

1 Thursday, 30 May 2019

2 (10.01 am)

3 MR SHIEH: Good morning, Mr Chairman and Mr Commissioner.

4 CHAIRMAN: Yes.

5 MR NG MAN CHUN (on former affirmation in Cantonese)

6 Cross-examination by MR SHIEH (continued)

7 MR SHIEH: Good morning, Mr Ng. I just have a few further
8 questions for you this morning.

9 Yesterday, you described a phenomenon where couplers
10 or the caps on the couplers were not exposed because the
11 concrete has not been fully chipped off. Do you
12 remember that?

13 A. 記得。

14 Q. And you said you had been told that you just put the end
15 of the rebar near the wall, so to speak, because there's
16 no coupler for you to put it in, so you've been told
17 just to put the threaded rebar near the wall, without
18 trying to connect?

19 A. 係。

20 Q. This was what you said?

21 A. 係，我咁樣講，係。

22 Q. I just wish to understand how it's supposed to work. If
23 the threaded end of a rebar did not even touch or engage
24 with a coupler, but is basically left at a small
25 distance from the wall, are you saying that it's hanging
26 in midair? How is it suspended?

1 A. 佢唔係半空中嘅，嗰個情況因為佢1111嗰個杯頭我哋咪擰唔到或者佢打唔到、
2 掂唔到嘅，但係另外嗰面我哋係掂到嘅話，(demonstrating)即係有兩條
3 lap鐵嘍嘛，呢面係會擰咗入去嘍嘛，呢條咪紮住佢囉，可以用鐵線紮實佢嘅，
4 唔係凌空吊住嘅。

5 Q. Okay. I understand. I just wish to understand how it
6 is that it would work, because, as a matter of work
7 routine, the bar fixers would all go to, let's say, the
8 1111 wall, and they would try to screw in the threaded
9 ends to the couplers on the 1111 wall, as a matter of
10 normal routine; correct?

11 A. 係。

12 Q. And after screwing in the bars on 1111, and after
13 screwing in the bars on 1112, they then lap the bars in
14 the middle, when they intersect or overlap; correct?

15 A. 係。

16 Q. That's the normal routine, the normal sequence; correct?

17 A. 冇錯。

18 Q. What you are saying is, when workers were trying to
19 connect the bars to the couplers, let's say along 1111,
20 and they come across a coupler or couplers which were
21 not exposed --

22 A. 係。

23 Q. -- they would interrupt the normal sequence, go to the
24 middle, lap the middle with the bar coming from the
25 other side; is that what you are saying?

1 A. 係。

2 Q. Then they would go back and continue fixing the other
3 bars onto the 1111 wall?

4 A. 係。

5 Q. I suggest to you -- well, I've done that before but
6 I say it again -- Henry Lai never told you to just leave
7 the rebars outside the wall, as you suggested. Do you
8 accept that? Do you agree?

9 A. 唔同意。

10 Q. Now, can I then move on to look at your witness
11 statement, at paragraph 63. You here describe this
12 further phenomenon of rebars which were thinner than the
13 couplers?

14 A. 係。

15 Q. And you again described a telephone call with Henry Lai
16 in which he told you "just [to] stick them in, it's not
17 as if the wall would collapse"; do you see that?

18 A. 見到。

19 Q. This is not a normal situation, because there's a size
20 mismatch. It's not a shape mismatch but it's a size
21 mismatch, so it's not normal; correct?

22 A. 喎。

23 Q. And again you had not tried to protect Wing & Kwong by
24 recording it either in writing or in an audio message or
25 in WhatsApp message; correct?

1 A. 同意。

2 Q. I suggest to you that this simply did not happen.

3 A. 唔同意。

4 Q. I've asked this before, in relation to the other
5 conversation, but in relation to this conversation, did
6 it occur to you even to try to have an audio record or
7 a written record of what Henry Lai has instructed?

8 A. 冇。

9 Q. So it was an oversight on your part, or are you too
10 trusting to Henry Lai, or what?

11 A. 我認我疏忽，同埋我相信佢，係。

12 Q. I suggest to you it's neither. There's no record
13 because it didn't happen. Do you accept that?

14 A. 唔同意。

15 Q. Fine. I'll move on.

16 Paragraph 72. Here, you are talking about joint 1;
17 yes? Base slab. And you talk about a lot of concrete
18 that has not been chipped open; yes?

19 A. 係。

20 Q. And then again you talked about a conversation with
21 Henry Lai. You say:

22 "... there hasn't been sufficient chipping off
23 again! Do we need to call ... to work overnight?"

24 And Henry then said, "Try to screw in as much as you
25 can."

1 Do you see that?

2 A. 見到。

3 Q. It wouldn't surprise you to hear that I'm suggesting to
4 you that, first of all, there's no record of this
5 anywhere; yes?

6 A. 冇，冇，我同佢當面㗎嘛，呢樣，一定係當面嘅，當面對話嚟，呢個唔係
7 電話對話嚟。

8 Q. I'm sorry, it says you "immediately called Henry Lai".
9 You telephoned him. "我於是馬上致電給Henry Lai, I immediately
10 called Henry Lai".

11 A. 唔係，我呢度我唔係記得咁清楚，即係我一係就見唔到佢嘅話，我會即刻打畀佢，
12 如果佢喺現場嘅話，我就會現場即刻同佢講。

13 Q. There's no record, I say, because it didn't happen, this
14 conversation did not happen. Do you accept that?

15 A. 唔同意。

16 Q. Now, just so that we are clear on this, in this day and
17 age, people communicate by WhatsApp pretty regularly,
18 and you told us that you have WhatsApp function on your
19 phone; you have WhatsApp function on your phone, right?

20 A. 係。

21 Q. And different people have different work habits, but you
22 actually regularly use WhatsApp in communication in work
23 matters; correct?

24 A. 冇。

25 Q. Let me just move on. Paragraph 76. This time -- this

1 is joint 2, the internal joint within 1112; yes?

2 A. 係。

3 Q. This time, Henry Lai was there. You can see you recall
4 that "Henry Lai was present" -- this is about two or
5 three lines, near the bottom. You "recall that Henry
6 Lai was present to supervise ... at the time"; right?

7 A. 我唔知佢監工定係咩嘢，應該我撞到佢，喺個現場。

8 Q. So this time you told him the problem, you say, and he
9 gave you the same answer, which was to tell you just to
10 proceed, do you see that, at the end of this paragraph?

11 A. 冇錯。

12 Q. I have to suggest that this conversation didn't take
13 place.

14 A. 唔同意。

15 Q. Paragraph 82. You are talking about joint 2, and you
16 make the obvious point, which is correct, that joint 2
17 is not at the interface between 1111 and 1112; yes?
18 It's all within 1112; correct?

19 A. 喎。

20 Q. So just to ask you to confirm there is no shape mismatch
21 for joint 2; yes?

22 A. 喎。

23 Q. Let me just see. Paragraph 78. Here, you are talking
24 about doing joint 1, and you are talking about some
25 concrete that had not been chipped off; yes?

1 A. 係。

2 Q. And some problem of mismatch, and you talked about
3 a call with Henry Lai, and Henry Lai's answer; do you
4 see that?

5 A. 見到。

6 Q. I challenge you on the same basis, that this
7 conversation did not happen.

8 A. 唔同意。

9 Q. Now, finally in relation to these "problems" that you
10 say you encountered, look at paragraph 84 and 85.

11 In paragraph 84, you are talking about a wall on
12 joint 2, and you saw a row of couplers which have not
13 been chipped open, do you see that, at paragraph 84?

14 A. 見到。

15 Q. You then described a call to Henry Lai and you described
16 a conversation?

17 A. 係。

18 Q. Again, I suggest that you did not tell Henry Lai about
19 the problem that you say you have encountered, that
20 Henry Lai did not have that conversation that you
21 described at paragraph 85; do you accept that?

22 A. 唔同意。

23 Q. Now, yesterday you showed us some photographs and you
24 said the photos show some couplers or some caps, red
25 caps not to be closed. I just wish to take you to one

1 or two of them.

2 Can I ask you to look at bundle EE, page 411.

3 A. 係。

4 Q. This is I think one of the photos that you showed us
5 yesterday or which counsel took you to yesterday. When
6 you I think tried to say that there's a certain area
7 which shows that some concrete has not been hacked off
8 to reveal the couplers, you tried to circle part of this
9 photograph; do you remember?

10 A. 記得。

11 Q. I have to say that from what I can see, I can't see
12 anything which suggests a row of couplers and then some
13 couplers not exposed.

14 Now, Mr Chairman and Mr Commissioner, it may well be
15 that this is not really a point for cross-examination,
16 because you know that I challenge what he said to be
17 what he had observed. He tried to say that the
18 photographs bear out what he had seen. Now, the photos
19 show what they show, and we can all see what it says and
20 we can make submissions, but I just wish to make it
21 clear that we are not accepting what this witness says
22 to be what is shown in the photographs. So that is why
23 formally I have to go through this. I wish to put my
24 questions in context.

25 So if the Commission thinks or if anyone thinks, "We
26 can all see the photos, we are not going to blame you

1 for not having challenged the witness", I can gladly
2 move on, but this really is the direction I'm going.

3 CHAIRMAN: We're not going to blame you for not challenging.

4 MR SHIEH: Very well. Then I can move along reasonably
5 quickly.

6 CHAIRMAN: Yes.

7 MR SHIEH: 411, do you remember you tried to circle an area
8 which you say showed unexposed couplers, and likewise --
9 so we can move quickly -- at 409 you also circled
10 an area which you say showed some unexposed couplers, do
11 you remember, 409?

12 A. 記得。

13 Q. Do you remember yesterday you circled an area which you
14 say there were missing caps; remember?

15 A. 記得。

16 Q. I think also, 408 -- remember you again helped us by
17 circling an area on this photo --

18 A. 係。

19 Q. -- you say showed some missing caps which were not
20 exposed; yes?

21 A. 記得。

22 Q. Two things to suggest to you. First of all, you never
23 drew these to the attention of Leighton at the time, if
24 there were in fact these problems.

25 A. 唔同意。

1 Q. And anyway -- you may say that we can all see for
2 ourselves -- I'm suggesting to you that from the photos
3 we can't really see any missing caps as you suggested.

4 A. 你嘅所講嘅相片睇唔到有任何螺絲帽，係點解？

5 Q. We can't see any phenomenon of caps that were not
6 exposed.

7 A. 唔同意。

8 Q. Can I ask you to look at your witness statement,
9 paragraph 96. You described a meeting at the
10 construction site with Leighton's staff?

11 A. 係。

12 Q. So Henry Lai was there and you said there was someone
13 who you believe to be Henry Lai's superior?

14 A. 係。

15 Q. At paragraph 97, you describe what was said during the
16 meeting, and you said you remember that the person who
17 you believe to be Henry Lai's superior did ask you,
18 "Around what percentage [was] actually ... screwed in",
19 and you said "definitely at least 70 per cent".

20 A. 冇錯。

21 Q. And following from this, he told you to go back and wait
22 for instructions.

23 You then drew a conclusion:

24 "Clearly, this superior knew that not all rebars
25 have been screwed into the couplers, which was why he

1 asked me around what percentage of the rebars has
2 actually been screwed in."

3 Do you see that?

4 A. 睇到，睇到，睇到。

5 Q. What I suggest to you is this. The meeting which you
6 recall to have taken place and which Leighton recalls to
7 have taken place involved a certain foreigner called Jon
8 Kitching. Do you remember Jon Kitching being there?

9 A. 記得唔係好清楚--唔係，嗰個會面，我講番嗰個情況，可唔可以呀？

10 Q. Yes, go ahead. I'm just giving you a chance to explain.
11 The meeting that you recall when you were asked
12 a question -- I'm telling you that from Leighton's
13 perspective, yes, there was a meeting when they asked
14 you questions, but that meeting involved Jon Kitching.
15 Do you remember a meeting with Jon Kitching?

16 A. 好似有一、兩個外籍人士喺度，但係講咗幾句，咁就走咗。

17 Q. So this meeting -- so, in this meeting that you
18 described in paragraph 96/97, you remember there were
19 one or two foreigners in this meeting?

20 A. 係。

21 Q. Now, what happened was that in fact Jon Kitching asked
22 you questions and then a Chinese gentleman called
23 Mr Cheung Chi Wai translated Jon Kitching's question to
24 you. Do you remember that?

25 A. 應該係。

1 Q. Right. So any questions asked of you in this meeting in
2 fact were Jon Kitching's questions which were translated
3 by Mr Cheung; do you accept that?

4 A. 接受。

5 Q. And the question was, basically, to ask you to tell the
6 truth on how many per cent of rebars you have actually
7 screwed in; yes?

8 A. 即係佢當時咁樣問嘅，印象唔係好記得佢問過咩嘢。

9 Q. But, on your evidence, Henry Lai was there?

10 A. 佢喺度。

11 Q. But leaving aside whether he was there, at this meeting,
12 you already knew that problems had arisen, problems had
13 already arisen, by way of water leakage; yes?

14 A. 係，如果唔係，佢都唔叫我過去。

15 Q. Yes. And, on your recollection, on your recollection
16 and according to what you had discussed with Ben, as you
17 say, there were problems of mismatch and unexposed
18 couplers, et cetera, during construction. These were in
19 your mind at the time; correct?

20 A. 你講係阿Ben打畀我嗰陣時，定係幾時？

21 Q. Before this meeting, according to your witness
22 statement, you had a discussion with Ben Cheung already;
23 correct?

24 A. 佢打過畀我傾過，係呀。

25 Q. Yes, and you had basically described to him the sort of

1 problems you he encountered on site; correct?

2 A. 係。

3 Q. Mismatch in shape, unexposed couplers, these problems
4 you had told Ben Cheung already; correct?

5 A. 係。

6 Q. And, in your mind, you would have drawn a connection,
7 a link, between these problems with the water leakage
8 that had occurred; correct?

9 A. 唔係好明你問咩嘢。

10 Q. In your mind, at the time of this meeting, you would
11 have drawn a connection between the problems you
12 encountered on site, what Henry Lai had told you to do;
13 yes? "Screw as best as you can or just not screw at
14 all" and the problem of water leakage that had
15 occurred -- you would have been able to draw
16 a connection between these things?

17 Put simply, you would have been able to say to
18 yourself "water leakage occurred because of the kind of
19 connection or non-connection that we did"?

20 Maybe too long.

21 CHAIRMAN: No, it's not too long. That presupposes
22 causation. That presupposes that it was the failure of
23 connection which led to the leaking.

24 MR SHIEH: Yes. I was asking -- it may or may not be but
25 I was just asking --

26 CHAIRMAN: Exactly. So long as that's clear, that's all.

1 MR SHIEH: Maybe I will just rephrase it. Thank you,
2 Mr Chairman.

3 I will put my question again, Mr Ng, because maybe
4 it's too long and maybe the message has not been put
5 entirely correctly, so listen again.

6 Has it occurred to you at the time of this meeting
7 that the water leakage problems were attributable to or
8 caused by the non-connection of the rebars on site, or
9 inadequate connection of the rebars --

10 A. 唔，一定有諗過，係呀。

11 Q. And you thought that it was a possible cause; yes?

12 A. 係。

13 Q. And this meeting at Leighton was called because of the
14 water leakage problems; yes?

15 A. 係。

16 Q. Yesterday, when Wing & Kwong's lawyer, Mr Tsoi, on my
17 right, asked you why in this meeting you did not mention
18 your conversation with Henry Lai at this meeting -- do
19 you remember that?

20 A. 咩嘢對話？唔係好記得。

21 Q. Anyway, I am suggesting to you now that if the
22 conversations which Henry Lai had with you, where he
23 told you to try to screw in as best as you can or where
24 he told you just to put the bar near the wall, if these
25 conversations did take place, you ought to have

1 mentioned them at this meeting to explain the leakage.

2 Do you accept that?

3 A. 嗰一刻，嗰兩個外籍人士問嘅問題我記得好少，兩、三條，咁就走咗喇，
4 就交咗畀頭先你講嗰個，我記得就係我形容佢係佢上司嗰個唔知咩嘢志偉喇，
5 係喇，咁就然後我同Henry同黃小姐同埋嗰個佢嘅上司行落去現場視察嗰陣
6 時，就嗰個咩嘢志偉，即係佢上司，都問「喂，你哋係咪扭咗幾多成呀？」
7 扭咗六、七成，跟住Henry全程係完全冇講嘢，完全對我係唔敢講任何嘢。

8 CHAIRMAN: I think that in part the question asked of you
9 relates to what you said. In other words, did you
10 protest at any time that a failure of the connection of
11 rebars, which may have brought about water leakage, was
12 at the insistence of Henry Lai?

13 A. 我想講番，嗰個會議冇人問我任何嘢，即係只不過佢啗我落去講我大概幾時做、
14 點樣做法，跟住佢淨係叫我落去睇下嗰個環境，佢哋講佢哋會鑿開某啲位去睇下
15 啲螺絲頭，即係睇下有冇問題，淨係好簡短嘅議程，冇問過我任何嘢，即係冇問
16 過我任何再其他嘢應該。

17 CHAIRMAN: But, according to your statement, paragraph 97,
18 the meeting lasted about 20 minutes.

19 A. 大約喇，我依稀記得，係呀。

20 CHAIRMAN: From what you have said, it would seem to be the
21 case that you must have understood that what you had
22 done, under the instructions of Henry Lai, was to
23 complete the work well below acceptable standards.

24 A. 冇錯。

1 CHAIRMAN: And now, suddenly, you had this meeting with
2 a couple of senior foreigners from Leighton. You had
3 other people there, and you were going to be asked about
4 the failure to properly complete the installation of
5 rebars; right?

6 A. 我印象中，佢哋好似冇問過我咁嘅問題。

7 CHAIRMAN: Well, you knew what the problem was, didn't you?

8 A. 知。

9 CHAIRMAN: And, from what you tell me, Henry Lai was
10 standing there?

11 A. 係，係，係。

12 CHAIRMAN: Now, it may be suggested that when you realised
13 that the reputation and perhaps the treasury of your
14 company was at stake, and you were standing almost next
15 to the man who had instructed you to do all these
16 things, that you might not have raised the issue there
17 and then, pointed at Henry Lai and said, "But look, I've
18 done all this under his instructions. This is the man
19 you need to speak to." But, from what you tell me, you
20 didn't say anything about Henry Lai's participation in
21 the work that had been done.

22 A. 嗰個會我可能冇講。

23 CHAIRMAN: Sorry, Mr Shieh. Thank you.

24 MR SHIEH: Can you look at paragraph 94 of your statement.

25 You were describing what was in your mind when Ben

1 Cheung first told you about the water leakage problem;
2 yes? Do you remember that?

3 A. 係，係。

4 Q. You remember clearly the main points of discussion. You
5 say:

6 "... when I heard him say that Leighton reckoned
7 that the water seepage may have been caused by problems
8 with our construction works ..."

9 So Leighton's blaming.

10 "... my first reaction was probably that of anger as
11 everything we have done throughout the entire
12 construction was done pursuant to the RC details or the
13 instructions provided to us by Leighton (especially
14 Henry Lai)."

15 Do you see that?

16 A. 係。

17 Q. So there you are. You were angry, correct, when you
18 spoke to Ben Cheung, when Ben Cheung told you the
19 problem; yes?

20 A. 係。

21 Q. So Leighton, in your mind, was really being unfair to
22 you; right? Having instructed you to do that, now
23 blamed you for the problem; yes?

24 A. 唔，可能係。

25 Q. So Leighton was not accepting responsibility for it. It

1 was forcing you to, in Cantonese -- I don't know how you
2 translate it -- eat a dead cat, forcing you to accept
3 responsibility unfairly?

4 A. 可唔可以我澄清番先？如果你話要負責，呢啲基本上阿Ben Cheung處理，
5 唔係我處理，佢同我通過電話，我解釋咗畀Ben Cheung聽，Ben Cheung
6 去處理嘅，佢只不過叫我第二日，禮頓要求我落去，可能有個會面，我淨係
7 負責落去個會面，當時有啲咩嘢人問我咩嘢問題，我只係答啲咩嘢問題啫，
8 即係我嗰一刻我覺得我唔完全可以代表永光又好，輝宜又好，去做啲咁重要
9 嘅決定，因為Ben Cheung係佢去處理㗎嘛佢講。

10 你話抗議唔抗議啲啲，我相信佢會去--Ben Cheung會去做，我唔覺得
11 我--即係就算現場抗議--即係可能我當時係冇抗議，因為佢都冇人問，好老
12 實，嗰個好短暫嘅會議，嗰個外籍人士問完我唔記得三幾句，跟住就然後就
13 我哋行落去，三個人、四個人落去望完五至十分鐘，佢叫我走喇，叫我等消息
14 喇，好簡單嘅，嗰個會議。

15 Q. Just a few answers ago you said, "At that moment ...
16 I don't think I could make such important decisions on
17 behalf of either Loyal Ease or Wing & Kwong because it
18 was Ben Cheung who should be responsible for it." That
19 is what you said just now.

20 A. 係。

21 Q. What was the important decisions which were for Ben
22 Cheung to be responsible for? What are you referring
23 to?

24 A. 點樣講呢？我哋淨係--即係我跟指示去做嘅啫，地盤所有嘢，佢都係畀指令

1 我，我同公司啲人夾，佢--即係等於--回憶番先，佢打畀我話有咁嘅事，跟住
2 好可能嗰一刻「係喎，點解會咁？」跟住然後我咪講畀佢聽嗰度、嗰度咁樣做，
3 跟住「咁你第二日落去同人哋開咗會先喇，睇下人哋有咩嘢講先喇。」我只不
4 過照跟個指示第二日落去開會。

5 開會期間，佢哋又有問啲咩嘢問題，你又話我有抗議，冇答，我即係或者我--
6 大概係咁喇，即係我講番我嗰陣時嘅情況做過啲咩嘢、講過啲咩嘢啫。

7 Q. Let's get it clear. At the time of the meeting, your
8 impression was that Leighton was blaming Wing & Kwong
9 for the water leakage problem?

10 A. 嗰一刻，嗰刻佢唔係--我又唔覺得佢係責怪，嗰刻佢淨係好似想問清楚我
11 究竟點樣做、幾時做，好簡短問咗幾句嘢咋喎，佢唔係問得好詳細啲嘢。

12 Q. But the impression that you got from Ben Cheung's
13 conversation with you before the meeting was that
14 Leighton was laying the blame on Wing & Kwong; correct?
15 That was why you were angry?

16 A. 應該係。

17 Q. So my question was, my question is, never mind whether
18 you were asked positively. As a matter of common sense,
19 you should set the record straight, shouldn't you?

20 A. 你講開嗰個會我要解釋？

21 Q. Yes.

22 A. 佢冇問，我解釋啲咩嘢呢？嗰刻嗰個會--唔係即係如果你覺得嗰個會，即係
23 你哋禮頓係咁緊要，想知道，你哋應該會發問㗎嘛，係咪先？你哋都係問幾句
24 嘢，就然後帶我落去行個圈，跟住嗰我走，你如果覺得嗰個會你係咁重要嘅，

1 你哋點解嗰陣時唔做紀錄問多啲問題呢？我都係被知會落去了解下情況咁樣嘅
2 咋喎。

3 Q. Remember yesterday you talked about the need to protect
4 Wing & Kwong, and that's why you need to expressly get
5 Henry Lai to agree that, yes, you can do that, in
6 relation to the mismatch in shape, "Just screw in as
7 best as you can"; you said you wanted to protect Wing
8 & Kwong, that's why you had to expressly get Henry Lai
9 to agree that it was him who asked you to do that?

10 A. 係。

11 Q. But on the day of the meeting, it was precisely why you
12 needed to invoke that protection; do you accept that?

13 A. 即係你講落去禮頓嗰個會議我需要辯護？係咪？

14 Q. Yes.

15 A. 我不如反問番你，可唔可以？唔係，我講簡單啲，我嗰個會議我唔覺得我落去
16 要咩嘢辯護嘅，即係好老實，你哋公司叫我開個會，你哋問咩嘢，我要答咩嘢，
17 係咪先？我--好老實，你嗰個會議太簡短，都有乜重要嘢問，好老實，如果你
18 真係想知，我諗你嗰個會議你嗰啲所謂高層係要完全知件事嘅，係會有好多問題，
19 我相信你哋會有紀錄會議，啱唔啱先？

20 會唔會係你哋嗰個會議當中部分嘅人已經知道根本上嗰個位置係打唔夠螺絲
21 頭，打唔到，我好多擰唔到，係咪基本上在場嘅人所有都知呢？我唔排除有咁嘅
22 可能，如果有嘅，好老實，你嗰啲高層會問喇，點解唔發問呀？點解冇會議紀錄
23 呀？簡短傾兩句，跟住帶我落去遊個花園，跟住影兩張相，後扈都有--以我後扈
24 而家先知，點解後扈冇啗我哋公司，打完喇，嗰啲照片畀番我哋公司永光睇？

1 冇，我都係後期先知呢樣嘢。

2 我自己覺得我嗰個會議我唔需要一落去就抗議先，何況我將我所有遇到
3 嘅問題講咗畀Ben Cheung聽先，我都係被告知落去了解，了解禮頓你哋會有
4 啲咩嘢問我。你可以話我經驗唔夠嘅，我覺得如果係真係咁，我可能好似可以
5 學中科嗰位乜生晨早講你哋係咁喇，係咪呀？

6 Q. I think what he meant was a Mr Somebody from China Tech.

7 A. 因為你有幾多螺絲頭擰唔擰到落去、接唔接駁到落去，即係個結構有冇危險，
8 好老實，我哋都唔識嘅，我哋跟個指示去做嘅之嘛，啱唔啱先？

9 MR TSOI: I hesitate to interrupt but I think the
10 transcription has missed out part of the answer Mr Ng
11 gave in relation to a Mr X of China Tech. I think part
12 of the answer was, "I would have said what you guys
13 did." Perhaps we could hear the transcript.

14 MR SHIEH: Perhaps we can ask the witness to repeat what he
15 intended to say.

16 MR TSOI: Sure.

17 MR SHIEH: Mr Ng, just now you said something like, "You can
18 say I am inexperienced, I could have acted like the
19 other person from China Tech." I just wish -- because
20 there seem to be some missing bits in the translation or
21 the transcription -- perhaps you can repeat what you
22 intended to say in that answer.

23 A. 唔記得㗎喇，唔係，你想講邊段先？頭先我都講咗好多嘢，唔係，即係簡單講
24 一次，你質問我覺得嗰個會我應該去反抗，即係嗰一刻嗰個會我唔覺得去反抗
25 嘅，我將我嘅嗰時做嘅情況講晒畀Ben Cheung聽，Ben Cheung去處理，我

1 淨係告知第二日或者一、兩日後去禮頓開個會議，了解一下，了解嗰陣時都有
2 人問我好多嘅問題，個會議好簡短，你頭先質問我，我反而覺得如果你哋覺得
3 嗰個會議好重要嘅，你應該會有啲人去提問啲好重要嘅問題、去做紀錄，係咪先？

4 MR TSOI: I'm so sorry but I've been requested to ask the
5 witness to speak slower. I have been requested by those
6 instructing me.

7 MR SHIEH: So, Mr Ng, are you saying that, in your mind, at
8 the meeting, you thought maybe the supervisor or the
9 foreigner, or Mr Cheung from Leighton, already knew that
10 there had been inadequate connection made at the joints?

11 A. 係，嗰個會議，我覺得感覺上係。

12 Q. Wasn't it natural for you to say, "Well, yes, of course,
13 this guy told me so, Henry Lai told me to"?

14 A. 佢冇--有人問，我先會講嘅，我覺得，佢嗰個會議冇乜人問其他問題，唔係，
15 即係佢問我咩嘢，我當時淨係答番啲咩嘢囉。

16 Q. I think I have spent enough time on this topic.

17 Can I then move on finally to one small point. At
18 various points in your witness statement, you referred
19 to a suggestion that the non-connection or the
20 inadequate connection would have been obvious to the
21 naked eye?

22 A. 即係如果接駁唔好嘅話，係。

23 Q. In fact yesterday, at various points in time, you
24 actually said you expected the work to be rejected?

25 A. 正常係。

1 Q. So nobody had promised you, for example, "Just do it,
2 I'll close my eye and let it pass"; nobody had suggested
3 that to you?

4 A. 你慢慢講多次。

5 Q. No one from Leighton had promised you, "Just do it, I'll
6 close my eye when I inspect and I'll pass it"? No one
7 had promised you that?

8 A. 冇人保證過。

9 Q. Would you accept that the stitch joint was a rather
10 confined and narrow environment?

11 A. 都唔算太狹窄。

12 Q. And, as and when bars were connected in layers, the
13 space occupied by the bars could get a bit cluttered and
14 congested?

15 A. 會。

16 Q. Which could make detailed visual inspection difficult?

17 A. 呢個我唔清楚。

18 Q. I suggest to you that you made non-connections or
19 inadequate connections of the bars without authority
20 from Leighton, and taking your chance -- and took your
21 chance that it would be -- it would not be spotted
22 during inspections.

23 A. 唔同意。

24 MR SHIEH: Thank you very much, Mr Ng. I have no further
25 questions.

1 CHAIRMAN: Thank you.

2 Mr Khaw? Sorry, I'm not quite sure --

3 MR PENNICOTT: Sorry, sir, before anybody else starts to ask
4 any questions, can I just draw to your attention one
5 matter -- potentially three matters.

6 Just before we started this morning, at 9.48 -- you
7 can see I'm reading from my phone -- we received
8 an email from those instructing my learned friends
9 Mr Shieh and Mr Chang. That email attached three new
10 witness statements. They are mercifully short. I was
11 given those statements at about 10.20 in hard copy, when
12 somebody came in and gave them to me.

13 The email goes on to say:

14 "Leighton wishes to provide to the Commission these
15 witness statements to supplement the third witness
16 statement of Henry Lai in reply to the witness statement
17 of Mr Ng [who is currently in the witness box], and to
18 provide additional information in relation to the
19 matters raising in the opening address by counsel for
20 the Commission."

21 Sir, the position is that two of those witness
22 statements deal with certain limited aspects of the
23 current witness's evidence, and they are witness
24 statements from Mr Jonathan Kitching and from Mr Cheung
25 Chi Wai who, as I think we heard earlier, acted as the
26 interpreter at the meeting that Mr Shieh has been

1 discussing with the witness. Those two witness
2 statements are pretty short and just deal essentially
3 with that meeting and what was discussed, and obviously
4 Mr Shieh has been cross-examining on the basis of what
5 I've seen in these witness statements.

6 I imagine no one else has had the benefit of seeing
7 them yet.

8 Sir, the other witness statement is the fifth
9 witness statement of Joe Tam. That doesn't deal
10 directly with this witness's evidence, but does deal
11 with the whole question of who was responsible for the
12 chipping off of the concrete, both in relation to the
13 Gammon-Kaden side of the stitch joints and the Leighton
14 side of the stitch joints.

15 I won't say any more than that at the moment, but
16 there is definitely, so far as the Gammon-Kaden side,
17 a significant shift in, well, my understanding, if the
18 witness statement is to be accepted as accurate, that is
19 that indeed Gammon-Kaden were responsible for chipping
20 off the concrete on their side of the stitch joint and
21 not Leighton.

22 So that's taken me, I am bound to say, a little bit
23 by surprise, but there we are.

24 Sir, I don't know what the best thing to do is.
25 I do think it right that Mr Tsoi at least should see the
26 two brief statements before he is required to

1 re-examine. Maybe the answer is to adjourn now so that
2 they are given maximum time, rather than continue with
3 the cross-examination. But, sir, I'm in your hands and
4 if anybody else has any observations, no doubt they will
5 make them.

6 MR TSOI: Thank you. I thank, as I usually do, counsel for
7 the Commission for that. I am grateful.

8 The trouble I may run into is that, whilst if the
9 witness statements were provided to me before Mr Ng
10 started to testify, I would have been able to ask him
11 questions in private and take instructions thereof, but
12 because of this, I wouldn't call "ambush", but the
13 information about this meeting has all along been in
14 Mr Ng's statement, so I'm quite surprised that we are
15 now obtaining last-minute information about the meeting.

16 Be that as it may -- I'm sure it's nothing to do
17 with my learned friends -- I am at a slight disadvantage
18 in that I can't talk to Mr Ng about those two
19 statements. With leave from the Commission, if I am to
20 have access to those statements, may I ask for
21 permission to talk to Mr Ng about them, and I shall
22 confine myself only to the contents of those two
23 statements?

24 MR SHIEH: Can I just say that it's only fair that my
25 learned friend can do that and we have absolutely no
26 problem, obviously subject to Mr Pennicott's position,

1 but from our perspective, it has come in late and
2 Mr Tsoi should be able to speak to this witness only on
3 the subject matter of those short statements which, as
4 Mr Pennicott indicated, concern that meeting.

5 MR PENNICOTT: Sir, I think that must be right. I'm
6 grateful to Mr Shieh for that indication. I think
7 Mr Tsoi will find, in fact, that there's not much he
8 needs to ask of the witness, given the answers the
9 witness has given, but obviously that's a matter for
10 Mr Tsoi, ultimately.

11 CHAIRMAN: Any further comments from any counsel?

12 MR BOULDING: No, sir. It doesn't sound, from
13 Mr Pennicott's description of the contents of the
14 statement, that they impact upon MTR, but obviously we
15 would like to see them, just in case they do.

16 CHAIRMAN: Yes. Thank you very much.

17 So what we'll do is we'll have the mid-morning
18 adjournment now, and counsel will get an opportunity to
19 see these statements during the mid-morning adjournment,
20 in addition to which the witness will have
21 an opportunity to read them and to discuss the contents
22 of the statement with his counsel but no more than that.

23 MR PENNICOTT: Yes, sir.

24 CHAIRMAN: Is that satisfactory?

25 MR PENNICOTT: Yes, sir, and we will inform you, sir, when
26 everybody is ready to re-start, because we probably may

1 need a bit more than 15 minutes, perhaps.

2 CHAIRMAN: Good. If you let our staff know.

3 MR PENNICOTT: Yes, sir.

4 CHAIRMAN: Thank you.

5 (11.01 am)

6 (A short adjournment)

7 (11.30 am)

8 CHAIRMAN: I'm not sure if it was going to be MTR or
9 government. It depends which way you want to count the
10 next row back.

11 MR BOULDING: Well, sir, in the light of the evidence that
12 Mr Shieh has obtained from this witness, we've got no
13 questions.

14 CHAIRMAN: Fine.

15 Mr Shieh, could I ask you -- you're aware of it;
16 sorry, it was from Leighton in any event.

17 Mr Khaw?

18 Cross-examination by MR KHAW

19 MR KHAW: Mr Ng, good morning. I represent the government
20 and I have a few questions for you --

21 A. 好。

22 Q. -- arising from your evidence.

23 If I may ask you to look at paragraph 15 of your
24 witness statement. It's a very long paragraph 15,
25 consisting of various subparagraphs, talking about the
26 construction procedures. Do you see that?

1 A. 見到；

2 Q. If I can invite you to have a look at subparagraph

3 (10) --

4 A. 係。

5 Q. -- where you talk about supervision of the rebar fixing
6 works by Leighton; do you see that?

7 A. 見到。

8 Q. And you talked about representatives from Leighton who
9 came to patrol the site five to ten times every day?

10 A. 見到。

11 Q. You also told us that there were mainly a foreman and
12 an engineer who would carry out the patrol?

13 A. 係。

14 Q. When you talk about "the engineer", were you referring
15 to Henry Lai or were you referring to somebody else?

16 A. 唔只黎家灝，我講呢段供詞講緊成個我做嘅範圍。

17 Q. Yes. Yes. I would like to ask you whether Henry Lai
18 also came to supervise the work, as an engineer from
19 Leighton?

20 A. 應該要。

21 Q. Do you remember the name of any other representative who
22 came to patrol the site?

23 A. 你講其他位置嘅區域？

24 Q. I'm talking about the stitch joints first.

25 A. 淨係講stitch joints？

1 Q. Yes.

2 A. 冇。

3 Q. Only Henry Lai?

4 A. 我記憶中，有地鐵--即係着地鐵制服嘅人行過、經過，我唔知佢係咪巡場，
5 我有見過嘅。禮頓--着禮頓制服嘅就比較少見。

6 Q. Right. But, back to my question, did Henry Lai ever
7 come to the site to supervise the rebar fixing work?

8 A. 你而家講緊係...

9 Q. For the stitch joints.

10 A. 印象中，佢有落過嚟，係呀，次數應該唔多。

11 Q. When the rebar fixing works were actually being carried
12 out -- I'm still talking about the stitch joints --
13 would you agree that there were occasions where such
14 works were being carried out or executed without any
15 representative from Leighton being present at the site?

16 A. 即係我做緊嘢嘅時候，有禮頓嘅代表企喺度全程望住？

17 Q. There were such occasions?

18 A. 會，係。

19 Q. If we can look at -- now, if you talk about the patrol
20 in general, including the patrol for the stitch joints
21 and other parts of the project, how long did it last
22 each time?

23 A. 佢哋冇定嚟喎，即係打個譬喻，好似呢間房咁，我喺中間做緊嘢，佢哋可能
24 咁樣行下、行下、行下、喺個地盤個area範圍度，冇定時嚟喎。

25 Q. Right. If I can now take you to have a look at your

1 paragraph (12), where you talk about completion of rebar
2 fixing works at each bay, and "Leighton's staff would
3 conduct inspection on the construction quality of the
4 relevant works".

5 MR PENNICOTT: That's 15(12), is it?

6 MR KHAW: Yes, 15(12), sorry. Subparagraph (12), yes.

7 A. 係，睇緊。

8 Q. Now, here you are talking about the hold-point
9 inspections, right, what we call the hold-point
10 inspections?

11 A. 係。

12 Q. If we talk about the stitch joints only for the time
13 being --

14 A. Mm-hmm.

15 Q. -- how many hold-point inspections were there? Do you
16 remember?

17 A. 唔記得，可唔可以講呀？其實我個供詞講嘅關--關鍵點呀？其實佢係應該成
18 part你嗰個部分嗰一倉紮完鐵，都有話係咪一個好關鍵嘅關鍵點嘅，應該--
19 你基本上嗰個位你係要去check晒㗎嘛。

20 Q. Did Henry Lai ever attend any of the hold-point
21 inspections?

22 A. 唔知，佢冇做，我唔知。

23 Q. Right. Now, let me put it this way. You have told us
24 that, in the normal course of events, you were present
25 at such hold-point inspections; right?

1 A. 係。

2 Q. So, on those occasions where you were present at
3 hold-point inspections, did you see Henry Lai attending
4 the hold-point inspections?

5 A. 冇。

6 Q. Do you recall who from Leighton attended the hold-point
7 inspections?

8 A. 你而家講緊嘅係咪都淨係強調stitch joints?

9 Q. Yes.

10 A. 冇。

11 Q. The other areas, in relation to the other areas, do you
12 know who actually attended the hold-point inspections on
13 behalf of Leighton?

14 A. 即係除咗stitch joints其他位置，係咪呀？你問我。

15 Q. Yes.

16 A. 大約都記得。

17 Q. Can you tell us the names?

18 A. 好多位置㗎喎，好多人物㗎喎。我諗我份供詞都有寫低㗎，有寫低邊個區域、
19 邊啲人負責、邊啲人去check，我全部有寫低。

20 Q. If we take a look at your paragraph 14.

21 A. 係。

22 Q. Are those the people who attended the hold-point
23 inspections at different areas?

24 A. 冇錯。

25 Q. Back to my earlier question, you told us that in the

1 normal course of events, you were present at the
2 hold-point inspections. Did the inspectors ask you
3 questions about the bar fixing works?

4 A. 會，係。

5 Q. And that is why normally you would be there, you would
6 need to be there?

7 A. 冇錯。

8 Q. And you have also told us that if there was any
9 follow-up matters that you would need to attend to, then
10 you would also be asked to do it at or after the
11 hold-point inspection?

12 A. 冇錯。

13 Q. But, at the same time, you told us that in relation to
14 the inspection for the three stitch joints, that is the
15 last part of your subparagraph (13), you were not
16 required to be present during those inspections. Do you
17 remember that? The last few sentences of your
18 subparagraph (13). 348.

19 A. 係。

20 Q. So how did you know or who told you that inspections
21 were actually carried out for those stitch joints?

22 A. 我完全唔知佢有冇驗收嘅，我諗你睇番我份供詞都有講過，正常我完成一倉嘅
23 紮鐵工序之後，我盡可能我或者我都會留人喺度等佢驗收，如果我太多嘢做，
24 我啲人要去下一個位置再做嘢嗰陣時，我哋會通知禮頓啲人「做完喇，你去驗
25 收喇」，如果你有嘢要我去善後、執漏，我係會返去--即刻返去做嘅，呢幾

1 個樁口都係--係冇人通知過我，我諗我份供詞都有講，冇人通知過我返去做
2 任何善後嘅工作，佢幾時驗收我都唔知，因為我要帶嗰班人去處理下一個位置
3 嘅工序咁樣。

4 Q. If I could then take you to have a look -- maybe we
5 don't need to turn up the transcript -- you remember
6 that Mr Shieh asked you, both today and yesterday, about
7 whether you expected, after your conversations with
8 Henry Lai, when he told you to screw in as much as
9 possible, et cetera, et cetera -- you remember all that,
10 right?

11 A. 係。

12 Q. And he asked you about whether you expected that the
13 coupling works would not be accepted; do you remember
14 that?

15 A. 好似係。

16 Q. There's this point that I don't quite understand from
17 your evidence. First of all, after your conversations
18 with Mr Henry Lai, you told him about this big problem
19 regarding the fact that you would need to have the
20 tapered rebars for the yellow caps; do you remember?

21 A. 記得。

22 Q. Now, after that conversation, after he told you, "You
23 have to screw in as much as possible", after he gave you
24 that instruction, according to your evidence, what I'm
25 asking you is once he gave you that instruction and once

1 you followed his instruction, you knew full well that if
2 the works were conducted by following his instructions,
3 such works would certainly be defective, no doubt about
4 that; correct?

5 A. 以我認知，係。

6 Q. In your statement, there is one line which I don't
7 follow, particularly in view of your exchange with
8 Mr Shieh. That is subparagraph (16) of paragraph 15.
9 The Chinese version is page 349.

10 There you said:

11 "... I have never been recalled to the scene to
12 undertake remedial measures or required to redo works
13 with respect to the situation with the connection
14 between rebars and couplers in the course of the
15 inspection process for the relevant connection points at
16 the HHS and NAT which are the subject of the present
17 Inquiry. In fact, as I will elaborate below, since the
18 rebar fixing works done by me and the frontline workers
19 led by me were in accordance with the requirements of
20 Leighton's RC details or the instructions or requests of
21 Leighton's personnel, therefore except for the situation
22 stated above, during the inspection process my frontline
23 workers and I have not been recalled to the scene to
24 carry out remedial measures (and did not expect to be so
25 recalled)."

26 Do you see that?

1 A. 見到。

2 Q. What I don't quite understand is your last sentence: you
3 did not expect to be so recalled. But again, when you
4 answered Mr Shieh's question, you told us that you
5 expected that the works would be rejected. I don't
6 understand what you are talking about.

7 A. 佢問我個問題係問我做第一個--即係第一次發現，第一次發現，我第一次去
8 做，係預期唔會，因為基本上以我認知，認識，你應該唔啱㗎嘛，唔得㗎嘛，
9 係咪先？咁佢點解第一次佢叫我做完，我照做完，佢竟然okay，我唔知點解，
10 因為我唔識，我哋淨係跟圖做、跟佢指示做，啱唔啱先？可能佢哋覺得「Okay
11 喎，你擰兩、三個牙，冇問題。」或者佢哋傾得掂嘅，我完全唔知㗎嘛，係咪
12 先？我淨係跟你指示做，所以之後導致咁多個樁口佢叫我做，我咪照做囉，我
13 好似係okay喎，都係跟佢照做、照擰，掂唔到，照擺落去咁樣，我哋咪跟佢
14 指示照做，咪導致後面。

15 Q. All right. If I can then ask you to have a look at
16 paragraph 79 of your witness statement.

17 A. 係。

18 Q. There you say:

19 "As for the concrete not having been completely
20 chipped open, as this situation has already occurred
21 many times at different bays, and the response
22 I received from Henry Lai was the same, so I do not
23 recall whether or not I mentioned this problem during
24 the above conversation."

1 A. 係。

2 Q. First of all, you are talking about this problem
3 regarding concrete not having been completely chipped
4 open, and you told us that this situation has occurred
5 many times at different bays. Now, when you talk about
6 "different bays", are those bays confined to only the
7 stitch joints, or you are talking about other areas as
8 well?

9 A. 唔係，只限連接縫。

10 Q. Okay. Further, in relation to the inadequate or
11 improper coupler connections which were conducted in
12 accordance with -- according to your evidence --
13 Mr Henry Lai's instructions, did they occur just at
14 stitch joints or did they occur at any other areas?

15 A. 唔會，淨係喺連接縫發生。

16 Q. Finally, you remember there's a company called Hills
17 Construction Co Ltd, which was responsible for the
18 formwork and concreting? You remember there was this
19 company?

20 A. 記得。

21 Q. Did you ever inform them regarding your alleged
22 instruction from Henry Lai in relation to the coupling
23 works, that is you screw in as much as possible?

24 A. 冇喎。

25 MR KHAW: I have no further questions.

1 CHAIRMAN: Mr Tsoi?

2 MR TSOI: I'm not sure if the representative of Pypun has
3 any questions.

4 CHAIRMAN: I'm sorry, I didn't --

5 MR PENNICOTT: Probably formally for the record.

6 MR LIU: No questions.

7 CHAIRMAN: Thank you.

8 Re-examination by MR TSOI

9 MR TSOI: Mr Ng, you have been asked extensively in relation
10 to your conversation with Mr Lai and why you didn't
11 record the conversation or tell Wing & Kwong about it;
12 yes?

13 A. 係。

14 Q. In particular, you were asked yesterday by Mr Shieh this
15 question:

16 "Has it ever occurred to you that Henry Lai would
17 deny having agreed with you that you could just screw in
18 two or three threads and if there's anything wrong,
19 Leighton would pay for the additional charges?"

20 And your answer was:

21 "Yes, I thought about that. I thought -- let's say
22 someone came for inspections and saw that they would be
23 asked to demolish and then Henry Lai could deny any
24 knowledge. But we had been doing the works for some
25 time. I treated him as a friend. He asked me to do it,
26 so I would do it. But if we had to demolish it and then

1 he wouldn't pay for it, then, 'I would just lose out to
2 you one time', you know, as friends."

3 Do you recall that answer?

4 A. 係。

5 Q. So you told the Commission that you treated Henry Lai as
6 a friend?

7 A. 可以咁講。

8 Q. Right. So let's put some context to the conversation.

9 When did you first meet Henry Lai?

10 A. 大約真正日子唔記得，都係喺嗰個地盤認識嘅。

11 Q. Can you give us approximate, the year?

12 COMMISSIONER HANSFORD: It would be helpful if we could have
13 gaps between the question and answer, then we can have
14 the --

15 MR TSOI: I'm so sorry, I will look at the transcript.

16 MR SHIEH: I have learned my lesson.

17 MR TSOI: Those of us who practise in the criminal courts
18 usually don't have that problem.

19 Anyway, can you give us an approximate time when you
20 first met Henry Lai? The year?

21 A. 幾多年呀？15年尾、16年頭，真係唔係好記得。

22 Q. All right. So by January 2017, you would have known him
23 for a year or maybe a bit more than a year; yes?

24 A. 應該有，我諗，我估。

25 Q. During this period, how often would you see him on the

1 site?

2 A. 密嘅，如果佢啲--佢負責嘅區域多啲嘢做就可能係日日見添。

3 Q. During that year, can you just tell me the approximate
4 period, what period would you see him every day?

5 A. 差唔多逢做嘢，唔日日見，我諗都隔日見喇喇，因為嗰段時間，佢嗰度--
6 即係由佢應該--我有記錯呀，佢嚟呢個地盤，跟住因為佢負責嗰個區域啲嘢
7 一路都做喇嘛，即係除咗放假，唔隔日聯絡，都日日聯絡，日日見。

8 Q. Can I just understand this: are you saying to us that
9 from the end of 2015 or the beginning of 2016 until
10 January 2017, you saw Henry Lai almost every day?

11 A. 應該可以咁講。

12 Q. Do you ever see Henry Lai outside of work, when you are
13 not on the work site?

14 A. 會。

15 Q. Would you meet up, I don't know, hang out, to do what?

16 A. 食下飯、飲下嘢啫。

17 Q. Why would you do that?

18 A. 大家到--好似同事咁喇喇嘛，一齊做嘢，一齊處事，可能就算嗰日開工，
19 可能晏晝都出去一齊食飯，因為可能一路食飯，一路再傾工事囉。

20 Q. So were there times that you would meet up with him
21 outside work but you're not talking about work?

22 A. 工作以外，即係工作緊嗰陣時講唔係工作嘅嘢？

23 Q. No. Let me start again. It's my fault.

24 When you see Henry Lai outside of work, would you
25 always talk about work or would you talk about something

1 else?

2 A. 兩樣都會講。

3 Q. Outside of work, would you contact him? Would you call
4 him, WhatsApp him, to say things which is not
5 work-related?

6 A. 好少。

7 Q. How often?

8 A. 係過年可能畀啲祝賀說話，其實基本上啲對話都係講公事多。

9 Q. Did you treat your relationship with Henry Lai as purely
10 working relationship or did you treat him as a friend?

11 A. 我自己個人覺得兩樣都有。

12 Q. When you contact him for work, you would either call him
13 or WhatsApp him or talk to him in person; yes?

14 A. 打畀佢多，係呀，唔喺地盤範圍，就打畀佢多，如果地盤見到佢，就記得就
15 當面同佢講，可能有啲嘢見唔到佢，我咪又打畀佢囉，通常直接打畀佢多。

16 Q. And the choice of communication is completely random?

17 A. Mmm.

18 Q. What's "mm-hmm"; is it "yes"?

19 A. 唔係，十--打畀佢，打畀佢，打畀佢多嘅，如果打畀佢，你只可能--佢做緊
20 嘢，唔通，就留短訊，基本上都係打畀佢先嘅。

21 Q. We know the first conversation you had with him,
22 contained in the witness statement about instructions to
23 "screw the rebars in as much as you can", that
24 conversation must have taken place in January 2017; yes?

25 A. 應該係。

1 Q. By that time, of course, you had worked with him for
2 over a year?

3 A. 有，應該差唔多。

4 Q. The January occasion, that was not the first time he
5 gave you oral instruction over the phone, was it, about
6 work?

7 A. 唔係。

8 Q. He had already given you oral instructions about work
9 numerous times?

10 A. 係，可以咁講。

11 Q. Right. Let's put some context to the conversation. If
12 we can turn you to page BB6363, which I understand is
13 Mr Pennicott's favourite document. Now, again, I don't
14 profess I really understand the technical information,
15 but can I ask you this. In your witness statement,
16 although you say the shunt neck joint and joint 3
17 happened together, my learned friend for the Commission
18 has clarified with you in fact the shunt neck joint went
19 first.

20 MR PENNICOTT: The track slab.

21 MR TSOI: Sorry, the track slab of the shunt neck joint went
22 first.

23 COMMISSIONER HANSFORD: It's at the bottom of this sheet.

24 MR TSOI: That's at entry 45.

25 COMMISSIONER HANSFORD: Yes, right down the bottom.

26 MR TSOI: Yes? It was undisputed, so ...

1 It's at entry 45 and it's undisputed, Mr Ng.

2 A. 我都係依稀記得大概嘅日子。

3 Q. Right.

4 A. 我唔confirm係咪嗰一日。

5 Q. I'm not asking you to confirm. I'm just telling you
6 what happened. 4 January was the track slab of the
7 shunt neck joint, and that would have been the first
8 occasion you saw the yellow caps.

9 A. 係。

10 Q. Let's see what happened. According to your statement,
11 you went to that location, perhaps a day before, so you
12 went on 3 January, which was a Tuesday. You went the
13 day before; right?

14 A. 係。

15 Q. Do you now recall when during the day you went to the
16 track slab of shunt neck joint?

17 MR PENNICOTT: Bay 3.

18 MR TSOI: Bay 3.

19 A. 即係你問我係幾時發現?

20 Q. The time during the day, because we know you went
21 perhaps a day before, on 3 January, but when during the
22 day were you there?

23 A. 應該係可能臨收工或者三、四點之後，因為點解我會有咁嘅習慣呢？因為我
24 聽朝要去嗰個位做喇嘛，我通常都係可能3點後會去嗰啲位置巡一巡、望一望，
25 見到就打畀佢。

1 Q. Then we know it's undisputed that the rebar fixing work
2 commenced and completed on the same day, on 4 January
3 2017, on that track slab bay 3 of shunt neck joint; yes?

4 Perhaps you don't need to answer. I'm just telling
5 you what happened.

6 So it completed in one day; can you now recall?

7 A. 唔係好記得，可能係一、兩日嘅啫，因為嗰個位唔係好大。

8 Q. Right. Now, the concreting happened on 5 January. We
9 can see that on the far right. I am just informing you.
10 So the concreting happened on 5 January. But on
11 5 January you were already elsewhere working on another
12 location for rebar fixing. We can see that at entry 38.
13 That's the "East West Line bay 4 -- East Wall",
14 et cetera, at entry 38.

15 A. 係，係。

16 Q. So, when the concrete was being poured, you were working
17 elsewhere?

18 A. 喺。

19 Q. And then of course the concrete was poured, it means
20 inspection passed, and you received no complaints; yes?

21 A. 係。

22 COMMISSIONER HANSFORD: I'm not sure that's quite right.

23 I think the inspection must have occurred -- well, one
24 assumes, if it was carried out properly, the inspection
25 occurred before the concrete was poured.

1 MR TSOI: Absolutely.

2 COMMISSIONER HANSFORD: And it could have been the previous
3 day.

4 MR TSOI: Perhaps I should emphasise, we are assuming
5 inspection occurred, of course, but let's say that --

6 COMMISSIONER HANSFORD: Sorry, but my point was not that.
7 My point was that the inspection could have been the
8 previous day.

9 MR TSOI: Yes. You mean the 4th?

10 COMMISSIONER HANSFORD: At the end of the reinforcement.

11 MR TSOI: Absolutely, yes.

12 COMMISSIONER HANSFORD: Without the RISC form, we don't
13 know.

14 MR TSOI: Absolutely. Right. But the point, of course --
15 I will perhaps ask the witness to explain.

16 So you have moved on by the 5th to another location,
17 as we have seen; right?

18 A. 係。

19 Q. Now, the shunt neck joint that we see at entry 45, the
20 track slab, that did not only have Lenton couplers on
21 the 1111 side of the interface; right?

22 A. 吊車接線嗰個位好似淨係得1111留螺絲帽出嚟嘅咋, bay 3咁嘛?

23 MR PENNICOTT: Don't forget it's a construction joint. It's
24 not a stitch joint.

25 MR TSOI: I'm so sorry. Yes.

26 Now, at that point, you knew -- well, you expected

1 the concrete was poured on the 5th?

2 A. 唔係，佢幾時落石屎，我係唔需要知。

3 Q. Do you recall whether you were informed as to when they
4 were inspecting the works?

5 A. 冇。

6 MR PENNICOTT: Can you put that question again?

7 MR TSOI: Do you recall whether you were informed as to when
8 Leighton were inspecting the works at the shunt neck
9 track slab?

10 A. 冇。

11 Q. But after you completed your rebar fixing work at the
12 track slab, you informed Henry Lai to say you have
13 completed the work and for them to inspect; right?

14 A. 冇錯。

15 Q. Just pausing there, I want to ask you about this. You
16 were asked by Mr Shieh this morning that you said the
17 defect was obvious to the naked eye, and your answer
18 was, "Normally, yes."

19 A. 冇錯。

20 Q. Now, you had a conversation with Henry about the yellow
21 caps at the track slab shunt neck joint location?

22 A. 係。

23 Q. He told you to screw the rebars in as much as you can?

24 CHAIRMAN: No, I may have that wrong. Please forgive me.

25 MR TSOI: I'm so sorry.

1 CHAIRMAN: My understanding is that the shunt neck bay 3
2 track slab was a construction joint, not a stitch joint,
3 and as a construction joint there would have been yellow
4 couplers on either side, which means there was no need
5 to say, "Do the best you can", because everything would
6 have been --

7 MR PENNICOTT: No.

8 COMMISSIONER HANSFORD: No. My understanding -- sorry to
9 contradict you --

10 CHAIRMAN: No, that's why I said I had fallen behind on
11 that.

12 COMMISSIONER HANSFORD: My understanding is a construction
13 joint, consequently it had yellow caps on one side, and
14 the reinforcement -- the rebar fixer was required to fix
15 the bars into that one side, and as you say, Mr Tsoi, we
16 are told that Henry Lai said, "Screw them in as far as
17 they will go."

18 MR TSOI: What I'm trying to pinpoint, of course, is the
19 time of the conversation and which location we are
20 talking about.

21 COMMISSIONER HANSFORD: Yes. The fact that it's
22 a construction joint and not a stitch joint --

23 MR TSOI: It matters --

24 COMMISSIONER HANSFORD: -- merely means that there's one
25 connection to make, not one each side --

26 CHAIRMAN: Sorry, yes, you are quite right. But I thought,

1 because it was a construction joint, that meant it was
2 within contract 1111.

3 MR TSOI: No. That's my fault. Perhaps I should explain
4 this. The shunt neck joint, I think as Prof Hansford
5 explained, on the 1111 side, is still --

6 CHAIRMAN: Okay. Thank you. That helps me. So, in other
7 words, that part of it, that's bay 3, was not internal.

8 MR PENNICOTT: No.

9 MR TSOI: No.

10 CHAIRMAN: That's all I needed to know. Thank you.

11 MR TSOI: That's how it pinpoints their conversation,
12 because that would have been the first time that --

13 CHAIRMAN: I had assumed it was internal, sorry.

14 MR TSOI: If I may. My previous question to you was -- you
15 said to Mr Shieh -- to a question, he asked you if the
16 defect would have been obvious to the naked eye and you
17 said, "Normally, yes."

18 A. 係。

19 Q. Then Mr Khaw asked you, at that point, when Henry Lai
20 told you to screw them in as much as you can, whether
21 you expected the work to go through, to pass inspection,
22 in other words.

23 A. 冇。

24 Q. No, that was the question asked. Mr Khaw asked you
25 whether you expected the work to pass inspection at the
26 shunt neck joint, the bay 3 track slab. I'm just

1 telling you that you were asked that question; all
2 right? And your answer was --

3 A. 哦，佢有冇問過我咁嘅問題？

4 Q. Yes.

5 A. 有問過我咁嘅問題。

6 Q. And your answer was you didn't expect it to go through
7 the first time.

8 A. 冇錯。

9 Q. At the time when Henry Lai asked you to screw the rebars
10 in as much as possible, or as far as you can, who did
11 you expect was the Leighton personnel who would inspect
12 that work?

13 A. 你最基本應該係Henry Lai先，其他啲我就唔知。

14 Q. So we go back to 5 January, so this is two days. So the
15 3rd you spoke to Henry Lai, the 5th the concrete is
16 poured already, all right, but you were working
17 elsewhere. Have you got that timeline?

18 A. 依稀記得。

19 Q. So, after the concrete was poured, you received no
20 complaints? You never received any complaints about the
21 connection of the shunt neck joint bay 3 track slab?

22 A. 係。

23 CHAIRMAN: Sorry, I'm falling behind yet again.

24 MR TSOI: It was my fault, completely my fault.

25 CHAIRMAN: No, it's not your fault at all. Let me just

1 ask -- to your knowledge, what was Henry Lai's position,
2 that is what was the post he held with Leighton at the
3 time?

4 A. 工程師定--唔知佢升咗職未，都仲係工程師嚟嘅。

5 CHAIRMAN: So he was an engineer, and you went to see him or
6 you discussed matters with him concerning engineering,
7 for example if you had difficulties with part of the
8 rebar fixing, and he would give you instructions?

9 MR TSOI: Oral instructions.

10 A. 係，冇錯。

11 CHAIRMAN: Are you saying that he was also an inspector?

12 A. 以我認知、理解，佢禮頓應該有人要去檢查完，即係佢自己要驗收完一次，
13 先至可能要求港鐵，叫港鐵嘅人嚟再驗收，以我理解，應該係咁。

14 MR TSOI: Let me get that translation right.

15 (Tribunal conferring)

16 I'm sorry --

17 CHAIRMAN: Sorry, perhaps you assist me, Mr Tsoi.

18 MR TSOI: Of course.

19 CHAIRMAN: Where I need some assistance is -- I had not
20 assumed previously, obviously my error -- I had assumed
21 that when the hold-point inspections took place, you
22 didn't have somebody who'd been working with the steel
23 benders and telling them what to do doing the
24 inspection --

25 MR TSOI: Well, he was.

1 CHAIRMAN: -- because there you had a working relationship
2 and I thought that it was somebody slightly independent
3 from Leighton who did the inspections.

4 MR TSOI: No.

5 MR PENNICOTT: Sir, it's unlikely that this witness is going
6 to know the answer to that particular question.

7 CHAIRMAN: No. That's why I just wanted to know that it was
8 definitely -- I'm quite happy to accept that. So
9 Leighton would say, "We want you to work with this man
10 for six months, and by the way we want you to inspect
11 all his quality as well."

12 MR PENNICOTT: Sir, I think the answer is obviously this
13 witness can explain to you, on the basis of the
14 questions being put, his understanding of the position.

15 CHAIRMAN: Yes.

16 MR PENNICOTT: But what as a matter of fact happened on the
17 routine inspections as opposed to the formal hold-point
18 inspections, I suspect we've got to wait for some other
19 witnesses.

20 CHAIRMAN: Okay.

21 MR TSOI: Perhaps we don't have to wait because I can tell
22 you -- it's actually part of my opening, and it's in
23 Henry Lai's own witness statement, that he did conduct
24 the so-called hold-point inspections, the rebar fixing
25 checks, for the three stitch joints and the shunt neck
26 joint. So he was the person who did the inspection on

1 behalf of Leighton, he says. So there's no independent
2 third person from Leighton who inspected the works; it
3 was Henry Lai.

4 CHAIRMAN: And that was a hold-point inspection too?

5 MR TSOI: That was a hold-point inspection. I can take you
6 to it, if I may.

7 CHAIRMAN: No, that's all right. It's just that when we
8 were talking about this -- again, that's why I said it's
9 obviously my fault -- I had assumed that the
10 inspections, the hold-point inspections, were conducted
11 by -- they had, like, inspection staff.

12 MR TSOI: No. The fault is mine, I'm sure.

13 CHAIRMAN: No, it's not, I can assure you. I just need to
14 clear that up in my own head.

15 MR TSOI: I understand.

16 CHAIRMAN: Because there's a big difference between having
17 an independent inspector from Leightons coming along and
18 looking at something afresh, with no working connection
19 with a person, and somebody who has been working day by
20 day and giving instructions as to that very work, to
21 then be the inspector of it.

22 MR PENNICOTT: Sir, you can guarantee that I will be
23 exploring this with Mr Henry Lai when he gives evidence.

24 CHAIRMAN: Thank you very much. That's all I wish to know.
25 My apologies if I've kept everybody and confused
26 everybody.

1 MR TSOI: As we know, as I've asked you, after the pouring,
2 no complaint was received at all about the works, and
3 you have confirmed that?

4 A. 係。

5 Q. At that point, after the pouring was completed, that was
6 two days after your conversation with Henry Lai -- this
7 is 5 January; all right? -- did you see a need to
8 complain to your employer or to complain to Leighton
9 about what Henry Lai, your friend, has told you to do?

10 A. 冇。

11 Q. Why not?

12 A. 我都講，我哋跟圖做，我唔識，佢既然叫得我做，佢話okay，我咪照做囉，
13 即係後扈我--你都有講喇，我做咗一日，第二日就去咗第二度做，嗰次而家
14 先記番，我都係兩、三日後經過先知佢okay，落到石屎嗰，會唔會係佢可能
15 真係兩、三個牙扭入去係okay？我完全冇--唔係呢個範疇，我係唔知㗎嘛，
16 係咪先？佢叫得我做，又解決到，又落到嗰，我咪繼續聽佢講嘅指示去做囉。

17 Q. In the same conversation, on 3 January, you said things
18 about, "I would charge you overtime"; right? Do you
19 remember that?

20 A. 第幾頁？第幾行？

21 Q. If you want to look at your witness statement, it's at
22 EE357.

23 So this was the 3 January conversation; all right?

24 A. 係。係。

25 Q. Now, Mr Shieh asked you, "Well, hold on a second. You

1 just rely on your friend's oral promise", and then you
2 said this. You said, "Well, if he denies it, I will
3 just lose one time to him."

4 A. 係。

5 Q. Do you recall that answer?

6 A. 記得，記得。

7 Q. At that point, losing one time to him would only mean
8 one day's work; right?

9 A. 係。

10 Q. Because the work was completed on the same day, the 4th.

11 A. 係。

12 COMMISSIONER HANSFORD: Sorry, is that what "losing one time
13 to him" means?

14 MR TSOI: Yes, because if he lied about it, all you lose is
15 this one day, 4 January, that he did the work, and he
16 had to redo the 4 January work.

17 COMMISSIONER HANSFORD: Okay. Thank you.

18 A. 我可唔可以講?

19 MR TSOI: Yes.

20 A. 因為嗰個location比較細，而家你咁樣提我，我先回憶番起，嗰個時刻，我
21 叫去嗰個位置做嘅工人係比較少，好似我而家記得起，可能大概五至八個人，
22 你五至八個人嘅人工可能萬幾蚊，okay，就算我畀Ben Cheung責怪，我覺得
23 我可以接受。

24 MR SHIEH: I don't actually believe in objecting to leading
25 questions, because I always believe that the leading

1 nature is best borne out when one looks at the whole
2 thing at the end of the day, but that one question about
3 losing one day's work because the work was completed on
4 the same day, the 4th, is probably a textbook example of
5 not just feeding the question but also the thinking
6 behind the answer that was fed to the witness.

7 MR TSOI: Of course, because I want to explain to the
8 Commission that the work was one day, which is
9 undisputed. Is that disputed?

10 MR SHIEH: I'm not going to waste time on this, Mr Chairman,
11 and I'm not going to argue any further, save as to say
12 the question from the Commissioner actually came after
13 the leading question, so it's not an excuse for my
14 learned friend to say he was only trying to explain to
15 the Commission. His task is to ask the question to the
16 witness. The transcript is quite clear that
17 Prof Hansford only asked the question after the leading
18 question had been put. So it's wrong, inaccurate, to
19 say he was only explaining to the Commission.

20 CHAIRMAN: I think, Mr Tsoi, the point that's made is that
21 subject to argument, of course, and the Commission's
22 decision in the light of that argument, when this issue
23 was first raised yesterday, the presumption of what was
24 a fairly broad statement was that once caught, twice
25 shy. In other words, if this proved that I couldn't
26 trust this man, I would then know for later. But it

1 wasn't one of: if it proved on this one occasion in
2 respect of a very small part of the engineering works
3 I was not trusted, then I would be shy thereafter. So
4 it was more of a general statement yesterday, and
5 I think your suggestion today was to try to reduce it
6 down to one incident, which was the beginning incident,
7 albeit.

8 MR TSOI: Because that was the first time.

9 CHAIRMAN: And I think Mr Shieh is taking objection to that,
10 that perhaps in a leading manner it's been reduced down
11 and the witness has seized upon it, as you might do in
12 rough weather when a bit of flotsam floats by.

13 MR TSOI: Again, the fault is completely mine, but as I say,
14 I'm trying to pinpoint the conversation of when this
15 took place.

16 CHAIRMAN: Yes.

17 MR TSOI: After that conversation on 3 January, did you see
18 Henry Lai again?

19 A. 我諗緊係幾多日後，可能係兩、三日後，唔係幾記得清楚，因為應該有聯絡嘅，
20 即係我應該都做緊佢其他位置嘅嘢嘅，只不過我有上去shunt neck joint
21 嗰個位啫。

22 Q. Listen to the question carefully. After this
23 conversation on 3 January, did you see Henry Lai
24 on site, when you went back to work every day? Not just
25 the shunt neck joint, just the whole construction site?

1 A. 應該有，可能--如果我1月3號同佢對話，我4號做緊，理論上我應該見到佢。

2 Q. Did you continue to see him until 2018?

3 A. 係，因為keep住都要做其他位置嘅嘢喇嘛，係。

4 Q. Did you continue to see him on a friendly basis?

5 A. 係。

6 Q. Right up to the meeting, the site meeting, you attended
7 in February 2018, did you still have -- see him outside
8 of work? Did you have lunch, did you have meals, things
9 like that?

10 A. 冇喇，到我正式完工離場之後，就有見過佢，我都係靠啲WhatsApp聯絡過
11 一、兩次，都係啲問候咁樣，跟住就有喇。

12 Q. It has been put to you by Mr Shieh that you were
13 intentionally using colourful language to make the
14 conversation look genuine. Do you remember that
15 question?

16 CHAIRMAN: I think he would probably like to know "using
17 colourful language" in what context.

18 MR TSOI: The swear words.

19 CHAIRMAN: You mean in his written statement?

20 MR TSOI: In the written statement, yes.

21 CHAIRMAN: Thank you.

22 A. 記得。

23 MR TSOI: But Henry Lai isn't just some junior engineer you
24 didn't know; he was your friend. Is that right?

25 A. 我當佢係啫，...

1 Q. All right.

2 A. ...我唔要求對方--即係我唔知對方點諗。

3 Q. Let's go to the meeting of February 2017 that you were
4 asked about this morning.

5 MR PENNICOTT: 2018.

6 MR TSOI: I'm so sorry, 2018.

7 CHAIRMAN: I don't think, Mr Tsoi -- again, please forgive
8 me; I may be at fault again -- that Mr Shieh was
9 suggesting the colourful language was used in order to
10 try to show any particular relationship. I think
11 Mr Shieh was saying colourful language was used as
12 an attempt to try to add credibility to a statement.

13 MR TSOI: That's what I asked.

14 CHAIRMAN: Is that what you asked, sorry?

15 MR TSOI: To make it look genuine.

16 CHAIRMAN: Yes, sorry. That's my fault.

17 MR TSOI: No, that was mine.

18 So the meeting in February 2018 on the site, with
19 a gentleman called Jon Kitching, who's a Westerner --
20 now, you may not know his name but you recall there was
21 a Westerner there?

22 A. 今朝佢講起，我先記得。

23 Q. There was an interpreter?

24 A. 印象中好似係。

25 Q. And there was Henry Lai?

1 A. 佢在場。

2 Q. At that point, at that meeting, did you know whether
3 Henry Lai has said anything to his boss or not?

4 A. 即係我哋咁多個人坐喺度會面嗰一刻?

5 Q. Because at that point of course you were then -- I'm so
6 sorry.

7 A. 翻譯，唔該。

8 INTERPRETER: Or repeat so that the translator can
9 translate.

10 MR TSOI: Now, at that point, they were asking about the
11 water seepage; right?

12 A. 好似係。

13 Q. You were called in because of the water seepage?

14 A. 係。

15 Q. So you attended the meeting?

16 A. 冇錯。

17 Q. At the meeting, you saw Henry Lai; right?

18 A. 係。

19 Q. Did you know -- if you don't know, tell us -- whether or
20 not, at that point, Henry Lai has said anything to his
21 boss about the stitch joints and things like that?

22 A. 唔知。

23 Q. You know the Westerner was Henry Lai's superior; right?

24 A. 我知佢係佢高--禮頓好高級嘅人。

25 Q. At the meeting did you still regard Henry Lai as

1 a friend?

2 A. 冇錯，係。

3 Q. And you chose not to say anything about it, about the
4 instructions, at the meeting?

5 A. 今朝都答過，佢哋冇特別去問，佢哋問我咩嘢，我講咩嘢咁解囉，即係好似
6 佢今朝咁樣問，我咪咁樣答囉。

7 Q. This morning -- and this only for clarification -- you
8 referred to a Mr X of China Tech, but you didn't know
9 his name, Mr X of China Tech -- you said something about
10 China Tech, China Technology. Do you remember that?

11 A. 係。

12 Q. And I'll be corrected if I'm wrong, in the Chinese,
13 which is not transcribed, you said this:

14 "如果我早知，我都學中科嗰個唔知乜生咁話咗你哋禮頓先喇。"

15 A. 係，我今朝係有咁講過？

16 Q. What did you mean by that?

17 A. 今朝石律師問我問題嗰陣時，佢話我點解--好似佢問我點解冇留證據去保護
18 自己或者永光咁樣，我就番我嘅供詞同埋一路落嚟嘅經歷，我都話第一倉嗰個
19 shunt neck joint bay 3佢都落完咯，或者--因為我唔識，我都係跟圖
20 做，我都講過，解釋過，或者佢係可能同驗收嗰啲阿Sir講咗「我哋係擰得兩、
21 三個」或者佢哋計過數okay，我完全唔知，我亦都唔需要會知我，佢淨係叫
22 我去做，有幾多擰幾多，我聽佢指示，有幾多擰幾多去做，佢又落到石屎，我
23 唔需要去質疑佢，因為呢啲我都唔識，係咪先？我淨係跟佢哋嘅指示去做嘅之
24 嘛。

1 今朝講啲嘢，佢問完我問題，我有啲衝口而出嘅，如果我識嘅話，我咪
2 今朝咁樣講囉，我就可能好似可以嗰位先生咁，話咗畀你哋聽喇，因為我都
3 唔知，係咪先？

4 MR TSOI: That's all I want to ask. Thank you, Mr Ng.

5 CHAIRMAN: Yes. Thank you very much.

6 Peter, anything you want to ask?

7 COMMISSIONER HANSFORD: No, nothing else for me.

8 CHAIRMAN: Thank you very much indeed, Mr Ng. Your evidence
9 is completed now, so you can be excused, and thank you.

10 WITNESS: 好，唔該。

11 (The witness was released)

12 MR TSOI: If it pleases the Commission, the next witness for
13 Wing & Kwong is an individual called Mr Leung Chi Wah.
14 May I call him, please?

15 CHAIRMAN: Yes.

16 MR LEUNG CHI WAH (affirmed in Cantonese)

17 Examination-in-chief by MR TSOI

18 MR TSOI: Can you turn to the bundle at page EE52. The
19 English is at page EE57.1.

20 A. 係。

21 Q. Can you just flip through a few pages until you get your
22 signature page, which is at page EE57.

23 I'm afraid the English version is unsigned.

24 A. 係。

25 Q. Can you recognise that's your signature?

1 A. 記得。

2 Q. Do you confirm this is your witness statement that
3 you've read and understood?

4 A. 係。

5 Q. Do you wish to adopt this witness statement as your
6 evidence here in front of this Commission of Inquiry?

7 A. 係。

8 Q. Have you ever testified in a court before?

9 A. 冇。

10 Q. Other counsel will now ask you questions, just try your
11 best to answer them. All right?

12 A. Okay.

13 Examination by MR PENNICOTT

14 MR PENNICOTT: Mr Leung, I think it's good afternoon rather
15 than good morning, but thank you very much for coming
16 along to give evidence to the Commission this morning.
17 My name is Ian Pennicott, I'm one of the counsel to the
18 Commission, so I'm going to ask you some questions
19 first, and as Mr Tsoi has just indicated, other counsel
20 behind me may then wish to ask you some questions as
21 well, and when that's all completed, Mr Tsoi may ask you
22 some further questions if he wishes to do so.

23 At any time during that process, the Chairman or the
24 Commissioner may also ask you some questions.

25 So I'm going to start. Are you still employed,

1 Mr Leung, by Loyal Ease at this moment?

2 A. 係。

3 Q. And at Loyal Ease, when you were working on the project
4 with which we are concerned, who did you regard as your
5 boss?

6 A. 吳先生。

7 Q. Ah Chun?

8 A. 冇錯。

9 Q. You say in paragraph 4 of your witness statement that
10 Loyal Ease was a sub-contractor to Wing & Kwong. Did
11 you know, at the time that you were working on the site,
12 that Loyal Ease was a sub-contractor to Wing & Kwong?

13 A. 我唔知道，因為我開頭嘅時候就係入永光就唔知道佢輝宜係永光嘅分判，直至
14 到呢件事發生咗，透過律師話畀我聽，我先知原來呢個係輝宜--我做緊呢間嘢
15 係輝宜。

16 Q. All right. And does it follow from that that if you
17 look at paragraph 6 of your witness statement -- you
18 say:

19 "Wing & Kwong had around 30-40 workers at the
20 Hung Hom Station construction site ..."

21 What you actually mean is Loyal Ease had around 30
22 to 40 workers; is that right?

23 A. 冇錯。

24 Q. All right. Can I ask you this, Mr Leung. You may know
25 that in this part of the Inquiry, we are concerned,

1 amongst other things, with a construction joint known as
2 the shunt neck construction joint. Are you aware of
3 that?

4 A. 係。

5 Q. If you could please be shown BB1/90. You will see there
6 on the screen, Mr Leung, on the right-hand side,
7 an arrow that points to the 1111/1112 shunt neck joint;
8 do you see that?

9 A. 見到。

10 Q. We can see that it's at the end of shunt neck bay 3; do
11 you see that?

12 A. 見到。

13 Q. Mr Leung, did you personally work in that area, that is
14 bay 3, and in particular at the shunt neck joint?

15 A. 唔係記得太清楚，因為每一日去個地方做嘢係阿俊--即係吳生帶我哋去到
16 嗰個地方做嘢嘅，所以如果你話確實位置嘅話，我唔能夠答你太清楚。

17 Q. Okay. Mr Leung, if you look at the same document that
18 you are looking at at the moment, just above the shunt
19 neck bay 3 you will see shaded in brown and identified
20 as the 1111/1112 EWL stitch joint. Do you see that?

21 A. 睇到。

22 Q. That is one of the other joints, it is a stitch joint
23 this time, that this Commission is concerned with. Do
24 you understand?

25 A. 明白。

1 Q. Can I ask you again, did you personally work on the EWL
2 interface stitch joint?

3 A. 有。

4 Q. All right. If I could ask you, please, to look at
5 BB1/89, the previous page. You will see, Mr Leung, that
6 this is a plan, a diagram, of -- looking at the
7 bottom -- the NAT NSL track level. Do you see that?

8 A. 睇到。

9 Q. So we are at the lower underground level, the NSL level.
10 You understand?

11 A. 明白。

12 Q. And if you look on the right-hand side of this drawing,
13 you will see an arrow pointing to another shaded area,
14 and it's labelled "1111/1112 NSL stitch joint". Do you
15 see that?

16 A. 見到。

17 Q. Did you personally work in that area, Mr Leung?

18 A. 有。

19 Q. Lastly, so far as these questions are concerned, if you
20 look to the left of that joint, you will see an arrow
21 pointing to the 1111/1112 NSL internal stitch joint. Do
22 you see that?

23 A. 見到。

24 Q. Did you personally, Mr Leung, work at that stitch joint?

25 A. 有。

1 Q. So, in summary, you appear to accept and acknowledge
2 that you worked at the three primary stitch joints,
3 joints 1, 2 and 3, but you are not quite sure whether
4 you worked at the shunt neck joint. Is that a fair
5 summary?

6 A. 可唔可以問多一次?

7 Q. Yes. I think, from the answers you've just given me --
8 I'm just trying to summarise -- you accept that you --
9 and you tell us that you worked at the three stitch
10 joints, EWL and the two NSL ones we can see here, but
11 you are not sure whether you worked at the shunt neck
12 construction joint?

13 A. 係。

14 Q. Now, in paragraph 17 of your witness statement, you
15 refer to the first type of situation, and what you are
16 referring to is problems that were encountered. You
17 say:

18 "The first type of situation was when we had to
19 connect a rebar with a rebar and coupler embedded in the
20 wall (ie to connect a rebar of contract number 1112
21 with a rebar and coupler of contract number 1111)."

22 You go on to say that what needed to be done was the
23 chipping away of the surface concrete of the wall, and
24 you say that that was Leighton's responsibility. Do you
25 see all of that?

26 A. 見到。

1 Q. You say:

2 "However, at times" -- this is paragraph 18 I'm
3 going on to now -- "Leighton did not chip away the
4 concrete deep sufficiently, leading to some of the
5 couplers embedded in the wall not being exposed."

6 Then you go on to say what your impression was of
7 the extent of that particular problem.

8 Could you explain or -- did you actually see the
9 chipping process going on, Mr Leung?

10 A. 我有見過佢咁喺我面前鑿過呢啲石屎。

11 Q. You did not? Okay. So you can't help us, you can't
12 describe to us what equipment and tools were used to
13 chip away the concrete?

14 A. 冇錯。

15 Q. Right.

16 You make reference to various instructions that you
17 received from Ah Chun as to what you should do if you
18 encountered this problem of the couplers not being --
19 the concrete not being chipped away to expose the
20 couplers sufficiently.

21 Were all those instructions received from Ah Chun
22 and not from anybody direct from Leighton? Everything
23 that you were instructed to do was by Ah Chun; is that
24 right?

25 A. 冇錯。

26 Q. Do you know a gentleman by the name of Henry Lai of

1 Leighton?

2 A. 唔識。

3 Q. Now, in paragraph 19 of your witness statement, you
4 refer to "The second type of situation", and you say,
5 [that] was when the ends of rebars did not match the
6 coupler heads. Coupler heads are divided into pointed
7 and flat ones."

8 First of all, Mr Leung, do you recall when you
9 personally encountered that situation?

10 A. 記得。

11 Q. When was that and where was it?

12 A. 喺金門...

13 Q. If you wish to use the plans, please use the plans.

14 A. (Indicating).

15 Q. Right. So the witness is pointing to the EWL stitch
16 joint interface between 1111 and 1112.

17 Is that right, Mr Leung?

18 A. 喺。

19 COMMISSIONER HANSFORD: Joint 3?

20 MR PENNICOTT: Joint 3.

21 COMMISSIONER HANSFORD: Thank you.

22 MR PENNICOTT: Now, Mr Leung, we know that at that joint
23 there was -- what had to be constructed by way of
24 a stitch joint was a base slab and two walls. Do you
25 agree?

1 A. 同意。

2 Q. And the first operation would have been to construct the
3 base slab; do you agree?

4 A. 冇錯。

5 Q. Did you encounter the problem, the non-matching problem
6 or the mismatching problem -- did you encounter that
7 problem when you constructed the base slab of that
8 stitch joint?

9 A. 有遇過。

10 Q. Right. And did you encounter the same problem on the
11 walls of the stitch joint?

12 A. 呢個記得唔太清楚。

13 Q. Right. Did you ever see, on the Gammon-Kaden -- the
14 1111 side of the stitch joint, yellow caps?

15 A. 有。

16 Q. Did you ever go up to those caps and remove them?

17 A. 有。

18 Q. Why did you do that?

19 A. 因為我哋見到有個蓋，如果你唔擺走佢嘅話，我哋就唔可以將個rebar擺落去
20 嗰個coupler入面。

21 Q. Right. So where the chipping-off had taken place, those
22 responsible for chipping-off had left the caps on the
23 coupler, and when you came along to do your rebar fixing
24 work you would remove the caps yourselves in order to be
25 able to insert, or you hoped to be able to insert, the

1 rebar; is that right?

2 A. 正確。

3 Q. All right. So, having removed the cap, Mr Leung, what
4 was the problem?

5 A. 發覺佢個螺絲帽係用尖頭，而唔係用平頭嘅。

6 Q. Right. As I understand it, as you say in your witness
7 statement, the rebar that you had been supplied with was
8 not tapered; it was parallel or cylindrical. Is that
9 correct?

10 A. 正確。

11 Q. So, faced with that problem, Mr Leung, what did you do?

12 A. 我將呢件事報告畀我個上司阿俊聽，就等佢去決定點做。

13 Q. And what did he tell you? How did he tell you to
14 proceed?

15 A. 佢就打畀禮頓嘅有關人員，打完之後，佢就畀番個指示我哋，就同我哋講話
16 禮頓嗰方面畀佢嘅回應就係叫我哋盡扭，照做。

17 Q. Right. And he told you that he had a call with
18 Leightons, or is that something that you've been told
19 subsequently? Did you know that at the time or is that
20 something that you've found out later?

21 A. 係當時。

22 MR PENNICOTT: Sir, I see it's 1 o'clock. I've got a little
23 bit more, but it's probably going to be more than ten
24 minutes or so, so perhaps that would be a convenient
25 moment.

1 CHAIRMAN: Good. What time?

2 MR PENNICOTT: 2.15, sir?

3 CHAIRMAN: Yes.

4 MR PENNICOTT: Warning.

5 CHAIRMAN: We are going to have the luncheon adjournment
6 now, and we will be returning at 2.15. You are giving
7 your evidence at the moment and you will continue to
8 give your evidence after lunch.

9 WITNESS: Okay.

10 CHAIRMAN: And while you are in the process of giving your
11 evidence, whether it's at the end of today or, like now,
12 over lunchtime, you are not allowed to discuss your
13 evidence with anybody else.

14 WITNESS: 明白.

15 CHAIRMAN: Thank you. 2.15.

16 (1.02 pm)

17 (The luncheon adjournment)

18 (2.17 pm)

19 MR PENNICOTT: Mr Leung, good afternoon.

20 Before lunch, we were discussing the mismatch of the
21 tapered threaded couplers and the parallel rebar. Do
22 you remember that?

23 A. 記得。

24 Q. Can I ask you this, Mr Leung. Do you recall, in
25 relation to the EWL interface stitch joint, which we
26 were focusing on -- do you remember the size, the

1 diameter, of the rebar that you were given to do the
2 rebar fixing works?

3 A. 記得。

4 Q. What diameter rebar were you given?

5 A. 有分三個size, 第一個size係Y40, 第二個size係Y32, 第三個係Y25。

6 Q. Right. Now, if you look at a photograph, at EE415 -- it
7 will either go on the screen or somebody will find it
8 for you -- this, I hesitate to say so -- this is not in
9 relation to the -- this photograph does not show
10 a picture of the EWL joint, Mr Leung. I'm just showing
11 this to you for illustration purposes.

12 Do we see the three different types of rebar here?

13 A. 冇錯。

14 Q. So far as the -- think back again now to the EWL stitch
15 joint. Where would you be using the 40 millimetre
16 rebar?

17 A. 喺邊度會連接? 喺個base嗰上面--個base slab上面有用過。

18 Q. Right. But on the Gammon side of the stitch joint, the
19 EWL stitch joint, on the Gammon side, what size were the
20 yellow-capped couplers; do you know?

21 A. 唔係太清楚, 不過可以肯定係Y40同埋Y32呢兩款是但一款。

22 Q. Right. But was it your understanding that the whole of
23 the base slab at the EWL interface stitch joint had to
24 be Y40?

25 A. 噃, 一定要跟番個當時個圖則去決定嘅。

1 Q. Right. But if the couplers on the Gammon side, the
2 yellow-capped couplers on the Gammon side, were
3 32 millimetres, would you then have tried to use the
4 32 millimetre rebar that you had been given?

5 A. 會。

6 Q. And if you used that 32 millimetre rebar, the position
7 is that you would, as I understand it, have been able to
8 screw in that rebar just by two or three threads; is
9 that correct?

10 A. 呢個係如果佢金門嗰面係平頭嘅coupler，而我哋呢個係圓--又係平頭嘅
11 rebar，擰落去就係可以完全擰入嘅，正常情況下。

12 Q. Yes, but we know, Mr Leung, the yellow-capped couplers
13 you say you saw were tapered couplers.

14 A. 喺我印象之中，黃色嗰啲coupler係尖頭嘅。

15 Q. Yes. So it would not be possible to screw in fully
16 a parallel threaded 32 millimetre rebar?

17 A. 冇錯。

18 Q. And it certainly wouldn't be possible to screw in at all
19 a 40 millimetre piece of rebar into a 32 millimetre
20 coupler?

21 A. 正確。

22 Q. Do you recall, Mr Leung, what you in fact did on the
23 Gammon side of the EWL stitch joint? Can you recall
24 what measures you took to fix the rebar on that side of
25 the stitch joint?

1 A. 亦都係將一條Y32嘅平頭rebar擰落去，但係只係可擰到兩至三牙。

2 Q. And did you attempt to do that for as many couplers as
3 were exposed?

4 A. 有。

5 Q. Okay. And on the Leighton side of the stitch joint, we
6 know that there were BOSA couplers. Do you agree with
7 that?

8 A. 可唔可以重複多一次問題？

9 Q. Yes. On the Leighton side of the stitch joint, you,
10 Wing & Kwong/Loyal Ease, had installed rebar and BOSA
11 couplers. Do you agree with that?

12 A. 同意。

13 Q. Right. And you knew that they were BOSA couplers, and
14 what size were they?

15 A. 記憶之中唔係太清楚，但係肯定係Y40同Y32其中之一。

16 Q. All right. Can I ask you this, Mr Leung. With regard
17 to BOSA couplers, did you ever attend any courses,
18 instruction courses, run by BOSA?

19 A. 冇。

20 Q. Before I move on to something else, can I just ask you
21 about one part, small part, of paragraph 19 of your
22 witness statement, please.

23 I'm at EE57.5 in the English version.

24 About seven or eight lines down, there's a sentence
25 which reads as follows:

1 "As a matter of fact, there were [always] ways to
2 remedy this problem ..."

3 Do you see that, Mr Leung?

4 A. 睇到。

5 Q. It's the next few words I wanted to ask you about:

6 "... Leighton had machines capable of twisting the
7 flat heads of rebars into pointed heads ..."

8 Can you explain that, Mr Leung, because I'm afraid
9 I don't understand it? What sort of machine are you
10 talking about and where was it, and how do you know
11 Leighton had such a machine?

12 A. 因為我知道絞--螺絲頭絞牙嘅話，佢可以有兩個方法去將佢--唔係兩個方法，
13 兩個方式係可以令到佢絞到平頭同尖頭嘅，而當其時佢哋嘅絞牙廠應該會--
14 喺我個知識裏面，佢應該可以做到呢一點。

15 Q. Right. Where do you say their factory was? Which
16 factory are you referring to?

17 A. 絞螺絲頭嗰個廠，個地方。

18 Q. You mean the rebar yard or the -- yes, the rebar yard?
19 Is that what you are talking about?

20 A. 冇錯。

21 Q. Okay. If anyone else wants to pursue that ...

22 Just a couple more questions, Mr Leung.

23 Paragraph 24 of your witness statement, please. You
24 make reference there to the Leighton or MTR
25 representatives carrying out their inspections.

1 Can I ask you whether you ever witnessed, with your
2 own eyes, the formal inspections taking place after you
3 had completed your rebar in any particular area?

4 A. 喺我紮鐵後再返番去現場嘅時候，需要返去現場做補救或者執漏嘅時候，我
5 係見過佢有地鐵同埋禮頓嘅相關人員喺個現場嘅，但係佢冇去檢查，我就
6 睇唔到。

7 Q. So I think the answer to my question is you never
8 witnessed them actually doing the formal inspection; is
9 that right?

10 A. 冇錯。

11 MR PENNICOTT: Okay. Thank you very much, Mr Leung. I have
12 no further questions.

13 CHAIRMAN: Mr Shieh?

14 Cross-examination by MR SHIEH

15 MR SHIEH: Just a few questions.

16 Mr Leung, good afternoon. I represent Leighton.
17 I only have a few questions for you.

18 First of all, can I ask you to look at your
19 statement, paragraph 17. I wish to clarify a very small
20 point here. You said:

21 "As the rebars and couplers within the wall of
22 contract 1111 were embedded in concrete, Leighton
23 therefore had to chip away some of the surface concrete
24 to expose the couplers ... so that we could screw
25 contract number 1112 rebars into the contract number

1 1111 couplers, so as to connect them with the contract
2 number 1111 rebars."

3 It might just be a matter of language. What is
4 meant by "contract number 1112 rebars"?

5 A. 據我所知，1111嘅合約編號係屬於金門留出嚟嘅--留番出嚟嘅螺絲頭，
6 1112就係我哋永光留嘅螺絲頭。

7 Q. I know 1111 couplers are on the wall on the side of
8 contract 1111; yes? Correct?

9 A. 冇錯。

10 Q. I just want to understand what you mean by "screw
11 contract number 1112 rebars". What are "contract 1112
12 rebars"?

13 A. 就係禮頓提供畀我哋嘅rebar。

14 Q. Right, because in the same sentence you then say:

15 "... so as to connect them with the contract number
16 1111 rebars."

17 Do you see that?

18 A. 見到。

19 Q. So you are talking about two types of rebars? One is
20 called 1112 rebars, the other is called 1111 rebars;
21 yes?

22 A. 冇錯。

23 Q. Is there any difference between these rebars?

24 A. 因為據我所知，1111嘅鋼筋係已經係入咗個石屎入面嚟喇，連埋個螺絲頭
25 入咗石屎入面，我哋要將1112嘅rebar擰入去1111嘅螺絲頭入面，佢1111

1 同埋1112嘅鋼筋先至可以連接到。

2 Q. Well, that is something new to us, because as
3 I understand it -- and I will just describe this to you
4 and see whether you agree -- because as we understand
5 it, rebars have to be screwed onto the couplers on the
6 1111 side. Rebars had to be screwed onto the couplers
7 on the 1112 side. And then they overlap in the middle
8 of the stitch joint and you have to lap them. This is
9 our understanding of how joint 1 and joint 3 are done.

10 In short, you insert -- you fix rebars on each side,
11 1112 and 1111, and then you lap the rebars in the
12 middle. Is that the way you understand the rebar fixing
13 work to progress?

14 A. 冇錯。

15 Q. Thank you. In this paragraph, you only talked about
16 failure to chip away surface concrete on the wall on the
17 1111 side; correct?

18 A. 冇錯。

19 Q. Can I just clarify with you: is it your evidence that
20 there is no problem about failure to chip away concrete
21 on the 1112 side of the wall?

22 A. 係。

23 Q. So you have ...

24 Next, can I ask you to look at paragraph 19. In
25 paragraph 19, you talked about what you called "the

1 second type of situation". According to your evidence,
2 this was in joint 3; correct?

3 A. 可唔可以問多一次個問題？我唔...

4 Q. This morning, I think you were asked the question,
5 "Where did you observe this problem about the mismatch
6 in the shape?", and you said that you observed this
7 phenomenon at joint 3. Is that your evidence?

8 MR PENNICOTT: EWL stitch joint.

9 MR SHIEH: Yes, the EWL stitch joint, the stitch joint near
10 the shunt neck joint.

11 A. 你意思係咪金門留番出嚟嘅螺絲頭嗰面為之第三個接縫？

12 Q. I might have confused you by mentioning joint numbers,
13 because we are rather used to referring to joints by
14 numbers. Let me show you a chart, a diagram. Can you
15 look at BB1, page 90. You can see, on the top
16 right-hand corner of this diagram, there is "1111/1112
17 EWL stitch joint"; do you see that?

18 A. 見到。

19 Q. Is that where you saw this problem about mismatch in
20 shape?

21 A. 喺呢張圖上面，我唔可以好肯定呢個位置就係我發現個問題，因為當其時我
22 落去做工程個位置係阿俊帶我哋去，而我哋係唔會問佢呢個位置係屬於邊一
23 個好詳細嘅地址，但係當呢件事發生咗之後，我睇--佢畀我睇番，呢幾個位
24 置原來我都有落去做過，而我最有深刻印象嘅有呢樣發生嘅情況之下，我記
25 得係有一個好嚴重漏水嘅一個位置，就好深刻嘅，因為其他位置我都有去做

1 過，但係詳細嘅位置，我唔可以好肯定描述到。

2 Q. Can I just have one moment?

3 Now, according to your statement, paragraph 19, you
4 said:

5 "I witnessed this type of situation in the
6 construction site area of contract number 1112."

7 Do you see that?

8 A. 冇錯。Correct.

9 Q. 1112 is not the Gammon contract. 1112 is the Leighton
10 side of -- it's the Leighton contract; do you remember?

11 A. 記得。

12 Q. You are saying that you saw -- you were saying that you
13 saw mismatch between the shape of the coupler and the
14 shape of the rebar on the Leighton side of the contract?

15 A. 呢個唔係，因為我記得禮頓嗰方面留嘅螺絲頭係平頭，而冇出現過呢個情況，
16 但係我去到工地嘅位置就係見到有一面係留黃色，而係留尖頭嘅位置，但係
17 呢個可能係我嘅誤解，將佢稱之為呢個地方為1112。

18 Q. Yes, because that is actually what I want to clarify,
19 because my understanding is, on the Leighton side, 1112,
20 the couplers are cylindrical and the end of the rebars
21 are also cylindrical, so there could not be any
22 mismatch. Is that your recollection also?

23 A. 係。

24 Q. Now, one final question. You mentioned in answer to
25 Mr Pennicott's question earlier that there would be

1 yards, the rebar yards, on the construction site which
2 can have machines to work on the rebars, to turn them
3 into a correct shape. Did you say that?

4 A. 有。

5 Q. Was that your guess or have you seen these machines
6 before?

7 A. 根據我嘅知識，如果你可以將一條鋼筋去絞到一個平頭嘅螺絲頭，你相對嚟講，
8 你就可以將佢扭--絞到為一個尖頭嘅，可以改做，呢個係我知識範圍之內所知。

9 Q. But a machine which can turn a rebar into a flat-headed
10 rebar may not be able to turn it into a pointed rebar;
11 do you accept that? It depends on what the machine can
12 do?

13 A. 冇錯。

14 Q. Thank you.

15 There is one possible matter of translation that
16 I wish to clarify with you. You remember earlier this
17 afternoon you were asked a question by Mr Pennicott
18 whether it was your understanding that the whole of the
19 base slab of the EWL stitch joint had to be Y40. Now,
20 that was when you were shown a certain photograph.
21 Remember that question?

22 A. 記得。

23 Q. Your answer to that, as translated, was:

24 "We don't necessarily have to follow the drawings."
25 Now, it may be actually what you truly intended to

1 say, because when I listened to the Cantonese answer,
2 what I heard was ambiguous, because you said, "唔一定要".

3 So it could mean "mm" is "not", "not
4 necessarily", but some people have a habit of starting
5 a sentence by "Mm", so it could be, "Mm
6 一定要"; "Mm, necessarily have to".

7 So did you truly mean "Not necessarily have to
8 follow the drawing", or were you saying, "Mm, must
9 follow the drawing"?

10 A. 我想講係我哋必須要，係必須要跟番我哋嘅圖則，唔係唔需要，可能你聽咗，
11 混淆，但係我而家重新講多一次，我哋係跟番我張圖則，我收到嘅圖則去做嘅。

12 MR SHIEH: Thank you very much. I have no further
13 questions.

14 Cross-examination by MR BOULDING

15 MR BOULDING: Good afternoon, Mr Leung. I have just one
16 matter to pick up with you arising out of Mr Pennicott's
17 discussions with you earlier this afternoon.

18 Do you recall Mr Pennicott asking you about the
19 formal inspections of the steel reinforcement by MTR and
20 Leightons?

21 A. 佢頭先問唔係問巡視，佢頭先問係驗收嗰一part好似。

22 Q. Well, the transcript records that you told the
23 Commission of Inquiry that you never witnessed MTR and
24 Leighton doing the formal inspections. Do you remember
25 giving that answer to Mr Pennicott?

1 A. 我係講佢巡視，我唔係講佢巡視，我係講佢驗收嗰一part。

2 Q. Well, I'm afraid that's not what the transcript records
3 you as saying, Mr Leung. We can look it up if you want,
4 but I really didn't think there was going to be any
5 dispute about this.

6 We'd better look it up.

7 (Discussion off the record)

8 MR WONG: I think he's agreeing with you. It's just the
9 translation. Does everyone agree?

10 CHAIRMAN: I think that's right.

11 COMMISSIONER HANSFORD: Can we have that explained to us,
12 please?

13 MR BOULDING: My learned junior tells me that it's all being
14 lost in translation, but in fact he's agreeing with me.

15 COMMISSIONER HANSFORD: In what way?

16 MR BOULDING: That he never witnessed the formal inspection.

17 CHAIRMAN: Right.

18 MR PENNICOTT: That was my understanding.

19 MR BOULDING: I'm grateful for that. Let's proceed on that
20 basis.

21 Could we have a look, please, at your witness
22 statement, and that's page EE57.7. If you could scroll
23 down, please, to paragraph 26.

24 We can see, can we not, that in the first sentence
25 there we are talking about the problems that you
26 describe in the previous paragraphs of your statement;

1 correct?

2 A. 邊一段呀，請問？

3 Q. 26, the first sentence. Do you see the word "problems"
4 on the second line?

5 A. 睇到。

6 Q. And there you're talking, are you not, about the
7 problems you have referred to in the previous paragraphs
8 of your statement; that's correct, is it not?

9 A. 冇錯。

10 Q. Thank you.

11 Then if you would be kind enough to cast your eye
12 down paragraph 26, and about seven or eight lines from
13 the bottom, do you see you state:

14 "... when Leighton or MTR representatives carried
15 out their inspections, these situations would definitely
16 have been noticed."

17 Do you see that?

18 A. 睇到。

19 Q. But of course you were never present at those
20 inspections, were you?

21 A. 唔在場。

22 Q. And I suggest that in those circumstances, this is pure
23 speculation on your part, is it not?

24 A. 因為我頭先口供上講過任何人只要行埋去，肉眼睇得到嘅，問題就會--扭唔
25 人，你就會見得到個問題㗎嘛，當其時你話我唔在場，而呢個係我揣測嘅話，

1 feasible?

2 A. 做唔到，因為冇呢個工具。

3 Q. Can you kindly cast your eyes on paragraph 19 of your
4 statement. In this paragraph, you mentioned the
5 situation when there is a shape mismatch between the
6 couplers and the rebars. Do you see that?

7 A. 睇到。

8 Q. Now, you also mentioned to us that you think that there
9 are two ways to remedy this problem, one of which is
10 that Leighton is supposed to have machines being able to
11 twist the rebars from flat-headed to pointed-head.

12 A. 冇錯。

13 Q. Can I just ask you this: do you know, according to your
14 knowledge, whether any of these machines exist on site,
15 that is the construction site?

16 A. 呢個唔太清楚記得。

17 Q. You also told us, of course, that it is -- according to
18 your knowledge that these machines exist. Would you be
19 able to tell us, according to your knowledge, if these
20 machines were indeed deployed, how long would the
21 twisting process take?

22 A. 確實時間真係答你唔到，因為我雖然知道有呢個機器可以將佢做得到，但係
23 因為我未做過呢個工序，所以我唔可以答得到確實時間話到畀你聽。

24 Q. Fair enough. What about the replacement of couplers?
25 So according to your knowledge, would you have knowledge

1 as to how long would that process take?

2 A. 如果換過個螺絲帽嘅話，就必須要將螺絲帽附近嘅石屎打晒佢，先至可以將
3 佢扭到出嚟，呢個打晒呢個石屎個時間需要幾耐就真係要睇打砲嗰個工人用
4 個時間要幾耐，真係呢個答你--真係答你唔到，呢個又係，因為呢個唔係我
5 工作範疇之一，亦都係我有負責過呢個部分。

6 Q. In paragraph 19 of your statement, you also mention that
7 the problem of shape mismatch was about 30 per cent. Do
8 you see that?

9 A. 睇到。

10 Q. This is a point that I don't quite understand, because
11 if, according to you, the problem is about shape
12 mismatch, then certainly none of the rebars would be
13 able to be connected into the couplers. So can you
14 please clarify on what basis you arrived at this figure
15 or this impression?

16 A. 係我印象之中，金門留出嚟嘅所有嘅rebar同埋螺絲帽裏面，喺我印象之中
17 係大概30%左右嘅啫，印象之中。

18 Q. Understood. Now, the Commission has also heard evidence
19 from Mr Ng Man Chun that there is routine patrolling by
20 Leighton and MTR staff. Now, his evidence in his
21 witness statement is that Leighton staff would patrol
22 the site five to ten times per day and there are also
23 similar routine patrolling exercises by MTR staff.

24 My question to you is whether this statement accords
25 with your understanding?

1 A. 我曾經喺工作期間，我都見過一日都有數次禮頓嘅員工經過，係巡視嘅，但
2 係我有留心佢巡視個時間同埋個次數，但係又喺我印象之中係有出現過嘅。

3 Q. My question to you is: did you notice that during those
4 patrolling exercises, did the Leighton staff or MTR
5 staff inspect any of the rebar fixing works?

6 A. 「檢查紮鐵工程」係咩嘢意思呀，請問？

7 Q. Or would they have a look at the condition of the rebar
8 fixing works?

9 A. 當其時我哋會——一路做緊嘢，如果佢喺後面監察住我哋或者望——喺附近望
10 嘅話，會有，但係實質係咪佢做緊完全真係望實我哋呢？因為我做緊嘢嘅
11 時候，我就唔會去留意呢樣嘢，但係知道會有——佢哋經過會望。

12 Q. Did any of those Leighton or MTR staff query or ask you
13 questions as to why some of the rebars were not
14 connected to the couplers?

15 A. 冇。

16 Q. Well, did you on your part report or, according to your
17 knowledge, whether any of your colleagues reported this
18 problem to either Leighton or MTRCL staff?

19 A. 唔記得，呢個就。

20 Q. There's just one final point I wish to ask you. Can
21 I ask you to pick up your witness statement at
22 paragraph 24. In that paragraph, you talk about the
23 formal inspections by Leighton or MTRCL.

24 Now, we've heard your evidence given just now that
25 you never personally witnessed the formal inspection.

1 But, at the same time, we have also heard evidence from
2 Mr Ng Man Chun, your supervisor, that at least for the
3 initial period, that is before we are talking about the
4 stitch joints, Ah Chun and the Wing & Kwong staff would
5 actually participate or stay behind for the formal
6 inspection process, to cater for any aftercare works.

7 A. 係。

8 Q. Were you present at any of those formal inspections?

9 A. 冇。

10 Q. Did you receive any instructions to attend or not to
11 attend any of those formal inspections?

12 A. 冇收過呢啲指示。

13 MR HO: I have no further questions.

14 MR TSOI: I guess my learned friend from Pypun needs to
15 state for the record.

16 MR LIU: No questions.

17 Re-examination by MR TSOI

18 MR TSOI: Mr Leung, just in relation to the questions asked
19 by counsel for the government, I have a couple of
20 questions for you. One of the answers you gave was
21 neither you nor your colleague raised the issues of
22 mismatch problem with either Leighton or MTR. That was
23 the question asked and you said you can't remember.

24 A. 係。

25 Q. But in your statement, you have provided examples of

1 where you said Ah Chun has reported the matter to
2 Leighton. So which one is it?

3 A. 因為我哋工人嘅--即係我哋同事，我哋工人所有問題都淨係同阿俊匯報，
4 就等阿俊去同港鐵或者禮頓，我唔清楚喇，嘅人去匯報嘅。

5 Q. The other matter relates to the 30 per cent, because
6 I myself am a bit confused, I have to say. You say, in
7 relation to joint 1, the problem of the mismatch was
8 30 per cent of the rebar fixing works that you did.
9 Now, can I ask you this: when you did rebar fixing works
10 at the stitch joint, did you have to do -- did you have
11 to fix parallel threaded rebars into the Leighton side
12 of the joint?

13 A. 需要。

14 Q. And did you also have to screw in the tapered threaded
15 rebars into the 1111 side of the interface?

16 No, no, sorry -- the Gammon side, yes. The Gammon
17 side of the couplers.

18 MR PENNICOTT: Sir, there is no suggestion there's tapered
19 threaded rebars.

20 MR TSOI: No, sorry.

21 Did you have to fit rebars into the 1111 side of the
22 interface?

23 A. 需要。

24 Q. So, when you say "30 per cent", what do you mean in that
25 context? Is it 30 per cent of all the rebar fixing work

1 that you yourself conducted, that you found the
2 mismatch, or what?

3 A. 係我完成晒成個呢一倉，即係呢一部分嘅螺絲頭同埋呢個coupler嘅工序
4 入面佔30%，係由呢個圓椎形嘅--即係尖頭嘅螺絲頭同埋平頭嘅rebar擰
5 入去，係佔百分之三十嘅。

6 Q. In answer to a question raised by Mr Shieh, you
7 mentioned about an incident of water seepage. Do you
8 recall that?

9 A. 記得。

10 Q. I want you to turn to paragraph 21 of your witness
11 statement.

12 Is that the water seepage incident you were
13 referring to when answering Mr Shieh's question?

14 A. 冇錯。

15 Q. In the statement you said this, in the middle:

16 "At the time, the construction site where we had to
17 do steel reinforcement works had a serious water seepage
18 and flooding situation, but Leighton requested that Wing
19 & Kwong continue the steel reinforcement works at that
20 location."

21 Can you see that?

22 A. 見到。

23 Q. Do you know who in Leighton requested Wing & Kwong to do
24 that or not?

25 A. 唔清楚邊個，因為呢--要求我哋繼續做係經我上司阿俊，佢一個禮頓嘅人員

1 就同阿俊講，阿俊又同我哋講話都要照做。

2 MR TSOI: Thank you, Mr Leung. That's all my questions.

3 CHAIRMAN: Good. Thank you very much indeed.

4 Peter, do you have anything?

5 COMMISSIONER HANSFORD: No, nothing.

6 CHAIRMAN: That is the end of your evidence. Thank you.

7 You can be excused now. Thank you for your assistance.

8 WITNESS: Thank you.

9 (The witness was released)

10 MR SHIEH: Mr Chairman and Mr Commissioner, according to the
11 witness schedule --

12 CHAIRMAN: Sorry, Mr Shieh, I lost you for a second.

13 Normally, it's a towering presence!

14 MR SHIEH: I can try to stand on one leg!

15 According to the witness schedule, the next witness
16 is Mr Henry Lai from Leighton. He is available and
17 ready to come in. I wonder whether you wish to take the
18 afternoon break now or whether we plough on until
19 an appropriate moment.

20 CHAIRMAN: It would seem like a reasonable time to do it
21 now, do you think?

22 MR PENNICOTT: I think so, sir, because we may have a little
23 bit of switching around of seating arrangements as well,
24 so that will give us a chance to do that.

25 CHAIRMAN: Okay. 10 minutes or quarter of an hour?

26 MR PENNICOTT: 15 minutes.

1 CHAIRMAN: 15 minutes. Thank you.

2 (3.11 pm)

3 (A short adjournment)

4 (3.30 pm)

5 MR SHIEH: Can I now call Mr Henry Lai.

6 MR HENRY LAI (affirmed)

7 Examination-in-chief by MR SHIEH

8 Q. Mr Lai, good afternoon. Can I ask you to look at -- you
9 have made three witness statements for the purpose of
10 this Inquiry, and can I ask you to look at these
11 statements one by one.

12 First of all, CC1, page 88. This is a document
13 entitled, "Witness statement of Henry Lai"; do you see
14 that?

15 A. Yes.

16 Q. Can you turn to page 97. Is that your signature on that
17 page?

18 A. Yes, that is.

19 Q. Then can I ask you to turn to bundle CC6, page 3786.

20 A. Yes.

21 Q. That is your second witness statement; yes?

22 A. Yes, it is.

23 Q. Can you turn to page 3789.

24 A. Yes.

25 Q. Is that your signature?

26 A. Yes, that is.

- 1 Q. Finally, bundle CC10, page 6506.
- 2 A. Yes.
- 3 Q. That is your third witness statement; can you see that?
- 4 A. Yes, correct.
- 5 Q. Can you turn to page 6509. Is that your signature?
- 6 A. Yes, it is.
- 7 Q. In accordance with a little convention we established
8 when Leighton witnesses are called, can I show you
9 an organisation chart, at CC2, page 526.
- 10 A. Yes, I see it.
- 11 Q. This is an organisation chart. You can see the dark
12 blue box, "MTRC", at the top, in the middle; you can see
13 that?
- 14 A. Yes.
- 15 Q. And you can see Mr Zervaas and Mr Ian Rawsthorne. At
16 around 4 o'clock of Mr Rawsthorne, you can see
17 "Joe Tam", "Project manager"; can you see?
- 18 A. Yes.
- 19 Q. If you move down Joe Tam, under "West" and then
20 "(NAT/GLJ ...)" and you can see Chan Hon Sun and under
21 Chan Hon Sun you can see, "Engineer Henry Lai"?
- 22 A. Yes.
- 23 Q. Does that correspond with your understanding of the
24 relevant line of reporting during the relevant time?
- 25 A. Yes.
- 26 Q. So colloquially you would say Joe Tam is your ultimate

1 boss for the area that you worked at?

2 A. Yes.

3 MR SHIEH: Thank you very much. Please remain in the
4 witness box, because Mr Ian Pennicott in front of me for
5 the Commission will have some questions for you, and
6 also other parties may have their own questions for you
7 as well, and if I have anything to follow up, I will ask
8 questions of you in re-examination.

9 Of course, Mr Chairman and Mr Commissioner may also
10 have their questions for you.

11 WITNESS: Understood.

12 MR SHIEH: Please remain seated.

13 Examination by MR PENNICOTT

14 MR PENNICOTT: Good afternoon, Mr Lai.

15 A. Good afternoon, sir.

16 Q. Mr Shieh has told you what's going to happen, so I won't
17 repeat it.

18 Mr Lai, you tell us that you have a bachelor of
19 engineering in civil engineering. Which year did you
20 obtain that?

21 A. I obtained that in 2012.

22 Q. And you have a master of science in civil engineering.

23 In what year did you obtain that?

24 A. That would be in 2013.

25 Q. And from which institutions?

26 A. University of Glasgow.

1 Q. And you joined Leighton in that year, 2013?

2 A. Yes.

3 Q. So this was your first ever job, as it were?

4 A. This is my --

5 Q. Full-time job.

6 A. Full-time job, yes. Previously -- sorry, this would be

7 my second job. My first job was with Bachy Soletanche.

8 I only worked for two months, and then I transferred to

9 Leighton.

10 Q. That would have also been in 2013, would it?

11 A. Yes.

12 Q. Okay.

13 You were promoted to senior engineer in early 2018?

14 A. Yes.

15 Q. And you are still with Leighton; is that right?

16 A. That's correct.

17 Q. Mr Shieh helpfully took us to the organisation chart of

18 May 2017. I think, we are not going to go to it, but if

19 you look at an organisation chart of some five months

20 later, in October, the situation is basically the same,

21 and I think, as you indicated to Mr Shieh earlier,

22 Joe Tam remained essentially as your superior, your

23 boss, throughout the course of 2017?

24 A. Yes, correct.

25 Q. At paragraph 9 of your witness statement, if you could

26 turn to that. Sorry, your first witness statement.

1 A. Thank you, sir.

2 Q. You say:

3 "On a typical day, I spent most of my time (usually
4 from around 9 am to 5 pm, especially around the period
5 of the pouring of concrete) on site supervising various
6 construction works, including conducting routine
7 inspections.

8 I would usually check once in the morning and once
9 in the afternoon on the progress and manpower for the
10 works. If there were any issues, I would raise them
11 with the foremen of Wing & Kwong and Hills."

12 Who was the foreman at Wing & Kwong that you would
13 raise issues with?

14 A. That would be Ng Man Chun.

15 Q. Ah Chun?

16 A. Ah Chun, yes.

17 Q. Did that remain the case throughout the course of the
18 whole of the Wing & Kwong works?

19 A. Yes.

20 Q. So you first met Ah Chun in around about February 2016,
21 is that right, when you first started working on this
22 project?

23 A. Yes, that would be the case. Yes.

24 Q. Did you get to know Ah Chun well?

25 A. On a work, professional basis, yes.

26 Q. Did you have any contact with him outside the work and

1 professional context?

2 A. No.

3 Q. Did you ever have and hold lunches with him and talk
4 about the work that was proceeding?

5 A. There would be, yes, lunch.

6 Q. But conversations would be limited to work and progress,
7 and work-related matters?

8 A. Work-related matters, progress.

9 Q. And outside lunches and the work context, did you ever
10 have any other interaction with Ah Chun?

11 A. Maybe the festival greetings. That's all.

12 Q. That's all. Would you regard him as a friend?

13 A. I would regard him as a work friend.

14 Q. All right. But you had regular contact with him
15 throughout the course of the Wing & Kwong works; would
16 you accept that?

17 A. I accept that.

18 Q. So how often would you see him during the course of
19 a working week?

20 A. Depends on the works, and the works that I involved with
21 him, so necessary when it's required. Maybe at least
22 once or twice a day.

23 Q. Once or twice ...?

24 A. A day.

25 Q. Okay. In paragraph 11 of your witness statement, you
26 explain how, in broad terms, a stitch joint was

1 constructed; is that right? Would that be a fair
2 summary?

3 A. Sorry, can you repeat that?

4 Q. Yes. In broad terms, in paragraph 11, you give
5 a general description of the construction process of
6 a stitch joint?

7 A. Yes.

8 Q. Did you yourself closely observe and monitor the
9 construction of the three stitch joints with which we
10 are concerned and indeed the shunt neck joint?

11 A. I carried inspections daily, once in the morning, once
12 in the afternoon.

13 Q. So I think the answer to my question is probably "yes",
14 that you did closely observe and monitor the
15 construction of those joints?

16 A. Yes.

17 Q. Now, what I'd like to do, if I may, Mr Lai, is show you
18 the witness statement of Michael Fu, one of the MTR
19 witnesses. I don't know whether you know Mr Fu, do you?

20 A. I know of Mr Fu.

21 Q. Have you read his witness statement?

22 A. No, I haven't.

23 Q. If you could please be shown BB1, page 71. As I say, if
24 you -- we're just picking it up just to show you -- this
25 is part of Mr Fu's witness statement, Mr Lai, just to
26 put us in context, and he's got a diagram there,

1 diagram 1 on page 71, which shows "Typical details of
2 a stitch joint (external walls)"; do you see that?

3 A. Yes, I do.

4 Q. If you could go over the page to page 72, please, Mr Fu
5 describes in some detail how the process of constructing
6 a stitch joint should be carried out.

7 What I would like you to do, if you would, is to
8 tell us whether you agree that this was how the
9 original -- I'm not talking about the remedied stitch
10 joints but the original stitch joints -- whether you
11 agree that this is how they were in fact carried out.

12 First of all, Mr Fu says this:

13 "... GKJV [so that's Gammon] should construct the
14 1111 NSL interfacing tunnel structures with couplers
15 (with protective caps) fixed at the end of the
16 structure. Note that there should be a collar at the
17 exterior of the structure. GKJV should also install
18 a waterproof membrane at the exterior of the collar and
19 a water stop at the structure."

20 Then he refers to the yellow parts of a diagram at
21 appendix D, which is page 91 in the same bundle.

22 First of all, do have a look at that, Mr Lai. It's
23 page 91. That's it.

24 So he's describing the yellow part of the diagram;
25 do you see that?

26 A. Yes, I do.

1 Q. Do you agree, first of all, with that description, and
2 do you -- from your recollection, is that what actually
3 happened? Is that what Gammon, the GKJV, actually did,
4 so far as you are aware?

5 A. Yes.

6 Q. Then going back to -- keep that diagram handy but going
7 back to the narrative of Mr Fu's statement. He then
8 says:

9 "Then, Leighton should construct the 1112 NSL
10 interfacing tunnel structures also with couplers (with
11 protective caps) fixed at the end of the structure.
12 There should also be a collar at the exterior of the
13 structure. Leighton should also install a waterproof
14 membrane at the exterior of the collar and a water stop
15 at the structure. See the green parts of the
16 diagram ..."

17 And again, Mr Lai, to the best of your recollection,
18 is that what Leightons did?

19 A. Yes.

20 Q. So what we should have, therefore, is a mirror image of
21 the two sides of the joint; do you agree?

22 A. Yes.

23 Q. Then Mr Fu goes on to say:

24 "Upon the construction of the two interfacing tunnel
25 structures as mentioned in (a) and (b) above, the two
26 structures would not be 'stitched' together immediately.

1 This is because ..."

2 And then a reference is made to drawing 101 for
3 short.

4 "... expressly required that '2. The stitch joint
5 shall be cast as late as possible in the construction
6 sequence, and preferably after groundwater recharge, to
7 minimise the amount of differential movement after
8 casting. Casting shall not be carried out until after
9 completion of backfilling'."

10 Pausing there. Is that a drawing with which you're
11 familiar, Mr Lai?

12 A. Can I please see the drawing to see the detail then?

13 Q. Yes, you can. It's in -- he says hesitatingly --
14 BB1/463, please. It's up on the screen as well, Mr Lai.

15 Do you see that, Mr Lai?

16 A. Yes, I do.

17 Q. So the bit that I read out of Mr Fu's statement, he's
18 quoting the note 2 in the top right-hand corner?

19 A. Correct.

20 Q. If we could go back to his witness statement. Can I ask
21 you this. The note says:

22 "The stitch joint shall be cast as late as possible
23 ... to minimise the amount of differential movement",
24 and so forth.

25 Can you tell us, can you tell the Commission,
26 Mr Lai, upon what basis Leighton decided that the

1 differential movements had stabilised and that it would
2 be now appropriate to construct the stitch joints?

3 A. Can you repeat again, sorry?

4 Q. Yes, sure. How do you know when the movement of the two
5 structures, the Leighton structure, the Gammon
6 structure -- how do you know when it's okay to build the
7 stitch joints?

8 A. I only follow under the programme that we had to start
9 the stitch joint works.

10 Q. But if you read the note -- this is an engineering
11 matter --

12 A. Yes.

13 Q. Mr Lai:

14 "The stitch joint shall be cast as late as possible
15 in the construction sequence ..."

16 Well, we understand that.

17 "... and preferably after groundwater recharge ..."

18 So how is the groundwater recharge monitored? How
19 is it measured? How do you know when it has recharged?

20 A. For that, I don't know.

21 Q. You don't know. Then it goes on:

22 "... to minimise the amount of differential
23 [settlement] after casting."

24 Again, do you know whether differential movement is
25 monitored on the Leighton structure and the Gammon
26 structure, so that you have some idea as to where the

1 structures have reached in terms of settlement before
2 you do the stitch joint?

3 A. I don't know.

4 Q. So do you know who in the Leighton organisation would be
5 responsible for saying or determining when the stitch
6 joint can be constructed? Not as a matter of timetable
7 but as a matter of engineering.

8 A. For the monitoring part, should be the design team.

9 Q. Right. So who heads up the design team in that respect?

10 A. I'm unsure.

11 Q. All right.

12 COMMISSIONER HANSFORD: Sorry, what was that answer?

13 A. I'm not sure.

14 COMMISSIONER HANSFORD: Okay. Sorry. I thought that
15 sounded like a Chinese name for a moment.

16 A. My apologies.

17 COMMISSIONER HANSFORD: No, it's fine.

18 MR PENNICOTT: Can I just ask you to look at
19 subparagraph (d) of Mr Fu's witness statement -- we are
20 still on page 72. What he says there is:

21 "At the stage of construction referred to in
22 subparagraph (c) above, the two collars at the exteriors
23 of the structures would serve the purpose of sealing up
24 the space within the tunnel structures (ie the red
25 part as shown in [the diagram]) ..."

26 Do you agree with that?

1 A. Agreed.

2 Q. Then he says:

3 "As there would still be a gap between the collars
4 (through which soil and underground water might seep in
5 after backfilling and the recharging of underground
6 water had occurred), Leighton was required to install
7 an Omega seal at the inner intersection of the two
8 collars."

9 Do you agree with that, and was that done by
10 Leighton?

11 A. Yes, it was.

12 Q. Then, at subparagraph (e) on page BB73 -- so I'm moving
13 on to the next page in Mr Fu's witness statement -- he
14 says:

15 "After the differential movements of the two
16 structures were stabilised ..."

17 And, as I understand it, you are not able to assist
18 us at the moment as to how one knows that that
19 stabilisation has taken place?

20 A. No, sorry.

21 Q. I'm sure somebody else will.

22 "... Leighton should:

23 (i) Expose the couplers fixed at the 1111 NSL
24 interfacing tunnel structures and screw rebars (the
25 '1111 rebars') into those couplers".

26 Now, is that still your evidence, that it is

1 Leighton who should expose the couplers fixed at the
2 1111 side of the stitch joint?

3 A. But exposing work should be done by Gammon.

4 Q. Right. So you would want to change that to say that it
5 shouldn't be Leighton who exposes those couplers on the
6 Gammon side; it should be Gammon that exposes couplers?
7 Is that right?

8 A. Correct.

9 Q. Why is it that you've changed your evidence on that
10 point?

11 A. On which paragraph?

12 Q. Well, you -- sorry, your position is what, that -- has
13 it always been that Gammon should expose those couplers
14 on that side?

15 A. Correct.

16 Q. I beg your pardon. It's Mr Fu. We will ask Mr Fu about
17 that. Sorry. My problem.

18 Okay. So Gammon expose on the 1111 side?

19 A. Correct.

20 Q. Did you inspect Gammon's work when they exposed those
21 couplers?

22 A. It was notified to us.

23 Q. Right. Did you personally inspect the couplers exposed
24 by Gammon on the Gammon side?

25 A. I can't remember.

26 Q. All right. Did you at any time see yellow-capped

1 couplers --

2 A. Yes.

3 Q. -- in the stitch joints?

4 A. Yes.

5 Q. And did you see those yellow-capped couplers on the
6 Gammon side of the stitch joint?

7 A. Sorry, can you repeat that again?

8 Q. Yes. Were all the yellow-capped couplers on the Gammon
9 side of the stitch joint?

10 A. Yes, only the yellow caps on the Gammon side of the
11 stitch joint.

12 Q. Did you, back in 2017, take it upon yourself to go and
13 closely inspect those yellow-capped couplers?

14 A. We had requested Gammon side to expose the work, for
15 doing the expose work. We were notified that they had
16 finished it, and at the time, during my daily
17 inspections, I would have had a look.

18 Q. And did you have occasion to remove any of the yellow
19 caps on those couplers?

20 A. No. It wouldn't be appropriate.

21 Q. Why not?

22 A. Because they are there to protect the couplers.

23 Q. Well, you could go and take the cap off, have a look,
24 inspect and put the cap on again. Did you not do that?

25 A. No.

26 Q. The couplers that were used -- this is the next

1 subparagraph in Mr Fu's statement. The next thing to do
2 is:

3 "Expose the couplers fixed at the 1112 [side] ..."

4 Do you agree that the couplers on the 1112 side had
5 red caps?

6 A. Agreed.

7 Q. Did it ever occur to you there might be a difference --
8 this is back in 2017. Did it ever occur to you that
9 there might be a difference between the red caps and the
10 yellow caps on these couplers?

11 A. No.

12 Q. Presumably, you knew that the red-capped couplers on the
13 Leighton side were manufactured by BOSA?

14 A. Correct.

15 Q. Did you know, in 2017, by whom the yellow-capped
16 couplers were manufactured?

17 A. No.

18 CHAIRMAN: Sorry, could I ask: did you not wonder at any
19 time why there would be the different coloured caps?

20 A. From my experience at the time, I had only worked with
21 one type of coupler, so I didn't take that into my mind
22 that they would be different.

23 CHAIRMAN: Okay. And the one type of coupler you had dealt
24 with was a BOSA coupler, was it?

25 A. Only BOSA.

26 MR PENNICOTT: All right. So the fact that when you saw the

1 yellow caps it didn't register with you that they might
2 be in some way different?

3 A. No.

4 CHAIRMAN: The only reason I ask is because -- and I'm not
5 disputing your viewpoint -- but often, not always but
6 often, different colours denote perhaps a slightly
7 different design, and that goes right the way through,
8 from simple pharmaceuticals, if you pick up a bottle of
9 antacid that is turquoise and the one next to is bright
10 yellow, you can probably work on the basis that one is
11 mint and the other is lemon, for example. Do you know
12 what I mean?

13 A. Yes, I understood.

14 CHAIRMAN: But you didn't think to yourself that perhaps --

15 A. At that time, no.

16 MR PENNICOTT: All right.

17 With regard to the exposing of the couplers, let's
18 just focus on the Gammon side first, which we now
19 understand they were exposed by Gammon or somebody
20 working for or on behalf of Gammon. Did you see, did
21 you witness with your own eyes, the process of removing
22 the concrete to expose the couplers?

23 A. I have seen workers working down there, yes.

24 Q. And what tools were they using to do the chipping off
25 and the exposing of the couplers?

26 A. They would use a hand-drill, pneumatic drill.

1 Q. Right. Anything else?

2 A. Possibly a hammer.

3 Q. So a hand-drill and -- hand-tools?

4 A. Yes.

5 Q. That would be the same on the Leighton side, would it,
6 the same sort of process?

7 A. Correct.

8 Q. And we understand now that so far as the Leighton side
9 is concerned, the exposing of the couplers was done by
10 Hills, together with Leighton's own employed labour; is
11 that your understanding?

12 A. Yes.

13 Q. Okay. Do you have any recollection of how long the
14 process took of exposing a row of couplers?

15 A. That would depend on the difficulty of exposing.

16 Q. And the difficulty would depend upon what?

17 A. How deeply they could be embedded into the concrete, so
18 depending on the thickness of the slurry, we would say,
19 or concrete, then it would determine the amount of time
20 that it required for us to expose the couplers.

21 Q. Right. In the area where the exposing of the couplers
22 had to take place, what was the actual nature of the
23 concrete? I mean, was it absolutely solid concrete or
24 was it a cement paste? I mean, what was it -- how did
25 it look, and how easy was it to do this chipping-off
26 process?

1 A. It wasn't easy. Solid concrete.

2 Q. I see. Have you looked at the Hills sub-contract
3 between Leighton and Hills?

4 A. No.

5 Q. All right. I'll deal with that with somebody else, on
6 that basis.

7 Now, could I ask you to go to subparagraph (f) in
8 Mr Fu's witness statement -- we are now at BB74 -- where
9 he deals in a little detail with the construction of the
10 NSL interface joint. Do you see that, Mr Lai?

11 A. Point (f) is pointing at the twin-box structure.

12 Q. Yes. It's:

13 "... the NSL Tunnel is a twin-box underground tunnel
14 structure, Leighton had to connect ..."

15 A. Okay. Yes.

16 Q. He's now going on to provide the detail of the stitch
17 joint at that point. He says, firstly:

18 "The base slab of the 1111 NSL interfacing tunnel
19 structures and the base slab of the 1112 NSL interfacing
20 tunnel structures".

21 So what had to be done in the base slab, no doubt
22 you will agree, is first of all the rebar work had to be
23 done, and then it had to be concreted?

24 A. Agreed.

25 Q. When the rebar in the base slab had been completed,
26 would that be regarded as a hold point?

1 A. Yes.

2 Q. So, at that point, the rebar should have been inspected
3 by Leighton and by MTR?

4 A. Yes.

5 Q. And before the concrete of the base slab was poured,
6 that's a pre-pour hold point; do you agree?

7 A. Agree.

8 Q. So there are two hold points so far as the base slab of
9 the stitch joint is concerned?

10 A. Correct.

11 Q. He then goes on to say:

12 "The external walls of the 1111 NSL interfacing
13 tunnel structures and the external walls of the 1112 NSL
14 interfacing tunnel structures".

15 So we've got external walls on either side of the
16 stitch joint; yes?

17 A. Correct.

18 Q. And, first of all, they have to be kitted out with
19 rebar, reinforcement, on each wall; yes?

20 A. Correct.

21 Q. Separate hold points for each wall or just one hold
22 point for both walls, Mr Lai; what is your understanding
23 or recollection of what happened?

24 A. My understanding is for one hold point.

25 Q. In respect of both walls, as it were, so just one hold
26 point for both walls?

1 A. Yes, as they were inspected on the same day.

2 Q. Okay. So there would also be a rebar inspection, one
3 hold point, but also a pre-pour inspection. Again, one
4 hold point or two hold points for the pre-pour?

5 A. One hold point.

6 Q. Then he says:

7 "The dividing wall of the 1111 NSL interfacing
8 tunnel structures and the dividing wall of the 1112 NSL
9 interfacing tunnel structures".

10 Now, was there a separate hold point for the
11 dividing wall or was that done at the same time as the
12 East and West Walls, the external walls?

13 A. From my recollection, it should be one hold point,
14 because it was cast together with the external walls.

15 Q. Right. So all three walls, essentially, together, one
16 hold point for the rebar, one hold point for the
17 pre-concrete pour?

18 A. Correct.

19 Q. Then he says:

20 "The roof slab of the ... interfacing tunnel
21 structures ..."

22 Again, the same process: rebar first, followed by
23 concrete pour, and two hold points, one for the rebar,
24 one for the concrete; is that right?

25 A. One for the rebar, one for the pre-pour.

26 Q. Sorry, the pre-pour concrete. Yes.

1 So, on that basis, for this particular joint, six
2 hold points essentially, three for the rebar, three for
3 the pre-pour?

4 A. Correct.

5 Q. And in respect of those there should have been a RISC
6 form?

7 A. Correct.

8 Q. But there wasn't?

9 A. No.

10 Q. Of more later.

11 CHAIRMAN: Sorry, how many RISC forms does that come to
12 on --

13 MR PENNICOTT: Six.

14 CHAIRMAN: Thank you. I heard you say that. Thank you.

15 COMMISSIONER HANSFORD: Sorry, just so that I can
16 understand -- this is just covering -- this is covering
17 joint 1?

18 MR PENNICOTT: And joint 3 --

19 COMMISSIONER HANSFORD: And joint 3, but separately, so
20 therefore, assuming it's the same, which I have no doubt
21 you are going to --

22 MR PENNICOTT: It's the next question.

23 COMMISSIONER HANSFORD: Fine. But you just dealt with
24 joint 1?

25 MR PENNICOTT: I just dealt with joint 1, that's right,
26 which is I think what Mr Fu is dealing with in that

1 subparagraph.

2 COMMISSIONER HANSFORD: Okay. I understand.

3 MR PENNICOTT: Mr Lai, do you agree that with regard to the
4 EWL interface stitch joint, it is the same, save that
5 the EWL doesn't have a roof, but the base slab and the
6 walls, it's the same principle?

7 A. Correct.

8 Q. However, if one looks at the famous BB9/6363 -- if you
9 look at items 58a, b and c; that's the pink bit towards
10 the bottom -- would you agree that it appears on the
11 face of this that there would in fact have been separate
12 inspections of rebar and pre-pour concrete on each of
13 the walls?

14 A. Sorry, can you repeat the question again?

15 Q. Yes, sure. On the EWL stitch joint, original, which is
16 items 58a, b and c on here, you see three lines.
17 There's the track slab, the West Wall and East Wall, and
18 what I'm asking you is: is this telling us that there
19 was a separate hold point, or separate hold points, for
20 each of the walls, that is the West Wall and East Wall?

21 You may be helped in answering that question if you
22 look at the concrete pour dates on the right-hand side.

23 A. Sorry, just repeat the question one more time. Sorry,
24 I was reading.

25 Q. Can we infer from this information that we are given in
26 relation to the EWL interface stitch joint that there

1 were separate hold points for each of the walls?

2 A. No.

3 Q. Why do you say that?

4 A. Because the rebar can be fixed together but cast on
5 different dates.

6 Q. All right, but the rebar here, so far as the West Wall
7 is concerned, was, according to this, constructed in one
8 day, on 25 January, and indeed concreted on the same
9 day; yes?

10 A. Yes.

11 Q. However, the East Wall started on 19 January and didn't
12 finish until 28 January. So it must follow that they
13 could not have been inspected at the same time.

14 A. On this basis, yes.

15 Q. So there would have had to have been, on this analysis,
16 separate hold points for the rebar and the pre-pour for
17 each of the walls?

18 A. Yes, by this, by this analysis, yes.

19 COMMISSIONER HANSFORD: Sorry, is that actually possible, to
20 do all of the reinforcement for one wall in one day, and
21 concrete it in the same day? Is that possible?

22 A. It would if a small section.

23 COMMISSIONER HANSFORD: Was this a small section?

24 A. Yes.

25 COMMISSIONER HANSFORD: Okay.

26 MR PENNICOTT: Sir, I will be coming back to the whole

1 question of the hold-point inspections later. I'm just
2 trying to lay the ground at the moment.

3 COMMISSIONER HANSFORD: I'm sure you will. I'm also trying
4 to get my mind around this chart.

5 MR PENNICOTT: Just how many there ought to have been and
6 whether they were all being done in one day is an issue
7 that arises on a couple of these.

8 COMMISSIONER HANSFORD: Okay. Thank you.

9 MR PENNICOTT: We've dealt with the two interface joints,
10 Mr Lai. Now, so far as the internal joint is concerned,
11 that's what we're calling joint 2 -- that's the one
12 internal to contract 1112 -- presumably the process is
13 very similar to the NSL interface joint that we went
14 through just a moment ago, because it does have a roof?

15 A. Yes, correct.

16 Q. But if you look at this sheet and you go to the pink
17 area at the top -- it's all a bit complicated -- but if
18 you look at the internal stitch joint, the 1112 joint,
19 it's items or box numbers 54 to 57; do you see that?

20 A. Yes.

21 Q. This time, unlike the NSL interface joint, which is 51,
22 52 and 53, would you agree that this suggests that there
23 would have been separate hold points for the dividing
24 wall and the East Wall on the one hand and the West Wall
25 on the other?

26 A. I disagree.

1 Q. You disagree because they were done on the same dates,
2 presumably?

3 A. Correct.

4 Q. Were you personally responsible, so far as Leighton is
5 concerned, for doing the hold-point inspections in
6 relation to those three stitch joints that we've just
7 looked at?

8 A. Sorry, could you repeat the question again?

9 Q. Yes. Okay. Let's break it down. So far as the rebar
10 hold-point inspections are concerned on those three
11 stitch joints, were you personally responsible for
12 carrying out those inspections on behalf of Leighton?

13 A. Yes.

14 Q. Is it correct that prior to those hold-point formal
15 inspections being carried out, you had also carried out
16 routine inspections of the rebar work?

17 A. Yes.

18 Q. And so far as Leighton is concerned, on the engineering
19 side, was anybody else involved, first of all, in
20 carrying out routine inspections of the rebar work in
21 the stitch joints?

22 A. For the progress, the foreman would have seen the
23 progress; for the rebar checks, myself.

24 Q. That's routine, and so far as the formal hold-point
25 inspections are concerned, was anybody else from
26 Leightons involved in carrying out those formal

1 hold-point inspections of the rebar at these three
2 stitch joints?

3 A. Sorry, repeat again.

4 Q. So far as the hold points are concerned --

5 A. Okay.

6 Q. -- and the inspection of the rebar, apart from you, was
7 anybody else at Leighton involved?

8 A. No.

9 Q. When you carried out those rebar hold-point inspections,
10 did you carry them out with an engineer from MTRC?

11 A. Yes.

12 Q. In relation to the EWL interface stitch joint, who was
13 that engineer?

14 A. Chris Chan.

15 Q. In relation to the NSL interface stitch joint, who was
16 the MTR engineer?

17 A. Chris.

18 Q. In relation to the internal stitch joint at the 1112
19 NSL, who was the MTR engineer?

20 A. Also Chris.

21 Q. Right. Could I ask you, please, to look at Mr Chan's
22 witness statement, which is at BB1/117. Sorry, if you
23 start at 106, I beg your pardon.

24 I don't know whether you've had a chance -- have you
25 had a chance to look at this witness statement, Mr Lai,
26 or not?

1 A. Yes.

2 Q. You have? All right.

3 Just so everybody knows what we are looking at,
4 BB106 is the start of Mr Chan's witness statement. Then
5 if you could please go to page 117. At paragraph 25,
6 this is what Mr Chris Chan says:

7 "I was never asked to inspect the 3 stitch joints or
8 the 1111/1112 shunt neck joint. This was because
9 I expected that Leighton would have contacted MTR's IOWs
10 or ConE II to conduct the necessary inspection. I must
11 emphasise that I was never informed of any rebar
12 coupling problems relating to the 3 stitch joints and/or
13 the 1111/1112 shunt neck joint."

14 So Mr Chan is telling the Commission, as we
15 understand it, that he did not inspect those three
16 joints. What do you say about that?

17 A. I believe I have made my statement that I requested
18 inspection with him.

19 Q. Are you sure that you did not carry out those
20 inspections with another, different MTR engineer?

21 A. Yes.

22 CHAIRMAN: Sorry, how is it that you have some certainty in
23 your memory?

24 A. Because he is the first person I would contact for the
25 rebar inspection first, and from previous dealings with
26 the IOWs, the inspectors of works, they do not carry out

1 rebar checks.

2 COMMISSIONER HANSFORD: Sorry, maybe Mr Pennicott is going
3 to come to it, but you said you are sure that you
4 requested an inspection from him.

5 A. Yes, and inspected with him.

6 COMMISSIONER HANSFORD: "And inspected with him"?

7 A. Yes.

8 COMMISSIONER HANSFORD: Thank you.

9 MR PENNICOTT: Do you recall the names or identities of any
10 of the other engineers that worked with Mr Chan on the
11 NAT area?

12 A. Kappa.

13 Q. Kappa Kang?

14 A. Yes.

15 Q. She was the ConE II?

16 A. Correct.

17 Q. And are you sure that she did not carry out the
18 hold-point rebar inspections with you?

19 A. Yes.

20 Q. Again, what makes you so sure about that?

21 A. From my recollection, I did not carry out any
22 inspections with her regarding the three stitch joints.

23 Q. With regard to the pre-pour inspections of those three
24 stitch joints --

25 A. Yes.

26 Q. -- as I understand it, you were not involved in the

1 pre-pour inspections?

2 A. I was.

3 Q. You were involved -- in all of them, in relation to all
4 stitch joints?

5 A. Yes.

6 Q. And all parts of it: the base, the walls and the roof?

7 A. Yes.

8 Q. And which MTRC personnel were involved in the pre-pour
9 hold-point inspections?

10 A. There were two inspectors, Tony and Chung.

11 Q. Right. Tony Tang?

12 A. Correct.

13 Q. Did you say "Chun", I'm sorry?

14 A. Chung, C-H-U-N-G.

15 Q. All right.

16 Could we then -- I'll be coming back with some more
17 questions on inspections and stuff a bit later, but
18 could we then just spend a few minutes on the shunt neck
19 construction joint.

20 A. Okay.

21 Q. Which you deal with in your witness statement at
22 paragraphs 20 to 24 in particular.

23 Again, you were involved in both routine inspection
24 and hold-point inspection so far as the shunt neck is
25 concerned, shunt neck joint?

26 A. Are we referring to the statement page CC92?

1 Q. That's right, yes.

2 A. Thank you. I just wanted to make sure.

3 Q. So you were involved in both the routine inspections and
4 the hold-point inspections in relation to the bay 3 and
5 the shunt neck joint; is that right?

6 A. Yes, correct.

7 Q. And at paragraph 24 of your witness statement you say:

8 "I was involved in the joint inspection of the rebar
9 fixing works with MTR."

10 As I understand it, again, your evidence is that was
11 Chris Chan; is that right?

12 A. This one, you are referring to the shunt neck joint?

13 Q. Yes.

14 A. I gave my evidence for the stitch joint.

15 Q. Yes, but who do you say inspected the shunt neck joint
16 then, if it wasn't Chris Chan?

17 A. For that, I'm unsure.

18 Q. Could I ask you, please, to look at paragraph 35 of your
19 witness statement. Sorry, Mr Lai, it's not my intention
20 to try to catch you out, but can I just ask you to look
21 at paragraph 35:

22 "I was the Leighton engineer responsible for
23 conducting the rebar fixing check with the MTR's
24 construction engineer for the 3 stitch joints and the
25 shunt neck joint. I confirm that I conducted those
26 checks with MTR's construction engineer (Chris

1 Chan) ..."

2 So it seems to me that you were including the shunt
3 neck joint for Mr Chan as well as the other three
4 joints, but you are now not quite so sure?

5 A. No, now I'm sure, yes.

6 Q. Who were the other candidates if it wasn't Mr Chan?

7 A. Ms Kappa Kang.

8 Q. So you think it's at least possible that she was
9 involved in the inspection of the shunt neck joint?

10 A. No. I stand by my statement.

11 Q. What?

12 COMMISSIONER HANSFORD: He stands by his statement.

13 MR PENNICOTT: Okay. So you are not sure that it was

14 Chris -- you are sure it was Chris? "Now I'm sure", I'm
15 so sorry.

16 CHAIRMAN: Just to avoid any ambiguity, your memory
17 satisfies you that it was Chris Chan?

18 A. Yes.

19 MR PENNICOTT: Okay.

20 At the shunt neck joint, Mr Lai, did you, again, see
21 any exposed couplers with yellow caps at the shunt neck
22 joint; do you recall?

23 A. Yes. Yes.

24 Q. But again you took no steps to unscrew the caps and
25 investigate the yellow caps that you presumably, from
26 your earlier evidence, had never seen before?

1 A. No.

2 Q. When you carried out the hold-point inspections of the
3 rebar, what documentation did you take with you?

4 A. The latest rebar drawing at the time.

5 Q. Anything else or just the rebar drawings?

6 A. Just the rebar drawings. Tape measures.

7 Q. Do you have any recollection of what, on your evidence,
8 Mr Chan had with him in terms of documentation, if any?

9 A. It would have been drawings. Drawings, yes.

10 Q. Can you tell us how that hold-point inspection of the
11 stitch joints was carried out? Did you do your separate
12 inspections? Were you together all the time? How was
13 it done?

14 A. We would have walked together and he would spot-check.

15 Q. And so far as the rebar is concerned -- let's focus on
16 the base slab -- how many layers of rebar were there on,
17 let's say -- let's take the EWL interface stitch joint
18 to start with. I don't know whether they were all
19 different, but let's start with that one. How many
20 layers of rebar are we talking about, in the base slab?

21 A. Can I have a drawing to refer or do I have to --

22 Q. You can't remember whether it was two, four, six, eight?

23 A. If there was an interface, would be two mats, four
24 layers.

25 Q. Two mats. Four layers in each?

26 A. No, two layers on the bottom, we call it B1, B2, and

1 then T2 and T1.

2 Q. How far apart would they be?

3 A. The slab itself is 800, if I remember.

4 Q. So, on that hold-point inspection, how easy or difficult
5 was it to see the B1 and B2 layers?

6 A. It wouldn't be too easy. You can still see, perhaps,
7 yes.

8 Q. So would you sort of get down on your knees and have
9 a good look; how would you do it? Carry a torch? What
10 was the process?

11 A. Process, we may kneel down but we would do -- carry out
12 the inspections as just we would have done as normally.
13 We duck where we needed.

14 Q. And the top, the T1/T2, was that more easily visible?

15 A. Yes.

16 Q. What about the walls: how many layers in the walls?

17 A. For the interface stitch joint?

18 Q. Yes.

19 A. It would have been the same.

20 Q. The same?

21 A. Yes.

22 Q. And the roof? Sorry, no, EWL, no roof. Forget that.

23 On the NSL -- let's go to the NSL interface one --

24 A. Yes.

25 Q. -- was that a similar situation or different?

26 A. By that what do you -- sorry, similar situation as in --

1 Q. In terms of the number of layers of rebar.

2 A. Yes, correct.

3 Q. And the internal, same as the interface in terms of --

4 A. No. It's much more complicated.

5 Q. Could you explain to us why it was more complicated, the
6 internal one?

7 A. From my recollection, the rebar arrangement at the
8 internal stitch joint, joint 2, it has more layers.

9 Q. Right. Can you remember how many?

10 A. Not off the top of my head.

11 Q. We may be able to find a drawing to assist.

12 How long would a typical hold-point inspection of
13 the rebar take for you and the MTR engineer?

14 A. It would depend on the size of the rebar or the cage
15 that we are inspecting.

16 Q. Okay. Take the EWL interface joint: how long would that
17 take?

18 A. That would be 15 to 30 minutes, maximum.

19 Q. For the base slab?

20 A. For the base slab.

21 Q. And similar for the walls?

22 A. Yes.

23 Q. And presumably, what, the NSL interface joint would be
24 similar?

25 A. Similar, yes.

26 Q. Except you've obviously got to do the roof as well.

1 A. Yes.

2 Q. And I think from your answer just now, joint 2, that's
3 the internal joint, would have taken longer?

4 A. Yes.

5 Q. In that regard, if we can find BB9/6363 again, please.
6 Could you please look at the shunt neck first, item 45,
7 which you will see is described as, "Shunt neck --
8 bay 3 -- track slab"; do you see that, Mr Lai?

9 A. Yes.

10 Q. And we can see, assuming this all to be accurate,
11 of course, that the rebar started and finished in one
12 day, on 4 January 2017; do you see that?

13 A. Yes.

14 Q. And the concrete was poured the following day, on
15 5 January; do you see that?

16 A. Yes.

17 Q. So in terms of when the rebar hold-point inspection took
18 place, when do you say it did take place?

19 A. Sorry, can you repeat that again?

20 Q. The rebar for bay 3 at the shunt neck is completed in
21 a day.

22 A. Yes.

23 Q. It then has to be hold-point inspected, as I understand
24 it?

25 A. Yes.

26 Q. When did the hold-point inspection take place?

1 A. Before the concreting.

2 Q. All right. The concreting took place the next day. So
3 when did it happen? In the evening of the 4th, the
4 morning of the 5th; have you any recollection at all
5 when that inspection would have taken place?

6 A. No.

7 Q. And what about the pre-pour inspection: when would that
8 have taken place?

9 A. That would have taken place before --

10 Q. Before the concrete?

11 A. Yes.

12 Q. So sometime on 5 January before the concrete was poured?

13 A. Yes, before, before the 5th, yes.

14 Q. Have you any idea, any recollection, of how you lined up
15 the rebar hold-point inspection for this particular bay
16 and this particular slab with MTR?

17 A. Sorry, could you explain that again?

18 Q. Yes. You have got to carry out with an MTR engineer
19 a hold-point inspection of the rebar at bay 3 of the
20 shunt neck?

21 A. Yes.

22 Q. In order to do that with MTR, you need to contact them?

23 A. Yes. Yes.

24 Q. Presumably either Chris Chan or Kappa Kang?

25 A. Chris, yes.

26 Q. Because they are the two engineers that are responsible

1 for this area?

2 A. Correct.

3 Q. And so I'm just trying to understand how it worked. Did
4 you know that this rebar would just take one day, and
5 that you could be confident that either at the end of
6 4 January or presumably the beginning of 5 January you
7 could carry out this rebar inspection and so you could
8 set it up with MTR?

9 A. Yes.

10 Q. Okay. So how would you do that? How would you go about
11 setting it up?

12 A. When I know approximately when the rebar fixing would be
13 finished, then I would call Chris.

14 Q. And presumably you'd hope that he was available to carry
15 out the inspection?

16 A. Yes.

17 Q. But you can't -- because we don't have any RISC forms,
18 we have no idea of precisely when this rebar inspection,
19 hold-point inspection, took place?

20 A. Correct.

21 Q. And there's no entry -- we know the rebar was carried
22 out on the 4th because there's an entry in the diary,
23 but there's no entry in the diary regarding the actual
24 inspection; that's right, isn't it?

25 A. Correct.

26 Q. And there's an entry in the MTR diary that the concrete

1 was poured on 5 January, but there's no entry to tell us
2 that the pre-pour inspection took place?

3 A. Correct.

4 COMMISSIONER HANSFORD: Can I ask --

5 MR PENNICOTT: Of course, sir.

6 COMMISSIONER HANSFORD: -- what happens between the
7 completion of the rebar inspection and the pre-pour
8 check? What work, what physical work, has to be done
9 between the two?

10 A. It would be the cleaning of the concreting area. There
11 might be sawdust, timber, or other rubbish left inside
12 the concreting area. Then we have to clean that up.

13 COMMISSIONER HANSFORD: But no shutters to be erected?

14 A. Formworks if necessary, yes.

15 COMMISSIONER HANSFORD: Okay. And in the case of shunt neck
16 bay 3 track slab, was there formwork that had to be
17 erected between completion of steelwork and the carrying
18 out of pre-pour check?

19 A. Yes, there would be shutters, from my recollection, yes;
20 formworks/shutters, yes.

21 COMMISSIONER HANSFORD: Yes, I understand formwork to be
22 shutters. And that would all have to be done in that
23 period?

24 A. Yes.

25 COMMISSIONER HANSFORD: Right.

26 MR PENNICOTT: If we just take a couple of other examples,

1 Mr Lai. If you go up, please, to the pink area,
2 pink-shaded area, at item 51, towards the top. Item 51
3 deals with the track slab at the 1112/1111 interface,
4 NSL; do you see that?

5 A. Yes.

6 Q. We can see there that the rebar commenced on the 5th and
7 finished on 6 July 2017; do you see that?

8 A. Yes.

9 Q. And the concreting took place on 8 July?

10 A. Yes.

11 Q. In relation to that, is the process always the same,
12 that is a telephone call to the MTR engineers, setting
13 up the rebar hold-point inspection, carrying it out and
14 then giving the go-ahead for the concrete?

15 A. Yes.

16 Q. Mr Lai, you'll be aware, I think, that when water
17 seepage and cracks started to appear in one or more of
18 the stitch joints that we've been discussing, some
19 opening-up took place.

20 A. Yes.

21 Q. Prior to the demolition and reconstruction of those
22 stitch joints.

23 A. Yes.

24 Q. Did you yourself get involved in that opening-up
25 process?

26 A. No.

1 Q. Did you have occasion to witness any of the areas that
2 had been opened up before demolition took place?

3 A. Only the opened-up areas.

4 Q. Yes, the opened-up areas. So did you have occasion to
5 view the opened-up areas in the NSL interface stitch
6 joint?

7 A. Yes.

8 Q. Were you surprised at what you saw?

9 A. Yes.

10 Q. Did you see any of the photographs that are attached to
11 the NCRs?

12 A. Yes, I have.

13 Q. Perhaps we could just look at a couple of those. Could
14 we first of all look at NCR95, which is at CC3/1324.

15 We can see there, can we not, Mr Lai, a number of
16 apparently unconnected threaded rebar; do you agree?

17 A. Yes.

18 Q. If we go to the next page, please. A similar situation,
19 Mr Lai: unconnected threaded rebar in a number of
20 places?

21 A. Yes.

22 Q. And the next photograph, please. And similarly; do you
23 agree?

24 A. Yes.

25 Q. So far as NCR96 is concerned, that's CC3/1373.

26 Go to the photograph over the page, please. There

1 should be a photograph somewhere. There we are.

2 Here we have, apparently, a situation which shows
3 some connection, some partial connection, and some no
4 connection. Would you agree with that, Mr Lai?

5 A. Yes.

6 Q. As I understand your evidence so far, you made twice
7 daily routine inspections of this rebar. You carried
8 out yourself formal rebar hold-point inspections of this
9 rebar. You carried out pre-pour inspections before the
10 concrete was permitted to be placed. How was it you
11 didn't spot any of this, Mr Lai?

12 A. I didn't see it.

13 Q. Can you rationalise now, thinking back, what happened?
14 I mean, it's pretty obvious, isn't it, that we've got,
15 just in this small selection of photographs, unconnected
16 rebar in these stitch joints? How did you not see the
17 situation?

18 A. I just didn't see it at the time.

19 Q. How careful were you, Mr Lai, when you were carrying out
20 your inspections?

21 A. I carried out my inspections with an MTR engineer, and
22 we did random checks.

23 Q. Forget about the MTR engineer, Mr Lai. How careful were
24 you? I mean, how did this escape your notice?

25 A. I had a look at the general arrangement and I didn't
26 find any problems.

1 Q. Right. Are you sure that you carried out these
2 hold-point inspections, Mr Lai?

3 A. Yes.

4 Q. We have no documents to show us that you did. Are you
5 sure, in your own mind, that these hold-point
6 inspections were carried out?

7 A. Yes.

8 Q. I'll put to you again, a point I made earlier: Mr Chris
9 Chan from the MTR, it's quite clear that he did not
10 carry out the hold-point inspections of these stitch
11 joints. I'll put it to you again: are you sure, in your
12 own mind, that Mr Chan was with you when you carried out
13 those hold-point inspections?

14 A. Yes.

15 Q. And are you sure that it wasn't somebody else?

16 A. Yes.

17 MR PENNICOTT: Sir, I see it's 4.55. I wonder if we might
18 adjourn at this moment. I'm going to go on to another,
19 entirely separate topic.

20 CHAIRMAN: Good. Yes.

21 Mr Lai, you are in the middle of giving your
22 evidence at the moment, and it's a rule of all courts
23 and tribunals that when a witness is in the middle of
24 giving their evidence, they are not allowed to discuss
25 their evidence with anybody. Okay? That includes their
26 lawyers, friends or whatever else. Okay?

1 WITNESS: Yes.

2 CHAIRMAN: So you will be able to discuss your evidence when
3 it is completed. That hopefully will be tomorrow.

4 Okay?

5 WITNESS: Yes.

6 CHAIRMAN: What time will we start tomorrow?

7 MR PENNICOTT: Sir, I wonder if we could take a bit of
8 a straw poll as to how long everybody is going to be.
9 Obviously it's Friday, and we need to finish Mr Lai
10 tomorrow.

11 CHAIRMAN: Yes.

12 MR PENNICOTT: I should imagine I will be another half
13 an hour to three-quarters of an hour, of that order.

14 CHAIRMAN: All right. 10 to 11.

15 MR TSOI: About an hour, sir.

16 CHAIRMAN: 11 to 12.

17 MR KHAW: Not more than 40 minutes.

18 CHAIRMAN: 12 to 1.

19 MR BOULDING: 20 to 25 minutes.

20 CHAIRMAN: Okay, 2.30. And do we know what may or may not
21 happen with Pypun?

22 MR LIU: No questions from us.

23 CHAIRMAN: Okay. We should be able to do it, and then
24 taking in coffee breaks and things like that.

25 MR PENNICOTT: So, sir, I think we are safe to start at
26 10.00. I understand, if we manage to complete Mr Lai

1 tomorrow and there's obviously sufficient time left,
2 then we are back to the Wing & Kwong witnesses, and that
3 will be Mr Cheung, Ben Cheung.

4 CHAIRMAN: All right.

5 MR PENNICOTT: I guess we take a view as to whether we start
6 him, depending on how close we are to finishing.

7 CHAIRMAN: How close we are to the weekend.

8 MR PENNICOTT: Yes, quite.

9 CHAIRMAN: All right. Good.

10 So we are going to start tomorrow at 10 am. Okay?

11 WITNESS: Okay, thank you.

12 CHAIRMAN: Thank you very much.

13 (4.57 pm)

14 (The hearing adjourned until 10.00 am the following day)

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