

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 & Kwong, with

26

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 & 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
26

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 Examination-in-chief by MR TSOI

23 Q. Are you Ng Man Chun?

24 A. 係。

25 Q. Can I ask you to look at page EE341 of the file. The
26 English can be found at page EE371.1.

1 Mr Ng, can you just confirm that this is your
2 witness statement?

3 A. 哦，可以，係。

4 Q. Can you turn to the signature page. The Chinese can be
5 found at EE371 and the English is at page -- sorry, the
6 English is not signed, but the signature page is at
7 EE371.7.

8 Can you just confirm that that is your signature?

9 A. 哦，冇錯，係。

10 Q. Before you signed this witness statement, did you have
11 an opportunity to read the contents?

12 A. 唔係好明，問多次。

13 Q. Before you signed the witness statement, did you have
14 an opportunity to read the contents of this witness
15 statement?

16 A. 即係你嘅意思我係睇完先簽呢個名嘅？

17 Q. Yes.

18 A. 係，睇晒先簽呢個名，冇。

19 Q. Now, do you wish to adopt this witness statement as
20 your evidence in this Inquiry?

21 A. 哦，okay，冇問題。

22 Q. Perhaps if you can speak louder, Mr Ng.

23 Can I now turn you to page CC1303. This is the
24 Leightons list of the rebar fixers that were engaged by
25 Wing & Kwong.

1 Can you see your name at entry 152?

2 A. 見到。

3 Q. Can you see Mr Leung Chi Wah's name at entry 115?

4 A. 見到。

5 Q. Leung Chi Wah is the rebar fixer that will testify in
6 this Inquiry; is that correct?

7 A. 係。

8 Q. Looking back at your entry at entry 152, you are listed
9 as the rebar fixer?

10 A. 係。

11 Q. If we turn to page CC1304, at entry 233, we see
12 a Mr Yuet Yung Tai has been listed as the foreman; do
13 you see that?

14 A. 睇到。

15 Q. Can you explain why Mr Yuet was listed as the foreman
16 but you were listed as the rebar fixer?

17 A. 呢個我唔清楚。

18 Q. Do you know Mr Yuet Yung Tai?

19 A. 知道佢係邊個，見過幾次。

20 Q. Was he the foreman working on site?

21 A. 唔清楚。

22 Q. How about you: were you the foreman working on site?

23 A. 係。

24 Q. You were under the employ formally of Loyal Ease?

25 A. 係。

1 Q. And Loyal Ease is engaged by Wing & Kwong to conduct
2 rebar fixing work?

3 A. 係。

4 Q. And does the fact that you are under the official employ
5 of Loyal Ease make you any less competent to perform
6 your task as a foreman?

7 A. 唔係好明，問多次。

8 Q. You are under the employ of Loyal Ease; yes?

9 A. 係吖。

10 Q. Does it matter, as a foreman, in terms of competence,
11 whether you are engaged by Loyal Ease or directly by
12 Wing & Kwong?

13 A. 冇，冇分別，冇分別。

14 Q. Can I turn you to page EE348 of your witness statement.
15 The English could be found at page EE371.9.

16 Do you see there subparagraph (11) -- you make
17 mention of an individual called Rita but who is in fact
18 a man?

19 A. 係吖。

20 Q. Could that individual in fact be an individual called
21 Victor, Victor Tong -- his name is Tung Hiu Yeung?

22 A. 應該係。

23 Q. And he is an inspector of works of MTR?

24 A. 冇錯。

25 Q. There you also mention the name Tony?

1 A. 係吖。

2 Q. But you don't know Tony's full name?

3 A. 唔知。

4 Q. Could that be an individual called Tony Tang, Tang
5 Siu Hang?

6 A. 我淨係知佢叫Tony，其他啲啲--佢全名啲啲唔清楚。

7 Q. At this juncture, I would like you to look at
8 page EE404. Perhaps it's easiest if you look at the
9 screen, because it's a new insertion.

10 A. 哦，好，好，好。

11 Q. Do you recognise this photograph?

12 A. 認得。

13 Q. Who took it?

14 A. 我影嘅。

15 Q. When did you take it?

16 A. 17年落去做呢個樁樓嗰陣時影嘅，係呀。

17 Q. Perhaps to give you some context.

18 A. 好。

19 Q. We know that from -- and I think this is undisputed in
20 Michael Fu's witness statement -- we know that the
21 1111/1112 NSL stitch joint, to which my learned friend
22 has been referring to as "joint 1", the track slab, the
23 rebar fixing works for the track slab, was carried out
24 between 5 and 6 July 2017. Then the concreting was
25 completed on 8 July 2017, and the rebar fixing works for

1 the wall commenced on 22 July to 25 July 2017.

2 Do you understand?

3 A. 明。

4 Q. So, with that in mind, can you now recall --

5 MR BOULDING: You're leading him.

6 MR TSOI: Is it in dispute? Are you objecting?

7 MR BOULDING: Sir, we are having obvious leading questions
8 here. My learned friend might as well tell the witness
9 the date and ask him whether it's true. In my
10 respectful submission, this is not the way to run this
11 hearing, where, as I understand, the normal Rules of
12 Evidence apply.

13 MR TSOI: We have the photos and the record of the photos
14 being sent. If my learned friend would like to inspect
15 that, that's absolutely fine. But is he suggesting he
16 is challenging the authenticity or the provenance of the
17 photo or not? Are you?

18 MR BOULDING: I'm not. I'm not challenging the provenance
19 of the photo, because the witness said he took it. What
20 my learned friend is now trying to do is lead him on, it
21 would appear, is the date of the photo.

22 MR TSOI: Because I was giving him some context. I can't
23 just ask him when the picture was taken. He has taken
24 lots of pictures.

25 CHAIRMAN: Perhaps we can just avoid the leading questions,
26 if we can.

1 MR TSOI: Perhaps I should ask this: do you now recall when
2 you took this picture?

3 A. 其實隔咗咁耐，我一定唔記得。咁只要睇番啲相個背景同理check番我電話
4 WhatsApp嘅紀錄，我先可以正確記得嗰個日子，因為呢啲相係我嗰日影，
5 當日影、當日send出去嘅，係嘞，即係我都睇番個電話啲紀錄，我先可以正
6 確答到你邊一日。

7 Q. Do you have the record of when you sent this picture?

8 A. 咁我可唔可以而家睇我個電話答你嗰日嘅日子呢？

9 MR TSOI: If it pleases the Commission?

10 CHAIRMAN: Yes.

11 MR TSOI: Yes.

12 A. 可以？

13 Q. Yes.

14 A. (Looking at phone) 應該2017年7月21。

15 Q. Where was this picture taken; can you recall?

16 A. 而家望番張相，記得就應該你哋所統稱嘅叫joint 1，碰番金門1111嗰個樁
17 口個頂。

18 Q. Where were you standing at the time, when you took the
19 picture?

20 A. 就企喺而家嗰個工作台嗰個面。

21 Q. Why did you take this picture?

22 A. 因為當時做呢個位嗰陣時，可能牽涉到公司即係永光喇，咁可能收取一啲叫做
23 代工嘅問題，因為做呢個位，我哋要用額外嘅人手傳上去、搬上去，所以我要
24 影幾張相交番畀我公司。

1 Q. On the left of the photo, we see yellow bits. Can you
2 tell us what they are? I think they are on the wall.

3 A. 打咗出嚟嘅螺絲頭嘅杯頭。

4 Q. But why are the couplers coloured?

5 CHAIRMAN: I think we are aware of that from before. My
6 understanding is that these are the caps that protect
7 the couplers from the ingress of concrete residue, and
8 presumably different couplers have different caps.

9 MR TSOI: I'm grateful to you, Chairman, but I am eager to
10 please my learned friend not to lead.

11 CHAIRMAN: Sure. That's why I have said what I've said.

12 It's a matter which we've already -- let me put it this
13 way: we've heard evidence that these yellow caps are in
14 fact caps that you take off in order to have access to
15 couplers in the wall; is that correct?

16 A. 喎。

17 CHAIRMAN: And, similarly, on the other wall opposite, you
18 will see red caps, and those are the same?

19 A. 係，冇錯。

20 CHAIRMAN: Why are they yellow on one side and red on the
21 other? Is this just random or is there a plan to it?

22 A. 唔係，以我認知，佢黃色嘅扣應該係你哋所講嘅圓錐形，即係我哋所講嘅尖頭
23 嘅杯扣，紅色就係我哋所講嘅平頭嘅杯扣，即係以我認知係有少少分別嘅。

24 CHAIRMAN: You mean the couplers themselves are different?

25 A. 螺絲頭有唔同。

1 MR TSOI: On the left, the yellow couplers or the caps of
2 the couplers, we see there is a row of yellow caps. But
3 the row, there's some -- I would say a gap there,
4 I think there's a gap; the witness may be able to
5 confirm, but why is there a gap in the row of caps?

6 Or perhaps if my learned friend could assist with
7 the computer to point out where it is. Yes, that spot.
8 Why don't I see a yellow cap there?

9 A. 我答？咁佢可能有幾個原因嘅，即係我假設喇，佢可能未完全打咗出嚟，所以
10 見唔到個--嗰個扭咩，頭先你講嘅；或者佢冇留到，或者佢留咗入面，打唔夠
11 深，你咪見唔到個扭囉，係呀，即係未外露出嚟囉，個螺絲頭。

12 Q. Can you see anywhere else in this picture of the
13 situation you just described?

14 A. 頭先你指嗰粒，隔兩粒都係喇應該，係呀。咁你就算紅色嗰個膠管向再前啲嗰
15 度，應該你會--如果佢真係打得清楚，你哋會好明顯見到大概我諗我估兩至四
16 個黃蓋，都有。

17 MR TSOI: Have I lost you, Prof Hansford?

18 COMMISSIONER HANSFORD: You haven't lost me. It's just that
19 I can't see that.

20 MR TSOI: I'm trying to work it out myself.

21 COMMISSIONER HANSFORD: I think it's a bit indistinct.

22 CHAIRMAN: I think we want to try to avoid confusion here.

23 The yellow caps which you see on the wall in this
24 photograph, who put them on?

25 A. 呢個位應該係1111嗰面啲人留出嚟，咁應該係禮頓負責打出嚟嘅，係嘞。

1 CHAIRMAN: Good. So it wasn't your organisation that put
2 them on?

3 A. 唔係，唔係，唔係。

4 MR TSOI: How about the other wall, the one with the red
5 caps? Can you identify, if any, similar situation?

6 A. 呢面就少啲，係呀，係呢個位應該打得唔夠囉，即係啱啱咪有個三角--中間位
7 喇，中間位嗰度打得唔係好夠，其實都okay嘅。

8 CHAIRMAN: Again, who put those caps on?

9 A. 紅色呢面，我哋留嘅。

10 MR TSOI: Okay. You have a hard copy of the photo; yes?

11 A. 有，有，有。

12 Q. Can you circle for us the location you just identified?

13 A. 睇得清楚啲，圈咗幾個囉。

14 Q. Perhaps if I could ask you to pass that to the Chairman
15 and the learned Commissioner. Have you marked it?

16 A. 嘎，嘎，嘎，好，好。圈咗，圈咗。(Handed).

17 COMMISSIONER HANSFORD: Thank you.

18 MR TSOI: Perhaps counsel would like to look at -- does the
19 counsel wish to look at it? Perhaps Mr Shieh.

20 MR SHIEH: Can I see the photo?

21 MR TSOI: Sure.

22 I hope that makes it clear for the Commission.

23 CHAIRMAN: I could do with a little bit of help, actually,
24 just so we are not talking at cross-purposes. I'd like
25 to know -- I think I understand, but I'd like to know

1 what the wall is that has the yellow caps and what the
2 wall is that has the red caps. I appreciate that the
3 one with the yellow caps is contract 1111 and the wall
4 with the red caps is contract 1112. I'd like to know,
5 in particular, who built that wall, because that -- you
6 know, was it actually built by W&K; if so, did they do
7 all the metal fixing? If they did, then they would have
8 been responsible for fixing in the couplers into the
9 metal cages before the concrete was poured.

10 MR PENNICOTT: Sir, I don't think there is any dispute that
11 on, if you like, the red side of the wall -- let's call
12 it that -- all the rebar fixing, including the couplers,
13 was done by Wing & Kwong, under the supervision of this
14 witness.

15 CHAIRMAN: Good. Okay. I just wanted to make sure of that.
16 Then we are not talking at cross-purposes at all.

17 MR PENNICOTT: No. If one can cut through this a little
18 bit -- my understanding of this, quite simply -- and the
19 witness, I hope, is listening -- what we are looking at,
20 is the stitch joint, which is joint 1, as I think the
21 witness has indicated.

22 CHAIRMAN: Yes.

23 MR PENNICOTT: The date of 21 July fits with the dates of
24 the rebar fixing that we know is on the MTR sheet at
25 BB9/6363. What we are looking at here is a temporary
26 platform, as I understand it, upon which the witness

1 must have stood to take this photograph.

2 COMMISSIONER HANSFORD: Yes.

3 MR PENNICOTT: We are looking at the roof of the stitch
4 joint.

5 COMMISSIONER HANSFORD: Yes.

6 MR PENNICOTT: And what's going to happen is rebar has got
7 to go from the red to the yellow across the top, and the
8 rebar has to go the other way as well, the longitudinal
9 rebar has to go the other way, in order to create the
10 roof --

11 CHAIRMAN: To create the roof.

12 MR PENNICOTT: -- of the stitch joint. That's really what
13 it is in a nutshell.

14 COMMISSIONER HANSFORD: Yes.

15 MR PENNICOTT: Obviously, the walls you can't see, they are
16 underneath, and the base has already been done, as we
17 know.

18 So that's really, as I understand, what this
19 photograph shows. The date seems to fit, and as
20 I understand it, what is trying to be derived as
21 a matter of evidence from this photograph is that we
22 know the red and the yellow caps were exposed by
23 a chipping-away process by somebody else, so that the
24 rebar can then be fixed to create the roof of the stitch
25 joint.

26 COMMISSIONER HANSFORD: Yes.

1 MR PENNICOTT: That's really what it comes to.

2 COMMISSIONER HANSFORD: And I think what I'm seeing on this
3 photograph is, very clearly, that on the left-hand side
4 the caps are yellow and on the right-hand side the caps
5 are red, and that's very clear. I think we've got to be
6 a little bit careful in using this photograph to
7 identify whether there are any missing couplers, because
8 it's not very distinct.

9 MR PENNICOTT: That's right.

10 COMMISSIONER HANSFORD: And also, the fact that there may be
11 missing caps at the surface does not necessarily mean
12 there are missing couplers.

13 MR PENNICOTT: The coupler could be there.

14 COMMISSIONER HANSFORD: The coupler could be there but
15 hidden by concrete.

16 MR PENNICOTT: Either --

17 CHAIRMAN: Or deeper into the wall.

18 MR PENNICOTT: Deeper without the cap. There could be
19 a number of explanations.

20 COMMISSIONER HANSFORD: It may be or may not be.

21 MR PENNICOTT: We don't know.

22 COMMISSIONER HANSFORD: We don't know. And that's true on
23 both sides of the interface.

24 MR BOULDING: Sir, I don't know where Mr Tsoi is going with
25 this but can I just point out, for the sake of accuracy,
26 that the circle on the far left appears to us to be in

1 the wrong place, if you have a look at the photograph.

2 Perhaps I can just hand the photograph up and you
3 can form a view as to whether or not ...

4 COMMISSIONER HANSFORD: Mr Boulding, that's exactly my
5 point; that, you know, it's indistinctive as to whether
6 there are missing couplers or indeed even missing caps,
7 and I don't think we can use that photograph.

8 MR BOULDING: I think you are absolutely right, but insofar
9 as it is going to be used for anything, it appears to me
10 that when you look at what the witness has marked, he
11 has marked a circle to the right of the far-left circle
12 which the computer operators have helpfully put on the
13 screen. I don't know whether it's going to be of any
14 significance but it just occurred to me and I hope to
15 find out.

16 CHAIRMAN: Yes. Thank you.

17 Sorry, Mr Tsoi, we have a benefit over you in that
18 we have canvassed the whole question of couplers, how
19 they are set into metal frameworks and how then cages
20 are built and concrete poured, and then the walls which
21 hold in the concrete are then removed.

22 COMMISSIONER HANSFORD: You see, what is being shown on the
23 screen here at the moment is three red circles on the
24 right-hand side, but the witness has actually put some
25 circles on the left-hand side and they don't appear on
26 the screen. So this is only of partial use to us,

1 I think.

2 MR TSOI: Perhaps if I could ask those who are helpfully ...

3 MR BOULDING: Can I see where the witness ...

4 MR TSOI: I'm so sorry. Perhaps if I could ask --

5 COMMISSIONER HANSFORD: I'm just wondering how useful this
6 is, to be honest.

7 MR PENNICOTT: It's not.

8 COMMISSIONER HANSFORD: What I'm taking from this, Mr Tsoi,
9 is the ones on the left are yellow and the ones are the
10 right are red.

11 MR TSOI: I'm grateful, and I'm very grateful to my learned
12 friend for the Commission.

13 CHAIRMAN: And what we can take from it -- it's clearly on
14 a raised platform near the roof, and clearly, if the
15 caps are going to be undone and reinforcing bars are
16 going to be inserted, there's going to be a reinforcing
17 bar going right the way across.

18 COMMISSIONER HANSFORD: But it is a very useful photograph
19 because it's the first time we have seen a photograph of
20 the stitch joint.

21 MR TSOI: I am grateful.

22 COMMISSIONER HANSFORD: I assume this is the NSL.

23 MR PENNICOTT: Yes, joint 1.

24 MR TSOI: I am very grateful.

25 Perhaps I could now take you, Mr Ng, to other
26 photographs which I think have now been produced in hard

1 copies. Can I ask that to be handed out. (Handed).

2 COMMISSIONER HANSFORD: Thank you. We have them already.

3 MR TSOI: May I ask the one that has been circled by Mr Ng

4 to be handed to Mr Shieh so he can have a look.

5 (Handed).

6 Mr Ng, can you flip through the set of photographs

7 that have been produced? I think they have been added

8 into the network.

9 MR PENNICOTT: While Mr Ng is doing that, can I just, for

10 the purpose of the transcript, say that there are 24

11 photographs in this clip that we've been given, but that

12 includes the one that we've been looking at at

13 page EE404.

14 MR TSOI: Perhaps it's easier to look at the electronic

15 version, because that seems to be clearer.

16 Mr Ng, I'm going to ask you to look at these

17 photographs and tell us, the best you can, when and

18 where they were taken.

19 A. 可以呀。

20 Q. Let's look at the first one. Can you recall now when

21 that was taken?

22 A. 稍等，我睇番啲紀錄先。呢張17年6月1號。

23 Q. Can you recall where it was taken?

24 A. 一係 joint 1，一係 joint 2，我而家都望緊。我唔係好記得，但係我淨係

25 知道係 joint 1、joint 2是但一個位置嘅底，係呀。

1 Q. Does this photograph show anything of significance,
2 which may be of importance to the Commission?

3 A. 你想講咩嘢先？即係如果你話螺絲頭打得唔好、唔靚嘅，其實你呢度都可能
4 見到，我一係我圈完出嚟畀你哋參考下囉，係咪先？因為你都見到我哋嘅工
5 人已經係埋位做緊。即係光暗位睇到嗰啲我圈出嚟，麻煩你。

6 CHAIRMAN: Okay.

7 A. 可唔可以畀你呈上去吖？

8 CHAIRMAN: Again, I'm going to need a bit of help. My
9 apologies.

10 This first photograph, is that taken at the base
11 level?

12 A. 係，冇錯。

13 CHAIRMAN: Good. So that's where you've got the one tunnel
14 that's already been built, and you are in the stitch
15 joint and you are laying reinforcing for the base?

16 A. 係，冇錯。

17 CHAIRMAN: All right. Photograph number 2?

18 MR TSOI: I think the witness has circled the bits that he
19 wants the Commission to look at in the first photo.

20 CHAIRMAN: All right.

21 MR TSOI: Perhaps that could be passed to those ...

22 (Handed).

23 COMMISSIONER HANSFORD: The circles are at the bottom left
24 and the bottom right of this photo.

25 CHAIRMAN: What do those circles show?

1 A. 正常嗰度應該係佢嗰粒杯頭打唔到或者打唔夠，外露唔到出嚟。

2 MR TSOI: I think we're trying to mark it on the screen.

3 COMMISSIONER HANSFORD: Then could we blow it up, once it's
4 marked, please?

5 Can we blow it up a little bit further, please?

6 And the one on the right?

7 MR TSOI: Unless other questions arise, I shall move on to
8 the second --

9 MR SHIEH: Which photo are you on?

10 MR TSOI: The first one, of the pile.

11 MR SHIEH: This is a close-up ...

12 A. 好，好，好。

13 MR TSOI: If we now turn to the second photo, I'm going to
14 ask the same thing: can you now recall when and where
15 that was taken and anything significant arises?

16 A. 都係同頭先嗰張同一日，係呀，都係嗰個位置，係呀，咁呢張冇乜特別。

17 Q. All right.

18 A. 都係同上述嗰張一樣日子，呢張冇乜特別。

19 Q. The next one?

20 A. 呢張都係6月1號影嘅，咁最多都係講緊我而家圈住呢個位，可能睇到啲杯頭打
21 得唔係咁妥當，係嘞，咁係呢個位啫。

22 Q. Can we show the Commission? (Handed).

23 I've been asked by my learned friend for the
24 Commission: can you, Mr Ng, looking at this photograph,
25 identify the size of the rebar that we see there?

1 MR PENNICOTT: The diameter.

2 MR TSOI: The width of the rebar.

3 A. 你哋而家咁樣睇，睇得唔清楚，係呀。

4 MR TSOI: If I may ask the marker -- can I ask the circle to
5 be put on the screen?

6 If I can move on to the next photo, the same
7 questions: when, where, and anything significant?

8 A. 呢張7月21號影嘅，咁都係講緊joint 1、joint 2嘅牆身，係嘞。咁如果個
9 個時候影呢張相，應該可能開始做呢幅牆，咁我大概圈呢個位喇。咁佢呢啲--
10 呢個位啲啲杯頭全部未打出嚟嘅，你隱約會望到，係呀。如果佢有打，應該你
11 會見到個杯蓋，即係嗰個扭，頭先你哋所講嘅扭，應該係紅色嘅，咁呢度好明
12 顯乜都有。

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.

26

1 MR TSOI: Mr Ng, what did you just circle in the photograph
2 we see on the screen?

3 A. 正常呢啲位，咁我哋都係留咗螺絲杯頭嘅，咁佢係冇打到出嚟嘅呢個位，完全
4 見唔到嘅。

5 CHAIRMAN: You mean they were still covered with concrete?

6 A. 係。

7 MR TSOI: I see a wall on the left in the photograph. Can
8 you identify where that wall was?

9 A. 呢個應該係joint 2，係嘞。

10 Q. Why do you say that?

11 A. 因為佢呢堵牆係斜牆，係joint 2先有呢個位嘅啫。

12 Q. Now, in your witness statement, you mention this wall.

13 Can you turn to paragraph 78 of your witness statement.

14 From that -- onwards, I think the reference to a wall we

15 can find on 82, paragraph 82.

16 Is this the same wall you are talking about in the
17 witness statement?

18 A. 冇錯，冇錯。

19 Q. Now, in the witness statement, at paragraphs 83 and 84,

20 you mentioned there that there was a row of couplers

21 that is not exposed. Do you see that?

22 A. 係。

23 Q. On the photograph, can we see that or not?

24 A. 頭先講緊咪我圈住嗰個位囉係。

25 MR TSOI: Any questions arising?

1 COMMISSIONER HANSFORD: That's rather obscured by the
2 scaffolding, isn't it? So it's a little bit difficult
3 to tell from the photograph.

4 MR TSOI: Perhaps.

5 COMMISSIONER HANSFORD: Well, not "perhaps"; it is obscured
6 by the scaffolding.

7 MR TSOI: I can only ask on the evidence.

8 COMMISSIONER HANSFORD: Not the evidence ...

9 MR TSOI: You mean the photograph? Sure.

10 The next photo, the same questions.

11 A. 呢張都係--等等吓，都係21號影嘅，咁呢張冇乜特。都係7月21號影嘅，呢張冇
12 乜可以講，冇乜特別。

13 Q. So nothing significant; yes?

14 A. 係。

15 Q. The next photo, same questions.

16 A. 係喇，都係7月21號影嘅，可唔可以放大少少呀？

17 CHAIRMAN: Is that the right way?

18 A. 哦，哦，okay吖，講幾樣嘢先喇。咁如果你隱約睇到，下面佢哋打得到外露咗
19 嘅蓋，我哋甩到個杯蓋，嗰啲甩到嘅。咁呢兩粒好明顯係佢打唔夠，我哋直情
20 連個杯蓋都甩唔到，咁應該上面有一粒都有咗嘅。咁光暗位問題，見到嗰啲圈咗
21 畀你哋睇，係嘞。因為下面你隱約見到我哋工人係甩咗個杯蓋嚟嘞已經，咁你上
22 面嗰兩粒，應該係直情甩都甩唔到，係呀。

23 MR TSOI: Can you hand that over, first?

24 COMMISSIONER HANSFORD: I think we may have the photo the
25 wrong way around. Can we orient it -- can we turn it by

1 90 degrees? That's now not right either. Rotate it
2 90 degrees to the right. I think that's correct, isn't
3 it? Is that correct?

4 A. 係，啱，啱，而家，嘎，嘎，而家咁樣啱，而家咁樣啱。

5 MR TSOI: Right. Can you hand that up to the Commission,
6 and tell us what you circled again? (Handed).

7 CHAIRMAN: Tell me, if you came across couplers embedded
8 into the walls which have not been exposed from the
9 concrete, what would you do?

10 A. 會同負責呢個location嗰個負責人，即係可能係engineer，咁會通知佢哋嘅。

11 CHAIRMAN: And what would that engineer then do?

12 A. 正常通知完佢，佢係要處理番，確保我哋擰到人去嘅。

13 CHAIRMAN: Right. So, in other words, as far as this
14 concreting is concerned or a failure to expose from the
15 concreting, you would report it to one of the inspectors
16 from Leighton on site, or an engineer, and somebody
17 would come along and then do the necessary remedial work
18 to expose the couplers?

19 A. 係，冇錯。

20 CHAIRMAN: So would it be correct to say that the fact that
21 the couplers, when you came across them, still had
22 concreting over the top was not a major problem? You
23 could get it fixed quite quickly?

24 A. 係，同咗佢講，佢應該係可以處理到嘅。

25 CHAIRMAN: Yes.

1 MR TSOI: But, for the stitch joints, did that happen?

2 A. 唔明，問多次。

3 Q. Was it fixed?

4 A. 即係我提--即係你嘅意思，我提佢哋有啲位好似而家咁，未外露晒或者受損，
5 然後佢有冇搵人再嚟處理，係咪？你係咪咁樣問？

6 Q. Yes.

7 A. 我通知完佢之後，佢冇人搵嚟處理。

8 Q. Who did you inform?

9 A. Harry.

10 Q. Henry what?

11 A. 我淨係知佢叫Harry。

12 Q. Is it Harry or Henry?

13 A. 你--Harry.

14 CHAIRMAN: Harry.

15 Again, can I ask another question -- please forgive
16 me.

17 A. 係。

18 CHAIRMAN: Normally, the way it works is you ask somebody to
19 come and fix it, and if they don't, you ask them again.

20 Is that what you did? Did you go and say, "Hey guys,

21 nobody has come along to fix these things; could

22 somebody come along"?

23 A. 我通知咗佢，咁佢個回覆就係話叫我照做，係嘞，咁有幾多就做幾多，係呀，
24 擰到人去嗰啲就擰晒人去，係嘞，佢淨係咁樣通知番我啫，咁我就跟番佢個指
25 示去做。

1 CHAIRMAN: But did that mean that you'd have to remove the
2 concrete yourself?

3 A. 唔係，唔係，唔係。

4 CHAIRMAN: Then what would you do? You would try to do it
5 with the concrete there?

6 A. 係。

7 CHAIRMAN: Can I ask this: under normal circumstances,
8 elsewhere, when you asked one of the inspectors or
9 engineers from Leighton to come and chip off some
10 concrete that hadn't been removed already, how long
11 would it take to get that job done?

12 A. 睇佢個範圍要--有幾大囉，係呀，都要鑿幾日㗎。

13 CHAIRMAN: A few days? I mean, all right, let's say you
14 came across three couplers that had not yet been
15 exposed, all in the same area. You spoke to the
16 Leighton engineer. How long normally would it take for
17 somebody to come along and expose those three couplers?

18 A. 佢幾耐搵人過嚟，我就唔知，即係如果你話同一區得嗰三幾個螺絲頭佢搵人
19 鑿，我估吓，我估佢應該一、兩個鐘頭內可以搞掂。

20 CHAIRMAN: Yes. So, if there are a limited number of
21 couplers all in the same area, a couple of hours, the
22 job's done and you can continue. Why would it take
23 several days if it was --

24 A. 哦，佢「幾日」嘅意思係即係成幅牆幾日咁解啫。

25 CHAIRMAN: All right. And in this particular instance, you

1 are saying, where the stitch joint was, even though you
2 asked them to remove the concrete, for some reason or
3 other they just said, "No, do the best you can"?

4 A. 係吖。

5 CHAIRMAN: But, if it was covered in concrete, how did you
6 do the best you can?

7 A. 我都係跟番份圖，擺番個條鐵喺嗰度囉，因為嗰啲都擰唔到㗎喇嘛。同理如果
8 佢冇個杯頭喺度，都係擰唔到㗎喇嘛。

9 CHAIRMAN: I mean, did you have any tools that would enable
10 you to chip away the concrete yourself?

11 A. 冇，完全冇。

12 CHAIRMAN: Did you not think that maybe, if they wouldn't do
13 it, you would do it, to make it more secure?

14 A. 哦，唔會，我哋唔包鑿開個杯頭，係呀，我哋淨係負責擰入去接駁嘅啫。

15 CHAIRMAN: Okay.

16 MR TSOI: Can I turn you to the witness statement at
17 paragraph 54. I think here is the situation. So there
18 you explain, I think, when the couplers are still
19 embedded in the concrete; yes?

20 A. 係。

21 Q. Paragraph 54(1). Here, subparagraph (1), you said this
22 in the middle:

23 "As far as I recollect, the instruction I received
24 in this situation was 'If you really cannot view them
25 in, just leave the bar there first!'"

1 What does that mean?

2 A. 呢個都係我哋跟番份圖去做嘢，即係假設你如果嗰粒杯頭都已經唔見--露唔到
3 出嚟，咁我哋嗰個圖則，你係要有條鐵喺度咁嘛，咁你都要擺喺嗰度紮番落去。

4 MR TSOI: Chairman, is there anything that troubles you?

5 CHAIRMAN: No, I'm just puzzled, as a layperson -- and
6 I profess my ignorance -- that they can't be that deeply
7 embedded in concrete. It's not as if they are 4 foot
8 under concrete. Surely a little, small chipping tool
9 would chip away the concrete quite quickly, wouldn't it?

10 A. 呢個你要問番禮頓嗰啲嘅，我唔清楚，因為我哋唔負責鑿，我都唔清楚。

11 CHAIRMAN: I appreciate that, but if Leightons say no, then
12 "You do the best you can" -- you took that as meaning,
13 "Don't do anything about removing the concrete"?

14 A. 我哋都有辦法鑿開石屎㗎，咁係佢哋負責鑿㗎嘛，我哋淨係負責擰條鐵入去㗎
15 咋嘛。

16 We are only responsible for screwing in the rebar.

17 CHAIRMAN: All right. Why was it, do you think -- did you
18 have any evidence in front of you as to why Leighton
19 wouldn't do what they normally do, which is send
20 somebody along to chip it out?

21 A. 我哋通知咗佢個囉嗰，佢搵唔搵人鑿，唔係我範圍㗎。

22 MR TSOI: Did you have the tools to remove the concrete
23 yourself?

24 A. 你所講做係做咩嘢先？即係鑿開啲石屎？我哋唔包鑿石屎，係呀，同埋我哋都
25 唔會有工具鑿石屎。

1 Q. The next photo, same questions.

2 A. 呢個都係7月21號影嘅，不過呢個冇乜特別。

3 COMMISSIONER HANSFORD: Can we first of all determine which
4 way up this photo is supposed to be? Is that correct?

5 A. 喺，喺，喺。影係影個頂嘅。

6 COMMISSIONER HANSFORD: So what is it we are looking at? Is
7 that the soffit? Is that the top?

8 A. 係，係，冇錯。

9 COMMISSIONER HANSFORD: Thank you.

10 MR TSOI: The next photo, same questions.

11 A. 都係21號影嘅，都係21號影嘅，咁呢張都冇乜特別。

12 Q. The next photo -- we might have seen this one.

13 A. 冇錯。

14 Q. The one after that?

15 A. 都係21號影嘅，冇乜特別。

16 COMMISSIONER HANSFORD: Can I ask, in connection with this
17 photograph, in the foreground we see some bars with
18 a blue end, then we see some bars with a red end, and
19 then we see some bars with a silver end. What is the
20 significance of these three colours?

21 A. 佢藍色、紅色係嗰個保護蓋個size，藍色我記得應該係Y40，紅色應該係
22 Y32，係呀。

23 COMMISSIONER HANSFORD: So these are threaded bars at Y40 in
24 the foreground, Y32 in the middle, and what is the third
25 bundle?

- 1 A. 呢個睇得唔係好清楚，都係佢兩個size是但一款嚟㗎嘍。
- 2 COMMISSIONER HANSFORD: Okay. Thank you.
- 3 MR TSOI: The next photo?
- 4 A. 呢個都係7月21號影嘅，咁呢個冇乜特別嘢。
- 5 Q. The next one?
- 6 A. 一樣，都係7月21號影，都冇乜特別。
- 7 Q. The next one?
- 8 A. 呢個7月27號影嘅，冇咩，冇乜特別。
- 9 Q. Where is the location?
- 10 A. 都係joint 1個頂，可能係，係，應該joint 1個頂。
- 11 Q. The next one?
- 12 A. 呢張都係7月27號影嘅。
- 13 Q. And the location?
- 14 A. 哦，都係joint 1個頂嚟，嗰個位嚟。
- 15 MR SHIEH: 21 or 27?
- 16 MR TSOI: 27th.
- 17 A. 27, 27, 27, 呢張27號影，係。冇，冇乜特別，呢張冇乜特別。
- 18 Q. All right. The next one?
- 19 A. 呢張都係27號影嘅，咁都係冇乜特別，都係嗰個位置。
- 20 Q. The next one?
- 21 A. 係喇，呢張都係27號影，都係冇乜特別，都係咁。
- 22 Q. The next one?
- 23 A. 呢張都係27號影嘅。咁可能我有啲嘢更正，可能27號頭先呢批相全部唔係--
- 24 應該係joint 2，如果我睇番呢張相，joint 2個頂嚟，係。

1 Q. Anything significant here? If not, we will move on to
2 the next one.

3 A. 冇, 冇, 冇, 冇乜特別, 冇乜特別。

4 Q. The next one?

5 A. 都係嗰日影嘅, 冇乜特別嘢。

6 Q. The next one?

7 A. 都係嗰日影嘅, 嘎, 咁都有咗, 冇乜特別嘢講。

8 Q. The next one?

9 COMMISSIONER HANSFORD: Sorry, while we are on that one, are
10 you saying this is joint 2? Is this joint 2?

11 A. 呢張唔係好肯定。

12 MR TSOI: Perhaps I can assist. I don't think it's in
13 dispute. In accordance with Michael Fu of MTR, who was
14 the construction manager of the project, if you go to
15 his statement at BB65, he says that joint 2, the rebar
16 fixing works for the dividing wall and the East Wall was
17 carried out between 26 and 29 July. So, if these
18 pictures were taken on 27 July, then it should be
19 joint 2.

20 COMMISSIONER HANSFORD: Okay. The only reason for my
21 question is -- I'm right joint 2 is an internal joint,
22 isn't it, within 1112?

23 MR TSOI: Yes.

24 COMMISSIONER HANSFORD: And therefore the couplers should be
25 the same on both sides of the joint?

1 MR TSOI: That's correct.

2 COMMISSIONER HANSFORD: I'm wondering if that's what this
3 photo shows us or not.

4 A. 佢冇個杯蓋喺度，所以睇唔到，係呀，因為我哋都甩晒啲杯蓋，係呀，所以我
5 都唔係好肯定呢個係joint 1定joint 2。

6 COMMISSIONER HANSFORD: Okay. That's fine.

7 MR TSOI: The next photo.

8 A. 哦，都係嗰個，直情重複咗，不過呢張都--呢張相冇乜特別嘢，呢張。

9 Q. The next one we've seen.

10 A. 呢啲應該之前睇過。係喇，重複㗎嘞呢啲。

11 Q. Right. That's the photographs.

12 THE COURT REPORTER: We didn't get a translation of the last
13 answer.

14 MR TSOI: Can we translate the last answer from the witness?
15 I think he just said, "We have seen that photo."

16 Can I now take you to your witness statement again,
17 at paragraph 45. There you say that you had
18 a conversation with a Leighton engineer called Henry
19 Lai.

20 A. 哦，係吖，係吖。

21 Q. Can you confirm the content?

22 I will ask again. Can you confirm the contents?

23 A. 係，冇錯。

24 Q. When you said Harry or Henry in your evidence before, is
25 this the Henry or is it someone else?

1 A. 哦，就係頭先我所講嗰個人。

2 Q. This conversation you said happened when it was joint 3
3 or the stitch joint; yes?

4 A. 係吖，係。

5 Q. So that's not the time when you have taken the pictures
6 that we went through?

7 A. 唔係，唔係。

8 Q. Can I take you to paragraph 96 of your statement.

9 A. 係，睇緊。

10 Q. There, I think you give evidence of a site -- of
11 a meeting at the construction site?

12 A. 係。

13 Q. This was after the water seepage problem has come to
14 light; yes?

15 A. 係。

16 Q. You say there that Henry Lai and a Ms Wong also attended
17 the meeting?

18 A. 冇錯。

19 Q. And then you give the contents of the meeting. Now, at
20 that meeting, why did you not say to Leighton that Henry
21 Lai knew about the Lenton couplers?

22 A. 佢都冇人問，同埋當時開會，佢有個新嘅上司，我見過一次嘅啫，因為我唔知
23 佢咩嘢名吖，咁佢淨係問我「究竟你哋落去做嗰陣時，有幾多成嘅螺絲頭係扭
24 到人去？」係嘞，佢有問過我呢個問題。

25 Q. After this meeting, did you have further contacts with

1 Henry Lai?

2 A. 冇。

3 Q. During your work at the work site, how did Henry Lai and
4 you contact each other?

5 A. 電話、WhatsApp，或者撞到見面。

6 Q. So he has your number?

7 A. 冇。

8 Q. After February 2018, has he ever called you to say why
9 are you making allegations against him that he
10 instructed you to screw things in as much as possible?
11 Sorry, to screw the rebars into the couplers as much as
12 possible -- has he asked you that?

13 COMMISSIONER HANSFORD: Sorry, I'm getting Cantonese on here
14 instead of English now.

15 INTERPRETER: Sorry, I have the wrong channel.

16 MR PENNICOTT: You need to put the question again, I'm
17 afraid.

18 COMMISSIONER HANSFORD: Yes.

19 MR TSOI: After the February meeting ...

20 A. 聽唔到，聽唔到。

21 Q. Sorry, now he can't hear it. Can you hear me now?

22 A. 可以，繼續，繼續。

23 Q. After the February 2018 meeting, has Henry Lai ever
24 called you to ask why were you making allegations
25 against him that he instructed you to screw in the

1 rebar as much as possible?

2 A. 冇，冇，冇，之後我有同佢聯絡過。

3 Q. Have you testified in a court before?

4 A. 冇。

5 MR TSOI: Other counsel will now ask you questions, so just
6 try your best to answer them; all right?

7 WITNESS: 哦，好，好，好。

8 MR PENNICOTT: Coffee?

9 CHAIRMAN: Yes. We are going to have the mid-morning break
10 now. Just a quarter of an hour. You are giving your
11 evidence at the moment, and until you have completed
12 your evidence entirely, you must not discuss it with
13 anybody else. Do you understand?

14 A. 明白。

15 CHAIRMAN: So it's a natural thing to go outside and maybe
16 speak to a colleague or something or ask somebody how
17 well you are doing or not doing, et cetera, but it's
18 considered a serious breach; okay?

19 A. (Nodded head).

20 CHAIRMAN: Good. Thank you very much. Quarter of an hour.

21 WITNESS: 明，明白。

22 (11.32 am)

23 (A short adjournment)

24 (11.50 am)

25 Examination by MR PENNICOTT

1 MR PENNICOTT: Mr Ng, good morning.

2 A. 早晨。

3 Q. My name is Ian Pennicott and I'm one of the counsel for
4 the Commission. I get to ask you some questions first.

5 What will then happen is if any of the counsel,
6 representatives for the other parties, wish to ask you
7 some questions, they can do. Then, when all of that is
8 finished, if Mr Tsoi wishes to ask you any more
9 questions, he's entitled to do so.

10 During the course of that whole process, the
11 Chairman and the Commissioner may ask you further
12 questions. They've already asked you some questions
13 already. So that's how it's going to work.

14 Is that okay? Do you understand?

15 A. Okay. Okay.

16 Q. That's good.

17 So, Mr Ng, you are employed by Loyal Ease
18 Engineering Ltd?

19 A. 係, 冇錯。

20 Q. How long have you been employed by Loyal Ease?

21 A. 輝誼我唔清楚, 永光我做咗十年。如果咁樣講, 紅磡站三年, 三年喇。

22 Q. Right. So you worked for Wing & Kwong before you worked
23 for Loyal Ease; is that right?

24 A. 係。

25 Q. How long did you work for Wing & Kwong before you

1 transferred to Loyal Ease?

2 A. 10年。

3 Q. So when did you actually move to Loyal Ease?

4 A. 我唔係好記得，係呀。

5 Q. Well, it was certainly, what, 2015, when the
6 sub-contract between Loyal Ease and Wing & Kwong was
7 entered into, so that's four years?

8 A. 應該係。

9 Q. Right. So it was a bit before that, was it?

10 A. 冇錯，冇錯。

11 Q. All right. We know that Loyal Ease was a sub-contractor
12 to Wing & Kwong for the rebar fixing work in both the
13 HHS and the NAT areas near the Hung Hom Station part of
14 the SCL project?

15 A. 係。

16 Q. Could I ask you, please, to look at the sub-contract.
17 It's at E1/401, in the Chinese. Is this a document
18 you've seen before, Mr Ng?

19 A. 冇。

20 Q. Do you recognise either of the signatures at the bottom
21 of the page?

22 A. 唔認得。

23 Q. All right. We'll come back to the sub-contract in
24 a moment.

25 Loyal Ease is owned by a gentleman, I understand, by

- 1 the name of Chan Siu Wing; is that right?
- 2 A. 咩嘢兆榮 (譯音) 話?
- 3 Q. By whom is Loyal Ease owned?
- 4 A. 唔清楚。
- 5 Q. You are not sure?
- 6 A. 唔清楚，東主邊個唔清楚，真係。
- 7 Q. All right. Who is your boss at Loyal Ease?
- 8 A. Ben喇，係呀，我諗係，即係Ben Cheung。
- 9 Q. I thought he worked for Wing & Kwong?
- 10 A. 因為你頭先問嗰個問題「輝誼邊個係東主」，我真係完全唔清楚，係呀。
- 11 Q. Is there nobody at Loyal Ease that you answer to?
- 12 A. 我向永光嗰啲負責人負責。睇呢個項目嘅，如果係Ben，我係向Ben負責。
- 13 Q. Okay. Let me just ask me to look in bundle AA,
- 14 page 172. I'm sure it's not a document you will have
- 15 seen before, Mr Ng, but it's a document that gives
- 16 details of Loyal Ease Engineering Ltd; do you see that
- 17 on page 172?
- 18 A. 睇緊。
- 19 Q. All right. If you go to page 175, please.
- 20 A. 係。
- 21 Q. You will see the details of a director, and it's the
- 22 name I mentioned earlier, Chan Siu Wing, and you've
- 23 never heard of him or her? I think it's a her.
- 24 A. 未，未，未聽過。
- 25 Q. Right.

1 Who pays your wages, Mr Ng?

2 A. 以我所知，係輝誼出糧畀我，呢間公司，即係輝誼呢間公司出糧畀我。

3 Q. Who was responsible for paying you? If you had
4 a problem over payment, who did you go to?

5 A. 搵Ben。

6 Q. Right.

7 A. 係，搵Ben。

8 Q. All roads lead to Ben. Right.

9 Do you know by whom Wing & Kwong is owned?

10 A. 知。

11 Q. And who's that?

12 A. 梁志光。

13 Q. Also known as Joe Leung?

14 A. 另一個名？啊，Joe Leung。

15 Q. Yes.

16 A. Yes, Joe Leung.

17 Q. Do you know how many employees Wing & Kwong has?

18 A. 唔清楚，知道好多。

19 Q. Many, okay. And what about Loyal Ease: how many
20 employees do they have?

21 A. 更加唔清楚。

22 Q. Right, even though you worked for them and you
23 supervised all their workers?

24 A. 你講監督乜嘢先？

25 Q. Loyal Ease workers.

- 1 A. 唔係，我淨係負責監督我做個個盤嘅工人，我嘅工人。
- 2 Q. Yes. Okay. But a short while ago, when Mr Tsoi was
3 asking you some questions, he showed you a list of
4 employees. It's at CC3/1302. Can you go back to that,
5 please.
- 6 A. 係。
- 7 Q. So far as Leighton are concerned, this is a list of Wing
8 & Kwong workers, but isn't the reality something rather
9 different, Mr Ng: that is, this is really a list of
10 Loyal Ease workers?
- 11 A. 係，你繼續講。
- 12 Q. Well, am I right? Is this a list of Loyal Ease workers
13 as opposed to Wing & Kwong workers?
- 14 A. 即係輝誼嘅工作人員名單，啱嘅我諗，係呀。
- 15 Q. Thank you.
- 16 Do you know Joe Leung? Do you know him? The owner
17 of Wing & Kwong, do you know ...
- 18 A. Joe Leung咁嘛，係咪呀？
- 19 Q. Do you know him?
- 20 A. Joe Leung識。
- 21 Q. Do you know him well?
- 22 A. 熟，熟，熟。
- 23 Q. How often do you see him?
- 24 A. 我諗可能一個月或者兩個禮拜嘍見一次。
- 25 Q. Did you talk to him about this particular project, this

1 particular job?

2 A. 冇，冇，冇。

3 Q. Are you related to Joe Leung?

4 A. 冇。

5 Q. So in what context do you get to meet him on what
6 appears to be a reasonably regular basis? Why do you
7 meet him?

8 A. 唔係，佢聯絡我，我就會見佢囉，係呀。

9 Q. Why would he contact you?

10 A. 哦，佢可能問我即係嗰陣時做緊嗰啲工程嗰啲情況，有冇咩嘢問題咁樣嘅啫，
11 係呀。

12 Q. So the picture I'm getting at the moment, Mr Ng, is you
13 contact Ben Cheung for certain reasons and you contact
14 Joe Leung for other reasons; is that right?

15 A. 唔係，我聯絡Ben多啲，Joe Leung我好少聯絡佢，係呀，多數佢聯絡我，
16 Joe Leung就。

17 Q. Right. Prior to this particular project that we're
18 concerned with, had Loyal Ease carried out much work as
19 a sub-contractor to Wing & Kwong?

20 A. 呢個我唔清楚。

21 Q. Okay. So is this right, Mr Ng, that throughout the
22 course of this project, if there were any issues or
23 problems that you had, you would report to Ben Cheung?

24 A. 冇錯，冇錯。

25 Q. You essentially regarded him as your superior, your

1 boss?

2 A. 係。

3 Q. And there was nobody else at Loyal Ease to whom you
4 reported; is that right?

5 A. 係，冇錯。

6 Q. And when you contacted Ben Cheung, what was the primary
7 means of communication? How did you contact him? How
8 did you speak to him?

9 A. 電話，電話。

10 Q. Would that be actually speaking to him by phone, having
11 a conversation with him by text message, by WhatsApp
12 message? How was it? How did it break down?

13 A. 電話都有，WhatsApp、短訊又有，係呀，都會。

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. 好呀。

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. 見到，見到。

24 Q. It then says:

25 "Payment method. Payment request is made once
26

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. 睇到。

10 Q. Were you responsible for reporting the number of workers
11 back to, I assume, Ben Cheung?

12 A. 冇錯。

13 Q. Did you do that on a daily basis?

14 A. 係。

15 Q. How did you do that?

16 A. 啲工人影完相--唔係，即係簽完名，我影相，影完相，WhatsApp畀佢。

17 Q. Right. So a photograph of a list of names and
18 signatures?

19 A. 係。

20 Q. Okay. Thank you very much.

21 Mr Ng, can I ask you this. In your witness
22 statement, you make reference to quite a lot of dates
23 and periods. When you prepared your witness statement,
24 did you ascertain those dates by reference to any

25

1 documents, or did you do it largely from your memory?

2 A. 文件我就應該冇睇，我係睇番我電話啲紀錄，然後回憶番起自己嘅記憶。

3 Q. All right. So largely records on your phone?

4 A. 小部分囉，因為我個電話壞過。

5 Q. Okay. You took us through a series of photographs
6 earlier which you took in June and July 2017.

7 A. 係。

8 Q. What prompted you to take those photographs at that
9 time? Why did you take those photographs at the time?

10 A. 咁本身就少會影地盤啲相嘅，點解會影啲相呢？係因為呢個位置做嗰陣
11 時，我要寫代工，要收取額外禮頓嘅費用，咁要影番啲相畀Ben去收錢，所
12 以我先會影嘅啫。

13 Q. Right. So is this right, that you took those
14 photographs and you sent them to Wing & Kwong, to Ben;
15 is that right?

16 A. 係，冇錯。

17 Q. Presumably, to indicate to Ben that you were either
18 about to start work or were working in a particular area
19 at that time; is that correct?

20 A. 係。

21 Q. Okay. So the primary purpose of taking the photographs
22 had nothing to do with any problems that may have
23 arisen, but was really focused on making sure that you
24 and the workers were properly paid; is that right?

25 A. 冇錯。

1 Q. Did -- I think you have possibly answered this already
2 but I'll ask it again -- did Wing & Kwong have any
3 presence on this site at all during the course of the
4 carrying out of the rebar works?

5 A. 呢個我唔清楚。

6 Q. You were not aware of anybody from Wing & Kwong being on
7 the site while the works were being carried out, the
8 rebar works?

9 A. 唔清楚。

10 Q. Did Ben Cheung ever make visits, occasional visits, to
11 the site?

12 A. 有。

13 Q. How often?

14 A. 幾次喇，係呀。

15 Q. Once a month? Once a quarter? Can you estimate?

16 A. 兩、三個月一次喇，係呀。

17 Q. All right. Now, can we just move on to a separate
18 topic, Mr Ng. In your witness statement, you explain
19 the procedure by which you acquired the material that
20 you needed to carry out the rebar fixing works.

21 A. 即係我而家解釋多一次，係咪呀？

22 Q. No, no, that's what you do in your witness statement,
23 and I just want to get -- ask you a few questions about
24 that topic. Okay?

25 A. 哦，好，好，好。

1 Q. So, as I understand it, the way it worked was Leighton
2 provided you with working drawings for the rebar fixing
3 works?

4 A. 係。

5 Q. You gave those working drawings to a colleague of yours,
6 who you called Ah Bong, who created what you describe as
7 sample papers and material list papers; is that right?

8 A. 冇錯。

9 Q. Those sample papers and material list papers, as
10 I understand it, had two purposes. The first purpose
11 was to enable you to create what you've described and
12 what we know as bar bending schedules; is that right?

13 A. 冇錯。

14 Q. And the other purpose, particularly for the sample
15 papers, was for the frontline rebar fixing workers to
16 enable them to know in more detail what work they needed
17 to carry out?

18 A. 係。

19 Q. So far as the bar bending schedules are concerned, you
20 would give those to Leighton?

21 A. 禮頓冇要求攞過。

22 Q. Well, you gave something to Leighton, I thought it was
23 the bar bending schedules, in order that they could then
24 order the material for you. Is that not right?

25 A. 哦，嗰個淨係訂料嗰張form啫。

1 Q. Yes, all right. And, when you ordered the materials,
2 the rebar and the couplers, from Leighton, as
3 I understand it you would specify the diameter, for
4 example, of the rebar, and the quantity that you needed?

5 A. 係。

6 Q. But you would not specify either the type of coupler or
7 the type of thread that might be required on the rebar?

8 A. 係。

9 Q. Those were matters that were left to Leighton?

10 A. 冇錯。

11 Q. Once that had happened and Leighton knew what they
12 needed to supply you with, the materials would be
13 delivered to site?

14 A. 係。

15 Q. Would it be the normal course of events, Mr Ng, for you
16 personally to take delivery of the materials yourself,
17 or would there be other colleagues that would take
18 delivery?

19 A. 多數我接手，大多數都係我接手。

20 Q. Right. And you tell us that when that material arrived,
21 you would check it, and then if necessary the bars would
22 be cut to any particular required lengths and then the
23 steel fixing would take place?

24 A. 係。

25 Q. I hesitate to ask but how did you cut the rebar? What

1 equipment did you have to cut the rebar?

2 A. 我哋有部剪鐵嘅機去剪嘅。

3 Q. Right. So you had a bar bending machine on site which
4 you could use for the purposes of cutting it to the
5 required length?

6 A. 冇錯。

7 Q. And that was a fixed bar bending machine, was it,
8 a fairly large piece of kit?

9 A. 冇錯。

10 Q. All right. That process that I've just described,
11 Mr Ng, did it apply when you came to do the stitch
12 joints?

13 A. 跟圖則去做咩嘛。

14 Q. Yes. Well, one of the photographs that we looked at
15 earlier -- can I just ask you to look at that.

16 Sir, I understand, with the usual efficiency of
17 those instructing me and the Secretariat, we've actually
18 had these paginated already. Sir, I don't know whether
19 you've been given paginated versions.

20 CHAIRMAN: Not yet, I don't think.

21 COMMISSIONER HANSFORD: I have one.

22 MR PENNICOTT: Prof Hansford is favoured, clearly!

23 COMMISSIONER HANSFORD: No, it's because my previous ones
24 were wet. I now have a dry set.

25 MR PENNICOTT: There had to be a reason!

1 Can we just look at what has now been numbered
2 EE415.

3 I think you are about to be given a fresh set, sir.

4 CHAIRMAN: Thank you very much.

5 MR PENNICOTT: Do you have that? It's page 415, Mr Ng.

6 A. 睇緊。

7 Q. We looked at this earlier and of course my notes are on
8 my other copy, so just give me a moment.

9 MR BOULDING: 21 July.

10 MR PENNICOTT: It's a 21 July photograph, is it?

11 MR BOULDING: Yes.

12 MR PENNICOTT: Thank you very much.

13 You told us it's 21 July, and in answer to some
14 questions from Prof Hansford, Mr Ng, you indicated that
15 the blue-capped rebar, towards the bottom of the
16 photograph, was Y40 or 40 millimetre rebar; yes?

17 A. 係。

18 Q. Then the red-capped was Y32. Then you were unable to
19 identify the batch at the top which, if you look on the
20 right-hand side, looks as though it has sort of white or
21 silver caps or covers; do you see that?

22 A. 見到，見到。

23 Q. And you were unable to tell us what that colour
24 signified; is that right?

25 A. 係，係，冇錯。

1 Q. So does this, what we see in this photograph, this
2 rebar, does this show us the materials that you would
3 have ordered for the purposes of doing the rebar fixing
4 in this stitch joint, which we think is probably either
5 1 or 2?

6 A. 係。

7 Q. Right. So what we have here, in particular, is
8 a combination of Y40 and Y32?

9 A. 係,冇錯。

10 Q. Right. That's helpful, and we may need to come back to
11 that in a moment when we look at some of the problems
12 you had and why you had them, but that is at least
13 a useful reference point.

14 Now, a slightly different point. In your witness
15 statement, you describe the manner in which your rebar
16 fixing works were inspected by Leighton and MTR. Do you
17 recall that?

18 A. 我有講過。

19 Q. No, no, in your witness statement, Mr Ng, you describe
20 how Leighton would come and inspect on a regular basis
21 and occasionally MTR would come and inspect your rebar
22 fixing works. Do you recollect that?

23 A. 哦,呢個有,係呀。

24 Q. Right. So far as Leighton is concerned, I think you say
25 that they carried out routine inspections as they

1 patrolled the site? Do you remember that in your
2 witness statement?

3 A. 係，係。

4 Q. And you say that those routine inspections would happen
5 between five and ten times per day; do you recall that?

6 A. 係，冇錯。

7 Q. When one of the Leighton inspectors was patrolling and
8 arrived where you and your colleagues were working, do
9 you recall how long they would stick around and watch
10 you as you were doing the works?

11 A. 唔定個喎，大概可能五至十五分鐘咁樣囉不等。

12 Q. Right. You also refer to the MTR doing similar patrols
13 on a routine basis but, as I understand it, on a much
14 less frequent basis; is that right?

15 A. 都唔係㗎，都經常行㗎，我見佢哋。咁答完囉喎。

16 Q. Okay. So how frequent were the inspections by MTR, to
17 your recollection?

18 A. 最基本早、午、晚，咁佢可能之前再巡嚟巡去，我諗有五至七次喇，應該一日最少。

19 Q. All right. So, putting that together, you've got
20 Leightons inspectors going around five to ten times
21 a day, and you've got the MTR inspectors going around
22 five to seven times a day?

23 A. 係，嘅。

24 Q. Would there be occasions when the Leighton and MTR
25 inspectors would be together making those inspections,

1 or did they keep separate?

2 A. 分開嘅。

3 Q. Okay. When Mr Tsoi was asking you some questions
4 earlier, I think you were able to recall the names of
5 a couple of the MTR inspectors, in particular Victor
6 Tung and Tony Tang -- or Tony, sorry, not Tony Tang,
7 just "Tony" -- do you remember that?

8 A. 記得。

9 Q. Do you remember the names of any of the other MTR
10 inspectors?

11 A. 嗰啲唔係太記得。

12 Q. Do you recall anybody called Kenneth, Kenneth Kong?

13 A. 慢慢講多次個英文。

14 Q. Kenneth Kong, K-O-N-G.

15 A. 唔記得呢個。

16 Q. The MTR also had some engineers who inspected from time
17 to time. Do you recall any of the names of the
18 engineers that may have inspected?

19 A. 哦，唔記得。見到個樣可能記得，完全嗰啲應該我連佢個名都唔知。

20 Q. Right. So "Chris Chan" means nothing to you?

21 A. 呢個有啲印象，呢個英文名有啲印象。

22 Q. Okay. What about a lady called Kang Pu or Kappa Kang;
23 does she ring a bell to you?

24 A. 冇，冇印象。

25 Q. No impression at all? Okay.

1 As well as the routine inspections, there were what
2 is described as hold-point inspections. I think you
3 understand what I'm talking about, Mr Ng, when I refer
4 to hold-point inspections.

5 A. 明。

6 Q. Could I ask you, please, to look at paragraph 15(13) in
7 your witness statement.

8 A. 係，睇緊。

9 Q. Thank you. What you say -- and you are dealing with,
10 I think, hold-point inspections -- you say:

11 "After completion of the construction works in that
12 bay, Leighton would in most situations require our staff
13 to stay behind at the scene for after-care work during
14 the inspection process (if necessary)."

15 And I think you mean there the hold-point inspection
16 process; am I right?

17 A. 都唔一定係關鍵位，即係你可能每一個location完成咗個樁，佢都會咁樣
18 嘅，係呀，即係所有位佢都會咁樣做嘢佢。

19 Q. But including the hold-point inspections?

20 A. 應該係。

21 Q. You go on to say:

22 "Even if they did not request us to do so, I would
23 endeavour to stay behind at the scene myself (or arrange
24 for a few workers to stay at the scene) for after-care
25 work (if necessary). Even if we were not at the scene

1 during the inspection process, if there was a situation
2 where any after-care was needed, they would contact me
3 requiring me to go back to take remedial measures."

4 Then you say this:

5 "At the latter part of the construction works (ie
6 during the inspections for these 3 stitch joints), maybe
7 it was because Leighton had to catch up with works, they
8 did not require us to be present during inspections."

9 Now, just pausing there, I don't, I'm afraid, Mr Ng,
10 understand that sentence. Why, because Leighton had to
11 catch up with the works, as you surmise, would they not
12 require you to be at the inspections of the three stitch
13 joints? I just don't understand it. Can you explain it
14 to us, please?

15 A. 佢嗰陣時叫我落去做呢三個樁位，即係下低joint 1、joint 2嗰陣時，佢係
16 好趕時間嘅，咁即係我哋以前即係成個紅磡個工程，有好多位置做完，咁都係
17 咁喇，我哋可能會留低，得閒嘅話，或者擺兩個人去等佢做驗收。咁如果太多
18 嘢做，就算後靚有嘢要驗收，都會叫我哋返去驗嘅。咁呢幾個位做嗰陣時，我
19 哋做完，咁可能我講假設做完joint 1，做完joint 1，我哋去前面做joint
20 2，咁佢係冇叫過我返去做任何嘅驗收，係呀，或者佢冇通知過我，係呀，冇，
21 直情有叫我哋做任何驗收返去。

22 Q. Right. So is this -- can I try to summarise that,
23 Mr Ng, that because, at the end of -- we know the stitch
24 joints were done at the end of the construction period
25 or towards the end of the construction period; yes?

1 A. 係。

2 Q. Leighton were keen for you to complete the stitch
3 joints, all of them, as quickly as possible?

4 A. 冇錯。

5 Q. So they would rather that you were getting on with, if
6 you like, the other stitch joint work, rather than
7 hanging around while they were doing their inspections;
8 is that right?

9 A. 唔係，可以咁講，係。

10 Q. All right. Now I think I understand.

11 Now, moving on again, Mr Ng, a few questions about
12 the HHS area; okay?

13 A. (Nodded head).

14 Q. Can I ask you, please, this time to go to
15 paragraph 22(2) of your witness statement. The first,
16 possibly only, point that I want to ask you about is the
17 change that you refer to here. You say:

18 "I recall that there was a change on the use of
19 couplers instead of lapped bars as originally stipulated
20 in the RC details to connect some of the construction
21 joints on the HHS site, precisely in accordance with the
22 instructions given to us by Leighton. Exhibit 'NMC-4'
23 [which we will look at in a moment] is but 2 written
24 directions provided by Leighton to me, requiring
25 a change of the requirements stated in the RC details by
26 changing the use of lapped bars as required by the

1 original working drawings to the use of couplers to
2 connect certain construction joints."

3 Then could I ask you -- probably it's easier in the
4 hard copy that you have in front of you, Mr Ng -- to go,
5 please, to page 391. As I understand it, Mr Ng, what
6 you are telling us is that, looking at 391, this was
7 a diagram, a drawing, a document that was given to you
8 by Leighton; is that right?

9 A. 而家我手揸呢幅？

10 Q. Yes.

11 A. 呢個係後起我補充番畀我哋公司嘅資料嘅，禮頓當時畀唔--另外仲有張，呢張
12 係我自己畫，畫畀我公司嘅補充資料嚟。

13 Q. All right. But this was based on information given to
14 you by Leighton?

15 A. 係，冇錯。

16 Q. What you were seeking to do, presumably trying to inform
17 Ben Cheung at Wing & Kwong, was that you had been asked
18 to change and therefore fix couplers at certain
19 locations rather than lapped bars?

20 A. 係，冇錯。

21 Q. The document at 391 covers the area, we can see in the
22 box at the bottom right-hand corner, gridlines 0 to 25;
23 do you see that?

24 A. 係。

25 Q. If you go to the next page, at 392 --

1 A. 係。

2 Q. -- it's the same process, as I understand it, Mr Ng, but
3 this time in relation to gridlines 26 to 50, do you see
4 that at the bottom right-hand corner?

5 A. 冇錯，冇錯。

6 Q. If we look at either of those drawings, towards the
7 bottom right-hand corner, we see the word "Legends"; do
8 you see that?

9 A. 係，睇到。

10 Q. And against the red bar it says, "Couplers arrangement
11 for wall to maintain access"; do you see that?

12 A. 係。

13 Q. And presumably those words, "Couplers arrangement for
14 wall to maintain access", were words put on the diagram
15 or the drawing by Leighton, not by you; is that right?

16 A. 係。

17 Q. As I think you explain in your witness statement, and as
18 we know from other witnesses, the principal reason for
19 this change was to make access, in particular vehicle
20 access, easier and more convenient; is that your
21 understanding?

22 A. 冇錯。

23 Q. Good. We can put those drawings away, Mr Ng. Thank
24 you.

25 Now, could I then ask you, please -- that's the easy

1 bit; now we come to the more complicated bit -- to go to
2 paragraph 38 of your witness statement. In this section
3 of your witness statement, Mr Ng, you deal with what you
4 describe as "issue 2", which we know is the shunt neck
5 joint; do you follow?

6 A. 睇到。

7 Q. And joint 3, which we know is the EWL interface joint;
8 do you follow?

9 A. 係。

10 Q. You deal with these, unfortunately, compositely and not
11 separately, and you say that you do that because they
12 are in the same location, and also because
13 chronologically they were done first.

14 Now, could we just, please, have a quick look at
15 BB1, I think it's 89 -- it may be 89; 89 or 90 --

16 MR CHEUK: 90.

17 MR PENNICOTT: 90, please. If we could blow up the
18 right-hand side -- that's it; that's what we need to
19 look at.

20 Mr Ng, you've got that on the screen there.

21 A. 係。

22 Q. The portion highlighted in sort of the brown colour is
23 the EWL stitch joint?

24 A. 係, 係。

25 Q. And the slightly blue, dark blue, thicker line

1 underneath and to the right is the shunt neck joint;

2 yes?

3 A. 係。

4 Q. Yes, they are in the vicinity of each other, but they
5 are not in precisely the same location; do you
6 understand?

7 A. 冇錯，我明。

8 Q. Could I ask you, please, to be shown -- and again, it
9 may be better if you have a hard copy the pour summary
10 sheet at BB9/6363.

11 Mr Ng, let me just tell you what this document is.
12 I appreciate you will not have seen it before, or
13 I doubt it. It's a document compiled by the MTR, and
14 there's a similar document from Leighton but don't worry
15 about that. It shows, amongst other things, when the
16 rebar or when MTR say the rebar works commenced and when
17 the rebar completed, and when the concrete pours were
18 done. Do you follow?

19 A. 明。

20 Q. So if I could ask you, please, to go to the bottom
21 portion of this page, and just look at the bottom
22 section from 43 to 50, at the bottom of the page. That
23 deals with details --

24 A. 哦，睇緊。

25 Q. -- of the dates of the shunt neck; do you see that?

1 A. 睇到。

2 Q. So what the MTR say is that the shunt neck bay 3, which
3 is the one that connects to the 1111 works, the rebar
4 started on 4 January; do you see that, at number 45?

5 A. 睇到。

6 Q. And the bay 3 wall rebar completed, number 48, at
7 28 February 2017; do you see that?

8 A. 睇唔到，第幾項呀？

9 Q. 48, "Shunt neck -- bay 3 -- wall".

10 A. 48，哦，48。係，得，而家睇到。

11 Q. Of course, that shunt neck joint, Mr Ng, was
12 a construction joint, was it not, ultimately, not
13 a stitch joint?

14 A. 係吖，施工接縫。

15 Q. If one then looks up at the first pink section on this
16 sheet, 58a, 58b and 58c; do you see that?

17 A. 睇到。

18 Q. We can see that the EWL stitch joint, the rebar started
19 on 22 January; do you see that?

20 A. 睇到。

21 Q. And finished, that's 58c, on 28 January; do you see
22 that?

23 A. 睇到。

24 Q. So the rebar fixing for that stitch joint was done in
25 a matter of six or seven days?

1 A. 係。

2 Q. And was done concurrently with or simultaneously with
3 the work that you were doing at the shunt neck? It was
4 done within the same period; do you see?

5 A. 你嘅意思「同期」係邊個位呀?

6 Q. Well, you are doing -- and I'm focusing on the bay 3;
7 I know there are lots of other bays, but bay 3 -- you
8 are doing the bay 3 rebar. You do the base slab on
9 4 January, do you see that, just in one day? Then you
10 are doing bay 4 on 20 to 21 January. Then it appears
11 you start the EWL stitch joint. Do you see that?

12 A. 睇到。

13 Q. So all I'm saying -- whether "simultaneous" is the right
14 word -- you are doing it within the same period, these
15 two operations were going on broadly at the same time,
16 and I think that's how you remember it, if I may say so,
17 Mr Ng, without reference to any documents, and you are
18 right?

19 A. 係，因為佢後起啲時間好趕時間，差唔多好多位係接住、接住，或者會一齊做。

20 Q. Right. But, Mr Ng, what I want to try to do, if I may,
21 is ask you first of all to focus on the shunt neck
22 joint, the construction joint; all right?

23 A. 唔噃。

24 Q. Now, if we can put that plan up again, please, BB190.

25 A. 係。

1 Q. So, as I understand it, Mr Ng, but you tell me if I'm
2 wrong, obviously the work to the right of the blue line,
3 where it says "Shunt neck bay 3", work to the right of
4 that is done by the Gammon-Kaden Joint Venture on
5 contract 1111?

6 A. 係。

7 Q. And what you are being required to do, to form the
8 construction joint, is to work towards where the
9 Gammon-Kaden work has stopped, to form the construction
10 joint?

11 A. 冇錯。

12 Q. What were the problems, if any, that you encountered in
13 fixing the rebar to the work that the Gammon-Kaden Joint
14 Venture had carried out? Were there any problems with
15 the shunt neck joint, so far as you can recollect, and
16 if so what were they?

17 A. 做呢個位嗰陣時，我發現佢哋打番啲螺絲頭杯頭出嚟嗰陣時，就係我見到佢個
18 杯蓋點解黃色嘅，我份陳述書供詞都有講到，係呀，即係發現到有問題。

19 Q. Right. So is this -- it is the shunt neck, is it, which
20 we know was done first, where you first discovered the
21 yellow-capped couplers?

22 A. 係。

23 Q. And was it the shunt neck yellow-capped couplers that
24 first persuaded you that you needed to speak to somebody
25 at Leighton about this issue?

1 A. 有，有講。

2 Q. And it was the shunt neck that gave rise to that first
3 conversation, was it?

4 A. 係。

5 Q. Right. As I understand it, whilst there was a degree of
6 confusion this morning, the person you say you spoke to
7 in that first conversation was Henry Lai, is that
8 correct, of Leighton?

9 A. 冇錯，啱。

10 Q. Now, just so that there's no doubt about it, you did,
11 during the course of your evidence-in-chief this
12 morning, call him "Harry", but you are sure, are you,
13 that he is one and the same person, Henry Lai?

14 A. 同一個人。

15 Q. All right. So, in relation to the shunt neck, as
16 I understand it, that first conversation took place and
17 you set out what you best recollect about that
18 conversation in paragraph 45 of your witness statement.

19 Mr Ng, in your own words now, how would you describe
20 Mr Lai's, Henry Lai's, reaction to what you told him
21 about your discovery of the pointed or yellow-capped
22 couplers?

23 A. 佢嘅反應？即係而家你要我回想番佢當時嗰個反應，聽完我講之後，佢有
24 咩嘢反應，你係咪咁樣問我？

25 Q. Yes.

1 A. 出奇啱，或者「有冇可能啱」咁樣囉，我覺得佢係咁。

2 Q. All right. Anything to add to that? So he was
3 surprised and he just couldn't work out why this was
4 possible?

5 A. 因為我估唔到佢係咩嘢--啲個狀況佢諗咩嘢個喎，係呀。

6 Q. But when you recalled, as best you can, your
7 recollection of the conversation, you used the words
8 "Wow really?" as coming from Henry, from Mr Lai. So
9 that does suggest that there was some surprise to him;
10 is that right?

11 A. 係呀，係呀。

12 Q. And you say that, having had that first conversation
13 with him, he called you back a short while later. You
14 refer to that in paragraph 47. Is that right?

15 A. 係。

16 Q. Mr Ng, are you in any doubt that those conversations
17 took place? Is it clear in your mind that they did take
18 place?

19 A. 即係我嘅供詞啲啲對話，你講？

20 Q. Yes, at 45 and 47. Are you sure they took place?

21 A. 肯定。

22 Q. All right. Now, having received, as you say, the
23 instructions from Mr Lai just to continue, what problems
24 did you encounter at the shunt neck joint?

25 A. 唔係好明你問咩嘢，問多次。

1 Q. All right. Let's just break it down a bit. Having been
2 given the instruction by Mr Lai, so you say, to
3 continue, presumably the next thing you did was, what,
4 go and inspect the yellow caps, remove the yellow caps
5 from the couplers, and get ready to do the rebar work;
6 is that right?

7 A. 啱吖。

8 Q. Were there any problems with the couplers? I mean, were
9 they in a good state? Were they clear and visible? Did
10 you have ready access to them?

11 A. 哦，唔係，我供詞都有講，我發現嗰陣時打畀佢，已經知道嗰個問題，話咗畀
12 佢聽佢個杯頭已經有問題，係呀，然後等佢解決。

13 Q. Why was it problematic?

14 A. 因為我都出奇嘅，即係嗰個moment佢打完出嚟，我見到又係同盒一樣，點解
15 黃色嘅，你冇可能黃色㗎嘛。咁我梗係走去搵開去睇，一搵開睇，點解1111金
16 門嗰面係留個尖頭嘅杯頭呢？因為以我所知，我哋所有搞嘅螺絲頭擰番入去，
17 係平頭㗎嘛，咁我梗係第一時間通知佢喇。

18 Q. But he told you, as I understand it, from what you tell
19 us, that despite that problem you just had to do your
20 best, to get on with it; is that right?

21 A. 我問完佢之後，佢就叫我盡做咁樣，我都係聽佢指示繼續做。

22 Q. So what did you do? What did you do to follow his
23 instructions? What steps did you take?

24 A. 冇呀，咪聽佢講你有咁多擰咁多人去囉，因為你平頭擰尖頭，你正常擰唔到㗎
25 嘛，最多都係擰可能兩至三個牙落去㗎咋嘛，係呀，佢都問過我，即係我供詞

1 都有講，「如果你平頭擰尖頭，你擰到幾多人去？」我話兩至三個牙，係呀，
2 你其實完全唔可能擰晒入去㗎嘛。

3 Q. Right. So that suggests to me, Mr Ng, that you had
4 available to you 32 millimetre threaded rebar, but it
5 was parallel threaded rebar rather than tapered; is that
6 correct?

7 A. 唔清楚你問咩嘢，問多次。係，我哋平，係。

8 Q. Right. But they were 32 millimetre rebar; they couldn't
9 have been 40 millimetre?

10 A. 唔明你問咩嘢，我哋搞嘅所有螺絲頭嘅size都係平嘅，你想問咩嘢先？

11 Q. Yes, but you can't put even one or two threads of
12 a 40 millimetre rebar into a 32 millimetre coupler,
13 Mr Ng. So what I'm saying to you is you must have had
14 available to you 32 millimetre threaded rebar.

15 A. 梗係唔可以喇，係呀，擰唔到入去㗎。你就算同款嘅，都擰唔到入去㗎。

16 Q. Yes, quite. So were you able, with your 32 millimetre
17 rebar, to screw in, albeit only two or three threads, at
18 the location of each coupler?

19 A. 係。

20 Q. So, at the shunt neck, am I right that there were --
21 there was that issue, the compatibility issue, if you
22 like, that they didn't fit, but you didn't have the lack
23 of exposure problem at the shunt neck; is that correct?
24 I mean, the couplers were all exposed and readily
25 accessible?

1 A. 少啲囉，可能得幾粒咁樣囉。

2 Q. Right. So a few not exposed but not a significant
3 problem at the shunt neck joint?

4 A. 冇錯。

5 Q. Now, with regard to the EWL joint, joint 3, as we've
6 seen, you did the rebar work in respect of that joint,
7 that's both the base and the walls, between 22 and
8 28 January, in six or seven days. Do you recall that,
9 Mr Ng?

10 A. 係。

11 Q. Now, again, when you did that work, presumably, once
12 more, you discovered the yellow-capped couplers on the
13 1111 side of the stitch joint. Is that correct?

14 A. 冇錯。

15 Q. But on the Leighton side of the stitch joint, there
16 would have been the red-capped couplers, that is the
17 BOSA couplers, which you, Wing & Kwong/Loyal Ease, had
18 yourselves installed?

19 A. 冇錯。

20 Q. Now, could I ask you just to focus, first of all, on the
21 1111 side of the joint. Apart from the fact that there
22 were tapered couplers, the yellow-pointed -- headed
23 couplers, what problems do you say you encountered on
24 the 1111 side of the stitch joint, if any?

25 A. 記得佢多啲啲黃色嘅螺絲帽，同埋可能有啲螺絲頭打唔夠，最多我印象中係呢兩

1 個問題先。

2 Q. So an insufficient number of couplers; is that right?

3 A. 唔係，佢外露唔夠出嚟。

4 Q. Not sufficiently exposed? I see.

5 A. 係。

6 Q. Okay. And can you tell us approximately how many were
7 not sufficiently exposed?

8 A. 印象中可能幾至10%嘅囉。

9 Q. In relation to that stitch joint, that is the EWL stitch
10 joint, joint 3, did you have any separate conversation
11 with Mr Lai?

12 A. 傾咩嘢問題。

13 Q. In relation to the EWL stitch joint, joint 3, did you
14 have any separate telephone conversation or
15 communication with Mr Lai?

16 A. 即係我發現到嗰啲問題同佢反映，你係咪咁嘅意思？

17 Q. Yes, on the EWL stitch joint.

18 A. 有。有，我見到有問題嗰陣時，有同佢反映。

19 Q. Is that the conversation that you are referring to in
20 paragraph 55 of your witness statement? Can you turn
21 that up, please.

22 A. 冇錯。

23 Q. Okay.

24 Sir, I see it's three minutes past 1.00. Perhaps
25 that would be an appropriate moment?

1 CHAIRMAN: Yes.

2 MR PENNICOTT: I'm afraid if I can suggest, in the interests
3 of trying to catch up a bit of time, perhaps we can
4 start at 2.15.

5 CHAIRMAN: Certainly. Yes.

6 We are going to adjourn for lunch now until 2.15.

7 Good.

8 (1.03 pm)

9 (The luncheon adjournment)

10 (2.15 pm)

11 MR PENNICOTT: Sir, I notice that Leighton are not here. No
12 doubt, they will limp in soon. I'm so sorry, Mr Shieh.
13 We'll wait for them.

14 CHAIRMAN: Yes.

15 MR PENNICOTT: Sir, good afternoon.

16 Good afternoon, Mr Ng. Just a few more questions on
17 the shunt neck and the EWL joint, if I may.

18 First of all, can I ask you, please, to look at
19 paragraph 60 of your witness statement.

20 A. 係，睇緊。

21 Q. You say:

22 "Throughout the whole course of the rebar fixing
23 works at the shunt neck joint/joint 3 which lasted
24 around 3 days ..."

25 I think, first of all, Mr Ng, in the light of some
26 of the dates that I've shown you on this large piece of

1 paper (indicating), I think you accept -- you now would
2 accept, would you, that in fact the works did in fact
3 take slightly longer than the three days that you've
4 indicated or estimated?

5 A. 呢個位，我記憶中係做三日嘅嘢，係呀，每個位嘅日子會唔同喇，係呀。

6 Q. All right. Let's move on.

7 In any event, you say, in the last four or five
8 lines of paragraph 60:

9 "Within these 3 days, neither Leighton nor MTRCL's
10 representatives have ever asked me or complained about
11 the above situation. In fact, since these instructions
12 were given to us by Leighton's Henry Lai, and he should
13 have consulted his superiors or made the relevant
14 internal enquiries, therefore it was completely normal
15 that we proceeded according to his instructions and have
16 not been questioned."

17 Mr Ng, can I ask you this: as a matter of, do you
18 actually know, whether Mr Lai consulted his superiors?

19 A. 佢有冇問過佢上級，我就唔清楚，但係我一定有同佢講過。

20 Q. Okay.

21 Then in paragraph 62 of your witness statement, you
22 say this:

23 "Based on my recollection, in terms of ratio, within
24 the whole of the shunt neck joint/joint 3 location:

25 (1) The problem of mismatch between pointed
26 couplers/flat-headed rebars covered about 30 per cent of

1 all the connection points between [the rebars and
2 couplers]."

3 Now, Mr Ng, I have a difficulty with that. Is the
4 situation not this, that on the Gammon-Kaden, the 1111
5 side of the stitch joint, and the whole of the shunt
6 neck -- because we are only talking about one side --
7 all of those were a mismatch?

8 A. 牆身，牆身我記得一定係，係嘞，咁個base slab，我唔係記得好清楚。牆
9 身，所有牆身一定係。

10 Q. All right. So are you suggesting that the base may have
11 been different?

12 A. 呢個我唔記得好清楚，真係；但係牆身，我好肯定係記得嘅。

13 Q. All right.

14 And with regard to the Leighton side of the EWL
15 stitch joint, the problem presumably would not have been
16 mismatch but must have been some other problem?

17 A. 錯配嘅問題都有，係呀。

18 Q. Sorry, on the Leighton side of the stitch joint, EWL
19 stitch joint?

20 A. 哦，禮頓嗰面呀？

21 Q. Yes.

22 A. 我哋自己留嗰面冇，係1111先有嘍。

23 Q. Yes. So, on the Leighton side, the mismatch problem
24 doesn't arise. So there must be some other problem, if
25 there was a problem, on the Leighton side?

1 A. 你想提及嘅問題，係關於咩嘢先？

2 Q. On the Leighton side, mismatch we can eliminate. Is it
3 your evidence that on the EWL stitch joint, on the
4 Leighton side, there were any problems encountered by
5 your bar fixing teams?

6 A. 就係可能佢露啲啲螺絲頭，或者未露晒。

7 Q. When you say "it's possible that not all the couplers
8 were exposed or fully exposed", what is your
9 recollection as to the position?

10 A. 印象中可能好小部分㗎咋。

11 Q. A handful not exposed?

12 A. 係。

13 Q. All right. So, if one looks at paragraph 62(2) of your
14 witness statement, you say:

15 "Whereas the situation that couplers were not
16 exposed as a result of the concrete not having been
17 completely chipped off was relatively less, which should
18 have [been] approximately 2 to 3 per cent."

19 So is that the evidence that you give in relation to
20 the Leighton side of the EWL stitch joint?

21 A. 冇錯。

22 Q. So far as the chipping off is concerned, Mr Ng, do you
23 know who was responsible for doing that work? Who was
24 responsible for doing the chipping off?

25 A. 唔清楚。

1 Q. Did you see the chipping off taking place?

2 A. 有。

3 Q. Were you not able to identify the workers, whether they
4 were direct Leighton labour or whether they were
5 a sub-contractor? Had you any idea at all?

6 A. 唔知。

7 Q. You don't know. All right.

8 CHAIRMAN: Can I ask one question: what about damaged
9 couplers? Did you come across those at all?

10 A. 有。

11 MR PENNICOTT: I think the question, sir -- we're still on
12 this EWL stitch joint.

13 CHAIRMAN: That's right.

14 MR PENNICOTT: I'm specifically -- I'm coming on to the
15 others in a moment.

16 CHAIRMAN: Good.

17 MR PENNICOTT: I'm just trying to break it down, stitch
18 joint by stitch joint.

19 CHAIRMAN: Thank you very much. Sorry. The last thing
20 I want to do is run between your wheels. Sorry.

21 MR PENNICOTT: The question the Chairman asked you, Mr Ng,
22 was whether you saw any damaged couplers, and the
23 question -- I will repeat the question but it's directly
24 related to the EWL stitch joint. Do you remember seeing
25 any damaged couplers, first of all, on the Leighton side
26 of the EWL stitch joint?

1 A. 東西走廊有冇直接損壞呀？好多時如果係直接損壞，都要我哋落去做，做嗰陣
2 時先知嘅，係呀，你肉眼睇都未必睇到佢損壞。點解會做嗰陣時先知呢？因為
3 我哋要擰入去，擰唔到嘞，就知佢打出嚟嗰陣時損壞㗎。係呀，都有嘅，少數
4 囉。

5 Q. So it did happen on the EWL stitch joint, on the
6 Leighton side?

7 A. 都有。

8 Q. All right. But, as I understand your evidence, not that
9 often, on a few occasions; is that right?

10 A. 哦，呢啲係偶然，冇錯，冇錯，冇錯，呢啲比較少見。

11 Q. You indicated, I think, just a moment ago that although
12 you didn't know who the workers were working for, you
13 did see the chipping off operation?

14 A. 冇錯。

15 Q. Can you indicate to the Commission, explain to the
16 Commission, describe to the Commission, how that was
17 done; what tools were being used, how it was being done?

18 A. 慢慢解釋嘞，佢會有啲工人用個好似鑽咀咁嘅工具，咁喺度「拂拂拂」咁樣打
19 嘅，慢慢打出嚟嘅。

20 Q. So this would be some sort of battery-operated drill,
21 electric drill, something of this nature?

22 A. 冇錯。

23 Q. And there would be other hand-tools being used at the
24 same time?

1 A. 手揸住電動嘅工具，去鑿佢出嚟囉。

2 Q. Right. And obviously we know the stitch joints are
3 relatively narrow, several metres wide, as it were.
4 I mean, how many workers would be there doing the
5 chipping-off operation, when you observed it?

6 A. 兩至三個咁樣喇，係呀。

7 Q. All right.

8 Then, at paragraph 63 of your witness statement, you
9 make passing reference to another point, which you
10 say -- where you say this:

11 "I understand that ... the problem of the mismatch
12 between the respective diameters of the couplers and
13 rebars raised by the Commission does not seem to tally
14 exactly with the problem of the pointed
15 couplers/flat-headed rebars I have described above. But
16 according to my recollection, the situation where rebars
17 with smaller diameters were inserted into couplers with
18 larger diameters probably did not arise at the shunt
19 neck joint/joint 3 or the entire HHS/NAT site."

20 Pausing there, that seems to make sense. You seem
21 to be saying that you do not have any recollection of
22 smaller diameter, small diameter, rebar being inserted
23 into large diameter couplers. Now, is that right or is
24 that wrong?

25 A. 呢個印象比較模糊囉，佢講緊呢樣嘢嘅話。

26 Q. Because up until the part I read out, it seems rather

1 clear, but it's the next sentence that throws the
2 position into some confusion. You then say:

3 "Rather, this problem seemed to have occurred at
4 joint 1 before."

5 So do you have any recollection at all, Mr Ng, of
6 this problem or this incident having occurred?

7 A. 本身我自己印象唔係好記得，咁係我啲工人，咁然後同我提過、講過，我先至
8 依稀記憶番係，係嘞。

9 MR TSOI: I hesitate to interrupt.

10 MR PENNICOTT: Not at all. Please help us.

11 MR TSOI: I think there is a translation issue. Again,
12 I would be grateful for any assistance. But the English
13 reads there that "probably did not arise at the shunt
14 neck joint/joint 3 or the entire HHS/NAT site". In the
15 Chinese version, I don't think the phrase "or the entire
16 HHS/NAT site" appears. I think there may be
17 a translation issue.

18 MR PENNICOTT: Okay. We will get that checked. Thank you
19 very much. All right. Let's move on.

20 In paragraph 65 -- this is the last couple of
21 questions on the shunt neck and the EWL joint, until we
22 move on to the others -- you say, in paragraph 65, at
23 the top of page EE371.27 in the English version -- this
24 is the second sentence, Mr Ng:

25 "According to my recollection, the rebars used at
26 the shunt neck joint/joint 3 and the corresponding

1 couplers could be divided into 3 types, respectively
2 with diameters of 40 millimetres, 32 millimetres and
3 25 millimetres ..."

4 Then you go on to calculate the difference.

5 Can you now recall, first of all, where the
6 40 millimetre rebar would have been used and fixed?

7 A. 個base slab, base slab只用同安裝。

8 Q. Right. And the 32 millimetres; where would they be
9 used?

10 A. 都係個base slab。

11 Q. Can you explain why both would be required in the base
12 slab?

13 A. 咁我哋都係跟圖則, 圖則顯示係呢個size嘅物料, 我哋咪用呢隻囉。

14 Q. What about the 25 millimetre rebar?

15 A. 牆身。

16 Q. Going back to the 40 millimetre rebar, do you recall --
17 and let's again just focus on joint 3, the EWL joint,
18 okay, not the shunt neck, just the EWL joint -- were the
19 couplers that you installed on the Leighton side of the
20 EWL stitch joint 40 millimetre couplers, BOSA
21 40 millimetre couplers?

22 A. 係。

23 Q. So, for those couplers, you required 40 millimetre
24 rebar?

25 A. 係。

1 Q. Is it right that on the -- again, focusing on the EWL
2 stitch joint, on the Gammon-Kaden side, were all the
3 couplers, both in the base slab and the walls,
4 32 millimetre couplers?

5 A. 呢個唔係記得好清楚。

6 Q. Do you recall on the EWL joint on the Gammon-Kaden side,
7 seeing couplers with anything other than yellow caps?

8 A. 好似有。

9 Q. Right. So, on the Gammon-Kaden side, are you saying
10 that there were not only yellow-capped colours, there
11 were caps of another colour?

12 A. 冇錯。

13 Q. What colour was that?

14 A. 我印象中好似係紅色。

15 Q. Would those have been the ones in the base slab?

16 A. 唔係，係base slab。

17 Q. All right.

18 Just so I've got this clear, so far as the shunt
19 neck is concerned, the construction joint at the shunt
20 neck, again the couplers that you saw there, were they
21 all yellow-capped or yellow and another colour, on the
22 shunt neck?

23 A. 黃色一定有，個base slab個印象，我唔係好記得，係呀，可能兩種都有，個
24 base slab。

25 Q. When you say "maybe both", you mean yellow and another

1 colour?

2 A. 冇錯。

3 Q. Okay. That would be red, would it?

4 A. 係。

5 Q. You don't have a clear recollection of that?

6 A. 記唔到。

7 Q. All right.

8 Could I ask you, please, to go to paragraph 68 of
9 your witness statement where you have, just above 68,
10 a subheading, "Overall response to issue 1", and you
11 say:

12 "As far as I know, there are 3 main causes of issue
13 1 (ie the issue that the rebars and couplers were not
14 connected at all)".

15 The first one is:

16 "The other side [that's contract 1111] ... did not
17 install couplers at the locations where couplers should
18 have been installed.

19 (2) Leighton's personnel did not go deep enough when
20 chipping off the concrete, or did not chip off part of
21 the concrete due to insufficient time, with the result
22 that the couplers embedded in the concrete could not be
23 exposed;

24 (3) Leighton negligently damaged the couplers in the
25 process of chipping off the concrete, causing W&K's
26 workers not being able to properly connect the rebars

1 and couplers."

2 Mr Ng, presumably there's those three problems that
3 you've identified, but of course there's a fourth one
4 which is the mismatch?

5 A. 錯配嘅問題，呢個我唔清楚，係呀，即係我哋自己我哋跟番--如果我哋自己留
6 嘅，跟番我哋自己圖則，就應該唔會有錯配嘅問題嘅，係呀。

7 Q. All right. As I understand it, when we look at
8 joint 1 -- not joint 2 but joint 1 -- you encountered
9 the mismatch problem as well; is that right?

10 A. 係，係，係。

11 COMMISSIONER HANSFORD: This paragraph 68, Mr Pennicott, is
12 about issue 1, not joint 1, isn't it?

13 MR PENNICOTT: It's about issue 1, yes, which is joints 1
14 and 2 and 3, but of course Mr Ng has dealt in his
15 witness statement with joint 3 and the shunt neck point,
16 which is issue 2, together. So, in this section of his
17 witness statement, he talks about, first of all,
18 joint 1, and then, secondly, joint 2, which is the
19 internal one.

20 But, at the moment, I'm just focusing on joint 1.

21 COMMISSIONER HANSFORD: I understand that, but in
22 paragraph 68 he refers to "issue 1 (ie the issue that
23 the rebars and couplers were not connected at all)".

24 MR PENNICOTT: Yes, but issue 1, as you know, is joints 1, 2
25 and 3.

26 COMMISSIONER HANSFORD: Yes, I know, but I was just

1 referring to your point about mismatch.

2 MR PENNICOTT: Mismatch, yes.

3 COMMISSIONER HANSFORD: Which might not be applicable to
4 issue 1.

5 MR PENNICOTT: Yes, it will be applicable to issue 1.

6 COMMISSIONER HANSFORD: Okay.

7 MR PENNICOTT: Because mismatch occurs on joints 1 and 3,
8 and in this context joint 1, as I think he's just
9 confirmed.

10 COMMISSIONER HANSFORD: Okay.

11 MR PENNICOTT: Now, Mr Ng, we then move on to consider the
12 other two joints. That's joint 1, first of all, and
13 then joint 2. Could I ask you, please, to look at
14 paragraph 71 of your witness statement.

15 Again, I'm afraid, Mr Ng, that the dates are
16 unfortunately, at least to me, somewhat confusing, but
17 let's just see if we can sort it out. You say:

18 "A few months after completion of the rebar fixing
19 works at the shunt neck joint/joint 3, at or around July
20 to August 2017, rebar fixing works at the base of
21 joint 1 (base slab) commenced."

22 If you then, just for the sake of understanding this
23 point, go to paragraph 76 of your witness statement.

24 You say:

25 "Shortly following this" -- that is doing the base
26 slab of joint 1 -- "[you] led W&K's workers to the

1 adjacent joint 2 to carry out rebar [work there]."

2 Now, I'm afraid I'm going to have to suggest to you
3 that you've got it around the wrong way, Mr Ng. If you
4 could please look at the document we looked at
5 earlier -- that's right, you've got it there --
6 BB9/6363. Can you see, at item 54, that the rebar to
7 the base slab or the track slab for the internal joint,
8 that's joint 2, was carried out between 29 May and
9 6 June; do you see that?

10 A. 54項呀，係咪呀？

11 Q. I am.

12 A. 係，5月29至6月6。

13 Q. Yes. You can see that the base slab -- that's
14 joint 2 -- the base slab for the track slab of the
15 interface joint, that's the NSL interface joint, was two
16 days on 5 and 6 July; do you see that?

17 A. 睇到。

18 Q. So what this appears to show -- and obviously I'm just
19 taking this as being accurate, Mr Ng -- is that you in
20 fact did the track slab to joint 2 first and then moved
21 on to the track slab to do joint 1?

22 A. 可唔可以畀啲時間我睇下個電話嘅紀錄？等我再認真啲記番起。

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
26

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
26

1 that right?

2 A. 你講幾時先?

3 Q. I'm referring to paragraph 72 of your witness statement.

4 A. 係。

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. 係，冇錯。

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. 冇錯。

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. 有。

21 Q. Did you encounter it in the base, the wall and the roof,
22 or just certain of those areas?

23 A. 牆身同個頂部都有，個底部我就唔係好記得清楚，係呀。

24 Q. Right. It was a similar problem to the one you had

25

1 encountered at joint 3 and in the shunt neck?

2 A. 冇錯。

3 Q. And, so far as the chipping-off problem is concerned,
4 did that affect both the Gammon-Kaden side and the
5 Leighton side of the stitch joint?

6 A. 冇錯。

7 Q. Again, did you personally see the chipping-off
8 operations at joint 1?

9 A. 有見過。

10 Q. And again, presumably, you are unable to tell us whether
11 the labourers doing that chipping-off work were Leighton
12 direct labour or sub-contractors?

13 A. 係, 冇錯, 冇錯。

14 Q. Did you encounter in joint 1 the problem of damaged
15 couplers?

16 A. 損毀嘅少啲。

17 Q. All right.

18 Now, so far as joint 2 is concerned, we know that
19 that is the internal stitch joint within contract 1112.

20 A. 冇錯。

21 Q. So, as I understand it, on both sides of that stitch
22 joint, you, Wing & Kwong, would have installed the
23 rebars and the couplers prior to coming to do the stitch
24 joint; is that right?

25 A. 啱。

1 Q. So this should have been a situation where BOSA couplers
2 were used on both sides; is that right?

3 A. 正確。

4 Q. 40 millimetres couplers?

5 A. 40都有，好似呢三種物料都有，我印象中。

6 Q. Yes, because we saw that photograph earlier with the 40,
7 the 32 and something else.

8 COMMISSIONER HANSFORD: 25.

9 MR PENNICOTT: Probably 25.

10 And so all three types of material were used in
11 joint 1; is that right, Mr Ng?

12 A. 冇錯。

13 Q. Sorry, joint 2 I was on. Is that photograph that we
14 looked at earlier, with the three different types of
15 rebar, is that joint 1 or is it joint 2?

16 Is it 415?

17 A. 我簡單講句，其實呢三種物料，佢joint 1、joint 2、joint 3都會有用。

18 Q. Why would you be using 32 millimetre rebar at joint 2?

19 A. 咁一定係跟圖則去做㗎喇我哋。

20 Q. All right.

21 Could I ask you, please, Mr Ng, to look at some
22 photographs, not photographs we have looked at before.
23 Could you please be shown CC3/1322.

24 Mr Ng, this is just for the Chairman and the
25 Commissioner.

1 Sir, this is NCR95, reference to which was made
2 during the course of the openings by various parties.
3 It's dated 9 February, and it has a number of
4 photographs attached to it of what was found when the
5 opening up was done in January/February 2018, following
6 the water seepage happening and discovery of the cracks.

7 Could I ask you, please, Mr Ng, to be shown
8 page 1324. I think it's easier on the screen, to be
9 perfectly honest.

10 A. 好。

11 Q. Mr Ng, I assume this is a photograph you've not seen
12 before?

13 A. 冇錯。

14 Q. Can you see at least two threads of what I assume is the
15 end of rebar not attached -- or in fact three threads,
16 probably, not attached to anything at all; do you see
17 that?

18 A. 睇到。

19 COMMISSIONER HANSFORD: Could they be pointed out?

20 MR PENNICOTT: Yes, sir.

21 COMMISSIONER HANSFORD: That's the middle one, is it?

22 MR PENNICOTT: That's the middle one, yes. That's the top
23 one. And then there's one further up, about an inch and
24 a half above the one where you are at the moment.
25 Upwards. That's it, there. Not terribly visible.

26 There we are.

1 COMMISSIONER HANSFORD: Okay.

2 Up to the top one.

3 MR PENNICOTT: No, that's it, I think. So there's one, two,
4 three. Sorry, there is one further one up here, further
5 up, I beg your pardon.

6 COMMISSIONER HANSFORD: Yes.

7 MR PENNICOTT: Come down slowly. There. You can just about
8 see it, I think. Go to the right of it.

9 COMMISSIONER HANSFORD: Down a bit. Down a bit. Stop.

10 CHAIRMAN: That's it.

11 COMMISSIONER HANSFORD: Okay.

12 Is this the only photograph? No.

13 MR PENNICOTT: There are some more coming up, don't worry.

14 COMMISSIONER HANSFORD: No, I wondered if there was one
15 before it was broken out.

16 MR PENNICOTT: No. No photos, no.

17 And after those three, if you come down further,
18 there's one -- that one there underneath the fourth one
19 which just seems to be in concrete but one can't really
20 take a view as to whether it's screwed into anything or
21 not, but one can see another one further down.

22 Mr Ng, I'm told that that's a photograph that was
23 taken at one of the interface stitch joints. I'm bound
24 to say I'm not sure whether it's at the EWL or the NSL
25 at the moment, because the non-conformance report covers
26 both, so we are not quite sure where it was taken.

1 COMMISSIONER HANSFORD: It's got a roof, hasn't it, the
2 soffit?

3 MR PENNICOTT: Yes, which suggests it's the NSL.

4 COMMISSIONER HANSFORD: Yes.

5 MR PENNICOTT: Which is probably right.

6 Mr Ng, do you have a recollection of when you did
7 the rebar -- let's assume that this is joint 1, the NSL
8 interface joint, do you have a recollection of fixing
9 the rebar in this fashion, ie unconnected to anything,
10 these threads, unconnected to any coupler, just left, as
11 it were, in midair?

12 A. 我知，我記得。

13 Q. Right. This is you doing your best, is it, to follow
14 Mr Lai's instructions?

15 A. 冇錯。

16 Q. All right.

17 Then if you could go over the page to 1325,
18 please -- again, I'm not sure which way it should be
19 oriented -- but can you see more examples of unconnected
20 threaded rebar?

21 A. 冇錯。

22 CHAIRMAN: Can that be pointed out? Because I have some
23 difficulty.

24 MR PENNICOTT: The one at the top. (Using magnifying
25 device).

26 CHAIRMAN: Ah. Thank you. Yes.

1 MR PENNICOTT: We think there's one there, sir (indicating
2 and using magnifying device).

3 CHAIRMAN: And the other one down is also --

4 MR PENNICOTT: There's that one there (indicating using and
5 magnifying device).

6 CHAIRMAN: Yes, and if we go up there, that one also you can
7 see edge there.

8 MR PENNICOTT: Possibly that one.

9 CHAIRMAN: Thank you. It just takes, with the grey and the
10 grey, a couple of minutes to focus.

11 MR PENNICOTT: It does. I'm glad to see it [the
12 magnification] works; even I can do it.

13 Then the next page, 1326, please -- do we have yet
14 more examples of the same thing, Mr Ng, the threaded
15 rebar not being connected to anything in particular?

16 A. 係。

17 Q. And 1327 is a slightly different perspective, but again,
18 Mr Ng, do we see yet more examples -- (using magnifying
19 device) and this is in a corner area, it would appear,
20 of rebar simply not being -- threaded rebar simply not
21 being connected?

22 A. 呢個睇唔到。

23 Q. Okay.

24 If you could then go, please, to page 1373. So this
25 is NCR96, the next NCR. So this relates to the internal
26 stitch joint, joint 2, and I think there are just again

1 a couple of photographs. There's one at 1375. Again,
2 I'm not quite sure precisely what one can see -- (using
3 magnifying device) actually, there are some couplers,
4 and the threaded rebar also going up to the coupler. Is
5 that right, Mr Ng?

6 A. 冇錯。

7 Q. (Using magnifying device) But not actually being
8 threaded into the coupler; do you agree?

9 A. 唔同意。

10 Q. Okay. Why do you disagree? What do you disagree about?

11 A. 佢有啲都有扭入去㗎，見到，係呀。

12 Q. Some were and some were not?

13 A. 冇錯。

14 Q. Lastly, over the page at 1376 (using magnifying device),
15 again, threaded rebar not connected into anything in
16 particular; do you agree?

17 A. 同意。

18 Q. All right.

19 Mr Ng, just to wrap this up, looking at your witness
20 statement, you appear to have had, by my calculation,
21 five or six conversations with Henry Lai about the
22 various issues that we've been discussing. Would that
23 be about right?

24 A. 睇下先，差唔多喇。

25 Q. Right. So, as a result of those conversations you

1 allege you had, you were told just to get on with the
2 works and do the best you could, and that's, as
3 I understand it, your evidence to the Commission; is
4 that correct?

5 A. 冇錯。

6 Q. As a result even of doing your best, you knew that there
7 were obvious defects and deficiencies in the rebar
8 fixing? You knew that; do you agree?

9 A. 同意。

10 Q. And so, leaving aside the instructions that Mr Henry Lai
11 had given you, you knew that the works had not been done
12 properly?

13 A. 係。

14 Q. And you did not inform anybody at Wing & Kwong, Ben
15 Cheung or anybody else, about this; is that correct?

16 A. 係。

17 Q. It was not until February 2018, when you were contacted
18 by Ben Cheung, that you explained to him what had
19 happened; is that right?

20 A. 哦，冇錯。

21 MR PENNICOTT: Mr Ng, thank you very much.

22 Sir, I have no further questions. I daresay others
23 have.

24 CHAIRMAN: Yes. Thank you.

25 Mr Shieh?

1 Cross-examination by MR SHIEH

2 MR SHIEH: Yes. May it please you.

3 Good afternoon, Mr Ng. I represent Leighton and
4 I have a few questions for you.

5 May I start off by asking you your education level?

6 A. 中學。

7 Q. After high school graduation, presumably you underwent
8 some training in the construction industry? It may not
9 be in a school setting, but you had some training in
10 construction; correct?

11 A. 我睇下你可唔可以咁樣講，你講正式培訓有冇咩？應該冇。

12 Q. So you picked up your skills, basically, on the job, as
13 you went along?

14 A. 係。

15 Q. Thank you.

16 You made your statement in Chinese. Can you
17 understand the English translation of your statement?

18 A. 睇唔明。

19 Q. First of all, I have a few questions to you about Loyal
20 Ease. Your salary or remuneration is paid to you by
21 Loyal Ease; correct?

22 A. 係。

23 Q. Can I just ask, is it by way of a salary, fixed sum per
24 month, or is it by way of per job remuneration, you
25 know, on a day basis or on a per-week basis? Which one

1 is it?

2 A. 日薪。

3 Q. So you are paid on a day-labour basis?

4 A. 冇錯。

5 Q. By Loyal Ease. I take it that when you say you are paid
6 by Loyal Ease, it's either by a cheque drawn on a Loyal
7 Ease account or through the bank account transfer from
8 Loyal Ease?

9 A. 係。

10 Q. Now, this morning, Mr Pennicott, the gentleman in front
11 of me, he asked you whether you have ever seen or read
12 the contract between Wing & Kwong and Loyal Ease, and
13 you said no. Do you remember?

14 A. 記得。

15 Q. I'll look at that contract with you later, to see
16 whether what that contract says is in accordance with
17 your understanding of the working relationship with Wing
18 & Kwong. But leave that to one side.

19 You said this morning you know Wing & Kwong's boss,
20 someone called Joe Leung; correct?

21 A. 係。

22 Q. In fact, you said you worked for Wing & Kwong for about
23 ten years before moving to Loyal Ease; correct?

24 A. 係。

25 Q. And you told us you did not know who the boss was in

1 Loyal Ease; correct?

2 A. 冇錯。

3 Q. What I am interested in is: how did you find your job
4 then with Loyal Ease?

5 A. 呢個係經Ben。

6 Q. Ben Cheung of Wing & Kwong; correct?

7 A. 係，冇錯，係。

8 Q. So you wanted to leave Wing & Kwong and find a new job,
9 and he said he would introduce you to Loyal Ease, or how
10 did it work?

11 A. 呢個我唔清楚佢公司内部嘅運作。

12 Q. It's fine. I'm asking all this for a reason. Later on,
13 when I ask you questions concerning what was said
14 between you and Henry Lai, so you have to bear with me
15 for asking you these questions about Loyal Ease; all
16 right? I'm not being nosey or gossipy or anything like
17 that; all right?

18 You met no individual or natural person from Loyal
19 Ease; correct? You did not meet any human being from
20 Loyal Ease?

21 A. 冇。

22 Q. Was it your idea to leave Wing & Kwong and say, "I want
23 to go out and see what the world is like, I want to
24 leave Wing & Kwong", or did Ben Cheung of Wing & Kwong
25 ask you to leave and he would arrange for you to have

1 a new job with Loyal Ease?

2 A. 我唔清楚你哋講嘅離開永光係點解，即係我都係睇番你哋嘅合約，先知道有永
3 光、輝誼，咁我哋就算同禮頓公司去做嗰個工程，佢哋都係--你都睇到佢個工人代表名佢
4 都寫永光，唔係寫輝誼，係咪先？咁你禮頓嗰個工人list，點解佢唔寫輝誼，寫永光吖？

5 Q. Well, if Wing & Kwong's lawyer regards that to be
6 relevant, he can no doubt ask people from Leighton, but
7 now, on behalf of Leighton, I'm asking you.

8 The question is, "Was it your idea to leave Wing
9 & Kwong?", and Ben Cheung said, "Let me introduce to you
10 Loyal Ease", or was it Wing & Kwong who said, "We don't
11 want you anymore but we can introduce you to Loyal Ease"
12 or what? A change of employment doesn't actually come
13 out of nowhere.

14 A. 我係唔清楚嘅，咁其實佢只不過係--以我理解，輝誼呢間公司係出糧畀我哋嘅
15 人工嘅啫，係出糧畀我哋嘅啫。即係係咪輝誼聘用我哋，定永光
16 直接聘用我哋，我完全係唔清楚嘅。

17 Q. Are you trying to tell us it wasn't actually your idea
18 to say, "I want a new job, I want to leave Wing
19 & Kwong"; it was arranged for you by Wing & Kwong, this
20 change of employment to Loyal Ease?

21 A. 可以咁講。

22 Q. As to why Wing & Kwong or Ben Cheung -- let me start
23 again.

24 So it was Ben Cheung who talked to you and arranged
25 with you for this new employment where payment was made

1 by Loyal Ease to you; it was Ben Cheung who arranged
2 this?

3 A. 冇錯。

4 Q. Were you aware of why Ben Cheung had to re-arrange the
5 employment or payment relationship in this way, from
6 Wing & Kwong employing you and paying you, changed to
7 Loyal Ease employing you and paying you? Are you aware
8 of why?

9 A. 我唔知。

10 Q. You don't know.

11 Can I ask you to look at the sub-contract between
12 Wing & Kwong and Loyal Ease.

13 A. 係，睇緊。

14 Q. It's bundle EE1/401.

15 A. 係。

16 Q. The English version is on the next page. I wonder if
17 there's any way where the Commission can see the English
18 version and -- do you have the paper version in front of
19 you? Yes. Good.

20 A. 我有個中文版本。

21 Q. The Commission is looking at the English version.

22 I see, both versions are side by side.

23 CHAIRMAN: Thank you.

24 MR SHIEH: Now, "Contractor" is Wing & Kwong.

25 "Sub-contractor" is Loyal Ease. Now, you haven't seen

1 this document, you told us; correct?

2 A. 係。

3 Q. But let me just ask you -- if you look under

4 "單價", "Unit price", "Unit price".

5 A. 呢個?

6 Q. "單價".

7 A. 你講, 繼續講。

8 Q. Yes. It says, "\$150 [per] hundred catties, labour only,
9 the rate includes steel wire, concrete and plastic blocks."

10 Do you see that?

11 A. 睇到。

12 Q. So, on the face of it, Loyal Ease is paid by Wing
13 & Kwong, not by way of day labour, you know, number of
14 workers provided or number of days worked, but on the
15 basis of the weight of rebars that had been worked on.

16 That's what it says on its face; do you see that?

17 A. 睇到。

18 Q. So it means that, at least on its face, Loyal Ease would
19 be paid the same amount of money whether for working on
20 a certain weight of rebars, whether it spent one day
21 working on it or two days working on it, it would
22 receive the same amount of money, on the face of it; do
23 you see that?

24 A. 應該係咁。

25 Q. Does that accord with your knowledge, if any, about how

1 Loyal Ease was paid by Wing & Kwong for the work done by

2 Loyal Ease for Wing & Kwong?

3 A. 吻合。

4 Q. So far as you are aware, Loyal Ease does not charge on
5 a day basis to Wing & Kwong; correct?

6 A. 係。

7 Q. But Loyal Ease pays you on a day basis; correct?

8 A. 係吖。

9 Q. Loyal Ease also pays, I presume, other workers on a day
10 basis?

11 A. 係吖。

12 Q. And that is the case for the Hung Hom Sidings works and
13 for the North Approach Tunnel; correct?

14 A. 喺。

15 Q. So, as a matter of basic economics, the more time Loyal
16 Ease had to spend on performing a task, the less profit
17 it would make?

18 A. 可以咁講。

19 Q. Look at your witness statement at paragraph 3, bundle
20 EE1, page 341.

21 Paragraph 3.

22 A. 係。

23 Q. It sets out your scope of work as the site supervisor;
24 correct?

25 A. 係。

1 Q. It does not cover what one may call commercial or money
2 matters between Loyal Ease and Wing & Kwong; that's fair
3 to say, yes?

4 A. 啱。

5 Q. You said earlier this morning that in order to report to
6 Ben concerning the number of workers for the purpose of
7 charging additional work, you had to take pictures of
8 signatures of workers every day and send it to Wing
9 & Kwong; do you remember that?

10 A. 係。

11 Q. So, after the workers maybe had signed in, you would,
12 what, take photographs of their signed document with
13 your phone; is that right?

14 A. 啱。

15 Q. And then WhatsApp to Ben?

16 A. 係。

17 Q. So you carry your phone around at work?

18 A. 係。

19 Q. And it's a self-obvious proposition but you have
20 WhatsApp software on your telephone? You have the
21 WhatsApp app?

22 A. 啱，係。

23 Q. Okay.

24 You know of a person called Joe Tam from Leighton?

25 A. 係。

1 Q. Would you say that he is the most senior Leighton
2 official on site for the stitch joint and shunt neck
3 joint works?

4 A. 可以咁講。

5 Q. In relation to Henry Lai, were you aware, at the time
6 the stitch joints and the shunt neck joint, joint 1,
7 joint 2, joint 3 and the shunt neck joints were
8 constructed, did you know how long he had worked for
9 Leighton?

10 A. 年幾。

11 Q. Were you aware -- I'm talking about back then,
12 2016-2017 -- were you aware that he was a junior
13 engineer back then?

14 A. 我淨係知佢係engine。

15 Q. From his appearance, you would have -- did you have the
16 impression from his appearance that he was in his
17 mid-20s?

18 A. 廿幾三十歲喇。

19 Q. Would you have regular daily conversations or
20 communications with Henry Lai back during the period
21 when these three joints -- well, these four joints are
22 worked on, were worked on?

23 A. 有需要嗰陣時一定會，係。

24 Q. And these communications would be, as we have heard, by
25 telephone; correct?

1 A. 係，係。

2 Q. Telephone would be by mobile phone calls; correct?

3 A. 喺。

4 Q. You would also communicate with each other by WhatsApp;
5 right?

6 A. 會。

7 Q. 會，thank you。

8 MR SHIEH: Mr Chairman, I wonder whether this would be
9 an appropriate moment to take the afternoon adjournment?

10 CHAIRMAN: Yes, of course. 15 minutes, would that suit?

11 MR SHIEH: Yes.

12 CHAIRMAN: Good. 15 minutes. Thank you.

13 (3.31 pm)

14 (A short adjournment)

15 (3.49 pm)

16 MR SHIEH: Now, Mr Ng, can I ask you to look at your witness
17 statement, paragraph 42. The Chinese version is EE356.

18 Paragraph 42.

19 A. 係。

20 Q. Just remember, in this part of your witness statement,
21 you dealt with the shunt neck joint and joint 3
22 together, but you then split it into stage 1 and
23 stage 2. Remember? This is the way you dealt with the
24 matter in your witness statement.

25 A. 記得。

1 Q. From what you discussed with Mr Pennicott earlier today,
2 would it be correct to understand that what you refer to
3 as stage 1 was really the shunt neck joint?

4 A. 係。

5 Q. In paragraph 42, you described your discovery that the
6 shape of the coupler on the 1111 side did not fit the
7 shape of the rebars that would be used to screw into
8 those couplers; correct?

9 Let me put it again. In paragraph 42 you described
10 your discovery that the shape of the couplers on the
11 1111 side were not the style that you had expected to
12 see; would that be a fair way of putting it, for the
13 shunt neck joint?

14 A. 可以咁講。

15 Q. Because they were slanted, tapered; right?

16 A. 係。

17 Q. Did you consider taking photographs of the appearance of
18 the tapered couplers on the 1111 side -- on the 1111
19 side of the wall?

20 A. 我有冇考慮過去影相? 你所問嘅嘢, 我唔係好清楚。

21 Q. Let me start again. You had, in your experience, never
22 encountered a situation whereby you expected to be using
23 cylindrical bars but the couplers turned out to be of
24 an incorrect shape; correct?

25 A. 喺。

1 Q. Would it be fair to say you were shocked?

2 A. 係吖。

3 Q. You obviously thought that you needed to raise it with
4 somebody; correct?

5 A. 係吖。

6 Q. Did it occur to you that for the purpose of raising it
7 with somebody, you needed to show that person some
8 pictures?

9 A. 哦，我嗰個moment冇諗住影相，因為我發現嗰陣時，已經即刻打咗畀Henry。

10 Q. So you did not think of taking a photograph for the
11 purpose of sending it to him because you already called
12 him on the mobile phone; that's what you're saying,
13 correct?

14 A. 係吖。

15 Q. You did not WhatsApp him beforehand; you just called him
16 on his mobile number, correct?

17 A. 冇錯。

18 Q. At paragraph 45, you set out your recollection as to the
19 gist of the conversation you had with him that day;
20 correct?

21 A. 係，大約係咁。

22 Q. Can I ask you to look at the actual questions and
23 answers.

24 A. 好。

25 Q. You seem to have set out your conversation in

1 question/answer -- sorry, you seem to have described
2 your conversation in a dialogue format. You said this,
3 he said that, you said this, he said that, in this
4 dialogue format; yes? That's what it appears --

5 A. 應該係，係。

6 Q. This is by no means to show any disrespect, but you were
7 able to actually include colourful language at
8 particular places in the middle of the sentence; do you
9 see that? I'm not going to read that out. Correct?

10 A. 喎。

11 Q. There's no way in which you could actually remember
12 where you put certain words or the precise swear words
13 you have used in a particular conversation, is there?

14 A. 哦，係。

15 Q. And this whole extract at paragraph 45 made it -- well,
16 looked as if you were transcribing from a kind of
17 recording. You wrote it out, word-by-word dialogue. It
18 looks like ...

19 A. 唔係，唔係。

20 Q. No?

21 A. 唔係，唔係，我係依稀記得我嘅回憶，如果嗰個時間發生咁嘅事，我打畀佢，
22 我會同佢有啲咩嘢對答。

23 Q. Let me get this clear. You are not saying somehow you
24 have a telephone recording of what had passed between
25 you and Henry and this is a transcription of that

1 conversation? You are not saying that?

2 A. 唔係，唔係錄音對話。

3 Q. This is just an attempt to make it lively, as to your
4 description of what has passed between you and him, to
5 make it sound real?

6 MR TSOI: Can I just say, it's actually qualified at the
7 introductory part of the paragraph as to why it is typed
8 out like that.

9 MR SHIEH: Very well. I have sorted that out. It's not
10 a transcription, but as Mr Tsoi pointed out it was based
11 on what he thought, what he recalled to be the usual
12 attitude.

13 You asked him, Henry, to talk to his boss first --
14 boss, 大佬 -- this is the second-last line.

15 A. 係。

16 Q. By "boss", his boss, did you mean Joe Tam?

17 A. 唔係，佢嘅上司，係呀，佢任何一個高級過佢嘅上司。

18 Q. You asked him to talk to his boss -- is it because you
19 knew that a situation such as that you have seen was not
20 something that a junior staff like him could make
21 a decision about?

22 A. 冇錯。

23 Q. Because, in the colourful language, he screwed up, or in
24 Cantonese, "It's a very big wok", a big deal; yes?

25 A. 係。

1 Q. He called back ten minutes later at paragraph 47 of your
2 witness statement?

3 A. 係。

4 Q. And he did not say that he had spoken to his boss?

5 A. 冇。

6 Q. Did you consider asking him to come to the site and have
7 a look at the situation?

8 A. 第一個通話有叫佢落去現場睇㗎，以我記得，係呀，我話「你落嚟望下先喇」，
9 係呀。

10 Q. Well, I know it's not a memory test. According to your
11 paragraph 45, you have not asked him to come to the
12 site.

13 A. 嗰個通話有嘅，係呀，即係你問起我，我而家記得係有嘅，即係你如果係第
14 一，我有影相喇，你頭先問我，因為我點解唔需要影相？我直接打咗畀佢話畀
15 佢聽有咁嘅事發生，跟住然後我通知佢，「咁你使唔使同你個大佬講呀？」啱
16 唔啱先？我話「你最好落嚟睇喇。」佢後靚有冇落嚟睇，我唔知；佢後靚有冇
17 落嚟睇，我唔知。

18 Q. Leaving aside the fact that you had called him and
19 spoken to him, did you consider it necessary for the
20 sake of protecting yourself or Loyal Ease to have
21 photographic evidence of a big problem that was
22 encountered on site?

23 A. 嗰陣時冇考慮過。

24 Q. According to you, Henry Lai said in paragraph 47, after
25 he said -- after you told him that the bars could only

1 be screwed in for two to three threads, he said:

2 "... just screw them in ... It's not as if the wall
3 would collapse?"

4 He said that, according to you?

5 A. 係。

6 Q. Did you or did you not know, as a matter of science or
7 technology, whether the walls would in fact collapse if
8 the rebars were not screwed into the couplers?

9 A. 唔知。

10 Q. So what Henry said about the wall not collapsing could
11 not have provided any assurance to you?

12 A. 係呀，佢答唔到任何保證畀我。

13 Q. Did you think he was irresponsible when he said that,
14 that he was rash when he said that, that it's not as if
15 it's going to collapse?

16 A. 嗰一刻我有諗佢係咪不負責任，咁佢叫我做，跟住我嗰份陳述書就寫--有講、
17 有提到，即係你要我做冇問題，以我認知，咁你正常應該唔會收貨，啱唔啱
18 先？咁我照跟你做嘅，咁如果要拆番出嚟再做嘅，咁我係要寫佢代工，即係再
19 收佢錢，我會同佢講到--講清講楚嘅，咁都叫我照做，咁我跟住根本就唔需要
20 再諗任何問題喇。

21 CHAIRMAN: Sorry, can I interrupt a second. This was quite
22 a big deal, as has just been said. It wasn't just one
23 coupler that was damaged or something. This was a whole
24 line of couplers; correct?

25 A. 係呀。

1 CHAIRMAN: And you had spoken to a junior engineer?

2 A. 係。

3 CHAIRMAN: And he had said, "Just go ahead", and you knew
4 that this would be noticed when it came to inspection
5 time or you believed it was highly probable?

6 A. 係吖。

7 CHAIRMAN: Didn't it enter your mind what would happen if,
8 for example, somebody from MTRCL came across and said,
9 "This is all wrong, this has got to be redone", and
10 would have blamed you?

11 A. 會，會，考慮咗㗎嘞。

12 CHAIRMAN: Now you've got no evidence at all that your work
13 is being carried out at the behest of Leighton. It's
14 your word against the word of a junior engineer, if he
15 denies it. You've got no evidence at all. You've got
16 no photographs, you've got no WhatsApp that's recorded,
17 you've got nothing at all there.

18 A. 冇錯。

19 CHAIRMAN: Didn't you think that was a bit -- leaving you
20 very vulnerable?

21 A. 即係講嗰個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.

26

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. 唔係，嗰個時刻冇去諗咁多，因為後尾嗰個時期嘅工程比較多，同埋趕時間嘅，
7 咁只要我同佢溝通完，有個共識就係如果我要拆過再做，佢又要寫番代工畀我
8 嘅，因為我都係聽佢講「你照擰喇，照做喇」，係呀，「應該冇乜問題」，佢
9 係咁樣講，所以我唯有係照做，係呀。咁萬一佢真係有人巡查睇到，或者係唔
10 收，一定要我再拆嘅，咁我拆嗰陣時，先至會影相、錄低佢做record，咁就
11 畀番佢嘅啫，係呀。

12 CHAIRMAN: Thank you, Mr Shieh.

13 MR SHIEH: Did Henry Lai say to you that if you refused to
14 carry out the work as he asked you to, there would be
15 some bad consequences for your company?

16 A. 冇。

17 Q. Now, in your paragraph 49, you spoke about your worry
18 and your concern; yes? You are concerned with having to
19 bear responsibility; do you see that?

20 A. 係。

21 Q. You are employed by Loyal Ease; correct? You were
22 employed by Loyal Ease; correct?

23 A. 喺。

24 Q. Loyal Ease had no contract with Leighton; correct?

25 A. 我而家先知。

1 Q. So, at the time, what was your understanding as to
2 Leighton's relationship with Loyal Ease?

3 A. 嗰一刻我係用永光嘅身份同佢禮頓去接洽嘅，因為我都係近排，即係可能講緊
4 係咪18年2月先知佢係輝誼--即係再有份合約喺度嘅，我係完全唔知嘅，即係
5 都係可能近期先知嘅。

6 Q. Sorry, you said at that time you were working as
7 a representative of Wing & Kwong. So are you telling me
8 that, at that time, you did not know that in fact you
9 have an employer called Loyal Ease and you are taking
10 payment from Loyal Ease as your remuneration?

11 A. 係，嗰陣時係唔知嘅。因為嗰陣時我係直接Ben Cheung叫我哋過去做，咁我
12 哋都係同禮頓你哋講緊都係永光嘍咋嘛，咁佢用--即係點解有間輝誼出糧畀我
13 哋呢？咁可能係報稅嗰陣時先知，係呀。因為呢啲你問番Ben Cheung可能會
14 清楚啲。

15 Q. Okay. So, just to confirm that I have not misunderstood
16 you, at the time in question, when we are talking about
17 the shunt neck joint, that would be early 2017, January
18 2017, you were under the impression that you are a Wing
19 & Kwong person?

20 A. 係。

21 Q. But you had told us this for commercial matters or money
22 matters you were not responsible?

23 A. 冇吖，係呀。

24 Q. Did it occur to you to report to Ben Cheung to get some
25 instructions from him as to what should be done in

1 a situation like this?

2 A. 冇，係呀。

3 Q. The reason why I suggested -- why I asked you whether
4 you had thought so is because this is no longer
5 a question of how to sort out a minor operational
6 matter. This is something which could have potential
7 for legal liability; right? Has it occurred to you to
8 speak to Ben from Wing & Kwong?

9 A. 嗰一刻冇諗過。

10 Q. Having explained your concern in your witness statement
11 at paragraph 49, in your vivid language in Chinese, you
12 were afraid of having to shoulder the wok, in English
13 having to bear responsibility, and you were worried
14 about causing Wing & Kwong to bear responsibility, you
15 told Henry clearly certain things.

16 Now, my question is, echoing that from Mr Chairman,
17 it would have been extremely simple for you either to
18 type a few words in a WhatsApp or even to utter words by
19 way of an audio message in WhatsApp. Have you
20 considered doing so?

21 A. 因為當時我第一下都已經好似即刻打畀佢，喺電話度溝通嘞，係呀，話畀佢聽
22 發生啲咁嘅事嘞。

23 Q. Yes, but he could deny it afterwards; right? He could
24 deny it afterwards.

25 A. 佢當然可以，係吖，係。

1 Q. And you are not a school leaver. You work in society.

2 You know how things can turn really bad when there's

3 dispute.

4 Do you agree?

5 A. 唔係，嗰一刻我就唔覺得需要咩嘢保障住嘅。第一，我都覺得佢--佢叫我做，

6 我都基本上有一半覺得佢--我慢慢講吓，佢叫我做，我照做吓跟佢，係咪先？

7 我都講過如果唔收貨，要我折咗重做，我會影相，claim番佢代工嘅，係咪先？

8 咁我假設佢--已經係假設佢唔會收貨先喇，基本上你正常應該唔會收貨、唔會

9 落到石屎，我點解唔跟你指示去做啫，係咪先？我重做會有錢收，會寫番畀佢

10 嚟嘛，係咪先？即係當然你可以擔心我，佢後尾唔認數，咁唔認數，唔認數一

11 次啫。

12 Q. In your answer, you said you didn't think of protecting

13 yourself.

14 Can you look at paragraph 51 of your witness

15 statement, the final sentence:

16 "[You] said this in order to protect Wing & Kwong,

17 so this must be stated clearly."

18 Do you see that?

19 A. 係吓，所以我頭先--咪同我頭先講嗰啲咪一樣囉，我都話我都預咗佢唔收貨，

20 我都話預咗會重做，重做係會寫番佢嚟嘛，Henry Lai要寫畀我嚟嘛，我都

21 同佢講明，預咗我係要重做，你正常應該唔會收貨嚟嘛。

22 Q. What I don't understand is this. You say, as and when

23 they reject the work and you redo the work, you would

24 then take photos. But those photos won't prove Henry

25 Lai's promise to you; right? They won't prove that

1 Henry Lai has promised you to shoulder the additional
2 charges for redoing the work; do you understand what
3 I mean?

4 A. 我明，係呀，我都預咗佢會係咁，我明，但係當時我係幫佢，佢叫我幫手，
5 「你照做喇」，咁我唯有幫佢手照做嘅啫，係呀。

6 Q. Sorry, stop here.

7 CHAIRMAN: Could I, sorry, just ask one thing here. When
8 this Commission of Inquiry began its work many months
9 ago now, Mr Pun from Fang Sheung gave evidence, and he
10 said at the beginning, by way of a general protest and
11 an assertion of integrity, that he was upset at the
12 allegations that were being made against steel
13 reinforcement fixers and the suggestion that they were
14 not professional.

15 But what you are saying, as I understand it, at the
16 moment, is that you were prepared, on the verbal
17 instructions of a junior engineer, not to do a safe and
18 efficient job. Is that right?

19 A. 我又唔同意。

20 CHAIRMAN: All right. So how have I got that wrong? It
21 doesn't sound too professional to me, I must be honest,
22 as a layperson. You are faced with a row of couplers
23 which cannot be properly fixed to the reinforcing bars,
24 and I've done the same thing here and, as you say, it
25 just barely fits in. You were prepared to do that right
26 the way along a section of the wall; correct?

1 A. 啱。

2 CHAIRMAN: And as far as the concreted sections were
3 concerned, where the couplers had not been opened up,
4 you were prepared effectively not to insert the rebars
5 there either, because you weren't going to chip away the
6 concrete yourself; correct?

7 A. 我哋唔負責鑿開石屎。

8 CHAIRMAN: All right. So, as I understand it, there were
9 two examples of very poor workmanship, correct, on your
10 part?

11 A. 可以咁講。

12 CHAIRMAN: Yes, exactly. Thank you.

13 MR SHIEH: Mr Ng, I wish to revisit an answer that you gave.
14 You said you expected the work would not be accepted,
15 and you expected that the work would be redone, and that
16 was why you needed a promise that Henry Lai or Leighton
17 would shoulder the additional charges.

18 But what I want to clarify from you is this. What
19 was the purpose of doing some work, spending time and
20 effort, knowing that it would be rejected upon
21 inspection, and having to do it all over again? What
22 was the sense of it? Do you see what I mean?

23 A. 唔係，我明。即係等於我--我諗我供詞都有提過，佢會唔會--我提議過係叫佢
24 搞番啱啲螺絲頭返嚟嘅，咁佢嘅答覆可能係嗰陣時答我趕唔切嚟嘞，因為做嗰
25 陣時係好趕時間，佢叫我照做，係嘞，咁佢都--我叫佢徵詢佢嘅上司喇，佢話

1 徵詢完，個答覆返嚟係叫我哋照做，咁我都嗰一刻好驚訝嘅，「你照做，正常
2 應該唔收貨嘞，咁你都叫我照做？」咁我就會同佢講，「我照做冇問題，咁明
3 知唔收嘅，你照做，你係咪後起如果真係冇問題出事，要我拆過重做嘅，你一
4 定要寫代工畀我嘞。」啱唔啱先？咁喺嗰一刻，佢「okay，冇問題，你照做
5 喇，做完之後，如果有咩嘢事，真係要拆嘅，我哋會寫代工。」佢係咁樣應承
6 我，我先會同佢做嘅。咁當然，做完之後，佢真係落到石屎嘞，我點知佢呢，
7 係咪先？

8 Q. Just now, in your answer, you said you asked him to
9 consult his seniors and he said he consulted his
10 seniors. It wasn't in your witness statement, this
11 suggestion that he had told you he had consulted his
12 seniors.

13 A. 佢個答覆返嚟嗰陣時，即係佢叫我--即係佢十分鐘打後打畀我吓，佢問我擰到
14 幾多個牙入去，我話兩至三個牙咋嘞，咁佢就話「你照擰喇，唔通會舐咩」，
15 跟住我就係咁樣同佢講話「我照擰入去冇問題，咁你係咪包收貨先？你正常唔
16 會收貨㗎嘛，如果唔收，我要拆過再重做，咁係你要寫番畀我㗎嘛」，係咪先？
17 咁佢話okay，照做，咁我假設佢係通知晒佢上面嘅上司，跟住我照做，我照
18 做冇問題㗎，你有人會行㗎嘛，會有人巡查，會有人見到㗎嘛，啱唔啱先？
19 你要我拆嘅，我咪影相留底，我咪寫番你囉，Henry Lai囉，係咪先？咁我
20 唔會逐個、逐個去問㗎嘛，你只要有一個任何人嗰個位置，foreman又好，
21 engine又好，佢口頭承諾負責叫我去做，我都一定係要跟指示去做㗎。

22 Q. I know what you say. The short point I want to clarify
23 is whether he did tell you he had consulted his senior
24 and, as a result of this, he is instructing you to do

1 this, or whether it was only your guess, your
2 presumption, that he had asked his senior. Do you see
3 what I mean?

4 A. 頭先我答咗你喇，我係估佢喇，猜側佢有問到佢上司喇，佢都話--佢打番畀
5 我，佢問我「你平頭同尖頭扭到幾個牙？」我話兩至三個㗎咋喎，跟住佢話
6 「你照去做喇，照擰喇」咁樣囉，即係我嗰份口供都已經寫得好清楚喇，係
7 呀，講得好清楚喇。

8 Q. Has it ever occurred to you that Henry Lai would deny
9 having agreed with you that you could just screw in two
10 or three threads and if there's anything wrong, Leighton
11 would pay for the additional charges?

12 A. 會，會，會，會，我有諗過，係呀，我有諗過假設如果有人巡查見到，然後要
13 我拆嗰陣時，佢可以唔認賬，係呀，咁喺嗰一刻，即係其實做咗咁耐工程，成
14 年幾，我都當佢朋友嘅，咁你叫我做，我照做，如果真係要拆嘅，你唔寫畀我，
15 我咪蝕一次畀你囉，啱唔啱先？人情上我咪蝕一次畀你囉，係呀。

16 Q. But you are not the boss of Wing & Kwong.

17 A. 係吖，我唔係。

18 Q. It's not for you to decide whether you would lose out.
19 It's not for you to decide whether you would lose out.
20 If he denies anything wrong happens --

21 A. 唔使㗎，即係我哋唔--我呢啲嘢唔會直--即係唔會直接同咗Ben講先嘅，萬
22 一--即係我嗰陣時都有考慮，萬一佢真係唔寫，跟住後起我同Ben Cheung
23 解釋，佢都會接受嘅。係，因為地盤有好多嘢，嗰個moment好多真係可能管
24 工或者engine叫你做，你唔會下下通知即係我個上司喇，當Ben Cheung，

1 唔會通知佢，有好多嘢真係要做咗先嘅，係呀。

2 Q. I will ask you one more time. Paragraph 51, the final
3 sentence, you said:

4 "[You] said this in order to protect Wing & Kwong,
5 so this must be stated clearly."

6 Do you see that?

7 A. 係呀。

8 Q. Now, what is the thing which must be stated clearly? It
9 is the part of paragraph 51 which comes before this
10 sentence. That sentence is:

11 "... I told Henry Lai that if according to Henry
12 Lai's instruction to screw in the flat-headed rebars
13 into the pointed couplers under strain to complete the
14 rebar fixing works, but in the end the inspections are
15 not passed ... such that Wing & Kwong were required to
16 dismantle the completed rebar fixing works and to redo
17 works, Wing & Kwong would treat the work that needs to
18 be redone as additional/overtime work to be charged
19 additionally."

20 That is what you wanted to state clearly, in order
21 to protect Wing & Kwong; correct?

22 A. 喺呀。

23 Q. It is not difficult to dictate this as a WhatsApp voice
24 message; correct?

25 A. 寫個訊息應該唔難嘅，寫個訊息。

1 Q. Either you write it or you dictate it, not difficult,
2 you accept that; yes?

3 A. 係。

4 Q. It takes you ten seconds to say, "大佬, if anything goes
5 wrong, you shoulder the charges", "Big brother Henry, if
6 anything goes wrong, you shoulder the charges". Easy;
7 correct?

8 A. 係。

9 Q. Then you won't have to be here to be cross-examined by
10 me, yes, because there would be proof?

11 A. 可以咁講。

12 Q. And there would be protection, which you wanted, in your
13 last sentence in paragraph 51; yes?

14 A. 可以咁講。

15 Q. Indisputable protection; do you see that?

16 A. 係。

17 Q. I just don't understand why you have not done that. You
18 said you were doing him a favour just now.

19 A. 嗰陣時同--可能同佢通緊電話，喺電話度講，係呀，咁電話講完，即係假
20 設我電話同佢通話，講完呢啲說話，即係我唔覺得我有需要再喺WhatsApp再
21 錄音囉，係呀。或者嗰陣時可能我太多嘢做，我都忘記咗考慮呢樣嘢，係呀。

22 Q. Let me ask one more question before we break for the
23 day. If you want to do someone a favour, you are
24 assuming a nice relationship, friends, helping people;
25 yes? If you think you need protection, it means that

1 someone is not going to be so nice to you; do you see
2 what I mean?

3 A. 嗰個係口頭承諾嚟嘅啫。

4 Q. A verbal promise which can be disputed and which leaves
5 you with no protection; do you agree?

6 A. 我明白，係呀。唔係，即係就算你有個WhatsApp嘅錄音，你口頭承諾都有保
7 障㗎，係咪先？

8 MR SHIEH: I wonder if this would be an appropriate moment
9 for the day, Mr Chairman. It's 4.30. I'm going to move
10 on to another time frame.

11 CHAIRMAN: I think normally we are going to finish at 5.00.

12 MR SHIEH: Today is 5.00? Sorry.

13 CHAIRMAN: Sorry, Mr Shieh. Unless there's any particular
14 reason, I would quite like to push on to 5.00.

15 MR SHIEH: That's fine. I will go on.

16 CHAIRMAN: Thank you.

17 MR SHIEH: What gave you any assurance that Leighton would
18 agree to be bound by what Henry Lai told you?

19 A. 冇㗎，嗰一刻其實冇㗎，係呀，我只不過照跟佢意思照做㗎咋，我都預--我
20 都--我份口供我預咗要再做嘅，係呀，根本我預咗要再做多次㗎喇，係呀。

21 Q. Was it the case that you simply wanted to rush up the
22 work and not spend time waiting to sort the matter out
23 because --

24 A. 哦，唔會，唔會，係呀，唔會，一定唔會。

25 Q. -- because, as far as Loyal Ease is concerned, it is
26

1 paid by weight, and so the longer it drags on, the more
2 disadvantageous it is to Loyal Ease, and so you took the
3 decision just to get on with the work, without reporting
4 it or raising it with anyone upon seeing the problem?

5 A. 我諗兩樣嘢嚟個囉，係呀，即係你話輝誼嗰個合約，同我唔匯報去做，我覺得
6 係兩樣嘢嚟嘅。因為我自己份口供都有講，我明知係圓頭、尖頭擰得兩、三個
7 嘅，以我嘅經驗認知，正常係唔會收貨嘅，我都提議過，同Henry Lai
8 講過，「你會唔會去搞番啲啱嘅coupler返嚟先畀我做？」咁佢就同我講趕唔
9 切，係嘞。咁然後佢話--即係之後會衍生到我有--啲啲問答喇、對答喇，就係
10 話佢問我擰幾多個，兩、三個牙，咁即係我諗我份口供會講得好清楚，我同佢
11 啲對答，係呀。因為以我嘅認知，根本上係唔會收貨，你正常係應該要拆過重
12 做，我都預咗係拆過重做，係呀，我都照幫佢做，冇問題，我預咗拆，我預咗
13 佢唔寫，係呀，「點解你落到石屎？」你地鐵會睇，禮頓會睇，係呀，我都後
14 扚做完走人，佢後扚落到石屎，我都唔知，我都一頭霧水，落到嗰，好嘢。

15 Q. Let me test it the other way. You have repeated this
16 theme several times, which is that you knew it was very
17 likely that the works would be rejected and that you
18 have to redo the work?

19 A. 係吖。

20 Q. And you have told us that Henry Lai had agreed that if
21 that were happen, Leighton would pay you for the extra
22 work; yes?

23 A. 係吖。

24 Q. Have you considered what sense it makes for Leighton to

1 agree to pay you for what is inevitably double work?

2 A. 嗰個moment我有諗過，係呀。因為我唔係淨係做緊嗰度，即係仲處理緊其他
3 位，咁佢通完電話，叫我「Okay，你照做幫佢」，咁咪照幫佢做囉。

4 Q. I suggest to you that what you have said about Henry
5 Lai's promise to you, that you should simply screw it in
6 as much as you can, and if it was rejected, Leighton
7 would repay you -- I suggest to you that makes no sense
8 at all. Do you accept that?

9 A. 完全唔合理呀？我又唔同意喎。即係如果真係唔收貨，我會影相留底，係嘞，
10 跟住我會畀番Ben Cheung去處理，Ben Cheung收唔收到錢，唔關我事，
11 我負責係做嘅啫，我負責跟指示去做嘅啫。

12 Q. Can I just have one moment?

13 Now, I wish to ask you this. I put to you that the
14 conversation, the conversations, which you said you had
15 with Henry Lai -- that was described in paragraph 45 and
16 47 -- did not take place.

17 A. 唔同意，係。

18 Q. Not agree. And you went to the extent of adding spice
19 or lively language to the conversation to make it look
20 real, when in fact it did not take place at all.

21 A. 唔同意。

22 Q. Right. Now, during your conversation with Henry Lai did
23 he ever tell you that there were differences in design
24 between 1111 and 1112 and so there is no need to tighten
25 the rebars in the couplers in 1111? Did Henry Lai ever

1 tell you that?

2 A. 冇。

3 Q. Can I then ask you to turn to your witness statement,
4 paragraph 54. This is, according to you, what is called
5 the second phase or the second stage, which would be
6 what we call joint 3; yes? Correct?

7 A. 係。

8 Q. Now, here you were describing this phenomenon that
9 concrete has not been completely chipped away to expose
10 the caps; yes? Do you see that?

11 A. 睇到。

12 Q. Now, you were describing here a general phenomenon that
13 in any rebar works, the situation that the main
14 contractor has not completely chipped off concrete is
15 not uncommon. This is a general observation for any
16 construction contract you have seen and not just for the
17 Shatin to Central Link; yes? Correct?

18 A. 係。

19 Q. So you have seen this phenomenon in other contracts, on
20 other locations, with other contractors, unrelated to
21 Leighton, unrelated to MTR; correct?

22 A. 我有，冇，冇，我講緊淨係沙中線呢度，係呀。

23 Q. Because you said "in any rebar works" -- you are not
24 confining yourself to the Shatin to Central Link. And
25 also you said:

1 "... because there is no construction site that is
2 100 per cent perfect".

3 So it looks as though, at least to me, as if you
4 were talking about a general phenomenon in the
5 construction industry. Is that what you are trying to
6 say?

7 A. 咁唔係，咁我又唔敢講全部，即係我可能見過大部分喇，沙中線呢面有嘅，係
8 呀，即係一定唔會100%㗎嘞，係呀。

9 Q. Not just in Shatin to Central Link but in other
10 construction sites as well, you have seen situations
11 where caps were not fully exposed because concrete has
12 not been chipped away completely? Do you accept that?

13 A. 會，會，會，係呀。

14 Q. I wouldn't say it happens all the time but, as you say,
15 it's not uncommon; yes? Agree? Not uncommon?

16 A. 不是罕見係成--經常定係--不是罕見，唔係好明。

17 Q. It doesn't happen all the time, but you wouldn't be
18 surprised if it were to happen? Do you accept that?

19 A. 哦，係，係，唔係成日發生，係呀，如果發生，都唔會覺得奇怪，冇錯。

20 Q. Thank you.

21 In subparagraph (1), you described the scenario
22 where:

23 "If the ratio of the couplers ... is continuous
24 albeit small ... or the ratio is relatively high [you
25 would] inform the ... engineer of the situation, and

1 hand it over to him to decide what ought to be done or
2 whether to notify MTRCL's RE ... As far as I recollect,
3 the instruction I received in this situation was 'If you
4 really cannot screw them in, just leave the bar there
5 first!'. "

6 Now, stop here.

7 A. 係，冇錯。

8 Q. From the opening sentence of this subparagraph, you
9 mentioned MTRCL, so it looks as though you are
10 describing what you would do to deal with this situation
11 in this MTRC contract; yes?

12 A. 你慢慢再講多次，你想問啲咩嘢？

13 Q. In this subparagraph (1), you were talking about your
14 usual practice in handling this phenomenon of unexposed
15 couplers in this MTRC Shatin to Central Link contract or
16 project.

17 A. 點樣？繼續吖，繼續問。有冇啲重點？

18 Q. Is it correct that you are describing your practice in
19 handling this MTR project? You are not talking about
20 your approach generally in life; you are talking about
21 how you would do things in this Leighton/MTRC project?

22 A. 我認我有啲開始混淆，即係你其實而家係講緊54段，有冇啲重點，你想問嘅
23 重點？

24 Q. Right. Let me just go to the heart of it. You say:

25 "... the instruction I received in this

1 situation ..."

2 Do you see that sentence?

3 「在這種情況下，我得到啲指示。」

4 "... the instruction I received in this

5 situation ..."

6 Do you see that sentence?

7 "... the instruction I received in this situation
8 was 'If you really cannot screw them in, just leave the
9 bar there first!'"

10 Do you see that?

11 A. 係，係，係。

12 Q. My question is "the instruction I received in this
13 situation" from who?

14 A. 可能係負責嗰個區嘅engine或者管工。

15 Q. You say "可能係", "maybe"?

16 A. 唔係，咁--係，冇錯，冇錯。

17 Q. Maybe?

18 A. 係，冇錯。因為我假設喺嗰個區做緊嘢，咁如果我有啲擰唔到嘅螺絲頭，或者
19 佢係壞咗嘅，擰唔到，咁如果我見到管工嘅，會同管工講；如果見唔到，我就
20 可能會同engine講，咁都係嗰一堆嘅人物，一定會同佢哋講。

21 Q. So this is not confined to Henry Lai?

22 A. 唔係，要睇番你咁多個區㗎嘛，即係你都知有個圖，我有好多個區做嘢㗎嘛，
23 你每個區都有螺絲頭㗎嘛，即係呢個區Henry Lai負責嘅，咪同Henry Lai
24 講囉。

1 Q. So there you are saying that there are people, other
2 than Henry Lai, who have heard you say some couplers
3 have not been exposed and who have told you, "If you
4 can't screw them in, just leave them there"; there are
5 other people from Leighton who have said that to you?

6 Let me help you with what I am getting at.

7 A. 好。

8 Q. For the mismatch in shape incident for the shunt neck
9 joint, you named Henry Lai, so we've got Henry Lai giving
10 evidence later. All right?

11 A. Mm-hmm.

12 Q. But if you now say, for this separate phenomenon of
13 unexposed couplers, there are other Leighton people,
14 other than Henry Lai, who have given you those
15 instructions just to leave the bar there first, I would
16 like to know who they were.

17 A. 哦，唔係。你講緊如果呢個係--呢個區嘅話，就淨係Henry Lai，係呀。

18 CHAIRMAN: And other areas?

19 A. 即係其他location都曾經有試過嘅，即係唔係Henry Lai負責啲嘢，即係可
20 能我講緊咪頭先有份圖，咪講緊HHS/NAT變咗coupler嘅位嘅，咁你啲嘢都係
21 要擰coupler落去㗎嘛。咁有啲係擰個陣時，先知道原來佢壞咗，擰唔到，咁
22 我就會可能問番，即係可能一百支或者五十支得一支係咁，係呀，或者廿支得
23 一支，好少個比例，咁我就話個粒擰唔到啲，咁我擺番條鐵喺嗰度先，到時你
24 嚟驗收個陣時，咁你先至話畀我聽個解決方法係咩嘢。係呀，即係佢哋可能會
25 啲驗收嘅人員，可能會諗啲解決嘅方法，叫我哋加任何嘢落去，去完成佢哋個

1 標準，係呀。

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. 哦，唔係，我講緊其他呢啲位置，唔關Henry Lai事㗎嘛，呢啲location有
6 好多--好多location嘅位，有好多...

7 CHAIRMAN: That's right.

8 A. ...唔同人㗎嘛。

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. 係嘞，嗰啲會嘅，其他位置嗰啲係會嘅。

15 MR SHIEH: But then for this location, joint 3 --

16 A. 係。

17 Q. -- when you had this phenomenon of unexposed couplers,
18 you are saying that it was Henry Lai who gave you that
19 instruction to just leave the bar; correct?

20 A. 冇錯。

21 Q. And if you look at subparagraph (2):

22 "If there were sporadic couplers that have not been
23 chipped open at that bay ... and the situation is not
24 continuous ... I would not specifically inform the
25 engineer of that [site], but will try our best to adhere

1 to the RC details by placing the couplers at the
2 locations required by the RC details, in accordance with
3 the usual practice, and for the above reasons."

4 So, effectively, whether it's sporadic or not
5 sporadic, you would deal with them in the same way.
6 That is, just leave the bar there without screwing it
7 in; correct?

8 A. 唔係，咁擰唔到咁嘛，擰唔到，唔擺喺嗰度，咁點呢，係咪先？你都露唔到個
9 螺絲頭，又見唔到個杯頭，咁我哋都要跟番RC details，嗰條鐵係要喺嗰個
10 位置㗎嘛，係咪先？呢啲就等禮頓嘅你哋嘅人去解決，係咪先？你哋有好多補
11 救方法去做㗎。

12 Q. In paragraph 55 you said:

13 "According to [your] recollection, [you] also called
14 Henry Lai at the time, telling him which locations had
15 pointed couplers and the situation that the concrete has
16 not been sufficiently chipped off. However, he only
17 told me again to 'get as many as you can, and screw them
18 in as best as possible'."

19 Do you see that?

20 A. 65呀，係咪呀？

21 Q. Paragraph 55.

22 A. 55呀？係，係，係。

23 Q. I just want to understand this. If the problem is
24 concrete not having been sufficiently chipped off, so
25 you can't even see the cap --

1 A. 係吖。

2 Q. -- then you can't screw at all; correct?

3 A. 係吖。

4 Q. Then why would Henry Lai say to you, according to your
5 paragraph 55, "get as many as you can, and screw them in
6 as best as possible"?

7 A. 唔係，咁佢都知佢自己打唔夠出嚟，打唔晒咯，咁佢叫我「你打到嗰啲，你就
8 盡扭；打唔到嗰啲，你就照擺番條鐵紮番落去。」係呀，因為佢知道自己係打
9 唔夠。

10 Q. So what you are saying is that when you did shunt neck
11 joint in early January 2017, when you first saw the
12 mismatch in shape, you had that conversation with Henry
13 Lai which we looked at earlier --

14 A. 係。

15 Q. -- paragraphs 45 and 47; right? That's one earlier
16 conversation.

17 A. 係。

18 Q. Then, when you got to do joint 3, when you saw pointed
19 couplers and unexposed couplers, you had a separate call
20 with Henry Lai, when he basically told you to just get
21 as many done as you can. It's a separate, subsequent
22 conversation with Henry Lai, yes; correct?

23 A. 喎。

24 Q. So you had two conversations with Henry Lai already?

25 A. 唔止，應該，係呀，落去--唔係，...

1 Q. Three?

2 A. ...後鬆落去做都可能仲有添，係呀。

3 Q. More than two? More than two conversations with Henry
4 Lai on this topic, about difficulties in screwing in
5 rebars?

6 A. 一定超過兩次。

7 Q. And like before, like in the case of the shunt neck
8 joint, in your communication or communications with
9 Henry Lai, for joint 3, it did not occur to you to
10 record that either in writing or by a WhatsApp message?

11 A. 冇。做第二階段嗰陣時，一定有諗，因為佢第一階段都可以落得到石屎，係呀。

12 Q. All right. I would suggest to you that this
13 conversation that you had, with Henry Lai, when you
14 worked on joint 3, did not take place. Do you accept
15 that?

16 A. 即係你講我做joint 3嗰陣時，我同佢冇任何對話？

17 Q. Not about these problems concerning pointed couplers and
18 insufficient chipping.

19 A. 哦，唔會，一定有同佢講。

20 Q. In fact -- this is a question raised earlier -- it would
21 have been easy and simple for Leighton to get people to
22 chip away any excess concrete to expose the couplers; do
23 you accept that?

24 A. 係吖。

25 Q. Did you ever consider pressing Leighton to do that,

1 rather than leaving the bars outside the wall without
2 even touching anything?

3 A. 當然有叫過佢去做，我亦都知佢哋做唔切，即係我份供詞我唔知有冇講。我個
4 習慣，假設我聽日落去做呢個location，我今日會落去睇，係呀，佢可以--
5 即係我當可能三點零鐘今日去睇，聽朝要埋位啲嘞，佢約咗我啲嘛，有個
6 schedule叫我幾時埋位幾時做，佢約我啲嘛。我都話假設聽日落去做，我今
7 日下晝過去睇，佢可能可以未起手打螺絲頭，或者佢可能係啱啱先起手打螺絲
8 頭，係呀。因為佢係--根本上我都知佢係完全會唔夠時間，打唔切，係呀。即
9 係你正常--即係可唔可以再講嘍？

10 Q. Go ahead.

11 A. 正常如果禮頓叫我哋去嗰個位置做嘢，佢係應該要確保所有螺絲頭嘅杯頭打晒
12 出嚟，或者覆檢冇壞到，先可以叫我哋過去做嘅，佢完全唔係，佢同我排咗個
13 schedule，我聽日去做嘞，佢都知，我聽日唔落去做，我可能三、五日做唔
14 起，佢就落唔到石屎，趕唔到個期，係嘞，佢都係叫我落去做。因為佢好多位
15 置係直情--我唔講上面joint 3喇，講joint 1、joint 2吖，我哋埋去做
16 緊嗰陣時，佢都仲喺度打緊嘍，佢知道我哋今日落去做嘞，我哋啲人落晒去
17 嘞，佢先至叫啲人走嘞，唔好打嘞，唔好阻住我哋做，跟住就係我哋有咁多，
18 就幫佢擰咁多落去喇咁樣嘍。

19 Q. You are suggesting that Leighton, even if their people
20 have not completed chipping off the concrete by the time
21 your people arrived, they would just make way for your
22 people to start working on the rebar?

23 A. 係。

24 Q. Without attempting to finish off the work of chipping

1 away the concrete?

2 A. 咁呢個要問番你哋自己禮頓公司點解咁做。

3 Q. But I'm telling you it didn't take place. I am telling
4 you --

5 A. 冇發生，點樣冇發生呀？

6 Q. What you suggested.

7 A. 點樣冇發生過？

8 Q. I'm challenging what you said. You can disagree with
9 me. What you have described, whereby Leighton people
10 would either not chip away concrete or they would stop
11 chipping away concrete when your people arrive, this
12 phenomenon did not take place at all; do you accept
13 that?

14 A. 你再講清楚少少。

15 Q. You are describing a situation whereby Leighton -- your
16 workers were in place; right? Your workers showed up at
17 a place --

18 A. 係，係。

19 Q. -- where they are supposed to do the rebar fixing work,
20 and Leighton, when your workers got there, Leighton
21 would tell their people to go away and stop hacking off
22 and to let your people start your work; right? You just
23 said that?

24 A. 係。

25 Q. I am challenging you. I am saying this kind of thing

1 did not happen. Do you accept that?

2 A. 點解冇發生過呢？唔接受。

3 Q. Right. Now, you gave as a reason Leighton was in
4 a hurry; that's why it did not chip away all the
5 concrete; yes?

6 A. 係吖。

7 Q. Who told you that Leighton was in a hurry, or was it
8 your guess?

9 A. Henry Lai.

10 Q. Where in your statement did you say that Henry Lai told
11 you that Leighton was in a hurry?

12 A. 我份證供有冇講呀？唔係，佢同我講好趕。唔係，即係點解？我假設吖，你可
13 以叫我唔埋位㗎，點解你係--Henry Lai係都要叫我埋位呢？點解你唔打好
14 晒、做好晒、check晒，先叫我埋位呢？點解你係都要求我哋要即刻落去做嘢
15 呢？我哋都係聽你禮頓嘅工作人員指示咋嘛，啱唔啱先？

16 CHAIRMAN: Is that a --

17 A. 即係我相信個地盤，如果我哋去嗰個location做嘢，我諗可能任何一個管工
18 或者engine可以stop我哋嘅工人，唔畀我哋做，呢樣嘢係一定可以發生，啱
19 唔啱先？

20 CHAIRMAN: All right. We are going to leave that until
21 tomorrow morning.

22 Mr Shieh, is that sufficient for you?

23 MR SHIEH: Yes.

24 CHAIRMAN: Thank you.

25 Mr Pennicott, the time again?

1 MR PENNICOTT: Sir, first of all --

2 CHAIRMAN: Normally it's 10.00.

3 MR PENNICOTT: It is. I just wonder whether this would be
4 an appropriate juncture to perhaps invite those who have
5 yet to cross-examine how long they might be, because
6 that might give us a clue as to whether we need to sit
7 a little longer tomorrow.

8 CHAIRMAN: All right.

9 MR PENNICOTT: Whether you want to do that with or without
10 the witness is up to you. The witness needs to be given
11 the usual warning overnight as well.

12 CHAIRMAN: Yes, of course.

13 We have finished for today. You are still giving
14 your evidence, and so my reminder to you or my statement
15 to you earlier that you're not allowed to discuss your
16 evidence until it is completed, that still applies.

17 A. 明白。

18 CHAIRMAN: So you can't discuss your evidence with anyone
19 overnight; okay?

20 And when you finish your evidence tomorrow, then
21 obviously you are free to go and to say and do what you
22 wish. But overnight you must not discuss your evidence
23 with anybody.

24 Just bear with us a moment, if you would. Just to
25 get an idea of length of cross-examination, Mr Shieh?

26 MR SHIEH: I'm not going to be much longer. Maybe another

1 15 minutes.

2 CHAIRMAN: All right. Good.

3 Mr Khaw?

4 MR KHAW: Not more than 30 minutes.

5 CHAIRMAN: All right.

6 MR BOULDING: Sir, at the moment we don't have terribly much
7 at all, but obviously we are looking at the answers in
8 the transcript.

9 CHAIRMAN: Yes, of course.

10 MR BOULDING: But not that much.

11 CHAIRMAN: All right. I think we can start at 10.00.

12 MR PENNICOTT: I think so, yes.

13 CHAIRMAN: So we will start again tomorrow morning at
14 10 o'clock. Good. Thank you all.

15 (5.03 pm)

16 (The hearing adjourned until 10.00 am the following day)

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