</p> <p>2 Q. But you had told us this for commercial matters or money</p> <p>3 matters you were not responsible?</p> <p>4 A. That's correct.</p> <p>5 Q. Did it occur to you to report to Ben Cheung to get some</p> <p>6 instructions from him as to what should be done in</p> <p>7 a situation like this?</p> <p>8 A. No.</p> <p>9 Q. The reason why I suggested -- why I asked you whether</p> <p>10 you had thought so is because this is no longer</p> <p>11 a question of how to sort out a minor operational</p> <p>12 matter. This is something which could have potential</p> <p>13 for legal liability; right? Has it occurred to you to</p> <p>14 speak to Ben from Wing &amp; Kwong?</p> <p>15 A. I did not consider that at that time.</p> <p>16 Q. Having explained your concern in your witness statement</p> <p>17 at paragraph 49, in your vivid language in Chinese, you</p> <p>18 were afraid of having to shoulder the wok, in English</p> <p>19 having to bear responsibility, and you were worried</p> <p>20 about causing Wing &amp; Kwong to bear responsibility, you</p> <p>21 told Henry clearly certain things.</p> <p>22 Now, my question is, echoing that from Mr Chairman,</p> <p>23 it would have been extremely simple for you either to</p> <p>24 type a few words in a WhatsApp or even to utter words by</p> <p>25 way of an audio message in WhatsApp. Have you</p>	<p>1 yourself.</p> <p>2 Can you look at paragraph 51 of your witness</p> <p>3 statement, the final sentence:</p> <p>4 "[You] said this in order to protect Wing &amp; Kwong,</p> <p>5 so this must be stated clearly."</p> <p>6 Do you see that?</p> <p>7 A. Yes, exactly. It's exactly as what I just said.</p> <p>8 I expected him -- expected that the work would not be</p> <p>9 accepted, expected that the work would have to be</p> <p>10 redone, and then Henry Lai -- I would put the record to</p> <p>11 him and Henry Lai would have to pay for it, because</p> <p>12 normally this would not be accepted.</p> <p>13 Q. What I don't understand is this. You say, as and when</p> <p>14 they reject the work and you redo the work, you would</p> <p>15 then take photos. But those photos won't prove Henry</p> <p>16 Lai's promise to you; right? They won't prove that</p> <p>17 Henry Lai has promised you to shoulder the additional</p> <p>18 charges for redoing the work; do you understand what</p> <p>19 I mean?</p> <p>20 A. Yes, I get it. I expected him to be like that. But</p> <p>21 then at the time he said, "Please do me a favour, just</p> <p>22 proceed with the works", so that's why I proceeded with</p> <p>23 the work.</p> <p>24 Q. Sorry, stop here.</p> <p>25 CHAIRMAN: Could I, sorry, just ask one thing here. When</p>
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<p>1 considered doing so?</p> <p>2 A. Well, at that time, I made a phone call and we had</p> <p>3 a communication over the phone. I told him what had</p> <p>4 occurred.</p> <p>5 Q. Yes, but he could deny it afterwards; right? He could</p> <p>6 deny it afterwards.</p> <p>7 A. Yes, of course he could.</p> <p>8 Q. And you are not a school leaver. You work in society.</p> <p>9 You know how things can turn really bad when there's</p> <p>10 dispute.</p> <p>11 Do you agree?</p> <p>12 A. At that point, I didn't think of protecting myself.</p> <p>13 I was thinking that he was instructing me what to do.</p> <p>14 Let me put it slowly. He told me to work, of course</p> <p>15 I would comply with his instructions, and I told him, if</p> <p>16 the works were not accepted, I would take pictures and</p> <p>17 I would have to charge him all over for doing it again,</p> <p>18 and I assumed that if the works were not accepted,</p> <p>19 normally, if they weren't accepted, they couldn't pour</p> <p>20 concrete, so why wouldn't I comply with his</p> <p>21 instructions? If I redo the works, I get to charge him</p> <p>22 again; I can put in a work request. Of course, you can</p> <p>23 say that he might renege on his words, but he can only</p> <p>24 do that once.</p> <p>25 Q. In your answer, you said you didn't think of protecting</p>	<p>1 this Commission of Inquiry began its work many months</p> <p>2 ago now, Mr Pun from Fang Sheung gave evidence, and he</p> <p>3 said at the beginning, by way of a general protest and</p> <p>4 an assertion of integrity, that he was upset at the</p> <p>5 allegations that were being made against steel</p> <p>6 reinforcement fixers and the suggestion that they were</p> <p>7 not professional.</p> <p>8 But what you are saying, as I understand it, at the</p> <p>9 moment, is that you were prepared, on the verbal</p> <p>10 instructions of a junior engineer, not to do a safe and</p> <p>11 efficient job. Is that right?</p> <p>12 A. I disagree.</p> <p>13 CHAIRMAN: All right. So how have I got that wrong? It</p> <p>14 doesn't sound too professional to me, I must be honest,</p> <p>15 as a layperson. You are faced with a row of couplers</p> <p>16 which cannot be properly fixed to the reinforcing bars,</p> <p>17 and I've done the same thing here and, as you say, it</p> <p>18 just barely fits in. You were prepared to do that right</p> <p>19 the way along a section of the wall; correct?</p> <p>20 A. Yes.</p> <p>21 CHAIRMAN: And as far as the concreted sections were</p> <p>22 concerned, where the couplers had not been opened up,</p> <p>23 you were prepared effectively not to insert the rebars</p> <p>24 there either, because you weren't going to chip away the</p> <p>25 concrete yourself; correct?</p>

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<p>1 A. No, we are not responsible for chipping away the 2 concrete. 3 CHAIRMAN: All right. So, as I understand it, there were 4 two examples of very poor workmanship, correct, on your 5 part? 6 A. Yes, you can put it that way. 7 CHAIRMAN: Yes, exactly. Thank you. 8 MR SHIEH: Mr Ng, I wish to revisit an answer that you gave. 9 You said you expected the work would not be accepted, 10 and you expected that the work would be redone, and that 11 was why you needed a promise that Henry Lai or Leighton 12 would shoulder the additional charges. 13 But what I want to clarify from you is this. What 14 was the purpose of doing some work, spending time and 15 effort, knowing that it would be rejected upon 16 inspection, and having to do it all over again? What 17 was the sense of it? Do you see what I mean? 18 A. Yes, I get it. I think in my witness statement 19 I mentioned that -- I suggested that he should arrange 20 for the proper couplers, and then he told me there was 21 not enough time, because we had to rush the work, and so 22 he asked me to proceed. I asked him to consult his 23 seniors and he said he's consulted his seniors, and his 24 reply was that we were asked to proceed. At that time, 25 I was surprised, because if we proceeded, usually this</p>	<p>1 then I would take photos for record and then we will 2 charge them. I won't ask about, you know, one by one. 3 Now, any person, a foreman or an engineer, as long 4 as there's someone who gave a verbal promise to take 5 responsibility and asked me to proceed, then I would 6 have to follow the instructions. 7 Q. I know what you say. The short point I want to clarify 8 is whether he did tell you he had consulted his senior 9 and, as a result of this, he is instructing you to do 10 this, or whether it was only your guess, your 11 presumption, that he had asked his senior. Do you see 12 what I mean? 13 A. I just answered your question. I said I guessed, 14 I thought he checked with his boss. He called me back 15 and he asked me, you know, "How many threads can you get 16 in?" I said, "To two three threads." And he said, 17 "Well, just go ahead, just screw the bars in." I think 18 this point was clearly spelled out in my witness 19 statement. 20 Q. Has it ever occurred to you that Henry Lai would deny 21 having agreed with you that you could just screw in two 22 or three threads and if there's anything wrong, Leighton 23 would pay for the additional charges? 24 A. Yes, I thought about that. I thought -- let's say 25 someone came for inspections and saw that they would be</p>
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<p>1 work would not be accepted. "So you still want me to 2 proceed?" I said, "I don't mind to proceed but you know 3 it's not going to be accepted and if it's then rejected 4 and the work has to be redone, you must pay for our 5 overtime charge." Then he promised, "Yes, proceed and 6 we will pay for the extra charge." But then after we 7 did the work, concrete was poured, so how would I know; 8 right? 9 Q. Just now, in your answer, you said you asked him to 10 consult his seniors and he said he consulted his 11 seniors. It wasn't in your witness statement, this 12 suggestion that he had told you he had consulted his 13 seniors. 14 A. In his reply -- no, he told me -- after ten minutes, he 15 called me back. He asked how many threads could we 16 screw the bars in. I said, "Two to three threads." He 17 said, "Well then, just go ahead." Then I told him, 18 "It's fine for me to screw the bars in, but would you 19 accept it? Because normally you would not accept it and 20 then I would have to demolish it and redo the work, but 21 then you have to pay for the work", and he said, "Fine, 22 you can just proceed." 23 So I assume he told his bosses, and then we 24 proceeded as -- there would be people doing inspection 25 and so on, but then, if they asked me to demolish it,</p>	<p>1 asked to demolish and then Henry Lai could deny any 2 knowledge. But we had been doing the works for some 3 time. I treated him as a friend. He asked me to do it, 4 so I would do it. But if we had to demolish it and then 5 he wouldn't pay for it, then, "I would just lose out to 6 you one time", you know, as friends. 7 Q. But you are not the boss of Wing &amp; Kwong. 8 A. No, I'm not. 9 Q. It's not for you to decide whether you would lose out. 10 It's not for you to decide whether you would lose out. 11 If he denies anything wrong happens -- 12 A. No, no need. 13 Now, for things like this, I wouldn't speak to Ben 14 directly first. I thought about it at the time. If 15 eventually he wouldn't accept the record, and then 16 I explained it to Ben, he would accept it, because you 17 know on the work site there are so many things, at the 18 moment, maybe the engineer or the supervisor asked us to 19 do something. I would not inform my boss Ben every 20 time. I will just do it first. It's the case for many 21 occasions. 22 Q. I will ask you one more time. Paragraph 51, the final 23 sentence, you said: 24 "[You] said this in order to protect Wing &amp; Kwong, 25 so this must be stated clearly."</p>

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<p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Now, what is the thing which must be stated clearly? It</p> <p>4 is the part of paragraph 51 which comes before this</p> <p>5 sentence. That sentence is:</p> <p>6 "... I told Henry Lai that if according to Henry</p> <p>7 Lai's instruction to screw in the flat-headed rebars</p> <p>8 into the pointed couplers under strain to complete the</p> <p>9 rebar fixing works, but in the end the inspections are</p> <p>10 not passed ... such that Wing &amp; Kwong were required to</p> <p>11 dismantle the completed rebar fixing works and to redo</p> <p>12 works, Wing &amp; Kwong would treat the work that needs to</p> <p>13 be redone as additional/overtime work to be charged</p> <p>14 additionally."</p> <p>15 That is what you wanted to state clearly, in order</p> <p>16 to protect Wing &amp; Kwong; correct?</p> <p>17 A. Yes, correct.</p> <p>18 Q. It is not difficult to dictate this as a WhatsApp voice</p> <p>19 message; correct?</p> <p>20 A. No, it shouldn't be difficult writing a message.</p> <p>21 Q. Either you write it or you dictate it, not difficult,</p> <p>22 you accept that; yes?</p> <p>23 A. Yes.</p> <p>24 Q. It takes you ten seconds to say, "(Chinese spoken), if</p> <p>25 anything goes wrong, you shoulder the charges", "Big</p>	<p>1 A. It was a verbal promise.</p> <p>2 Q. A verbal promise which can be disputed and which leaves</p> <p>3 you with no protection; do you agree?</p> <p>4 A. I understand. Even if you have a WhatsApp recording and</p> <p>5 even if you have a verbal pledge, it's still no</p> <p>6 safeguard.</p> <p>7 MR SHIEH: I wonder if this would be an appropriate moment</p> <p>8 for the day, Mr Chairman. It's 4.30. I'm going to move</p> <p>9 on to another time frame.</p> <p>10 CHAIRMAN: I think normally we are going to finish at 5.00.</p> <p>11 MR SHIEH: Today is 5.00? Sorry.</p> <p>12 CHAIRMAN: Sorry, Mr Shieh. Unless there's any particular</p> <p>13 reason, I would quite like to push on to 5.00.</p> <p>14 MR SHIEH: That's fine. I will go on.</p> <p>15 CHAIRMAN: Thank you.</p> <p>16 MR SHIEH: What gave you any assurance that Leighton would</p> <p>17 agree to be bound by what Henry Lai told you?</p> <p>18 A. Well, no, there wasn't anything. I was just following</p> <p>19 instructions, and even in my statement I had expected to</p> <p>20 continue, to do the works again.</p> <p>21 Q. Was it the case that you simply wanted to rush up the</p> <p>22 work and not spend time waiting to sort the matter out</p> <p>23 because --</p> <p>24 A. No. No. Definitely not.</p> <p>25 Q. -- because, as far as Loyal Ease is concerned, it is</p>
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<p>1 brother Henry, if anything goes wrong, you shoulder the</p> <p>2 charges". Easy; correct?</p> <p>3 A. Yes.</p> <p>4 Q. Then you won't have to be here to be cross-examined by</p> <p>5 me, yes, because there would be proof?</p> <p>6 A. You could put it that way.</p> <p>7 Q. And there would be protection, which you wanted, in your</p> <p>8 last sentence in paragraph 51; yes?</p> <p>9 A. You could put it that way.</p> <p>10 Q. Indisputable protection; do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. I just don't understand why you have not done that. You</p> <p>13 said you were doing him a favour just now.</p> <p>14 A. No. I was on the phone with him, I was talking on the</p> <p>15 phone, and said -- I was on the phone with him and</p> <p>16 I said something like this. I don't think I need to</p> <p>17 record it again on WhatsApp. Perhaps I had too much</p> <p>18 work at the time; I just forgot, perhaps, to take this</p> <p>19 into consideration.</p> <p>20 Q. Let me ask one more question before we break for the</p> <p>21 day. If you want to do someone a favour, you are</p> <p>22 assuming a nice relationship, friends, helping people;</p> <p>23 yes? If you think you need protection, it means that</p> <p>24 someone is not going to be so nice to you; do you see</p> <p>25 what I mean?</p>	<p>1 paid by weight, and so the longer it drags on, the more</p> <p>2 disadvantageous it is to Loyal Ease, and so you took the</p> <p>3 decision just to get on with the work, without reporting</p> <p>4 it or raising it with anyone upon seeing the problem?</p> <p>5 A. That's two separate issues. If you say the Loyal Ease</p> <p>6 contract and me not reporting, those are two separate</p> <p>7 issues to me, because in my statement I had said I knew</p> <p>8 that there were only -- if I knew there were only two or</p> <p>9 three coupler mismatch, then I knew that typically they</p> <p>10 would not accept the works, and I had mentioned that to</p> <p>11 Mr Lai. I asked him, "Would you get me some correct</p> <p>12 couplers before I continue works?", and he told me, "No,</p> <p>13 we can't make the deadline." Subsequently, that led to</p> <p>14 the dialogue we had and he asked me how many threads</p> <p>15 I could twist in, I said two or three threads.</p> <p>16 So my statement, the dialogue makes it very clear,</p> <p>17 as far as I know, if they wouldn't accept the works.</p> <p>18 Normally you would have to do it all over again. They</p> <p>19 would have to demolish it and have it redone, and</p> <p>20 I still did the work for him. I had expected the works</p> <p>21 to be done again. I didn't expect them to be able to</p> <p>22 pour the concrete. MTRC would inspect, Leighton would</p> <p>23 inspect, and ultimately, when the works were done,</p> <p>24 I left and they poured the concrete and I was surprised;</p> <p>25 why were they able to pour the concrete?</p>



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<p>1 Q. Let me test it the other way. You have repeated this 2 theme several times, which is that you knew it was very 3 likely that the works would be rejected and that you 4 have to redo the work? 5 A. Yes. 6 Q. And you have told us that Henry Lai had agreed that if 7 that were happen, Leighton would pay you for the extra 8 work; yes? 9 A. Yes. 10 Q. Have you considered what sense it makes for Leighton to 11 agree to pay you for what is inevitably double work? 12 A. I did not consider that at the moment, because I wasn't 13 dealing with that exclusively. I was dealing with other 14 sites, I had other works, and he instructed me to press 15 on, and I continued. 16 Q. I suggest to you that what you have said about Henry 17 Lai's promise to you, that you should simply screw it in 18 as much as you can, and if it was rejected, Leighton 19 would repay you -- I suggest to you that makes no sense 20 at all. Do you accept that? 21 A. It doesn't make sense? I disagree. If the works were 22 not accepted, I would take pictures, keep records, and 23 then I would let Ben Cheung follow up. Whether Ben 24 Cheung collects money, I don't know. I'm just 25 responsible for the works. I am just following</p>	<p>1 A. Yes. 2 Q. Now, you were describing here a general phenomenon that 3 in any rebar works, the situation that the main 4 contractor has not completely chipped off concrete is 5 not uncommon. This is a general observation for any 6 construction contract you have seen and not just for the 7 Shatin to Central Link; yes? Correct? 8 A. Yes. 9 Q. So you have seen this phenomenon in other contracts, on 10 other locations, with other contractors, unrelated to 11 Leighton, unrelated to MTR; correct? 12 A. No. I'm just referring to Shatin to Central Link. 13 Q. Because you said "in any rebar works" -- you are not 14 confining yourself to the Shatin to Central Link. And 15 also you said: 16 "... because there is no construction site that is 17 100 per cent perfect". 18 So it looks as though, at least to me, as if you 19 were talking about a general phenomenon in the 20 construction industry. Is that what you are trying to 21 say? 22 A. Well, I did not all construction sites but the majority 23 of sites. This existed in the Shatin to Central Link. 24 It's not 100 per cent. 25 Q. Not just in Shatin to Central Link but in other</p>
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<p>1 instructions. 2 Q. Can I just have one moment? 3 Now, I wish to ask you this. I put to you that the 4 conversation, the conversations, which you said you had 5 with Henry Lai -- that was described in paragraph 45 and 6 47 -- did not take place. 7 A. I disagree. 8 Q. Not agree. And you went to the extent of adding spice 9 or lively language to the conversation to make it look 10 real, when in fact it did not take place at all. 11 A. I disagree. 12 Q. Right. Now, during your conversation with Henry Lai did 13 he ever tell you that there were differences in design 14 between 1111 and 1112 and so there is no need to tighten 15 the rebars in the couplers in 1111? Did Henry Lai ever 16 tell you that? 17 A. No. 18 Q. Can I then ask you to turn to your witness statement, 19 paragraph 54. This is, according to you, what is called 20 the second phase or the second stage, which would be 21 what we call joint 3; yes? Correct? 22 A. Yes. 23 Q. Now, here you were describing this phenomenon that 24 concrete has not been completely chipped away to expose 25 the caps; yes? Do you see that?</p>	<p>1 construction sites as well, you have seen situations 2 where caps were not fully exposed because concrete has 3 not been chipped away completely? Do you accept that? 4 A. Yes. 5 Q. I wouldn't say it happens all the time but, as you say, 6 it's not uncommon; yes? Agree? Not uncommon? 7 A. Not uncommon -- is it frequent? When you say "not 8 uncommon". 9 Q. It doesn't happen all the time, but you wouldn't be 10 surprised if it were to happen? Do you accept that? 11 A. It doesn't occur all the time. 12 Q. Thank you. 13 In subparagraph (1), you described the scenario 14 where: 15 "If the ratio of the couplers ... is continuous 16 albeit small ... or the ratio is relatively high [you 17 would] inform the ... engineer of the situation, and 18 hand it over to him to decide what ought to be done or 19 whether to notify MTRCL's RE ... As far as I recollect, 20 the instruction I received in this situation was 'If you 21 really cannot screw them in, just leave the bar there 22 first!'. 23 Now, stop here. 24 A. (Chinese spoken). 25 Q. From the opening sentence of this subparagraph, you</p>

<p style="text-align: right;">Page 133</p> <p>1 mentioned MTRCL, so it looks as though you are 2 describing what you would do to deal with this situation 3 in this MTRC contract; yes? 4 A. Could you put your question slowly? 5 Q. In this subparagraph (1), you were talking about your 6 usual practice in handling this phenomenon of unexposed 7 couplers in this MTRC Shatin to Central Link contract or 8 project. 9 A. Yes. Please continue. (Chinese spoken). 10 Q. Is it correct that you are describing your practice in 11 handling this MTR project? You are not talking about 12 your approach generally in life; you are talking about 13 how you would do things in this Leighton/MTRC project? 14 A. I'm confused. Are you talking about paragraph 54 -- 15 Q. Right. Let me just go to the heart of it. You say: 16 "... the instruction I received in this 17 situation ..." 18 Do you see that sentence? 19 (Chinese spoken). 20 "... the instruction I received in this 21 situation ..." 22 Do you see that sentence? 23 "... the instruction I received in this situation 24 was 'If you really cannot screw them in, just leave the 25 bar there first!'"</p>	<p style="text-align: right;">Page 135</p> <p>1 Let me help you with what I am getting at. For the 2 mismatch in shape incident for the shunt neck joint, you 3 named Henry Lai, so we've got Henry Lai giving evidence 4 later. All right? 5 A. Mm-hmm. 6 Q. But if you now say, for this separate phenomenon of 7 unexposed couplers, there are other Leighton people, 8 other than Henry Lai, who have given you those 9 instructions just to leave the bar there first, I would 10 like to know who they were. 11 A. No. You are -- if you are talking about this area, then 12 it's just Henry Lai. 13 CHAIRMAN: And other areas? 14 A. For other locations, yes, this happened. That is, areas 15 not under the charge of Henry Lai. There was a plan, 16 let's say HHS/NAT, there were location of couplers, so 17 it's only when we went to screw in the bars, then we 18 found the couplers were damaged and we couldn't do it. 19 Maybe just one out of 50 or 100 bars, it was the case, 20 or one out of 20 bars. So it's a small percentage. So 21 we couldn't screw them in, so we just leave the bar 22 there first, and when you do the inspection then you 23 would tell me what the solution would be. 24 So maybe those responsible for inspection may come 25 up with solutions, maybe we could add something so we</p>
<p style="text-align: right;">Page 134</p> <p>1 Do you see that? 2 A. Yes, I see this. 3 Q. My question is "the instruction I received in this 4 situation" from who? 5 A. It was the engineer or the supervisor responsible for 6 that area. 7 Q. You say "(Chinese spoken)", "maybe"? 8 A. Yes. 9 Q. Maybe? 10 A. Yes, correct. Well, let's say I'm working in that area 11 and there are some bars that couldn't be screwed in or 12 maybe there's damage, and then if I see the foreman, 13 I would tell the foreman, but if I don't see the 14 foreman, I would talk to the engineer. So at the time, 15 I would talk to someone among that group. 16 Q. So this is not confined to Henry Lai? 17 A. No. It depends. It depends on the areas. There are so 18 many areas, as you know, and in every area there would 19 be couplers. Now, if this area is under the charge of 20 Henry Lai, I will tell Henry Lai. 21 Q. So there you are saying that there are people, other 22 than Henry Lai, who have heard you say some couplers 23 have not been exposed and who have told you, "If you 24 can't screw them in, just leave them there"; there are 25 other people from Leighton who have said that to you?</p>	<p style="text-align: right;">Page 136</p> <p>1 could meet the standards. Yes, like that. 2 CHAIRMAN: But that of course is different, is it not, from 3 what you say you were told by Henry Lai, because what 4 you are told -- 5 A. No, no, I'm talking about other locations. They had 6 nothing to do with Henry Lai. 7 CHAIRMAN: That's right. 8 A. There were many locations. 9 CHAIRMAN: So in other locations people said to you 10 effectively, not "just leave it"; they've said 11 effectively, "Don't do anything to with it at the 12 moment, and when we come to do the inspections then 13 together we'll work out a solution"? 14 A. Yes, yes, it would be the case for the other locations, 15 it would be like that too. 16 MR SHIEH: But then for this location, joint 3 -- 17 A. Yes. 18 Q. -- when you had this phenomenon of unexposed couplers, 19 you are saying that it was Henry Lai who gave you that 20 instruction to just leave the bar; correct? 21 A. Yes, correct. 22 Q. And if you look at subparagraph (2): 23 "If there were sporadic couplers that have not been 24 chipped open at that bay ... and the situation is not 25 continuous ... I would not specifically inform the</p>

<p style="text-align: right;">Page 137</p> <p>1 engineer of that [site], but will try our best to adhere 2 to the RC details by placing the couplers at the 3 locations required by the RC details, in accordance with 4 the usual practice, and for the above reasons." 5 So, effectively, whether it's sporadic or not 6 sporadic, you would deal with them in the same way. 7 That is, just leave the bar there without screwing it 8 in; correct? 9 A. The bar couldn't be screwed in, so if I don't leave it 10 there, then what do I do; right? So the coupler could 11 not be exposed and we couldn't see the cap. So we have 12 to follow the RC details. The bar must be at that 13 location. So then we would leave Leighton or your 14 people to resolve it; you have many remedies available. 15 Q. In paragraph 55 you said: 16 "According to [your] recollection, [you] also called 17 Henry Lai at the time, telling him which locations had 18 pointed couplers and the situation that the concrete has 19 not been sufficiently chipped off. However, he only 20 told me again to 'get as many as you can, and screw them 21 in as best as possible'. 22 Do you see that? 23 A. 65; right? 24 Q. Paragraph 55. 25 A. Yes. Yes.</p>	<p style="text-align: right;">Page 139</p> <p>1 as many done as you can. It's a separate, subsequent 2 conversation with Henry Lai, yes; correct? 3 A. Correct. 4 Q. So you had two conversations with Henry Lai already? 5 A. More than that. Should be more than that. 6 Q. Three? More than two? 7 A. Because when we went further, went on with other works, 8 there could be more such scenarios. 9 Q. More than two conversations with Henry Lai on this 10 topic, about difficulties in screwing in rebars? 11 A. Definitely more than two occasions. 12 Q. And like before, like in the case of the shunt neck 13 joint, in your communication or communications with 14 Henry Lai, for joint 3, it did not occur to you to 15 record that either in writing or by a WhatsApp message? 16 A. No. At stage 2, definitely it didn't occur to me, 17 because for stage 1 the concrete was poured. They 18 managed to get the concrete poured. 19 Q. All right. I would suggest to you that this 20 conversation that you had, with Henry Lai, when you 21 worked on joint 3, did not take place. Do you accept 22 that? 23 A. You mean for joint 3, that I did not have any 24 conversation with him? 25 Q. Not about these problems concerning pointed couplers and</p>
<p style="text-align: right;">Page 138</p> <p>1 Q. I just want to understand this. If the problem is 2 concrete not having been sufficiently chipped off, so 3 you can't even see the cap -- 4 A. Yes. 5 Q. -- then you can't screw at all; correct? 6 A. Correct. 7 Q. Then why would Henry Lai say to you, according to your 8 paragraph 55, "get as many as you can, and screw them in 9 as best as possible"? 10 A. No, but he knew that the concrete was not chipped off 11 enough, and he said, "Where the concrete was chipped 12 enough, if you could screw it in, screw it in; if you 13 couldn't screw it in, just leave it there", because he 14 knew that the chipping-off was not enough. 15 Q. So what you are saying is that when you did shunt neck 16 joint in early January 2017, when you first saw the 17 mismatch in shape, you had that conversation with Henry 18 Lai which we looked at earlier -- 19 A. Yes. 20 Q. -- paragraphs 45 and 47; right? That's one earlier 21 conversation. 22 A. Yes. 23 Q. Then, when you got to do joint 3, when you saw pointed 24 couplers and unexposed couplers, you had a separate call 25 with Henry Lai, when he basically told you to just get</p>	<p style="text-align: right;">Page 140</p> <p>1 insufficient chipping. 2 A. No, definitely I talked to him. 3 Q. In fact -- this is a question raised earlier -- it would 4 have been easy and simple for Leighton to get people to 5 chip away any excess concrete to expose the couplers; do 6 you accept that? 7 A. Yes. 8 Q. Did you ever consider pressing Leighton to do that, 9 rather than leaving the bars outside the wall without 10 even touching anything? 11 A. Of course, I asked them to do it, but I knew that they 12 couldn't do it in time. I don't know if this was in my 13 witness statement. My practice is usually like this. 14 Let's say tomorrow I am going to work on this location, 15 then today I would go there for a look. Let's say today 16 around 3 pm, I would go and take a look. Tomorrow 17 morning, then we could proceed to do the work, because 18 there are schedules, I know the schedule. So, if the 19 works are to be done tomorrow, then today, in the 20 afternoon, I would go there. Maybe they haven't started 21 chipping off the concrete or they may just have started 22 chipping off the concrete because I know that they would 23 not have enough time to chip it all off. 24 This is normally -- can I continue? Normally, if 25 Leighton asked us to go to a location to do the work,</p>

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<p>1 they should make sure all the couplers have been exposed 2 and they should have checked that the couplers are not 3 damaged before they ask us to do the work, but no, they 4 did not do that. Instead, they set a schedule for us, 5 then tomorrow I have to go and do the work. If I don't 6 start tomorrow, then maybe I need three or five days and 7 then I won't be able to finish in three or five days, 8 and then they can't do the concrete pour. So they would 9 still just ask us to go and do the work. Because there 10 were many locations -- I won't talk about joint 3 -- for 11 joints 1 and 2, when we were doing the work, they were 12 also chipping off the concrete. They knew we were to go 13 there to do the work today, and then our workers were in 14 place and they would just tell their workers to go away 15 and not do the hacking off. So that's how it worked. 16 Q. You are suggesting that Leighton, even if their people 17 have not completed chipping off the concrete by the time 18 your people arrived, they would just make way for your 19 people to start working on the rebar? 20 A. Yes. 21 Q. Without attempting to finish off the work of chipping 22 away the concrete? 23 A. Well, then you have to ask yourself, you know, Leighton, 24 your company. 25 Q. But I'm telling you it didn't take place. I am telling</p>	<p>1 a hurry; that's why it did not chip away all the 2 concrete; yes? 3 A. Yes. 4 Q. Who told you that Leighton was in a hurry, or was it 5 your guess? 6 A. Henry Lai. 7 Q. Where in your statement did you say that Henry Lai told 8 you that Leighton was in a hurry? 9 A. Now, was it mentioned in my witness statement? He told 10 me they were in a rush. Why? Let's assume you could 11 tell me not to get in place, how come Henry Lai made me 12 get in place? Why didn't you chip off all the concrete 13 and check everything before asking us to get in place? 14 How come you asked us to proceed to start work at once? 15 Because we just followed the instructions of Leighton 16 staff; right? 17 CHAIRMAN: Is that a -- 18 A. I believe, if we are working in that location on 19 a construction site, any engineer or supervisor can stop 20 us. That can definitely happen. Am I right? 21 CHAIRMAN: All right. We are going to leave that until 22 tomorrow morning. 23 Mr Shieh, is that sufficient for you? 24 MR SHIEH: Yes. 25 CHAIRMAN: Thank you.</p>
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<p>1 you -- 2 A. What do you mean by it didn't happen? 3 Q. What you suggested. 4 A. (Chinese spoken). 5 Q. I'm challenging what you said. You can disagree with 6 me. What you have described, whereby Leighton people 7 would either not chip away concrete or they would stop 8 chipping away concrete when your people arrive, this 9 phenomenon did not take place at all; do you accept 10 that? 11 A. Can you make it clearer, please? 12 Q. You are describing a situation whereby Leighton -- your 13 workers were in place; right? Your workers showed up at 14 a place -- 15 A. Yes. 16 Q. -- where they are supposed to do the rebar fixing work, 17 and Leighton, when your workers got there, Leighton 18 would tell their people to go away and stop hacking off 19 and to let your people start your work; right? You just 20 said that? 21 A. Yes. 22 Q. I am challenging you. I am saying this kind of thing 23 did not happen. Do you accept that? 24 A. Why is it that it didn't happen? No, I don't accept it. 25 Q. Right. Now, you gave as a reason Leighton was in</p>	<p>1 Mr Pennicott, the time again? 2 MR PENNICOTT: Sir, first of all -- 3 CHAIRMAN: Normally it's 10.00. 4 MR PENNICOTT: It is. I just wonder whether this would be 5 an appropriate juncture to perhaps invite those who have 6 yet to cross-examine how long they might be, because 7 that might give us a clue as to whether we need to sit 8 a little longer tomorrow. 9 CHAIRMAN: All right. 10 MR PENNICOTT: Whether you want to do that with or without 11 the witness is up to you. The witness needs to be given 12 the usual warning overnight as well. 13 CHAIRMAN: Yes, of course. 14 We have finished for today. You are still giving 15 your evidence, and so my reminder to you or my statement 16 to you earlier that you're not allowed to discuss your 17 evidence until it is completed, that still applies. 18 A. (Chinese spoken). 19 CHAIRMAN: So you can't discuss your evidence with anyone 20 overnight; okay? 21 And when you finish your evidence tomorrow, then 22 obviously you are free to go and to say and do what you 23 wish. But overnight you must not discuss your evidence 24 with anybody. 25 Just bear with us a moment, if you would. Just to</p>

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1 get an idea of length of cross-examination, Mr Shieh?  
2 MR SHIEH: I'm not going to be much longer. Maybe another  
3 15 minutes.  
4 CHAIRMAN: All right. Good.  
5 Mr Khaw?  
6 MR KHAW: Not more than 30 minutes.  
7 CHAIRMAN: All right.  
8 MR BOULDING: Sir, at the moment we don't have terribly much  
9 at all, but obviously we are looking at the answers in  
10 the transcript.  
11 CHAIRMAN: Yes, of course.  
12 MR BOULDING: But not that much.  
13 CHAIRMAN: All right. I think we can start at 10.00.  
14 MR PENNICOTT: I think so, yes.  
15 CHAIRMAN: So we will start again tomorrow morning at  
16 10 o'clock. Good. Thank you all.  
17 (5.03 pm)  
18 (The hearing adjourned until 10.00 am the following day)  
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