

Page 1	Page 3
<p>1 Tuesday, 4 June 2019</p> <p>2 (10.01 am)</p> <p>3 MR SHIEH: Good morning, Mr Chairman, Mr Commissioner. This</p> <p>4 morning, we are going to call Mr Jeff Lii of Leighton</p> <p>5 who is, in Mr Pennicott's words, a fixture for this</p> <p>6 morning. He is now ready, so may I now call Mr Jeff</p> <p>7 Lii?</p> <p>8 MR LII HING YU, JEFF (affirmed in Cantonese)</p> <p>9 (All answers given via simultaneous interpreter</p> <p>10 except where otherwise specified)</p> <p>11 Examination-in-chief by MR SHIEH</p> <p>12 Q. Mr Lii, good morning.</p> <p>13 A. (In English) Good morning.</p> <p>14 A. Good morning.</p> <p>15 Q. For the purpose of this Commission of Inquiry, you have</p> <p>16 made a witness statement, so can I ask you to look at</p> <p>17 bundle CC6, at page 3809.</p> <p>18 Do you have that page in front of you?</p> <p>19 A. (In English) Yes.</p> <p>20 Q. It says, "First witness statement of Jeff Lii". Can you</p> <p>21 then turn to page 3817. Do you see your signature on</p> <p>22 that page?</p> <p>23 A. Yes.</p> <p>24 Q. You put forward the contents of this witness statement</p> <p>25 as your evidence in this Commission of Inquiry?</p>	<p>1 "Joe Tam", under "East", and you move down, "Senior</p> <p>2 engineer (design)", you can see your name; do you see</p> <p>3 that?</p> <p>4 A. Yes.</p> <p>5 Q. This is an organisation chart as of 31 May 2017, you can</p> <p>6 see on the top left-hand corner?</p> <p>7 A. Yes.</p> <p>8 Q. So does this organisation chart accord with your</p> <p>9 understanding as to your position in the organisation of</p> <p>10 this project as of May 2017?</p> <p>11 A. During that time, yes, that is the case.</p> <p>12 Q. Please remain seated. The gentleman in front of me,</p> <p>13 maybe Mr Pennicott, will be asking you some questions</p> <p>14 for the Commission, and then other lawyers for other</p> <p>15 parties, they would also ask you questions, and the</p> <p>16 Commissioner and Mr Chairman may also ask you questions.</p> <p>17 And after all that, I may wish to follow up on the</p> <p>18 questions that they have asked.</p> <p>19 So could you please remain seated and answer their</p> <p>20 questions?</p> <p>21 A. I understand.</p> <p>22 Examination by MR PENNICOTT</p> <p>23 MR PENNICOTT: Good morning, Mr Lii.</p> <p>24 A. Good morning.</p> <p>25 Q. As Mr Shieh has indicated, my name is Ian Pennicott and</p>
Page 2	Page 4
<p>1 A. Yes.</p> <p>2 Q. Thank you.</p> <p>3 A logistical matter. I know sometimes you -- I know</p> <p>4 you know English and sometimes there's an urge or</p> <p>5 temptation to actually answer immediately, but since</p> <p>6 there is simultaneous translation, so maybe you could</p> <p>7 wait until the translation is over, because otherwise</p> <p>8 the voices may overlap.</p> <p>9 A. I understand.</p> <p>10 Q. Now, there is an organisation chart that I wish to show</p> <p>11 you, in bundle CC2, at page 526.</p> <p>12 This is an organisation chart. You can see "MTRC"</p> <p>13 on the top; do you see that, the dark blue box at the</p> <p>14 top? And if you look about 4 o'clock to the "MTRC" blue</p> <p>15 box, do you see "Joe Tam" -- do you see the box</p> <p>16 "Joe Tam" -- to the right, yes -- do you see "Joe Tam",</p> <p>17 "Project manager"? I think the monitor is now showing</p> <p>18 the "Joe Tam" box. Do you see the little hand?</p> <p>19 A. Yes, I see it.</p> <p>20 Q. Can I remind you that when you acknowledge or answer,</p> <p>21 you have to actually speak out, either "yes" or</p> <p>22 "correct", because if you just nod or make a noise, it</p> <p>23 won't be recorded on the transcript. Do you understand?</p> <p>24 A. Yes.</p> <p>25 Q. Now, if you look below "Joe Tam", to the right of</p>	<p>1 I'm one of the counsel for the Commission, and so I'm</p> <p>2 going to ask you some questions first.</p> <p>3 Mr Shieh has shown you the organisation chart for</p> <p>4 May 2017. You tell us, I think, in your witness</p> <p>5 statement that you worked on the project from about</p> <p>6 February 2015 to May 2018. Is that correct, Mr Lii?</p> <p>7 A. Yes.</p> <p>8 Q. As I understand it, Mr Lii, you started off as</p> <p>9 a graduate engineer, then you were made an engineer in</p> <p>10 about -- up to about 2016, when you were made a senior</p> <p>11 engineer, as we've just seen on the organisation chart.</p> <p>12 Is that right?</p> <p>13 A. Yes.</p> <p>14 Q. As also I understand it, for the entire period of just</p> <p>15 over three years that you were working on the project,</p> <p>16 you were working on the HHS area of the site. Is that</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. Now, simply because you are the first witness that we're</p> <p>20 going to look in detail at certain aspects of the HHS</p> <p>21 works, I'm going to show you a plan so that we can get</p> <p>22 ourselves orientated. I wonder if we can look at</p> <p>23 CC9/5254.</p> <p>24 A. Yes, I can see it.</p> <p>25 Q. That's the first page, and we can see that what's marked</p>

Page 5	Page 7
<p>1 on here in green is the HHS track slab, and marked in 2 yellow what we'll be calling the accommodation blocks. 3 Do you see that, Mr Lii? 4 A. Yes. 5 Q. Then if we could go to the next page, 5255, we get 6 a continuation of what we've just seen on the previous 7 sheet, continuation of the track slab. We see more 8 accommodation blocks in yellow. And this time we see 9 what is the NFA, that is the North Fan Area. Is that 10 right, Mr Lii? 11 A. Yes. 12 Q. We can look at another drawing if we need to, but I'm 13 right in suggesting, am I not, that the shunt neck area 14 is the area to the right or to the north of the blue NFA 15 track slab area? 16 A. I can't really see it. 17 Q. All right. If we just quickly put up on the screen 18 BB86. What we see there is the shunt neck area shaded 19 in blue; do you see that, Mr Lii? And the area to the 20 left, do you see the black dotted line, is the top of 21 the North Fan Area; do you see? 22 A. Yes, I can see it. 23 Q. And my understanding, Mr Lii, is that during the course 24 of your work on the HHS area, you worked in the track 25 slab area and the accommodation blocks but not the NFA;</p>	<p>1 on the screen at the moment is at what end: the south -- 2 MR PENNICOTT: The southern end, yes. 3 CHAIRMAN: The southern end? 4 MR PENNICOTT: Yes. 5 CHAIRMAN: So would it be accurate to say, then, that Mr Lii 6 worked at the southern end of the stabling yards, up to 7 grid -- 8 MR PENNICOTT: Gridline 20, I think he said. 9 CHAIRMAN: Yes, okay. 10 Would that be accurate? 11 MR PENNICOTT: I think so. 12 Is that right, Mr Lii? 13 A. Let me correct it a little bit. Up to 22. 14 Q. Up to 22. Okay. 15 COMMISSIONER HANSFORD: And gridline 22 is to the right-hand 16 side of the yellow accommodation block? It's the bottom 17 accommodation block on the right-hand side; is that 18 right? 19 A. Well, bottom right-hand corner, yes, that's under my 20 charge. 21 COMMISSIONER HANSFORD: Right. So all of these 22 accommodation blocks that we see on this particular 23 drawing were part of your area, Mr Lii; is that correct? 24 A. Correct. 25 COMMISSIONER HANSFORD: Thank you.</p>
Page 6	Page 8
<p>1 is that correct? 2 A. Part of the HHS. I'm not responsible for the entire HHS 3 area. 4 Q. Right. So which area do you say on the HHS you are or 5 were responsible? 6 A. Mainly the first diagram, all the way to the 7 gridline 20, and accommodation block, but I don't know 8 if you know the number -- it's block 4, accommodation 9 block 4, to gridline 17 to 19, the yellow area. 10 Q. Right. So essentially what we see on the first page 11 that I've shown you at 5254? 12 CHAIRMAN: Sorry, can we go back to that? 13 MR PENNICOTT: Yes, CC5254. I'm so sorry. That's it. 14 CHAIRMAN: Yes. 15 A. Yes. 16 MR PENNICOTT: Right. And there were other engineers 17 responsible for other areas of the HHS? 18 A. Yes. 19 Q. Including a gentleman called Matthew Tse? 20 A. Yes. 21 Q. We'll come back to that in a moment. 22 CHAIRMAN: Sorry, just so that we understand, perhaps for 23 the purposes of describing it in the report. 24 MR PENNICOTT: Yes, sir. 25 CHAIRMAN: The large yellow accommodation block that we see</p>	<p>1 CHAIRMAN: Mr Lii, we've heard the name "accommodation 2 blocks" used as a description name. Do you know what 3 they were in fact intended for? 4 A. Well, the actual use, it is for use as offices for the 5 MTRC staff. That's roughly what I know. And we have 6 a water tank there also. 7 CHAIRMAN: All right. Thank you. 8 MR PENNICOTT: Mr Lii, as I understand it, as part of your 9 responsibilities, you were required to carry out both 10 routine inspections of the rebar fixing works and also 11 formal hold-point inspections of the rebar works. Is 12 that correct? 13 A. Correct. 14 Q. But we know that on the HHS area, the rebar fixing 15 sub-contractor was Wing & Kwong. You will no doubt 16 recall that, Mr Lii? 17 A. Yes, I remember that. Correct. 18 Q. Who was your main point of contact at Wing & Kwong? 19 A. Ah Chun. 20 Q. Okay. And how often would you encounter and speak with 21 Ah Chun? 22 A. Every single day. 23 Q. Right. Mr Lii, what sort of impression did you form of 24 Ah Chun? Was he a hard-working, conscientious sort of 25 chap? What sort of impression did you have of him?</p>

Page 9	Page 11
<p>1 A. Yes, he's conscientious; conscientious, hard-working, 2 yes. And he would take the initiative to coordinate 3 with us. 4 Q. All right. Did you generally find him to be competent? 5 A. Yes. Competent, yes. 6 Q. Okay. 7 In paragraph 14 of your witness statement -- that's 8 at CC3811 -- you say, in relation to routine and 9 informal inspections: 10 "I would often undertake informal inspections during 11 my 'rounds' on site by myself and sometimes with 12 a foreman." 13 Are you referring to a Leighton foreman in that 14 sentence, Mr Lii? 15 A. Yes, Leighton foreman, and also the sub-contractor's 16 foreman. 17 Q. Okay. And the sub-contractor's foreman is Ah Chun, is 18 that right, or is there somebody else? 19 A. There are more than one sub-contractor. There are other 20 sub-contractors who would do the same thing. 21 Q. Okay. So you are not just confining yourself here to 22 the rebar works but other type of work as well? 23 A. Correct. 24 Q. I see. Okay. But if you were carrying out inspections 25 with Wing & Kwong, the foreman there would be Ah Chun;</p>	<p>1 request inspections during that day (ie to inform MTR 2 of the time, location and item(s) to be inspected). 3 Then, MTR's IOW would allocate their resources to 4 conduct the inspection." 5 Now, it's right -- and I've read some of the MTR 6 witness statements; I don't know whether you have, 7 Mr Lii -- but they essentially agree with you that there 8 was this, as it were, WhatsApp communication practice 9 that was adopted, particularly in the HHS area, it would 10 appear. But, Mr Lii, as I understand it, you don't 11 suggest that that WhatsApp communication practice was 12 somehow an alternative or a substitute for the RISC form 13 protocol. Do you agree? You are not suggesting it's 14 a substitute for the RISC forms? 15 A. Well, that's our practice at the time. 16 Q. I appreciate it was your practice at the time, but what 17 I'm asking you to confirm: that it was not a practice 18 that was a substitute for the RISC form procedure. 19 A. Yes, you can put it this way. 20 Q. It was simply a means of communicating with MTR's IOWs, 21 to arrange for inspections, but at all times the RISC 22 form was still required; do you agree? 23 A. For the record, yes, I agree. But this is the 24 communication practice at the time, and MTRC relied us 25 to communicate that way.</p>
Page 10	Page 12
<p>1 is that right? 2 A. Correct. 3 Q. All right. 4 Now, in paragraph 16, starting in paragraph 16 of 5 your witness statement, you describe the usual steps 6 involved with the formal inspections, that is the 7 hold-point inspections. Do you see that? 8 A. Yes. 9 Q. And you say, as I understand it, that is what should 10 have happened. Is that correct? 11 A. Yes. 12 Q. All right. 13 In paragraph 17 of your witness statement, you refer 14 to various practical aspects of the formal inspection of 15 the rebar fixing, and you then set out four practical 16 aspects. Do you see that, Mr Lii? 17 A. Four aspects, you mean ...? 18 Q. (a), (b), (c) and (d); do you see that? 19 A. (In English) Okay. 20 A. Yes. 21 Q. Can I just ask you a question about (d). You say: 22 "We had an agreed practice with MTRC's IOW for 23 arranging formal inspections for my area. This practice 24 involved Leighton's engineers communicating every 25 morning with the MTRC's IOW (usually via WhatsApp) to</p>	<p>1 Q. Right. Indeed, I think it was perhaps one or more of 2 the MTR engineers that set up the WhatsApp groups; is 3 that right? 4 A. It was Leighton with the MTR engineer, for this chat 5 group. As a matter of fact, it is the same chat group. 6 It involves the MTRC engineers and the MTRC IOWs. 7 Q. All right. 8 CHAIRMAN: Sorry, could I ask -- what was the quickest, the 9 RISC form procedure or the WhatsApp procedure? 10 A. WhatsApp, of course. 11 CHAIRMAN: And was the WhatsApp procedure reliable? 12 A. Well, WhatsApp is a record, is reliable, yes. 13 CHAIRMAN: Okay. 14 MR PENNICOTT: Mr Lii, I'm going to now ask you quite 15 a number of questions about RISC forms and your practice 16 with regard to the production of RISC forms. 17 Can I start by suggesting to you this, that there 18 were, as things turned out, a number of different 19 categories, essentially, of RISC forms that you were 20 involved with. First of all, there was a RISC form that 21 you properly issued and submitted to MTR on time, and 22 those RISC forms were completed by -- they were 23 completed by MTR and Leighton with all necessary 24 detailed records, details recorded in those RISC forms. 25 So that's the first category. There were some of those:</p>

Page 13	Page 15
<p>1 do you agree?</p> <p>2 A. I agree.</p> <p>3 Q. And the details of those we find either on the RISC form</p> <p>4 sheet itself or in the MTRC RISC register. I assume,</p> <p>5 Mr Lii, you've never seen the MTRC RISC register; would</p> <p>6 that be right?</p> <p>7 A. No; I've never seen the MTR one.</p> <p>8 Q. Right. The second category -- I'm calling it a RISC</p> <p>9 form -- is where you issued and submitted the RISC form</p> <p>10 to MTR, but you submitted it late, it was called a late</p> <p>11 submission, but nonetheless the RISC form had on it the</p> <p>12 inspection details by the MTR and Leighton. Is that</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. Thirdly -- and we'll be looking at one or two of these</p> <p>16 in a moment -- there are a number of RISC forms, Mr Lii,</p> <p>17 that you appear to have created in the sense that part A</p> <p>18 of the RISC form is filled in. You appear -- and we'll</p> <p>19 look at some in a moment -- to have submitted that RISC</p> <p>20 form to MTR, but there are no other details, apart from</p> <p>21 what's in part A, on the RISC forms. Parts B, C and D</p> <p>22 are blank.</p> <p>23 Do you recall that category of RISC form?</p> <p>24 A. I'd like to ask: you mean after the forms have been</p> <p>25 issued but they have not been returned? Is that right?</p>	<p>1 pressure from management to achieve progress and did not</p> <p>2 want to wait until they had received the RISC forms</p> <p>3 before conducting the formal inspections. In my</p> <p>4 opinion, generating a RISC form using the required</p> <p>5 system was not user-friendly and took a lot more time</p> <p>6 than was necessary."</p> <p>7 Mr Lii, in what sense do you say that the RISC forms</p> <p>8 were not user-friendly? Can you please elaborate?</p> <p>9 A. That's a problem with the system, because they used</p> <p>10 something called INCITE to generate the form. Compared</p> <p>11 to my previous experience, using a Word file would</p> <p>12 enable the form to be generated for signature and</p> <p>13 submission. Using the INCITE system, you would have to</p> <p>14 use a tri-colour photocopier to print the document.</p> <p>15 There might be errors and should that happen it's</p> <p>16 difficult to correct them. Sometimes, for the same</p> <p>17 item, you would have to input the information again.</p> <p>18 It's rather time-consuming. Compared to previous times</p> <p>19 when a Word file was used, I could just copy and paste</p> <p>20 the activity; I only changed the location, and put my</p> <p>21 signature there. That's it. That's my opinion.</p> <p>22 Q. Okay.</p> <p>23 COMMISSIONER HANSFORD: Can I ask, Mr Lii: did you share</p> <p>24 that opinion with others at the time?</p> <p>25 A. I did, but that's the system of the company and I can't</p>
Page 14	Page 16
<p>1 Q. Well, I'm going to ask you in a moment why there are</p> <p>2 RISC forms that have been produced which simply have no</p> <p>3 information about the inspections on them. Are you able</p> <p>4 to explain that?</p> <p>5 A. I'm not clear about that.</p> <p>6 Q. Right. We'll look at some in a moment, Mr Lii, don't</p> <p>7 worry.</p> <p>8 Then the last category, if it can be called that,</p> <p>9 is: there are RISC forms that you didn't issue at all;</p> <p>10 is that right, Mr Lii?</p> <p>11 A. They were not submitted.</p> <p>12 Q. You say, in your witness statement, paragraph 20,</p> <p>13 page 3814, this:</p> <p>14 "I acknowledge that I did not submit some of the</p> <p>15 RISC forms for the formal inspections for rebar fixing</p> <p>16 and pre-pour checks in the HHS that I conducted with</p> <p>17 MTR's engineers/IOWs. The reason why I did not submit</p> <p>18 these RISC forms was that both MTR and Leighton expected</p> <p>19 the inspections to proceed without delay. As noted,</p> <p>20 Leighton's engineers and MTR's IOW for my area would</p> <p>21 arrange inspections every morning in advance."</p> <p>22 And that's a reference back to the WhatsApp</p> <p>23 arrangement, I believe.</p> <p>24 "This was enhanced flexibility in procedure. During</p> <p>25 the construction period, both parties received great</p>	<p>1 change anything. The contract's there, the system's</p> <p>2 already there.</p> <p>3 COMMISSIONER HANSFORD: Okay. Thank you.</p> <p>4 MR PENNICOTT: I hear your answer, Mr Lii. And, as we will</p> <p>5 see in a moment, the reality of the situation is that on</p> <p>6 certain occasions you did use the RISC form system, but</p> <p>7 on a significant number of other occasions you did not?</p> <p>8 A. Right.</p> <p>9 Q. Now, in that paragraph we've just been looking at, there</p> <p>10 appear to be two points that you make as to perhaps why</p> <p>11 you didn't use the RISC system, RISC form system. One</p> <p>12 was great pressure from management regarding progress,</p> <p>13 and two, the system wasn't user-friendly. Are both of</p> <p>14 those the reasons you put forward for not having used</p> <p>15 the RISC form system?</p> <p>16 A. The pressure from management is -- it doesn't mean</p> <p>17 that's the reason I did not submit the RISC form. It's</p> <p>18 the pressure from the progress. I could not submit the</p> <p>19 forms on time and I wanted to do a late submission, but</p> <p>20 I left them there and I forgot about them.</p> <p>21 Q. Right. Because I did wonder whether the two things were</p> <p>22 related, or might be related, Mr Lii. That is, because</p> <p>23 your view was that they were not user-friendly, and</p> <p>24 because you were under pressure, it was difficult to</p> <p>25 operate the system. Would that be one way of putting</p>

<p style="text-align: right;">Page 17</p> <p>1 it?</p> <p>2 A. There is pressure but it's from project progress, not</p> <p>3 from not submitting the forms.</p> <p>4 Q. Okay. And in paragraph 19 of your witness statement,</p> <p>5 you say:</p> <p>6 "While I tried to submit RISC forms before a formal</p> <p>7 inspection, there were times when I submitted RISC forms</p> <p>8 soon after a formal inspection. As noted, it was common</p> <p>9 and normal practice for Leighton to continue working</p> <p>10 once it obtained the MTR's verbal approval after</p> <p>11 a formal inspection. This allowed work to continue</p> <p>12 without delay. MTR's staff was aware, and approved, of</p> <p>13 this normal practice."</p> <p>14 Now, which "normal practice" are you referring to,</p> <p>15 Mr Lii? Is it the practice whereby RISC forms would be</p> <p>16 submitted after the inspection had taken place? Is that</p> <p>17 the "normal practice" you're referring to?</p> <p>18 A. By "normal practice" -- well, in relation to this</p> <p>19 project, the normal practice with the MTRCL was that we</p> <p>20 would use telephone or WhatsApp to communicate. When</p> <p>21 the inspection was approved and an okay was given, then</p> <p>22 it would proceed without delay.</p> <p>23 Q. And what about the RISC form?</p> <p>24 A. They did not have a strong view about this, in this</p> <p>25 regard.</p>	<p style="text-align: right;">Page 19</p> <p>1 he's advising him of is his disappointment about the</p> <p>2 failure to submit RISC forms. This is in March 2017.</p> <p>3 I imagine you have not seen this email before, Mr Lii?</p> <p>4 A. I don't have any recollection of it.</p> <p>5 Q. Right. Now, Mr Joe Tam tells us that after he had</p> <p>6 received a copy of this email, he spoke to certain team</p> <p>7 members about the problem of the non-submitting of the</p> <p>8 emails. Do you recall Mr Tam speaking to you in about</p> <p>9 March 2017?</p> <p>10 A. I think he forwarded this email to his subordinates, but</p> <p>11 I don't quite remember that he talked to me.</p> <p>12 Q. Okay. All right.</p> <p>13 Now, could we please go to CC9/5642. We are going</p> <p>14 to give you a hard copy of this document, Mr Lii.</p> <p>15 Mr Lii, I don't know whether this is a document that</p> <p>16 you've actually seen before?</p> <p>17 A. I've seen similar documents, yes.</p> <p>18 Q. All right. Did you participate in the preparation of</p> <p>19 this document?</p> <p>20 A. Yes, providing information, yes.</p> <p>21 Q. Right. You provided information to others who actually</p> <p>22 prepared the document; is that right?</p> <p>23 A. Yes, I was involved a little bit, but not for a long</p> <p>24 time. I wasn't the main person preparing this table.</p> <p>25 They tried to get information and I was called upon to</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. What, a strong view that it didn't matter if it was</p> <p>2 submitted late, or a strong view that it didn't matter</p> <p>3 if it wasn't submitted at all?</p> <p>4 A. Personally, I think that as long as the MTRCL didn't</p> <p>5 think that it would affect progress, but in terms of</p> <p>6 keeping record, yes, it is a problem.</p> <p>7 Q. Right. So your understanding, is this right, was that</p> <p>8 MTR did regard the non-submission of RISC forms as</p> <p>9 a problem?</p> <p>10 A. Right.</p> <p>11 Q. And nobody from the MTR ever told you that it was</p> <p>12 acceptable not to submit the RISC forms?</p> <p>13 A. Could you please repeat your question?</p> <p>14 Q. Yes. Nobody from MTR, at any time, told you that it was</p> <p>15 acceptable not to submit the RISC forms?</p> <p>16 A. They did not say that was acceptable. They reminded us</p> <p>17 to submit the forms.</p> <p>18 Q. Indeed. All right.</p> <p>19 Could you please be shown CC10/6208, please.</p> <p>20 Mr Lii, this is an email -- sir, we've looked at</p> <p>21 this before; I'm not going to read it all out again --</p> <p>22 but, Mr Lii, this is an email sent from Kenneth Kong of</p> <p>23 the MTR to Leighton, at the bottom part of the page.</p> <p>24 Scroll up, please, and then go over the page, please.</p> <p>25 What Mr Kong is advising Mr Rawsthorne is -- what</p>	<p style="text-align: right;">Page 20</p> <p>1 input certain data, and to fill in the data. I was</p> <p>2 involved to a certain extent. Mainly it was my</p> <p>3 colleagues who did it.</p> <p>4 Q. All right. Which data were you asked to fill in?</p> <p>5 A. Mainly I was filling in the RISC form numbers. Yes,</p> <p>6 RISC form numbers, basically.</p> <p>7 If I may supplement?</p> <p>8 Q. Of course.</p> <p>9 A. They prepared the table. There were some blanks there</p> <p>10 and I was called upon to supplement the information.</p> <p>11 They have the pour date, it's just the RISC number, and</p> <p>12 the photos.</p> <p>13 Q. All right. Now, this document is essentially in three</p> <p>14 parts. First of all, from page 5642 to page 5649, it</p> <p>15 provides details of the concrete pours and various</p> <p>16 related matters in relation to the HHS track slabs. Do</p> <p>17 you see that, Mr Lii?</p> <p>18 A. Yes.</p> <p>19 Q. Then at page 5650 to 5652, we get two pages and a bit in</p> <p>20 relation to details relevant to the accommodation</p> <p>21 blocks; do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. As you've already confirmed, those are the two areas</p> <p>24 that you were involved in.</p> <p>25 If you go then to page 5653, to the end, that is to</p>

Page 21	Page 23
<p>1 5655, ignoring the notes for the moment, we get the 2 details in relation to the NFA, the North Fan Area? 3 A. Yes. 4 Q. Mr Lii, we have done a basic analysis. First of all, 5 let's just focus on the track slabs. It appears to 6 us -- let's take them in stages -- if you look at the 7 brown shaded columns on the first page; do you see those 8 at the top, Mr Lii? 9 A. Yes. 10 Q. The last brown shaded column is "Responsible engineer"; 11 do you see that? 12 A. Yes. 13 Q. And your name appears on the first page, at 5642, quite 14 frequently, as does Mr Matthew Tse's; do you see that? 15 A. Yes. 16 Q. As we understand it, you accept that in relation to 17 every entry where your name appears as the responsible 18 engineer, a RISC form ought to have been issued; is that 19 right? 20 A. Yes. 21 Q. We've done a very rough calculation, and we have 22 calculated that your name appears in that column, in 23 relation to the track slabs only, approximately 110 24 times. So what ought to have been generated by you is 25 approximately that number of RISC forms in relation to</p>	<p>1 Q. It says this: 2 "This reflects the proposed date for inspection 3 referred to in the relevant RISC form in instances when 4 the inspection date was not recorded." 5 All right? 6 A. Yes, that's how it's written. Yes. 7 Q. Okay. Now, to try and make a bit more sense of that, 8 one needs to look at the RISC form, for which purpose we 9 need to go to C11. You need to go to C11/7004, please. 10 Mr Lii, first of all, can you confirm that this is 11 the relevant RISC form, 7898, and, as the table 12 suggests, it was anticipated the date of inspection 13 would be 8 July; do you see that? 2015. 14 A. Yes. 15 Q. Now, however, the rest of this form is blank, in the 16 sense that we have the pro forma words on it but nothing 17 is filled in; do you see that? 18 A. Yes, I can see that. Well, this is the form generated 19 of the system. 20 Q. Yes, which you filled in -- I assume it's you, although 21 it's not signed -- you filled in part A? 22 A. Yes, correct. 23 Q. Okay. Now, having filled in part A, what did you do 24 with this RISC form; do you recall? 25 A. Well, normally I fill out the form, print it off, sign</p>
<p>Page 22</p> <p>1 the rebar fixing. I'm not concerned at this stage with 2 the blue columns, the pre-pour. I'm just focusing on 3 the rebar. All right? I'm asking you to do the 4 calculation. 5 And in relation to that number you appear to have 6 issued and possibly submitted approximately 22 RISC 7 forms, so about, in broad terms, 20 per cent. 8 In broad terms, Mr Lii, does that accord with your 9 recollection as to your issuing of RISC forms on the 10 track slabs, about 20 per cent, one in five? 11 A. I don't have any recollection about the exact figure. 12 Based on this record, this is what it is, but I don't 13 have recollection about the exact number. 14 Q. All right. But unfortunately it doesn't quite stop 15 there, Mr Lii. I mean, if you look at the very first 16 entry on page 5642, you have recorded the RISC form 17 number there of 7898; do you see that? 18 A. Yes. 19 Q. Okay. Just to the left of that number, the preceding 20 column, is the date of 8 July 2015; do you see that? 21 A. Yes, I do. 22 Q. And it has a hash sign next to it; yes? 23 A. Yes. 24 Q. And what that hash means is set out at page 5656. 25 A. I see that.</p>	<p>Page 24</p> <p>1 it, hand it over to my superior. 2 Q. Right. This is not signed, but I can tell you, Mr Lii, 3 that this RISC form clearly got into the hands of the 4 MTR. I know not how. But if we look at the MTR RISC 5 register -- I appreciate you've not seen it before but 6 just to illustrate the point; I'm trying to understand 7 what happened -- can we look at B13/8815.126, please. 8 You will see -- thankfully, this is in numerical 9 order -- about seven or eight entries down, six or seven 10 entries down from the top of page, let's just call it 11 "126" for short, you will see a reference to that RISC 12 form; do you see that, Mr Lii? 13 A. Yes. 14 Q. However, if one then looks at the RISC form, and looks 15 under the columns "Inspection", "by" and "Result", it is 16 blank; do you see that? 17 A. I can see that. 18 Q. Now, that's the information that we have, Mr Lii, in 19 relation to this RISC form, as far as I'm aware. Can 20 you explain how it came to be that this RISC form simply 21 wasn't filled in by the MTR and then ultimately signed 22 off by you or somebody else from Leighton? Are you able 23 to explain that? 24 A. I don't really know about that. 25 Q. Right. Because the point is, Mr Lii, it's all very well</p>

Page 25	1 saying, "We have a RISC form", but, with respect, it 2 doesn't actually tell us anything particularly 3 meaningful in terms of an actual inspection by anybody. 4 Do you follow? 5 A. I follow. I understand that there are some problems 6 with the recording, but as I've said, we have checked 7 with MTRCL and take delivery of -- after inspection of 8 the product. 9 Q. Right. My understanding is, Mr Lii, that if there was 10 to be a formal hold-point inspection of the rebar 11 fixing, that would normally be done by -- so far as the 12 MTRC was concerned, that would normally be done by 13 an engineer; is that correct? 14 A. MTRCL engineer to inspect the rebar fixing? That's your 15 question? 16 Q. Yes. 17 A. Right. Right. 18 Q. Whereas if it was a pre-pour inspection, it would 19 normally be an inspector of works or a senior inspector 20 of works; is that right? 21 A. Yes. Normally, yes. 22 Q. We understand, going back to this RISC form, Mr Lii, the 23 way it would normally work was that you would submit it 24 to MTR; you don't need to know the detail but somebody 25 at MTR would fill in the basic details, as we've seen in	Page 27	1 Leaving that aside, you were asking for this 2 reinforcement to be -- or these columns to be inspected? 3 A. That's right. 4 Q. It appears that what happened is that Mr Pedro So from 5 the MTR, he's the SIOW, handed the form to Mr Victor 6 Tung who carried out the inspection, although he is 7 an IOW, it says there. He filled in the details, saying 8 that the columns had been checked and were acceptable. 9 Then it's presumably found its way back to you, because 10 you sign it towards the foot of the page; do you see 11 that? 12 A. Yes, I can see that. 13 Q. And that's a sort of classic operation of how this ought 14 to work, broadly speaking? 15 A. Yes. 16 COMMISSIONER HANSFORD: Could I ask a question on this form? 17 MR PENNICOTT: Of course. 18 COMMISSIONER HANSFORD: Can you scroll down to part A. This 19 one is handwritten -- "Name", Jeff Lii; "Position", 20 graduate engineer -- and it's completed by hand. The 21 previous one was typed or generated by the system. Why 22 are some handwritten and some typed? 23 A. Well, for the handwritten ones, it's also those in 24 triplicate. If I remember correctly, we have to fill 25 a lot of them in because I have to mark the column
Page 26	1 the RISC register; the RISC form would then be given to 2 the senior inspector of works, who would then decide who 3 needed to have it to carry out the inspection; and then 4 they would, the MTR person, then fill out the details; 5 and ultimately it would find its way back to you, who 6 would sign, towards the bottom of the page, the 7 contractor's confirmation. 8 Is that your understanding of how it worked? 9 A. In relation to the flow, well, I submitted it to them. 10 It's their own decision as to who would see it or 11 receive it on their side. In the end, there would be 12 a copy of the form returning back to us for us to sign. 13 Q. Yes. If we go to 7033, we can perhaps see an example of 14 that, a RISC form that appears by and large to have 15 worked. 16 This is RISC form 6217, do you see, top right-hand 17 corner, Mr Lii? 18 A. Yes. 19 Q. And it's signed by you on 17 February 2015, in your 20 capacity as a graduate engineer at that point, and you 21 were asking for a total number of 17 columns in the HHS 22 area to be inspected; do you see that? 23 A. 17 columns? They are at the accommodation block. 24 Q. I'm sorry, you are quite right. They are at the 25 accommodation block.	Page 28	1 number, all the column numbers, onto it. I find it 2 easier to hand-write it. I have a recollection that 3 I specifically used the triplicate copy to fill it in by 4 hand. 5 COMMISSIONER HANSFORD: So are you telling me, Mr Lii, that 6 an engineer has the choice as to whether to fill in the 7 triplicate copies by hand or to generate them 8 typewritten through the system? Is that the choice of 9 the engineer? 10 A. Yes, there's a choice, but it's recommended that we use 11 the system. But, as I said, I found using the system to 12 generate a form not as convenient. Using this form as 13 an example, I fill it in by hand. 14 COMMISSIONER HANSFORD: So, if you found the system not 15 user-friendly and inconvenient, you had the option of 16 filling it in by hand on the triplicate forms instead; 17 is that correct? 18 A. I only remember that I have used handwritten form when 19 I see this one. Well, when you ask me back then whether 20 I had the option, I think it depends on how you use it. 21 The most important thing is if the message appears on 22 the form. 23 COMMISSIONER HANSFORD: Okay. Thank you. 24 MR PENNICOTT: I think I forgot to ask you this question. 25 I was just checking the transcript. Go back to 7033, if

Page 29	Page 31
<p>1 we've still got it there, and go to the bottom, please.</p> <p>2 So, as I was suggesting, Mr Lii, this form ends up back</p> <p>3 with you to sign, do you see that, just above part D; do</p> <p>4 you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And when you've signed it, as it were, for the second</p> <p>7 time, at the end of the process, what do you do with it</p> <p>8 then?</p> <p>9 A. If I remember right, after I have signed it, I would</p> <p>10 give it to QA.</p> <p>11 Q. Right. That's the Leighton quality assurance</p> <p>12 department; is that right?</p> <p>13 A. If I remember correctly, yes.</p> <p>14 Q. All right.</p> <p>15 COMMISSIONER HANSFORD: Sorry, Mr Lii, on that answer, does</p> <p>16 that mean that it's dependent on the engineer to then</p> <p>17 submit the completed form to the QA department?</p> <p>18 A. Well, I don't want to put it in a wrong way. When the</p> <p>19 form returned to us, we signed it, and then we gave it</p> <p>20 to QA for record. If we kept it and did not give it to</p> <p>21 them, well, I don't really know.</p> <p>22 MR PENNICOTT: Did you not send it back to the MTR?</p> <p>23 A. Well, a copy of the form, I think it's either in</p> <p>24 triplicate or quadruplicate. Once it's returned to us,</p> <p>25 I signed it and I gave it to QA. That's more or less</p>	<p>1 form that is completely filled in and you won't find the</p> <p>2 details in the MTR register, but there we are. There</p> <p>3 are examples of that as well.</p> <p>4 COMMISSIONER HANSFORD: Perhaps there's one witness who can</p> <p>5 take us to a flow chart of where all the forms should</p> <p>6 go, but I'll save that for another day.</p> <p>7 MR PENNICOTT: Yes. What I will do is I will have a re-read</p> <p>8 of Audrey Fung's police statement, which I think I might</p> <p>9 have mentioned --</p> <p>10 COMMISSIONER HANSFORD: You did.</p> <p>11 MR PENNICOTT: -- at some point, where -- she was the lady</p> <p>12 responsible for completing the RISC register and she</p> <p>13 does explain how it was put together. I'm going to have</p> <p>14 a re-read of that to see whether, contrary to my earlier</p> <p>15 indication, it might be useful for her to come along.</p> <p>16 Anyway, we will do that if we need to.</p> <p>17 COMMISSIONER HANSFORD: Thank you.</p> <p>18 CHAIRMAN: But we have her statement.</p> <p>19 MR PENNICOTT: We have her police statement, sir, yes.</p> <p>20 I'm bound to say that it's only when you do this</p> <p>21 sort of detailed preparation for asking a witness</p> <p>22 questions that you discover all sorts of glitches and</p> <p>23 anomalies, most of which I imagine really don't matter</p> <p>24 at all, but if there are any more sort of fundamental</p> <p>25 questions, perhaps I will look into it.</p>
Page 30	Page 32
<p>1 it. I don't want to remember it wrong.</p> <p>2 Q. Right.</p> <p>3 A. I don't know if QA would then give it back to MTRCL.</p> <p>4 Q. All right.</p> <p>5 This is not a question for the witness but it's</p> <p>6 quite clear from the MTR RISC register that at some</p> <p>7 point it clearly ends up back with the MTR because</p> <p>8 of course all the necessary details do get filled in,</p> <p>9 and that one we've got up on the screen in a moment, if</p> <p>10 you find it in the MTR RISC register, you will then see</p> <p>11 all the details that are on the form, albeit in summary,</p> <p>12 will be on the RISC register.</p> <p>13 COMMISSIONER HANSFORD: So at least one copy of the form is</p> <p>14 returned to MTR?</p> <p>15 MR PENNICOTT: Yes, sir. I mean, if one looks at</p> <p>16 page 8815.93, you will see the sixth entry down is the</p> <p>17 form we've just been looking at, that's 6217, and if you</p> <p>18 just cast your eye across, you will see all the columns</p> <p>19 that were inspected are filled in. It's by "VT", Victor</p> <p>20 Tung, who we saw appeared on the RISC form; "P" I assume</p> <p>21 is pass; reinspected, "N", no; and form closed, "Y",</p> <p>22 yes.</p> <p>23 So at some point it clearly has got back to MTR.</p> <p>24 Unfortunately, frankly, I'm not going to go there with</p> <p>25 this witness. There are occasions when you'll find a</p>	<p>1 But anyway, Mr Lii, going back to the chart, summary</p> <p>2 table, at 5642 -- that's the first page.</p> <p>3 We've looked at 7898 which is the first one. That's</p> <p>4 got a hash next to the date.</p> <p>5 If you go down to 8250, which is another one,</p> <p>6 another RISC form reference, 8250; do you see that?</p> <p>7 4 August, that's got a hash by it; do you see that? I'm</p> <p>8 just looking in the -- on the summary table, first page,</p> <p>9 the column "RISC form number"; do you see "8250"?</p> <p>10 A. Yes.</p> <p>11 Q. And if you go to the left, it's got a date with a hash</p> <p>12 sign next to it; do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. If you go down to the next one that you were responsible</p> <p>15 for, that's 8649, similarly the date has got a hash; do</p> <p>16 you see that?</p> <p>17 A. Yes.</p> <p>18 Q. And the next one at 8446?</p> <p>19 A. Yes.</p> <p>20 Q. Without going on and on, all of those with the hash will</p> <p>21 be in identical form to the one we've looked at at the</p> <p>22 top, that is the 7898; do you agree, Mr Lii?</p> <p>23 A. Will you repeat the question again, please?</p> <p>24 Q. Yes. Where we have that hash sign, we know that it</p> <p>25 means that the date of inspection is not recorded, so</p>

Page 33	Page 35
<p>1 all I'm suggesting to you is that whilst we could go 2 through them one by one, if it's got a hash, the chances 3 are that parts B, C and D of the RISC form will be blank 4 or not filled in? 5 A. Yes, according to this table. Yes. 6 Q. Just quickly, if you could look at page 5650 in this 7 table, which is the first sheet of the accommodation 8 block. First of all, Mr Lii, can I ask you this: as 9 a general proposition, generally speaking, were the 10 accommodation blocks constructed -- the rebar 11 constructed earlier in time, in general terms, than the 12 track slabs? 13 A. Yes. 14 Q. Because, on the accommodation blocks, you seem to have 15 issued and submitted a greater percentage of RISC forms. 16 It looks to us as though it's about something like 17 50 per cent of the ones you should have submitted or 18 issued, you did, about 50 per cent, so one in two rather 19 than one in five. Is that because, what, life was a bit 20 easier when you were doing the accommodation blocks 21 rather than the track slabs? 22 A. Not -- no, that's not the case. For the accommodation 23 block, the track slab hasn't quite started. By the time 24 the track slab started, the area that I covered was 25 wider, and at that time I couldn't keep up with the RISC</p>	<p>1 to submit the form, but as work piled up I began to 2 forget about it. By the time I tried to submit the 3 form, I couldn't keep up with them. 4 CHAIRMAN: I mean, I'm not suggesting you should, but it's 5 not unheard-of -- when you leave the site in the 6 evening, are you able to take these forms home and fill 7 them in or anything like that? 8 A. I wouldn't do that, no. Well, you can take them home, 9 but it's busy enough during the day. I simply couldn't 10 cope. 11 CHAIRMAN: Okay. 12 MR PENNICOTT: Sir, I see it's 11.25. I have two relatively 13 short topics. Perhaps it would be best to have 14 15 minutes now and come back. 15 CHAIRMAN: Yes. Thank you. 15 minutes. 16 You are giving your evidence at the moment, and 17 while any witness is giving their evidence and before 18 the evidence is completed, you are not allowed to 19 discuss your evidence with anybody else. Do you 20 understand me? 21 WITNESS: Yes, I do. 22 CHAIRMAN: In other words, you can't go out and ask people 23 how it's going or what's happening or should you change 24 it, anything at all concerning your evidence. 25 WITNESS: Yes, I'm aware of that.</p>
Page 34	Page 36
<p>1 forms. 2 Q. All right. So, in a sense, you might be agreeing with 3 me that when you were doing the accommodation blocks, it 4 was a bit more straightforward than the track slabs, 5 which were much more complicated? 6 A. No, that's not the case. 7 Q. How would you put it? 8 A. I think accommodation block, the structure is more 9 difficult, and whether I could submit the RISC form has 10 nothing to do with the difficulty. By the time the 11 track slab started, I couldn't actually keep up with the 12 forms. Because at the peak period I had only the site 13 agent, I didn't have any other resources to cope with 14 the work. 15 MR PENNICOTT: Okay. 16 CHAIRMAN: Could I ask: did you realise that the RISC forms 17 would have to be completed at some stage? 18 A. Yes, I am aware of that. 19 CHAIRMAN: And did you have any plan as to when you would 20 complete them? 21 A. At the beginning, when I started on that site, I did 22 have a little notebook recording what I did on site, 23 what materials I received, and with that notebook 24 I would put the details in the form. As the work 25 progressed, I became more busy. I was aware that I had</p>	<p>1 CHAIRMAN: 15 minutes. Thank you. 2 (11.27 am) 3 (A short adjournment) 4 (11.48 am) 5 MR PENNICOTT: Mr Lii, I'm now going to move on from RISC 6 forms to a couple of just relatively short, I hope, 7 topics. 8 First of all, in paragraph 27 of your witness 9 statement, at page 3816, you make reference to the use 10 of couplers on the project, and you say that: 11 "At some locations in the project, it was necessary 12 to connect some rebar by using couplers (instead of 13 lapping to connect the bars) at some construction 14 joints. The decision to use couplers was made by [your] 15 seniors. There were various legitimate reasons why 16 couplers were used instead of lapping." 17 Then you refer as an example to access routes. Do 18 you see that? 19 A. Yes. 20 Q. So would this be right, Mr Lii, that when you were 21 carrying out your routine inspections, and when you were 22 carrying out your formal hold-point inspections, you 23 were also responsible not only for inspecting the rebar 24 generally but you were responsible for inspecting the 25 connections at the couplers in particular; is that</p>

Page 37	Page 39
1 right? 2 A. Correct. 3 Q. Right. Had you had any previous experience in -- with 4 coupler connections, Mr Lii? 5 A. I followed that, yes. 6 Q. No, that wasn't my question. Prior to the introduction 7 of the use of couplers in the HHS, had you had any 8 previous experience of rebar being -- threaded rebar 9 being screwed into couplers? 10 A. Yes, I did. 11 Q. Where? 12 A. In my first project. 13 Q. Right. Were they the same type, same sort of couplers? 14 A. I don't quite remember what brand it was in the first 15 project. Probably not the same type. 16 Q. Right. We know these were BOSA couplers, so perhaps -- 17 A. That's correct. 18 Q. So you think you may have had experience but perhaps 19 with another brand of coupler? 20 A. Yes. Correct, yes. 21 Q. So did you know what you were looking for in a coupler 22 connection? Did you have an appreciation of what 23 a proper coupler connection with a threaded rebar ought 24 to look like? 25 A. Yes. It has to be screwed all the way in and whether	1 A. Yes, correct. 2 Q. All right. 3 In paragraph 17(b)(i) of your witness statement, you 4 say that one of the steps that you would take would be 5 to "physically measure the spacing and lap length of 6 reinforcement in the area to be inspected and check 7 whether the as-built works complied with the working or 8 agreed drawings"; do you see that? 9 A. Yes. 10 Q. So, as I understand it, you and the MTR engineer, when 11 you were formally inspecting the rebar, would have those 12 drawings with you; is that correct? 13 A. Yes, correct. 14 Q. Can you confirm that when couplers were introduced, you 15 had drawings which showed where the couplers should be, 16 where they should be positioned? 17 A. Well, in the drawing, we do have a plan showing the 18 location of the couplers. Not a formal drawing; we have 19 a plan. 20 Q. Right, and you would have that plan when you were doing 21 your inspection so you would know where the couplers 22 should be and whether they were in the right place? 23 A. Yes, in the track slab, it is obvious that we have to 24 have the space. I mean, basically it would say from 25 what gridline to what gridline you have to use the
Page 38	Page 40
1 it's tight enough. 2 Q. Right. So you would look at whether any threads were 3 showing? Would you physically go and try and see if you 4 could screw in the rebar any further, or whether it was 5 tight enough? 6 A. Yes, I would. I would generally look at the connection, 7 and for informal inspection I would try to screw it, 8 whether it's tight enough. 9 Q. All right. 10 CHAIRMAN: Sorry, could I ask -- when you're coming to the 11 formal inspection, by then all the rebars are lapped and 12 tied, are they not? I'm just wondering how much leeway 13 you get for screwing a rebar, because that rebar now has 14 been lapped with another bar. 15 A. Well, we can still check it, if we have to, because the 16 structures are by the wall, we can still reach them. By 17 the time we accept the work, we can still see whether 18 it's tight enough. 19 CHAIRMAN: Okay. 20 MR PENNICOTT: So, Mr Lii, the answer you gave to my 21 question I think had the words "informal inspection" you 22 would try to screw the rebar, but in answer to the 23 Chairman's question, you would also do that, if you were 24 able to, on the formal inspection as well; is that 25 right?	1 couplers. As long as you know the location, it doesn't 2 make any difference whether you have the plan or not 3 with you. 4 Q. But you had plans, you were given plans, that showed the 5 location of the couplers; is that right? 6 A. I don't quite remember whether I do have a plan with me 7 showing the couplers, but at that time I would be clear 8 that there will be couplers on that location. 9 Q. All right. 10 Now, I'll be corrected if I'm wrong, Mr Lii, but 11 I don't think you mention this in your witness 12 statement, but I understand that you were part of 13 Leighton's supervisory team for the reconstructed stitch 14 joints. Is that correct? 15 A. Yes. 16 Q. Does that apply to the reconstruction of all three 17 stitch joints, that's the stitch joint in the EWL and 18 the two stitch joints in the NSL? 19 A. I was responsible for only the NSL stitch joint, but 20 before the remedial work was completed I was transferred 21 to other site. 22 Q. Were you full-time on site supervising the stitch joint 23 remedial works? 24 A. Yes, more or less full-time, yes. 25 Q. And that is in relation to the NSL stitch joints that

Page 41	Page 43
<p>1 were done largely in July 2018; is that correct?</p> <p>2 A. At that time, I have already left the Hung Hom site.</p> <p>3 NSL remedial stitch joint, that was about mid-March/the</p> <p>4 end of April. Because in May I was transferred to other</p> <p>5 site.</p> <p>6 Q. It may be my fault. Let me just check something. Hang</p> <p>7 on.</p> <p>8 Yes, it's my fault. I'm sorry. I'm getting my</p> <p>9 years mixed up. Right.</p> <p>10 So, yes, from about the middle of April to the end</p> <p>11 of May, you were full-time on site more or less,</p> <p>12 supervising the NSL stitch joint remedial works?</p> <p>13 A. Mid-March to end of April. First day on May, I was</p> <p>14 transferred to another site.</p> <p>15 Q. Okay. Do you know if somebody replaced you?</p> <p>16 A. It was Henry Lai who replaced me.</p> <p>17 Q. Okay. Well, just for form's sake, we'd better just look</p> <p>18 at the document.</p> <p>19 Could we look at DD1, please, at page 91.</p> <p>20 Just look at it on the screen, I think, Mr Lii; that</p> <p>21 will probably be okay. This is a quality supervision</p> <p>22 plan on enhanced site supervision and independent audit</p> <p>23 checking. I imagine it's not a document you've seen</p> <p>24 before?</p> <p>25 A. I have not seen it before. I have no recollection of</p>	<p>1 (Discussion off the record)</p> <p>2 Mr Pennicott, who follows Mr Lii?</p> <p>3 MR PENNICOTT: Mr Johnny Leung.</p> <p>4 CHAIRMAN: Yes. Oh, Johnny Leung, yes, site agent.</p> <p>5 (In the presence of the witness)</p> <p>6 Cross-examination by MR KHAW</p> <p>7 MR KHAW: Yes, Mr Lii. I represent the government and there</p> <p>8 are some questions we wish to ask you.</p> <p>9 First of all, Mr Pennicott referred you to the BOSA</p> <p>10 couplers; do you remember?</p> <p>11 A. Yes, I do.</p> <p>12 Q. Regarding the works for HHS, were you aware of only one</p> <p>13 type of coupler which was used, which were used, and</p> <p>14 that is the BOSA couplers; is that right?</p> <p>15 A. Correct.</p> <p>16 Q. Did you ever have attend any session provided by BOSA</p> <p>17 regarding how the coupler connections should be done?</p> <p>18 A. I don't have any recollection I've done that.</p> <p>19 Q. Were there any meetings or sessions held by Leighton</p> <p>20 regarding the use of BOSA couplers, for example how they</p> <p>21 should be connected, how many threads could be exposed,</p> <p>22 et cetera?</p> <p>23 A. I don't have any recollection there was any.</p> <p>24 Q. So, when you were inspecting, whether you were talking</p> <p>25 about the routine inspection or the formal hold-point</p>
Page 42	Page 44
<p>1 seeing it.</p> <p>2 Q. Right. If we go to page 107, and we look at the box at</p> <p>3 the bottom, please, we have the list of quality control</p> <p>4 coordinator from the RC team -- that's the registered</p> <p>5 contractor, which is Leighton -- and do you see there</p> <p>6 you are listed as the T1, Jeff Lii; "Frequency level of</p> <p>7 site inspection: 5 (full-time)"; do you see that?</p> <p>8 Were you aware of this document at all, Mr Lii?</p> <p>9 A. I have seen this page.</p> <p>10 Q. Ah. Right. Okay. Did you see it at the time or have</p> <p>11 you been shown it recently?</p> <p>12 A. At that time, yes. At the time.</p> <p>13 Q. Okay. But you say you were there until the end of</p> <p>14 April, when Mr Lai took over; is that right?</p> <p>15 A. Right.</p> <p>16 MR PENNICOTT: Okay.</p> <p>17 Thank you, sir. I have no further questions. Thank</p> <p>18 you very much.</p> <p>19 MR TSOI: We have no questions for Mr Lii. Thank you.</p> <p>20 CHAIRMAN: Thank you.</p> <p>21 MR BOULDING: None from us, sir. Thank you very much.</p> <p>22 WITNESS: May I go to the toilet?</p> <p>23 MR PENNICOTT: Of course.</p> <p>24 CHAIRMAN: Yes, of course. Just five minutes.</p> <p>25 (In the absence of the witness)</p>	<p>1 inspection, when you were checking the coupler</p> <p>2 installations, you would have to rely on what you</p> <p>3 previously learned about the coupler connections; is</p> <p>4 that right?</p> <p>5 A. More or less, yes.</p> <p>6 Q. Can you tell us how long did each routine check for</p> <p>7 rebar fixing usually last?</p> <p>8 A. You mean just that area, how long it would take for me</p> <p>9 to conduct the routine inspection?</p> <p>10 Q. Yes.</p> <p>11 A. It depends.</p> <p>12 Q. On average?</p> <p>13 A. Maybe half an hour. If it's structurally complicated,</p> <p>14 it might take a longer time.</p> <p>15 Q. If we are talking about a particular bay of rebar fixing</p> <p>16 work, how long did it usually take?</p> <p>17 A. I think 15 minutes to half an hour; that would be</p> <p>18 sufficient. It depends on the size of the bay.</p> <p>19 Q. Did you bring with you any kind of checklist, log book</p> <p>20 or any document with you, when you were carrying out the</p> <p>21 routine inspection?</p> <p>22 A. I would bring plans or drawings with me, or I would</p> <p>23 upload them onto my phone, and if I can remember them,</p> <p>24 then I didn't even need those plans or drawings.</p> <p>25 Q. But I take it that you did not have any document that</p>

Page 45	Page 47
<p>1 would help you record what you saw during the routine 2 inspection; is that right? 3 A. I would bring with me a booklet, if necessary. If 4 I have brought plans or drawings with me, I would mark 5 them on these papers. 6 Q. So you talk about a booklet. Did you carry a booklet 7 every time when you conducted the routine inspection? 8 A. If I could remember it, yes, it would be the same one. 9 Q. You mean sometimes you did, sometimes you did not? 10 A. Right. 11 Q. Did you take pictures for what you inspected, during the 12 routine inspection? 13 A. Normally, where there was work that I'm responsible for, 14 I would take a picture. If I identified any problems, 15 I would take pictures and send them to relevant parties 16 for follow-up actions. 17 Q. So, according to your recollection, did you encounter 18 any problems regarding coupler connections for which you 19 actually took pictures and shared with other people? 20 A. Sometimes, I would identify loose connections. Under 21 the circumstance, I usually would call Ah Chun, to tell 22 him to get someone to come and screw it tightly. 23 Q. Do you remember how many times did you actually detect 24 something wrong with the coupler connections which 25 called for your further discussions with Wing & Kwong?</p>	<p>1 the company and that's also the contract, so you can't 2 change anything; do you remember that? 3 A. (In English) Yes. 4 Q. Who did you talk to in Leighton when you formed this 5 opinion that the RISC form was not user-friendly? 6 A. I don't have any -- I don't recall. 7 Q. I see. So you remember that you did talk to someone in 8 Leighton but you cannot tell us whom you've talked to; 9 right? 10 A. Well, it's not really a formal expression of opinion, 11 I think. I might have mentioned it to my superior, 12 something like that. 13 Q. So I would like to know whether there was anyone in 14 Leighton who actually told you, "Jeff, now, you probably 15 don't need to worry about the RISC forms; you can use 16 WhatsApp messages to replace the RISC forms"? Did 17 anyone actually tell you? 18 A. No. 19 Q. You also told us that since you were very busy during 20 your work time, and you wanted to complete the 21 outstanding RISC forms, but, well, given the workload, 22 you just couldn't cope. That's what you told us; right? 23 A. Right. 24 Q. So you have given us two reasons why the RISC forms were 25 not completed. One was your opinion that the RISC form</p>
Page 46	Page 48
<p>1 A. I can't recall. 2 Q. Now, you talk about the RISC forms in your witness 3 statement, and Mr Pennicott has asked you about that 4 extensively. There's just a few questions I wish to 5 clarify with you in this regard. 6 First of all, you agree with us that the function of 7 the RISC forms was to ensure that there would be records 8 which would evidence that the quality of the 9 construction works inspected for each hold point were in 10 order and also ready for the next stage of construction 11 works? Do you agree? 12 A. It's a long question. Sorry, please repeat. 13 Q. Sorry, yes. You agree that you needed a RISC form in 14 order to ensure that the construction works inspected at 15 each hold point would be in order and also would be 16 ready for the next stage of construction works? 17 A. For me, the form is a record. 18 Q. You told us that in your opinion, you did not find the 19 RISC form system user-friendly; remember that, according 20 to your witness statement? 21 A. Yes. 22 Q. And Prof Hansford earlier also asked whether you 23 actually shared that opinion with other people? 24 A. I think I have done so. 25 Q. And your answer was you did, but that's the system of</p>	<p>1 was not user-friendly, and the other reason was that you 2 were just too busy to do it. I just want to know what 3 was the actual reason why you did not complete the RISC 4 form, either one of the two reasons or both reasons? 5 A. Well, as a matter of fact, that's my personal opinion. 6 That's not the real reason why I didn't submit the 7 forms. It's just because I was too busy. It all 8 depends -- some may find it user-friendly, it's hard to 9 say. 10 Q. So now it's clear: your personal opinion that the RISC 11 form might not be very user-friendly did not cause you 12 not to do the RISC forms; right? 13 A. Yes, indirectly, because I do need more time to submit 14 the forms, but I didn't have enough time because of the 15 busy schedule. I couldn't keep up. 16 Q. And regarding this heavy workload that you told us, 17 which made you unable to complete the RISC forms, did 18 you also share that problem with other people in 19 Leighton? 20 A. Well, not deliberately, no. 21 Q. But at the same time are you aware that in fact MTR was 22 not happy with the way the RISC forms were handled? You 23 know about that? 24 A. At that time, the superiors would remind us from time to 25 time, but whether they are not happy, I don't think they</p>

Page 49	Page 51
<p>1 are not happy.</p> <p>2 Q. So your superiors told you that MTR was chasing them for</p> <p>3 the RISC forms? Did your superiors tell you about that?</p> <p>4 A. Yes. Superiors, I mean MTR superiors.</p> <p>5 Q. I see. Yes.</p> <p>6 Now, if we can take a look at one of the witness</p> <p>7 statements provided by MTR. If we can take a look at</p> <p>8 BB8/5248. We can go to 5254.</p> <p>9 If I can start from paragraph 30. In fact,</p> <p>10 paragraph 29. Sorry, this is the witness statement of</p> <p>11 Mr Victor Tung. Do you remember him?</p> <p>12 A. Yes.</p> <p>13 Q. In paragraph 29, he mentioned that he created a WhatsApp</p> <p>14 group entitled "HHS inspection group" then in 30 he</p> <p>15 talks about the participants in that group, and they</p> <p>16 included you, I believe, "Jeff Lii"; do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. So you remember that WhatsApp group chat?</p> <p>19 A. Yes.</p> <p>20 Q. Now, according to Victor Tung, if we can move to his</p> <p>21 paragraph 32, he said:</p> <p>22 "[He and his] colleagues had to chase Leighton to</p> <p>23 submit RISC forms;</p> <p>24 (2) There were occasions ... where I had provided</p> <p>25 all relevant inspection data to Leighton's Lam Wai Chung</p>	<p>1 A. I don't think they are unhappy at all, because they</p> <p>2 would look at the things with us.</p> <p>3 Q. I see. If you can just take a look at one of the</p> <p>4 WhatsApp messages, at BB14, page 9437. This is</p> <p>5 a message from Victor Tung.</p> <p>6 Sorry, it's in Chinese but I will try my best to</p> <p>7 translate that, perhaps with a bit of help from</p> <p>8 Mr Shieh. It says:</p> <p>9 "(Chinese spoken) gap E ..."</p> <p>10 It's in Chinese, so "Senior gap E". What does that</p> <p>11 mean, "gap E"?</p> <p>12 A. "Grad E", i t should be "grad E".</p> <p>13 Q. "Graduate engineer"?</p> <p>14 A. (In English) Yes.</p> <p>15 Q. So "senior graduate engineer"? So he was referring to</p> <p>16 you or to anyone else?</p> <p>17 A. (In English) Yes, yes, I know this issue, yes.</p> <p>18 Q. So he was referring to you?</p> <p>19 A. Yes.</p> <p>20 Q. He says:</p> <p>21 "... (Chinese spoken) inspection form</p> <p>22 (Chinese spoken) ..."</p> <p>23 I don't know how to translate it, but it means,</p> <p>24 basically, "Why did you send me RISC forms for a period</p> <p>25 of four months in one go?"</p>
Page 50	Page 52
<p>1 and reminded him to submit the ... RISC forms;</p> <p>2 (3) Leighton would often inform me of the location</p> <p>3 to be inspected ... with a promise that the relevant</p> <p>4 RISC form would follow;</p> <p>5 (4) In purported compliance with my request to</p> <p>6 provide a formal written record of a request for</p> <p>7 inspection ... Leighton would on occasions send through</p> <p>8 a photograph by WhatsApp of a RISC form to be submitted</p> <p>9 and treat the photograph as a formal request for</p> <p>10 inspection;</p> <p>11 (5) on one occasion in December 2015, Leighton sent</p> <p>12 over to [us] four months' worth of RISC forms in one go</p> <p>13 for me to fill out."</p> <p>14 Now, were you aware of those incidents or any of</p> <p>15 those incidents that Victor Tung talked about in his</p> <p>16 witness statement?</p> <p>17 A. Yes, to a large extent, yes.</p> <p>18 Q. So if I can go back to my earlier question, that is was</p> <p>19 MTR quite unhappy with the way the RISC forms were</p> <p>20 handled, would you agree with me that you were actually</p> <p>21 aware that they were not very happy with this?</p> <p>22 A. They chased us for that. Victor Tung from MTRC or his</p> <p>23 subordinates, ConE I, ConE II from MTRC, yes, they</p> <p>24 chased us for that.</p> <p>25 Q. Right.</p>	<p>1 A. Well, like I said a moment ago, at that time I had</p> <p>2 a little booklet recording what I did and what materials</p> <p>3 I received. The progress of the project rendered it</p> <p>4 impossible for me to catch up with the paperwork, so</p> <p>5 I had all the details entered into the booklet.</p> <p>6 Q. I see. I see. So once you had time, then you tried to</p> <p>7 compile some outstanding RISC forms and sent them to MTR</p> <p>8 at one go?</p> <p>9 A. Yes. I had to take delivery first.</p> <p>10 Q. This issue regarding the RISC forms, we know that Victor</p> <p>11 Tung kept chasing you and your colleagues for the RISC</p> <p>12 forms and -- well, you don't agree with me that he was</p> <p>13 not happy, but certainly he raised this issue regarding</p> <p>14 how the RISC forms should be handled.</p> <p>15 So --</p> <p>16 CHAIRMAN: There's an "unhappy" emoji there! Which is -- my</p> <p>17 understanding is emojis are becoming an international</p> <p>18 language.</p> <p>19 COMMISSIONER HANSFORD: Is that "unhappy" or is that</p> <p>20 "angry"?</p> <p>21 MR KHAW: I think it's probably worse than "unhappy".</p> <p>22 WITNESS: (In English) I think it's "funny", actually.</p> <p>23 MR KHAW: So, at that time, all I wish to know is: did you</p> <p>24 find it a serious matter that you need to address, ie</p> <p>25 the outstanding RISC forms?</p>

<p style="text-align: right;">Page 53</p> <p>1 A. I didn't take on -- or I wasn't aware of the importance 2 or seriousness. 3 Q. But I don't quite understand. There were repeated 4 chasers about the RISC forms, and you are telling us 5 that you were not aware of the importance or seriousness 6 of the matter. How could that be? 7 A. Well, the inspection system was going on. They accepted 8 the work. You may get the message that they look angry. 9 But we do have a good relationship with the engineers 10 from MTRC. Maybe we were negligent of the seriousness, 11 and they reminded us, but in a friendly way. 12 Q. After having received such chasers from MTR's 13 representative, did you raise this matter with anyone in 14 Leighton, as to, "How should we deal with it?" Did you 15 do that? 16 A. I submitted the form, yes. I submitted the RISC form. 17 Q. Yes, that's what you did, but I think my question was: 18 did you actually talk to anyone in Leighton as to how 19 you should try to deal with this RISC form issue? 20 A. No, not in particular, no. 21 Q. Right. 22 COMMISSIONER HANSFORD: Can I ask, Mr Lii, when that message 23 was received from Mr Tung, did that encourage you to 24 submit more, or did that discourage you to submit more? 25 A. Yes, it was an encouragement for me to submit the forms,</p>	<p style="text-align: right;">Page 55</p> <p>1 MR KHAW: For the sake of the record, for the government to 2 issue the certificate of completion -- 3 CHAIRMAN: That's it. 4 MR KHAW: -- we do not need the RISC forms. 5 CHAIRMAN: Fine. Okay. 6 MR KHAW: Yes. But of course the RISC forms will have to be 7 submitted at the earlier stage, when MTR and Leighton 8 prepared those forms for the purpose of completing the 9 process. 10 CHAIRMAN: So what role, if any, then, did the RISC forms 11 play? 12 MR KHAW: As between MTR and Leighton, that is obviously to 13 ensure that the construction works inspected at each 14 hold point were in order, so that they could proceed to 15 the next stage. 16 CHAIRMAN: All right. That was between MTR and Leighton. 17 MR KHAW: Yes. 18 CHAIRMAN: And if the MTR was happy? They didn't need any 19 forms, did they, then? You could shred them all? 20 MR KHAW: Obviously, from the messages that we have seen, 21 MTR was not happy with the way that the RISC forms were 22 handled. 23 CHAIRMAN: All right. So perhaps -- just forgive me for the 24 moment; it's just so that I understand -- suddenly we 25 get, in the public view, a very large statement of</p>
<p style="text-align: right;">Page 54</p> <p>1 but I couldn't keep up, because the amount has piled up 2 quite a lot. I couldn't keep up. 3 COMMISSIONER HANSFORD: Right. Okay. Thank you. 4 MR KHAW: Right. So perhaps, just to make Mr Pennicott 5 happy, so that he would not give me the same emoji, and 6 to hopefully show that the government team can be 7 sometimes efficient, I have no further questions. 8 MR LIU: No questions from us. 9 CHAIRMAN: Thank you. 10 Can I ask you: were you aware at the time that these 11 RISC forms had an ultimate purpose; in other words, they 12 had a purpose that went beyond you just filling out some 13 details at the time? 14 A. I agree. However, the pace of the work at the site made 15 me neglect that. Well, there is this COI; I realise how 16 serious it is. 17 CHAIRMAN: I appreciate that. My question really is, going 18 back to that time, did you realise that each and every 19 RISC form would play a part in some ultimate final 20 process? Because my understanding, and perhaps I'm 21 wrong -- if so, I will be corrected -- is that before 22 government would give the final okay for the building to 23 be accepted and everybody to go off site, the records of 24 quality inspection had to be considered. Were you aware 25 of that? I think I'm --</p>	<p style="text-align: right;">Page 56</p> <p>1 concern that hundreds of these forms are missing; okay? 2 The suggestion being, to the average man on the MTR 3 going to work or in the back of a car going to work, 4 that there's absolutely no evidence of any quality 5 inspections available. 6 But from what you tell me, so that I can understand 7 the parameters better, these documents were really 8 limited. They were limited to the contractor and the 9 MTR, and if the MTR was happy with the work, then that 10 was an end to it; they weren't needed anymore. 11 MR KHAW: Mr Chairman, according to the PIMS, then obviously 12 the RISC forms would be required. But what I try to 13 clarify is that the government would not inspect the 14 RISC forms during the process. 15 CHAIRMAN: Right. 16 MR KHAW: But insofar as the requirements are concerned, 17 they are contained in MTR's PIMS, and that is why it is 18 part of -- it is an integral part of the system which 19 would need to be complied with. 20 CHAIRMAN: I appreciate that, and we've all got these 21 systems, but the point I'm trying to understand, in very 22 simple, layman's terms, is -- you have to fill in 23 a form, okay, and a lot of forms were not filled in, it 24 appears. It appears that the MTR, depending on who the 25 officers were, may have been angry about it or couldn't</p>

Page 57	Page 59
<p>1 care less or may have been indulgent about it. But what 2 really counted was, at the end of the day, was everybody 3 satisfied that there had been inspections and that the 4 work had been done properly? 5 MR KHAW: Yes. 6 CHAIRMAN: And if that was the case, then to a large degree 7 it may be said that, leaving aside adherence to 8 paperwork, the essential issue, that is quality, had 9 been assured at that stage. 10 MR KHAW: Yes. 11 CHAIRMAN: So the fact that these RISC forms had gone 12 missing, where is the great concern? Because it would 13 be a question, would it not, of saying, "We are 14 satisfied the work was done, the RISC forms are part of 15 that process, but they don't stand absolutely on their 16 own, and we are happy that the work was done correctly"? 17 MR KHAW: Yes. 18 CHAIRMAN: So why do we have a major concern for everybody 19 sitting on the MTR going to work, reading this in the 20 newspaper? That's not a criticism. I'd just like to 21 understand the real impact, if there is one. 22 MR KHAW: Yes. Now, Mr Chairman, first of all, the IoC and 23 the IoE were obviously issued on the basis of the PIMS 24 provided by MTR, and under the PIMS, the RISC forms form 25 part of the quality assurance system.</p>	<p>1 But I can see the RISC forms are part and parcel of the 2 ongoing quality assurance scheme, but in addition to 3 that you've got the MTR and you've got Leighton, the 4 contractor, inspecting things together -- 5 MR KHAW: Yes. 6 CHAIRMAN: -- and saying, "Yes, we are happy", and nobody 7 moves on, assuming that system works, by the way; okay? 8 So at the end of the day, when, shall we say, the 9 stable sidings are completed, all the works are 10 completed there, you have consensus between Leighton and 11 the MTR; it's all been done. 12 MR KHAW: Yes. 13 CHAIRMAN: Now, in that process, certain pieces of paper, 14 certain written records, may have not been 100 per cent 15 completed. 16 Now, if they haven't been 100 per cent completed but 17 there's consensus that everything has been done well and 18 everything has been inspected and there's no concern, 19 the question I ask is: at that stage, is the RISC form 20 simply a question of arid paperwork, if there's anything 21 missing, or does it have some real role to play? 22 And I'm not quite sure. You see, I can understand, 23 suddenly -- I mean, we get in the newspaper, for 24 example -- and I'm just doing this from the point of 25 view of the average person on the street -- suddenly he</p>
Page 58	Page 60
<p>1 CHAIRMAN: Right. 2 MR KHAW: So it was on this basis that the government would 3 have to be satisfied that they complied with this 4 important part of the quality assurance system. 5 CHAIRMAN: Right. So would government go to MTR and say, 6 "Have you got all your RISC forms? Could we have a look 7 at them", or not? Or they would have that ability, if 8 they wished to use it? 9 MR KHAW: In that regard, obviously we have to rely on MTR 10 for the purpose of checking that the RISC forms were in 11 order. 12 CHAIRMAN: Right. I mean, would there inevitably and in 13 every single instance be a question, before completion 14 is signed off on any particular part of the project, 15 "Are all the RISC forms in order? Do you have them all 16 and are you satisfied with them?" 17 MR KHAW: According to our system, under the IoC and IoE, we 18 would expect that all the RISC forms were compiled and 19 also were checked before the completion of the 20 construction works. But it's just that it's not the 21 government who would conduct that exercise. 22 CHAIRMAN: Okay, yes. But it's still -- I still have this 23 minor problem. Please forgive me -- 24 MR KHAW: Not at all. 25 CHAIRMAN: -- if I'm being somewhat intellectually tardy.</p>	<p>1 picks up his newspaper and says, "70,000 forms are 2 missing. What does that mean?" Answer: "It means 3 there's no assurance of any sort of quality control. 4 The whole place is going to fall down. Everybody is 5 negligent on the job." Whereas in fact, from what you 6 are telling me, it seems as if while the RISC forms are 7 part of an ongoing quality control, they are part and 8 parcel; they are not the sole quality control. And if 9 there is consensus between Leighton and the MTR and 10 their inspectors that everything has gone ahead, that 11 everything has been done properly, then, in a way, the 12 RISC forms become redundant after that. 13 Or am I wrong? 14 (Tribunal conferring) 15 My co-Commissioner Prof Hansford said that maybe 16 this might be a matter for expert evidence, as to the 17 matter going forward. 18 But do you see the concern that I have? There's 19 a certain kind of opaqueness on everybody's face looking 20 at me, as though I'm missing something very obvious. 21 But what I've got is this little bit of credibility gap 22 at the moment between something appears suddenly in the 23 public domain saying, "70,000 of these forms are 24 missing, ipso facto nothing has been built properly", 25 whereas in fact it seems that these forms are important</p>

Page 61	Page 63
<p>1 and they are part of the ongoing process of assuring 2 quality, but they run with the working of the actual 3 experts on site. And if those experts on site are happy 4 at the end of the day, having worked with each other and 5 done these inspections, then the fact that a few of 6 these forms may have fallen by the way, nobody appears 7 to have taken that as being a mortal sin for which every 8 engineer will burn in hell forever. You know, far from 9 it. It's a case of, "Well, you know, we can overlook 10 that because we know that the whole thing is moving 11 properly." 12 That's my concern, you see. 13 MR KHAW: Mr Chairman, I will try to ease your concern by 14 saying this. First of all, the RISC forms obviously 15 constitute an important piece of evidence for us to 16 ensure quality. 17 CHAIRMAN: Yes. 18 MR KHAW: Now, obviously we are not saying that the fact 19 that forms are missing can lead -- or will cause one to 20 immediately jump to a conclusion that the works were 21 defective. We are not saying that. 22 CHAIRMAN: That's the point. 23 MR KHAW: But -- 24 CHAIRMAN: In the press -- let me not say "the press" -- in 25 the general public, as I understood it from the odd</p>	<p>1 MR KHAW: Yes, but of course we are also facing the reality 2 that the problems at the stitch joint had in fact been 3 identified. 4 CHAIRMAN: Okay. Then I understand. Thank you. 5 MR KHAW: Yes. So it's not just a matter of a missing 6 procedure regarding missing RISC forms. We have real 7 issues that we need to address. 8 CHAIRMAN: Absolutely, yes. Good. I'm with you. So it's 9 not as if you have to go and present to government or to 10 the Buildings Department every single RISC form, so that 11 they can go through some computer program, checking each 12 one off. That's not required. 13 MR KHAW: Yes. 14 MR PENNICOTT: Sorry, I don't know whether anyone else wants 15 to say anything, particularly the MTR, but in my rather 16 simplistic way -- the government of course is wearing at 17 least two hats here. Mr Khaw might think he's wearing 18 four hats, he's got four departments, but at least two 19 hats. 20 One of the hats is the Buildings Department. As 21 a matter of statutory requirements, the RISC forms are 22 not necessary. I mean, under the Buildings Ordinance, 23 a RISC form, you will not find any reference to it, and 24 so forth. So, as a matter of statutory requirement, the 25 Buildings Department don't require RISC forms.</p>
Page 62	Page 64
<p>1 person bumping into me on the street, it was "These 2 forms are missing, that's the only evidence of quality. 3 It therefore follows, quod erat demonstrandum, there's 4 no quality." 5 COMMISSIONER HANSFORD: I think the issue that the 6 Commissioners are grappling with and will continue to 7 consider is notwithstanding these forms being missing, 8 can quality nevertheless be assured? That's the point 9 that we will be considering over the next few weeks. 10 MR KHAW: Yes, that will be something which will be 11 addressed in the verification proposal, because in the 12 verification proposal we will see whether we could 13 gather other evidence, in the absence of RISC forms, to 14 try to ascertain whether the works had been properly 15 done. 16 COMMISSIONER HANSFORD: I mean, with respect, Mr Khaw, 17 I think the verification proposal is yet another piece 18 of evidence, but only another piece of evidence. 19 MR KHAW: Yes. 20 CHAIRMAN: All right. I think I have belaboured my concern. 21 It's just -- and I do understand. It's just that why -- 22 if you had everybody happy with the work and the quality 23 of the work, then, in this instance, how did it blow up 24 suddenly that the forms were missing? I suppose that's 25 the point.</p>	<p>1 Of course the other hat the government is wearing is 2 the Highways Department. They are essentially the 3 owner. They are the contracting party with the MTRC. 4 And part of, as I understand it, I'll be corrected if 5 I'm wrong, but part of the contractual obligation 6 between the Highways Department and the MTRC is that 7 PIMS is complied with. 8 COMMISSIONER HANSFORD: That's right. 9 MR PENNICOTT: PIMS requires, as part of it, a small part of 10 it, the RISC forms. Therefore, if the RISC forms are 11 not there -- I mean, I suppose one might put it in terms 12 of technically "a breach" of the obligation to comply 13 with the PIMS. 14 CHAIRMAN: Yes, I think that's what I was looking for. 15 Where is -- so it's a contractual obligation? 16 MR PENNICOTT: It seems to me certainly it's more of 17 a contractual obligation than it is a statutory 18 obligation. I certainly don't see that one can elevate 19 this into a statutory obligation. 20 CHAIRMAN: No. 21 MR PENNICOTT: But it certainly appears, on the face of it 22 to us, as though it is, arguably at least, a contractual 23 obligation. 24 And of course one of the other problems that has 25 arisen -- and if I may say so, sir, you very much</p>

Page 65	Page 67
<p>1 touched on this yesterday, albeit very quickly -- and</p> <p>2 that is the role that the RISC forms played in the first</p> <p>3 part of this Inquiry --</p> <p>4 CHAIRMAN: Yes.</p> <p>5 MR PENNICOTT: -- where everybody seemed to be placing a lot</p> <p>6 of credence and reliance on them and elevating them to</p> <p>7 being part of the whole process of trying to create this</p> <p>8 high standard of quality, and now we are getting</p> <p>9 a rather different take and a rather different picture</p> <p>10 of their use and their quality, intrinsic quality of the</p> <p>11 RISC forms themselves.</p> <p>12 So there's a lot of competing points here, but</p> <p>13 again, as Mr Khaw rightly says, one of the big aspects</p> <p>14 of this part of the Inquiry is the stitch joints. We</p> <p>15 know jolly well that something has gone seriously wrong</p> <p>16 with the original stitch joints. There were no RISC</p> <p>17 forms, and that's obviously part of that specific</p> <p>18 inquiry that we are looking at, the particular</p> <p>19 investigation into the stitch joints, where it seems to</p> <p>20 us that the RISC forms do have at least part -- are part</p> <p>21 of that story and part of that investigation.</p> <p>22 CHAIRMAN: Thank you. That helps me a lot. Thank you.</p> <p>23 Let me say from the beginning, I'm not trying to</p> <p>24 reduce the importance of the RISC forms in the role that</p> <p>25 they play in assuring quality. What I didn't quite</p>	<p>1 I think what I had overlooked slightly was the</p> <p>2 underlying contractual connection. Thank you.</p> <p>3 MR SHIEH: My legal team WhatsApp chat group tells me that</p> <p>4 I should try to be efficient, and I have no</p> <p>5 re-examination.</p> <p>6 CHAIRMAN: Thank you.</p> <p>7 Thank you very much indeed, Mr Lii. Your evidence</p> <p>8 is now completed, so you can go; okay? Thank you for</p> <p>9 your assistance.</p> <p>10 (The witness was released)</p> <p>11 MR PENNICOTT: Sir, as we mentioned earlier, the next</p> <p>12 witness is Mr Johnny Leung, but I see it's about eight</p> <p>13 minutes before 1.00.</p> <p>14 CHAIRMAN: Yes. I'm not going to call him in just for</p> <p>15 a couple of seconds.</p> <p>16 MR PENNICOTT: So perhaps we could re-convene at 2.10 or</p> <p>17 something like that? Or 2.15, I suppose, is --</p> <p>18 CHAIRMAN: 2.15 then. Thank you very much.</p> <p>19 (12.52 pm)</p> <p>20 (The luncheon adjournment)</p> <p>21 (2.16 pm)</p> <p>22 MR KHAW: Mr Chairman --</p> <p>23 CHAIRMAN: Sorry, just before we start, I just wanted to</p> <p>24 perhaps explain myself very briefly as to my somewhat</p> <p>25 fragmented and perhaps difficult-to-comprehend</p>
Page 66	Page 68
<p>1 understand, and it's been made clear to me now -- thank</p> <p>2 you very much -- is the role -- how they fit into the</p> <p>3 broader picture. I can see there's a contractual nexus,</p> <p>4 and although, therefore, the RISC forms are not</p> <p>5 inevitably needed -- they don't have to be all lined up</p> <p>6 and all presented to the Highways Department or the</p> <p>7 Buildings Department -- because they form part of the</p> <p>8 contractual mesh, they can be inspected if necessary and</p> <p>9 can be viewed as necessary to ensure ultimate quality by</p> <p>10 whatever arm of government is dealing with that</p> <p>11 particular matter.</p> <p>12 Good. Thank you.</p> <p>13 MR BOULDING: Sir, I don't intend to extend this argument,</p> <p>14 but in the context you've been talking about, you just</p> <p>15 might want to remind yourself, in your leisure time, of</p> <p>16 paragraphs 49 and onwards of our written opening, where</p> <p>17 we do deal with this point.</p> <p>18 I remind you that the BD's Mr Lok Pui Fai says on at</p> <p>19 least two occasions that RISC forms are</p> <p>20 "an administrative/procedural issue, given that RISC</p> <p>21 forms do not" -- "do not" -- "constitute either</p> <p>22 a statutory or regulatory requirement".</p> <p>23 But you can read that to yourself at your leisure.</p> <p>24 CHAIRMAN: Thank you very much. That helps me greatly.</p> <p>25 Thank you. All right.</p>	<p>1 interjection earlier.</p> <p>2 What has concerned me, not in order to make any</p> <p>3 decisions at this time -- I have been a professional</p> <p>4 judge for long enough to know that I reserve those kinds</p> <p>5 of matters until I have heard all the evidence -- but to</p> <p>6 try to understand the dynamic within which these</p> <p>7 engineers were working.</p> <p>8 Because at one level, it could be said if the forms</p> <p>9 were undoubtedly, just as winter follows summer, going</p> <p>10 to be studied by some higher authority, it was almost</p> <p>11 an insanity for these engineers not to complete the</p> <p>12 forms. But as I understand it, and I'm open to</p> <p>13 correction, your very valuable assistance has provided</p> <p>14 me with the following -- that between the MTR and</p> <p>15 government, there is the undertaking, with a contractual</p> <p>16 nexus, to use PIMS, that particular plan. Between the</p> <p>17 MTR, there is the same contractual nexus to use PIMS.</p> <p>18 PIMS, therefore, runs through the hierarchical</p> <p>19 relationship and it has a position of central importance</p> <p>20 because, among other things, it guarantees the right for</p> <p>21 government and/or the MTR to ensure due quality.</p> <p>22 One of the instruments by which it ensures due</p> <p>23 quality is to look at written records, which have</p> <p>24 long-time been preserved in PIMS, namely the RISC forms,</p> <p>25 the request for inspection forms.</p>

Page 69	Page 71
<p>1 That does not mean that each and every form is going 2 to end up being considered by a person in government. 3 What it means is that as between the MTR and any 4 contractor, in this case Leighton, there is 5 an obligation to complete all these forms so that there 6 is that relationship and that understanding and that 7 quality assurance, but it doesn't necessarily mean that 8 they will be taken further. 9 What it does mean, however, is that government, in 10 its various forms, has a right perhaps to audit or to 11 check, and while it will not do so perhaps in most 12 cases -- I don't know -- or certainly in a good number 13 of cases, that ability is always there and, in 14 appropriate circumstances, will be exercised. So that 15 the obligation, therefore, to complete the RISC forms is 16 always there, although, as I've said before, not like 17 winter always following summer, each and every one will 18 be followed. 19 Now, that, I wish to stress, is my understanding 20 now, built on trying to understand the dynamics within 21 which these people were working, and it's not and has 22 never been my intention to denigrate these documents as 23 being of no value. I appreciate their central value. 24 But equally one has to sometimes ask initially: why 25 would it be that you would allow yourself to fall behind</p>	<p>1 relevant agreements, ie the entrustment agreements, 2 and it has also been set out in our IoE and IoC. 3 Perhaps the point I did not make clear is the 4 contractual nature of this obligation, as opposed to the 5 statutory nature of this obligation. That is something 6 I probably did not make clear. But I am most grateful 7 to Mr Pennicott for the clarification before the lunch 8 break. 9 CHAIRMAN: Yes. It did help a great deal. 10 MR KHAW: Yes. 11 CHAIRMAN: The other thing I was looking at was perhaps, 12 even though it wasn't contractual, may it have been 13 customary; do you know what I mean? 14 MR KHAW: Yes. 15 CHAIRMAN: Sometimes -- well, we all know, in the business 16 here, that we are going to have to show our forms to 17 a particular department at a particular time. 18 MR KHAW: Of course. 19 CHAIRMAN: And I realise now that there's this contractual 20 mesh, as I described it, which gives the power to do 21 these audits if necessary but not inevitably. 22 MR KHAW: Yes, Mr Chairman. 23 The second point I wish to perhaps further 24 elaborate, following from what I said earlier, before 25 the lunch break, and that is if one looks at the</p>
Page 70	Page 72
<p>1 in completion of these forms, and could it be, to some 2 degree, because there may be an awareness that they may 3 not actually be studied in detail further along the 4 line, if everything else is moving along okay? 5 So I wanted you to understand that my reason for 6 questioning was to try to understand the dynamics within 7 which individuals operate. It was not to denigrate the 8 importance of these quality documents or the importance 9 of process generally in the building of very large 10 projects such as this. Okay? 11 So my apologies for the fragmented way in which 12 I approached the subject initially, but it has helped me 13 greatly. Thank you. 14 MR KHAW: I'm most grateful for Chairman's comments in this 15 regard. In fact, I was about to say, before Mr Shieh 16 calls his next witness, there are probably just three 17 short points I would like to make, in order to discharge 18 my duties fully. 19 CHAIRMAN: Yes. 20 MR KHAW: First of all, Mr Chairman, I have to apologise for 21 the shortcoming on my part during the exchange with 22 Mr Chairman. That is, I tried to emphasise the 23 importance of PIMS, which obviously included the need 24 for the RISC forms, and the obligation to ensure the 25 compliance with the PIMS has been set out in the</p>	<p>1 chronology of events, obviously the government was 2 alerted to the water seepage problems at the stitch 3 joints in around January 2018, and subsequently there 4 were investigations and also proposals for remedial 5 works by various parties. 6 And in around December 2018 we were informed of the 7 missing RISC forms and also the missing construction 8 records, by the MTR. 9 What I'm trying to say is that if we look at this 10 chronology of events, the lack of RISC forms is not 11 an isolated incident which exists in a vacuum. I mean, 12 we are not only examining this question of RISC forms in 13 isolation from other issues. 14 Obviously, one of the main issues in this whole 15 fact-finding exercise is to examine why the defective 16 works could have actually occurred, in view of the 17 overall system, and given in particular the lack of RISC 18 forms that we are now looking at. This is one of the 19 factors that we need to address in the overall 20 fact-finding exercise, when it comes to why and how the 21 defective works would have occurred. 22 CHAIRMAN: Yes. I appreciate that fully. I think also, 23 of course, because -- and I bow to his expertise here -- 24 my co-Commissioner, who is about 100 leagues ahead of me 25 in understanding that the true issue is going to be one</p>

Page 73	Page 75
<p>1 of expert evidence --</p> <p>2 MR KHAW: Yes.</p> <p>3 CHAIRMAN: -- to look at perhaps refinement.</p> <p>4 MR KHAW: Yes.</p> <p>5 CHAIRMAN: But as I say, that's a more advanced and</p> <p>6 sophisticated issue we will come to.</p> <p>7 MR KHAW: Yes.</p> <p>8 CHAIRMAN: I was looking to something more simple: how does</p> <p>9 a young engineer, if he knows, as sure as God made</p> <p>10 apples, that he's going to have to account for each and</p> <p>11 every RISC form, not fill them out?</p> <p>12 MR KHAW: I fully appreciate that, Mr Chairman.</p> <p>13 CHAIRMAN: Do you see the point I'm making?</p> <p>14 MR KHAW: Yes.</p> <p>15 CHAIRMAN: That's how I was trying to view the matter.</p> <p>16 MR KHAW: Yes.</p> <p>17 CHAIRMAN: Let me emphasise again, I'm not criticising any</p> <p>18 engineer, I'm not making any findings at all. I'm just</p> <p>19 trying to conduct a reconnaissance as to the lie of the</p> <p>20 land that enables me to then make my determinations.</p> <p>21 MR KHAW: Yes.</p> <p>22 CHAIRMAN: Thank you.</p> <p>23 MR KHAW: The last point, Mr Chairman, I wish to make is</p> <p>24 that before the lunch break, Mr Boulding for MTR, took</p> <p>25 the opportunity to reiterate the point stated in their</p>	<p>1 fragmentary way, as judges are sometimes akin to do.</p> <p>2 They are listening to evidence and trying to formulate</p> <p>3 matters, and questions arise in their heads, and it's</p> <p>4 best that they be dealt with immediately.</p> <p>5 MR KHAW: Yes.</p> <p>6 CHAIRMAN: Thank you. Anyway, enough of that.</p> <p>7 MR PENNICOTT: Sir, if I may, one further observation. I've</p> <p>8 been keeping an eye on the various discussions that</p> <p>9 we've been having about the RISC forms, and I've been</p> <p>10 trying to remind myself -- a point that has just been</p> <p>11 raised by Mr Khaw -- as to what happened in the first</p> <p>12 part of the Inquiry. I'm not going to dwell on that.</p> <p>13 But I feel -- and this is at sort of a very early</p> <p>14 stage -- that there is emerging a potential quasi</p> <p>15 project management point in relation to these RISC forms</p> <p>16 in the context of this part of the Inquiry that was not</p> <p>17 anywhere near the forefront in the previous part of the</p> <p>18 Inquiry, and that is whether these RISC forms are indeed</p> <p>19 a sort of one-size-fits-all document, in the sense that</p> <p>20 one can see that they might be perfectly user-friendly,</p> <p>21 to use a term, in certain situations, but in others that</p> <p>22 may not be the case, and one is building up a picture,</p> <p>23 at least I am in my mind, where in -- for example, doing</p> <p>24 a comparison on the facts that we're dealing with in</p> <p>25 this part of the Inquiry, one has the NAT area</p>
Page 74	Page 76
<p>1 opening submissions, and that is the RISC forms are</p> <p>2 administrative and procedural. But I only wish to</p> <p>3 remind everyone that in fact in part 1 of the Inquiry,</p> <p>4 we have dealt with the situation where there were</p> <p>5 missing record sheets --</p> <p>6 CHAIRMAN: Yes.</p> <p>7 MR KHAW: -- for the inspection of the coupler installations</p> <p>8 in respect of the EWL slabs. At that time, it was MTR's</p> <p>9 position and it was also their evidence that the RISC</p> <p>10 forms actually constituted sufficient evidence to show</p> <p>11 that the works had been properly carried out.</p> <p>12 So I wish to clarify that point. I'm sure</p> <p>13 Mr Boulding will further elaborate that point as to why</p> <p>14 this is purely administrative and procedural, but if we</p> <p>15 look at what happened in part 1, it is perhaps not as</p> <p>16 simple as that. That is all I wish to say.</p> <p>17 CHAIRMAN: Yes, and again I emphasise the fact that any</p> <p>18 questions that I raised were not to derogate the</p> <p>19 importance of quality records, though they can be</p> <p>20 critical, both for and agin, I appreciate that; nor to</p> <p>21 derogate, in fairness, any expressions of shock in the</p> <p>22 public domain when such a large amount were found to be</p> <p>23 missing.</p> <p>24 MR KHAW: I appreciate that.</p> <p>25 CHAIRMAN: As I say, I approach the whole issue in a rather</p>	<p>1 generally, let's say, where perhaps over a period of</p> <p>2 time one's looking at 50 or 60 pours, and one would look</p> <p>3 at a certain number of RISC forms in that context;</p> <p>4 whereas one's looking at the HHS where one can see that</p> <p>5 there are in excess of 500 pours, just in the track</p> <p>6 slabs, leaving aside the accommodation blocks, that</p> <p>7 might -- it might; I'm not saying it does but it</p> <p>8 might -- paint a rather different picture as to how the</p> <p>9 approach to the RISC forms by an engineer is viewed.</p> <p>10 I'm not saying there's an excuse or whatever, but</p> <p>11 the factual position may well be different. I mean,</p> <p>12 that's a huge number.</p> <p>13 CHAIRMAN: You've hit the nail on the head from -- my</p> <p>14 concerns were: how do I view realistically the approach</p> <p>15 of engineers in different circumstances to the same</p> <p>16 issue?</p> <p>17 MR PENNICOTT: Yes, sir.</p> <p>18 COMMISSIONER HANSFORD: Why, Mr Pennicott, do you say it's</p> <p>19 quasi-project management?</p> <p>20 MR PENNICOTT: Well, whether it is right for -- it's not</p> <p>21 a pure project management issue, it seems to me. It</p> <p>22 perhaps goes wider than that. It is the use of this</p> <p>23 particular document in this particular -- the various</p> <p>24 situations that we have in the various areas. Perhaps</p> <p>25 you think it's an absolute project management issue.</p>

Page 77	Page 79
<p>1 Maybe it is.</p> <p>2 COMMISSIONER HANSFORD: To my mind, it's a quality assurance</p> <p>3 issue.</p> <p>4 MR PENNICOTT: Yes.</p> <p>5 COMMISSIONER HANSFORD: And in my book, quality assurance is</p> <p>6 part of the project management.</p> <p>7 MR PENNICOTT: I'm not going to disagree with that. But</p> <p>8 anyway, I think we are flushing out the point and it's</p> <p>9 useful to do so.</p> <p>10 CHAIRMAN: Yes. It is important to sometimes park our</p> <p>11 convoy at the side of the road and actually get our</p> <p>12 bearings, even if only one of the drivers, in this</p> <p>13 instance me, just wants to be assured that the</p> <p>14 navigation system is correct.</p> <p>15 MR PENNICOTT: Yes, sir.</p> <p>16 CHAIRMAN: Thank you.</p> <p>17 MR PENNICOTT: Thank you very much.</p> <p>18 MR BOULDING: Sir, from our perspective, if I can just</p> <p>19 add -- because you did pose the question what does the</p> <p>20 person, the Hong Kong person on the MTR, think in</p> <p>21 circumstances where he's told there are no or there are</p> <p>22 missing RISC forms -- what we would like to emphasise,</p> <p>23 and indeed the evidence we have heard to date supports</p> <p>24 this, is the fact that there is no RISC form or a late</p> <p>25 RISC form or even the fact that the RISC form is on time</p>	<p>1 Q. You have made a witness statement for the purpose of</p> <p>2 this Commission of Inquiry. Can I ask you to turn to</p> <p>3 bundle CC10, page 6511.</p> <p>4 Can you see that?</p> <p>5 A. Yes, I see it.</p> <p>6 Q. It is a document entitled, "Witness statement of Johnny</p> <p>7 Leung"; that's you, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And if you turn to page 6513, that is your signature on</p> <p>10 that page; correct?</p> <p>11 A. It's my signature.</p> <p>12 Q. Are you prepared to put forward the contents of this</p> <p>13 witness statement as your evidence in this Commission of</p> <p>14 Inquiry?</p> <p>15 A. I'm willing to do that.</p> <p>16 Q. A few things. First of all, please remain seated</p> <p>17 because other lawyers, counsel for the Commission and</p> <p>18 counsel for other parties, will ask you questions. The</p> <p>19 Chairman and Mr Commissioner will also ask you</p> <p>20 questions, after which I may have some follow-up</p> <p>21 questions for you.</p> <p>22 Secondly, can I remind you that we have</p> <p>23 a transcription service which picks up verbal answers</p> <p>24 given, and so I would invite you to actually give verbal</p> <p>25 answers rather than "mm-hmm" or a nod of the head. Do</p>
Page 78	Page 80
<p>1 but not filled in properly, does not mean that</p> <p>2 an inspection was not made.</p> <p>3 I do think that needs to be emphasised and I do</p> <p>4 emphasise that. That, we would say, is important.</p> <p>5 I agree with my learned friend Mr Pennicott that the</p> <p>6 matter of RISC forms raises a project management issue,</p> <p>7 and again I remind you that MTR recognise that and</p> <p>8 Mr Peter Ewen in due course will tell you the steps that</p> <p>9 have already been taken -- iSuper, BIMS and one or two</p> <p>10 others -- to ensure that to the extent that forms were</p> <p>11 missing and couldn't be traced before, that will not</p> <p>12 happen again. And no doubt in due course we may well</p> <p>13 hear from Mr Rowsell and Mr Huyghe as to what they think</p> <p>14 of that particular system and whether or not anything</p> <p>15 further ought to be done.</p> <p>16 So I do hope that intervention is --</p> <p>17 CHAIRMAN: It helps a lot. Thank you very much.</p> <p>18 Anything further?</p> <p>19 MR SHIEH: I can now call Mr Johnny Leung for Leighton.</p> <p>20 MR LEUNG YIK WANG, JOHNNY (affirmed in Cantonese)</p> <p>21 (All answers given via simultaneous interpreter</p> <p>22 except where otherwise specified)</p> <p>23 Examination-in-chief by MR SHIEH</p> <p>24 Q. Good afternoon, Mr Leung.</p> <p>25 A. Good afternoon.</p>	<p>1 you understand?</p> <p>2 A. I understand.</p> <p>3 MR SHIEH: Thank you very much.</p> <p>4 Mr Chairman and Commissioner, we were unable to find</p> <p>5 an organisation chart featuring Mr Leung, because</p> <p>6 Mr Leung actually left Leighton at a relatively early</p> <p>7 point in time, and all the organisation charts that we</p> <p>8 have been able to find or locate postdated his</p> <p>9 departure. So I'm afraid I have to depart from the</p> <p>10 usual ritual of showing an organisation chart to the</p> <p>11 Commission.</p> <p>12 Mr Leung, please remain seated. Other counsel will</p> <p>13 ask you questions now.</p> <p>14 Examination by MR PENNICOTT</p> <p>15 MR PENNICOTT: Mr Leung, good afternoon.</p> <p>16 A. (Chinese spoken).</p> <p>17 Q. My name is Ian Pennicott. I'm one of the counsel to the</p> <p>18 Commission. I'm going to ask you some questions first.</p> <p>19 Before I do that, can I first of all just say thank</p> <p>20 you very much for coming along to give evidence to the</p> <p>21 Commission, and secondly can I apologise that I know</p> <p>22 you've been waiting since yesterday afternoon to come</p> <p>23 and give your evidence, but at least we've got to you</p> <p>24 now.</p> <p>25 Now, Mr Shieh may have failed, but we don't think we</p>

Page 81

1 have. Let's have a look. C7/5531.
2 MR SHIEH: Yes, that's the one I am just looking at. It's
3 in part 1.
4 COMMISSIONER HANSFORD: It's a good game, isn't it?!

5 MR PENNICOTT: It's in the original bundle.
6 This is an organisation chart dated, we think,
7 January 2015. You will see -- at least you will if we
8 keep it still; that's fine -- do you see Mr Rawsthorne
9 at the top there?
10 A. I see it.
11 Q. If you come down to Mr Joe Tam, and then follow the
12 dotted line across to Marco Chan; do you see that?
13 A. Yes.
14 Q. Then if you go to the heading, "Stabling sidings" -- do
15 you see that -- is that you, the site agent, just under
16 the box "stabling sidings"?
17 A. Yes.
18 Q. There's a similar organisation chart -- we don't need to
19 look at it -- of March 2015 in the original bundle at
20 C7/5534, three pages on.
21 So, as I understand it, Mr Leung, your role,
22 certainly at this stage, was the HHS area?
23 A. Yes.
24 Q. But I think also you had some involvement in the NAT
25 area, particularly with regard to the underground

Page 82

1 utilities works; is that correct?
2 A. At that stage, I was only responsible -- I was not
3 responsible for the NAT area underground works. At that
4 stage, I was initially working in Leighton and I was
5 responsible for NAT initially.
6 Q. All right. But insofar as you were working on the NAT,
7 what did you have responsibility for? Any particular
8 aspects of the work?
9 A. I was responsible for the underground facilities, the
10 changing of those facilities. It was pre-structural
11 work; it was preliminary work.
12 Q. Right. So that happened before the work that you did on
13 the HHS; is that right?
14 A. Correct.
15 Q. Okay. And you left project in May 2015, you tell us; is
16 that right?
17 A. Yes.
18 Q. However -- and this is really the main reason you are
19 here, Mr Leung -- you attended on behalf of Leighton
20 a number of meetings called interface meetings. Do you
21 recall that?
22 A. Yes, I do.
23 Q. Right. Do you recall why you, Mr Leung, were chosen by
24 Leighton to attend those meetings?
25 A. Because at that time I was responsible for NAT

Page 83

1 underground utilities diversion. So there was
2 an opportunity -- I had met with other sub-contractors
3 at that stage, at that point in time.
4 Q. So the underground utilities works were seen as
5 an interface issue, were they, or an interface item of
6 work; is that right? Have I understood that correctly?
7 A. Correct. You are correct.
8 Q. All right. Then could we look at the first meeting you
9 attended, and I think you attended three in all. So
10 that's CC2/739.
11 This was meeting number 2 of 7 February 2014, and
12 you were there with a Mr TC Kan, K-A-N, of Leighton; do
13 you see that?
14 A. Yes, that is correct.
15 Q. And, as you indicated earlier, it's got your -- the
16 title there is "Site agent (NAT)".
17 Can I then ask you this: at paragraph 1.3.1 of the
18 meeting minutes, on page 740, it says -- sorry, just go
19 back. We see at the meeting there are representatives
20 of the MTR, Leighton and the Gammon-Kaden Joint Venture?
21 A. I agree.
22 Q. At paragraph 1.3.1, it says:
23 "[The] meeting was chaired by [the] 1111 contractor
24 and the meeting notes was also [to] be drafted by [the]
25 1111 contractor. The draft meeting notes will be sent

Page 84

1 to the attendees for comment after the meeting. After
2 consolidation, the agreed meeting notes would be
3 distributed through [the] ePMS by the drafter."
4 Now, do you recall what the ePMS was?
5 A. I only remember that ePMS was a system inside MTR. It
6 was a communication system.
7 Q. Do you recall who would have access to that system?
8 A. I'm not sure.
9 Q. Would you, Mr Leung, have access to that system?
10 A. I never used it. I don't think I have access to it.
11 I was using the Leighton INCITE system.
12 Q. All right. When you say "the Leighton INCITE system",
13 how did that work? How were these minutes distributed
14 within Leighton? Forget about the MTR, just within
15 Leighton, how did it work; do you recall?
16 A. As I recall, it was like an email system. Any incoming
17 mail would enter my mailbox and I could open that.
18 Q. So when you received -- first of all, let's break it
19 down. Did you receive draft minutes from the GKJV, so
20 far as you can recall?
21 A. Yes. According to my recollection, yes.
22 Q. So you were able to comment on them, if you wanted to;
23 is that right?
24 A. Correct.
25 Q. Then, if you did, the minutes would then be finalised by

Page 85	Page 87
<p>1 the GKJV, and then they would be sent back to you; is 2 that correct? 3 A. I cannot remember through which party they sent it back 4 to me. I did receive minutes, according to my 5 recollection. I did receive the minutes. 6 Q. Right. Now, did you distribute those minutes within the 7 Leighton organisation? 8 A. No. 9 Q. Do you know whether somebody else distributed the 10 minutes within the Leighton system, the Leighton 11 organisation? 12 A. I believe there should be someone, but I don't know who 13 he or she is. 14 Q. Okay. Well, I will follow that up shortly. 15 Could I ask you to please look at another meeting, 16 which is documented at page CC750. 17 So we've jumped on in time, Mr Leung, from February 18 2014 to November 2014. I think we will all agree that 19 there's a series of typos on this sheet at page 750, 20 because both TC Kan, Johnny Leung and Albert Chan are 21 not of MTRC, they are all of Leighton. That's obviously 22 right, isn't it, Mr Leung? 23 A. I agree. 24 Q. So you are there this time with two other 25 representatives of Leighton.</p>	<p>1 A. My recollection is that Leighton said there would be 2 a review and a method statement would be provided at 3 some time in the future, but not at that moment. 4 Q. Right. 5 So if we could then go on to the next meeting, so 6 you will need page 756 for that. Now, this is meeting 7 number 8, just a month or so later, 5 December 2014. On 8 this occasion, Mr Leung, you are the sole representative 9 of Leighton; do you see that, at page 756? 10 A. I agree. 11 Q. At paragraph 8.4.2 of the notes on page 757, there is 12 something of an expansion to the previous minutes, 13 because it says: 14 "GKJV tabled three proposed material submissions 15 which would be used in the structure at the interfaced 16 location for 1112 reference during meeting no. 7." 17 Then the second bullet point: 18 "Mechanical splicing system of rebar [then 19 a reference is given and then it says] resubmission", 20 and then these words appear: 21 "Leighton stated that they have no comment on those 22 submissions and will ..." 23 Pausing there, when it says "Leighton stated", that 24 must have been you, because you were the only 25 representative there; do you see that?</p>
Page 86	Page 88
<p>1 If you could please go over to page 752 -- if you 2 turn over the page, on the right-hand side, at 3 paragraph 7.4.2 -- it says there, at 7.4.2: 4 "GKJV tabled three proposed material submissions 5 which would be used in the structure at the interfaced 6 location for 1112 review, and which have been approved 7 by MTRC 1111." 8 The second bullet point is "Mechanical splicing 9 system of rebar"; do you see that, Mr Leung? 10 A. Yes, I can see that. 11 Q. Then underneath that it says: 12 "Leighton will review and provide relevant method 13 statements to cope with these interfacing works." 14 Do you see that? 15 A. Yes, I can see that. 16 Q. I know it's a long time ago, Mr Leung, but do you have 17 any recollection of who in the Leighton organisation was 18 going to review these submissions that have been 19 provided, or were to be provided, by the GKJV 20 contractor? 21 A. I don't think there was anyone doing this at that time. 22 Q. No. But what Leighton said at the meeting, whether it 23 was you or one of your colleagues who was there, was 24 that Leighton would carry out or will carry out a review 25 and provide relevant method statements; is that right?</p>	<p>1 A. I agree. 2 (Discussion off record re a technical problem) 3 Q. Mr Leung, to recap, in the minutes it says: 4 "Leighton stated that they have no comment on those 5 submissions ..." 6 And the point I put to you was, when it says 7 "Leighton stated", that must have been you because you 8 were the only representative, and I think you agreed; is 9 that correct? 10 A. I agree. 11 Q. Okay. Would it be right to think, right to say, 12 Mr Leung, that by the time of this meeting you had 13 actually considered the submissions that the GKJV had 14 made? 15 A. Not so much as considered. At that stage, there was 16 nothing that had to be done, so I will leave things for 17 the future supervisor. Therefore, I said here that it 18 would -- at a later stage, we would check whether the 19 arrangement would fit with the couplers from another 20 contractor. 21 Q. Yes, because the minute goes on to say: 22 "... and will check with their supplier regarding 23 compatibility in later stage." 24 So would this be fair, Mr Leung: that you had 25 appreciated at this point that there was, potentially at</p>

Page 89	Page 91
<p>1 least, a compatibility issue that needed to be checked?</p> <p>2 A. Yes.</p> <p>3 Q. At this stage, who did you envisage would do that check?</p> <p>4 A. At that stage, I wouldn't know who it would be, so</p> <p>5 I cannot say what I thought would be the person or the</p> <p>6 party.</p> <p>7 Q. But, as I understand it, it wasn't going to be you who</p> <p>8 did the checking; it was going to be somebody else. Is</p> <p>9 that right?</p> <p>10 A. At that stage, no one would give any thought to this.</p> <p>11 It would be a matter for the future.</p> <p>12 Q. Right. Is that simply because it was seen that these</p> <p>13 interface issues would not arise for some time in the</p> <p>14 future?</p> <p>15 A. I agree.</p> <p>16 Q. All right.</p> <p>17 The last line of the minute at 8.4.2 says:</p> <p>18 "Cover page of those submissions are enclosed for</p> <p>19 reference."</p> <p>20 If you could go, please, to page 763. This, as</p> <p>21 I understand it, is part of the GKJV materials</p> <p>22 submission in relation to the splicing system,</p> <p>23 mechanical splicing system. Do you see that?</p> <p>24 A. I can see that.</p> <p>25 Q. Is this a document that you saw at the time, at the</p>	<p>1 "Therefore, there was no one responsible for the</p> <p>2 compatibility regarding couplers and rebar at the time."</p> <p>3 Did you have any idea at the time, Mr Leung, who</p> <p>4 would ultimately become responsible for sorting out any</p> <p>5 potential compatibility issues?</p> <p>6 A. I would think the last supervisor responsible for</p> <p>7 structural works would be the person. For example,</p> <p>8 depending on his rank, it might be an engineer or it</p> <p>9 might be a construction manager or a site agent. It</p> <p>10 would depend on who the team leader was at the time.</p> <p>11 MR PENNICOTT: Okay. All right. Thank you very much,</p> <p>12 Mr Leung. I have no further questions.</p> <p>13 MR TSOI: I have no questions for Mr Leung, sir.</p> <p>14 MR BOULDING: No questions either. Thank you, sir.</p> <p>15 MS PANG: Mr Chairman, Professor, I have just one or two</p> <p>16 questions.</p> <p>17 CHAIRMAN: Yes.</p> <p>18 Cross-examination by MS PANG</p> <p>19 MS PANG: Good afternoon, Mr Leung. I represent the</p> <p>20 government and I have a few questions for you.</p> <p>21 A. Yes.</p> <p>22 Q. Do you recall that my learned friend Mr Pennicott has</p> <p>23 taken you to the minutes of the eighth meeting? That's</p> <p>24 the document we just looked at. Do you recall that or</p> <p>25 do you wish to take a look at the document again?</p>
Page 90	Page 92
<p>1 meeting or before the meeting or shortly after the</p> <p>2 meeting?</p> <p>3 A. In my recollection, I seem to recall that they mentioned</p> <p>4 it during the meeting. It was shown to us.</p> <p>5 Q. Right. And so is this fair, Mr Leung: that at or about</p> <p>6 the time of the meeting, having seen this document, you</p> <p>7 knew that Lenton type A2 standard coupler for</p> <p>8 non-ductility coupler requirement was intended to be</p> <p>9 used by the GKJV?</p> <p>10 A. In my recollection, there were these documents for us to</p> <p>11 review, but I didn't go into the details because</p> <p>12 I thought this would only be of my concern in the</p> <p>13 future, so I didn't go into the details.</p> <p>14 Q. All right. But you did at least appreciate that</p> <p>15 a potential compatibility issue might arise in relation</p> <p>16 to this submission?</p> <p>17 A. Yes.</p> <p>18 Q. In paragraph 10 of your witness statement, at CC10/6513,</p> <p>19 you say:</p> <p>20 "Since no structural works had started at the time,</p> <p>21 Leighton's NAT site team did not have quality assurance</p> <p>22 team and site agent responsible for the relevant</p> <p>23 structural works (and I was the site agent in the NAT</p> <p>24 responsible for underground utilities work)."</p> <p>25 A point we mentioned earlier. Then you say:</p>	<p>1 Can we go to CC2/756, please.</p> <p>2 A. I'm looking at it right now.</p> <p>3 Q. We see that you were the only representative from</p> <p>4 Leighton in that meeting; correct?</p> <p>5 A. Yes.</p> <p>6 Q. Just now, you told the Commission that you at least</p> <p>7 envisaged that there might be a potential issue as to</p> <p>8 compatibility. Do you recall that?</p> <p>9 A. Yes.</p> <p>10 Q. This was the last interface meeting that you attended.</p> <p>11 Do you remember?</p> <p>12 A. That I cannot recall.</p> <p>13 Q. Can I ask you to turn to paragraph 4 of your witness</p> <p>14 statement, then. It's I think CC10/6511.</p> <p>15 You mentioned that you attended the second, seventh</p> <p>16 and eighth meetings; can you see that?</p> <p>17 A. Yes.</p> <p>18 Q. So the eighth meeting, the meeting that we just looked</p> <p>19 at, that was the last meeting that you attended on</p> <p>20 behalf of Leighton; is that correct?</p> <p>21 A. Well, that's what it is according to the three</p> <p>22 documents.</p> <p>23 Q. Did you take any steps to pass on that potential</p> <p>24 compatibility issue to anyone in Leighton, any of your</p> <p>25 colleagues?</p>

Page 93	Page 95
<p>1 A. I did notify in the process KT Kan [sic], my colleague. 2 I raised this issue -- not a problem, an issue. 3 Q. So it was KT Kan [sic] whom you notified; right? 4 A. Yes. As I recall, I did tell him that and I told him 5 that this should be reserved for someone to follow up in 6 the future. 7 Q. Did you recall having passed on the minutes to -- 8 COMMISSIONER HANSFORD: Sorry, Ms Pang, you're going too 9 fast for the transcript. 10 MR PENNICOTT: Put the question again. 11 CHAIRMAN: Sorry -- I'm interrupting you, I apologise -- you 12 are saying you told Mr Kan that this should be reserved 13 for the future. Can you explain? 14 A. Well, because KT Kan [sic], this person, had attended 15 previous meetings, and he was aware of this issue, and 16 I can mention that to him, because at the time of the 17 meeting, contractor 1111 asked us to respond whether 18 there was they problem. So I did mention to my 19 colleague that in the future it had to be dealt with, 20 because now was too early. 21 CHAIRMAN: Sorry to again cut across but if the contractor 22 for 1111, which is Leightons, wanted to know if there 23 was any problem, did you not think of just letting them 24 know what these particular matters were that the Gammon 25 consortium were thinking of doing?</p>	<p>1 your place or would have to deal with the issue later? 2 A. I agree, because the relevant issue at the time, there 3 was no basis for assessing whether it would have any 4 impact on structural integrity, so I left a message in 5 the minutes, and because this meeting would continue, it 6 would continue in the future, so I kept this item on the 7 agenda so that other colleagues could follow up in the 8 future. 9 So, at that time, it was in a preliminary stage, so 10 which sub-contractor would be delegated the work, we 11 didn't know at that time, so at that point it wasn't on 12 our radar. 13 CHAIRMAN: Okay. Thank you. 14 MS PANG: Mr Leung, when you told KT Kan [sic] about this, 15 did you specifically mention to him that Lenton couplers 16 would be used on the 1111 side of the contract? 17 A. Just now I said that my colleague was attending the 18 meeting at the same time, so he should be aware of the 19 couplers being used. But I did not emphasise which 20 brand name was being used. 21 Q. Just to make sure there's no misunderstanding -- we Have 22 just looked at the minutes for the eighth meeting and 23 according to the minutes of that meeting, you were the 24 only representative who attended that particular meeting 25 and your colleague was not there. So do you still</p>
Page 94	Page 96
<p>1 MR BOULDING: Sir, if I may say, just so it's not confusing, 2 you have identified the contractor for 1111 as being 3 Leighton. I just wondered whether you intended to do 4 that. 5 CHAIRMAN: I am sorry. Yes. I've got it the wrong way 6 around. 7 Did you not think of advising Leighton if they were 8 interested in knowing if there was any problems -- well, 9 no problems but they do have certain specific 10 intentions, which are ...? 11 A. I don't understand the question. 12 CHAIRMAN: All right. I thought you had said a little bit 13 earlier that the one contractor had asked to be notified 14 of any problems. 15 A. Yes. 16 CHAIRMAN: I'm just wondering, there were no problems as 17 such at that time, but the purpose of an interface 18 meeting would be so that both contractors could -- each 19 contractor could know what the other was doing; would 20 you agree? 21 A. I agree. 22 CHAIRMAN: Okay. So you knew, from the interface meeting 23 that certain things were going to be done, and so it was 24 just a question really of making sure that some sort of 25 clear message remained for those that were going to take</p>	<p>1 maintain your answer that your colleague, KT Kan [sic], 2 would somehow be aware of the type of couplers used? 3 A. I insist that my colleague was aware through the minutes 4 that three types of material would occur in the 5 interface, because I don't recall whether it was the 6 second or the seventh meeting, he had attended those 7 meetings, and in those meetings it was -- I recall the 8 couplers were mentioned, then I would have to review the 9 minutes. 10 MS PANG: Either you would have -- sorry. 11 CHAIRMAN: Sorry, the couplers are mentioned by code, 12 I think, is that right, in those minutes? By designated 13 letters and numbers. I'm just wondering if that's the 14 case, and whether the brand name was known at that time. 15 MS PANG: Mr Chairman, perhaps we can have a look at CC763. 16 I believe this is the document that my learned friend 17 Mr Pennicott has taken this witness to. So this is 18 an appendix to the minutes of the eighth meeting. 19 CHAIRMAN: I see. It's an appendix. Thank you very much. 20 MS PANG: So the name Lenton couplers was actually mentioned 21 in this particular cover page, and that's why I posed 22 the question to this witness. 23 CHAIRMAN: Thank you. So that's the annexure to the 24 minutes. 25 MR PENNICOTT: Yes.</p>

Page 97	Page 99
<p>1 CHAIRMAN: Yes.</p> <p>2 MS PANG: Mr Leung, so you mentioned that your colleague, 3 KT Kan [sic], would be aware from the minutes. Did you 4 pass on these minutes to him?</p> <p>5 A. No.</p> <p>6 Q. Can I ask the Secretariat to bring up page 755. 7 This is a cover letter, I believe from the 8 Gammon-Kaden JV, and if we flip over to the next page, 9 that would be the minutes of the eighth meeting. 10 If we can then go back to the previous page, 755, at 11 the bottom of the page, Mr Leung, do you see there 12 "cc Leighton -- Mr TC Kan"?</p> <p>13 A. Yes.</p> <p>14 Q. So that was the colleague you were referring to; is that 15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. So your colleague, TC Kan, would have received a copy of 18 these minutes; right?</p> <p>19 A. I'm not sure.</p> <p>20 MS PANG: I have no further questions.</p> <p>21 MR LIU: No questions.</p> <p>22 COMMISSIONER HANSFORD: Can I ask a question at this point 23 then. 24 So, Mr Leung, are you aware of an interface 25 requirement specification for this contract?</p>	<p>1 MR SHIEH: Mr Chairman, Mr Commissioner, I can now call 2 Ms Regina Wong or I can do it after the afternoon tea 3 break.</p> <p>4 CHAIRMAN: Just ten minutes?</p> <p>5 MR PENNICOTT: Yes.</p> <p>6 CHAIRMAN: Ten minutes. Thank you. 7 (3.19 pm) 8 (A short adjournment) 9 (3.35 pm)</p> <p>10 MR SHIEH: Mr Chairman, Mr Commissioner, I now have 11 Ms Regina Wong in the witness box. May I proceed to 12 call her?</p> <p>13 CHAIRMAN: Yes.</p> <p>14 MR SHIEH: Ms Wong, welcome to the Commission of Inquiry. 15 Can I ask you to look at bundle CC10. 16 MS WONG HIN WAI, REGINA (affirmed in Cantonese) 17 (Simultaneous interpretation was used only where specified) 18 Examination-in-chief by MR SHIEH</p> <p>19 Q. Ms Wong, can you look at bundle CC10, page 6518. It 20 should now be open in front of you. It's a document 21 that is entitled, "Witness statement of Regina Wong"; do 22 you see that?</p> <p>23 A. (Via interpreter) Yes, I see it.</p> <p>24 Q. If you turn to page 6521, that is your signature on that 25 page?</p>
Page 98	Page 100
<p>1 A. I cannot remember that.</p> <p>2 COMMISSIONER HANSFORD: Can we get up BB40. 3 As I understand it, this is an appendix to the 4 Particular Specification for contract 1112. Have you 5 seen this?</p> <p>6 A. I cannot recall.</p> <p>7 COMMISSIONER HANSFORD: Okay. I'm assuming this 8 specification also applied to contract 1111, but I don't 9 expect you necessarily to know that. 10 Can we turn to page BB425, and there's an item 1.7 11 which relates to a joint inspection, presumably a joint 12 inspection of the two contractors, Leighton and 13 Gammon-Kaden. Is that the way you would read that, that 14 the two contractors would jointly inspect this 15 interface? Is that correct?</p> <p>16 A. I agree.</p> <p>17 COMMISSIONER HANSFORD: Okay. Thank you very much.</p> <p>18 MR SHIEH: I have no re-examination.</p> <p>19 CHAIRMAN: Thank you very much indeed. Thank you. Your 20 evidence is now completed. Apologies for keeping you 21 waiting.</p> <p>22 COMMISSIONER HANSFORD: Thank you.</p> <p>23 WITNESS: (In English) Thank you. 24 (The witness was released) 25 (Tribunal conferring)</p>	<p>1 A. (Via interpreter) Yes.</p> <p>2 Q. Do you put forward the contents of this witness 3 statement as your evidence in this Commission of 4 Inquiry?</p> <p>5 A. (Via interpreter) Yes.</p> <p>6 Q. Thank you. Can I ask you to look at bundle CC2, 7 page 533. This is an organisation chart. You can see 8 it on the screen, if you want. This is an organisation 9 chart of the project, as of 3 October 2017. You can see 10 "MTRC", the dark blue box on the top; yes? Do you see 11 that?</p> <p>12 A. (Via interpreter) Yes.</p> <p>13 Q. At around 5 o'clock to the "MTRC" box, if you go down, 14 immediately above Henry Lai we can see you there; can 15 you see your name above that of Henry Lai?</p> <p>16 A. (Via interpreter) Yes.</p> <p>17 Q. So does this accord with your understanding of your 18 position in the organisational structure at the time?</p> <p>19 A. (Via interpreter) What time frame?</p> <p>20 Q. October 2017.</p> <p>21 A. (Via interpreter) At the time, I hadn't returned to my 22 job. I don't think so. I returned in November 2017.</p> <p>23 Q. Did you say you returned in November 2017?</p> <p>24 A. (Via interpreter) Yes.</p> <p>25 Q. So does it reflect your position as of November 2017?</p>

Page 101	Page 103
<p>1 A. (Via interpreter) Yes, but I don't recall working for 2 Joe Leung. 3 Q. So whom did you report to at the time? 4 A. (Via interpreter) At that time, I was working for Cheung 5 Chi Wai. 6 Q. Cheung Chi Wai? 7 A. (Via interpreter) Yes, in November 2017. 8 Q. Cheung Chi Wah or Cheung Chi Wai? 9 A. (Via interpreter) Cheung Chi Wai. 10 MR SHIEH: Thank you very much. 11 Can you remain in the witness box. Mr Pennicott, in 12 front of me, counsel for the Commission, may have some 13 questions for you, and counsel for the other parties may 14 ask you questions also. And Mr Chairman and 15 Mr Commissioner may have their questions for you, after 16 which I may have follow-up questions to ask you. So 17 please answer all these questions; all right? 18 WITNESS: Okay. 19 COMMISSIONER HANSFORD: Mr Shieh, sorry, before we move on, 20 was that previous point resolved about the reporting 21 lines? Because it certainly wasn't resolved in my mind. 22 MR SHIEH: She said she was not reporting to Joe Leung; she 23 remembers working for Cheung Chi Wai. 24 COMMISSIONER HANSFORD: Is Cheung Chi Wai the gentleman to 25 the left of Joe Leung?</p>	<p>1 A. Yes. 2 Q. And further up, there's Colin Mitchell; right? 3 A. Yes. 4 Q. What is "SEM"? 5 A. Some openings. 6 Q. Some opening? 7 A. Yes. 8 Q. So you know the abbreviation but you don't actually know 9 what "SEM" stands for? 10 A. I think it's some -- service E&M opening, something like 11 that. 12 MR SHIEH: Thank you very much, Ms Wong. Please remain 13 seated while Mr Pennicott asks you some questions. 14 Examination by MR PENNICOTT 15 MR PENNICOTT: Just on that last point, SEM, before I 16 forget, it is services for electrical and mechanical 17 works, openings for those works? 18 A. Yes. 19 Q. I've got it. 20 Ms Wong, first of all, thank you very much for 21 coming to give evidence to the Commission this 22 afternoon, and Mr Shieh has already explained how it's 23 going to work. So I'm going to ask you some questions 24 first. 25 First of all, I know you have set this out in your</p>
Page 102	Page 104
<p>1 MR SHIEH: That's Cheung Chi Wah. 2 COMMISSIONER HANSFORD: This is somewhat confusing. 3 MR SHIEH: Ms Wong, we wish to place you as accurately as 4 possible within the organisational structure. Apart 5 from the point that you are not reporting to Joe Leung, 6 you say you report to Cheung Chi Wai; correct? 7 A. Yes. 8 Q. Is he the site agent? 9 A. He was senior site agent. 10 Q. Right. So if we place Cheung Chi Wai in the box of 11 Joe Leung, does it accurately reflect the situation 12 then? 13 A. I should be in that "SEM" line at that time. 14 Q. You should be in the "SEM" line, "Repairs/SEM" line? 15 A. Yes, "Repairs/SEM" line. 16 Q. So you should be in the "SEM" line, reporting to Cheung 17 Chi Wai? 18 A. Yes. 19 Q. Not Wah? 20 A. Not Wah, Wai. 21 Q. So that we are not confused, Cheung Chi Wai is not the 22 gentleman described as Cheung Chi Wah there? 23 A. No, this is the guy -- Cheung Chi Wai. 24 Q. This is Cheung Chi Wai. So the name is actually 25 mistyped in the box. It's Cheung Chi Wai?</p>	<p>1 witness statement, but just so we've got it clear, my 2 understanding is that between October 2014 and February 3 2017, you worked, first of all, as a sub-agent and then 4 as a site agent on the project, and during that period 5 you were principally working in the North Fan Area, the 6 NFA; is that right? 7 A. Yes. 8 Q. In February 2017, you went to another Leighton project, 9 I understand? 10 A. Yes. 11 Q. Then, in November 2017, so some nine months later or so, 12 you returned to the project and took up the role that 13 we've just seen on this organisation chart? 14 A. Sure, yes. 15 Q. As part of that latter role, between November 2017 and 16 December 2018, when I understand you left Leighton -- 17 A. Yes. 18 Q. -- part of your responsibilities was to supervise the 19 reconstruction of the stitch joints? 20 A. Yes. 21 Q. Now, let's wind the clock back to the NFA, the North Fan 22 Area, where you were working for the majority of your 23 time on the project. 24 A. Yes. 25 Q. What I'd like to do is first of all show you a document</p>

Page 105	Page 107
<p>1 that I think is probably in front of you there. It's 2 CC9/5642. 3 Sir, we are back to the HHS summary table that we 4 were looking at with Mr Lii this morning. 5 Ms Wong, I appreciate that this is probably not 6 a document that you've seen before. 7 A. No. 8 Q. What I'd like you to do, please, is to go to page 5653. 9 I'll just tell you what this document is, Ms Wong. 10 It's a document that Leighton have prepared, on the 11 basis of various records that are available, and -- 12 I see I'm the only one who seems to be wearing 13 headphones; shall I take them off? -- what it seeks to 14 do is to summarise various concrete pour dates, whether 15 or not couplers were used in various areas, if so the 16 details; the date of rebar testing -- I'm looking at 17 along the top columns, the headings -- whether there 18 were RISC forms; and then the start of rebar fixing, the 19 end of rebar fixing, the date of rebar fixing, the 20 number of the RISC form, the responsible engineer, and 21 then some details about pre-pour checks. Do you see 22 that? 23 A. Yes. 24 Q. The responsible engineer for the vast majority of the 25 items that we see here was somebody called SK Ng?</p>	<p>1 A. Yes. 2 Q. To your recollection, Ms Wong, in the NFA, did Mr Ng, 3 yourself, or Duffy Lee have any difficulties or problems 4 with the RISC forms, in issuing them, submitting them, 5 getting them filled in by the MTR? 6 A. As I know, they will invite the inspector to inspect the 7 rebar every time. 8 Q. Were you familiar with the RISC form system yourself? 9 A. Myself, no. 10 Q. No. Okay. But you were aware that Mr Ng -- 11 A. I aware they do it. 12 Q. You were aware they do it? All right. 13 As we discussed earlier, Ms Wong, you left, at least 14 temporarily, the project in February 2017? 15 A. Yes. 16 Q. I don't know whether you recall but that would have been 17 just after the shunt neck joint was constructed in 18 January 2017. Have you any recollection of that? 19 A. No. 20 Q. Would I be right in saying that you had no involvement 21 with the supervision or construction of the shunt neck 22 joint, the original shunt neck joint? 23 A. No involvement. 24 Q. No involvement? Okay. 25 We know also, in January and February 2017, the EWL</p>
Page 106	Page 108
<p>1 A. Yes. 2 Q. And he presumably was one of your engineering 3 colleagues; is that right? 4 A. Yes. 5 Q. And there's also somebody called Duffy Lee as well? 6 A. Yes. 7 Q. And another engineering colleague? 8 A. Yes. 9 Q. We see your name appearing once on this sheet, down at 10 number 28. If you see item 28 on the left-hand side, if 11 you run your eye across, you see your name appearing; do 12 you see that? 13 A. Yes. 14 Q. It's all right, there's nothing sinister about this, 15 Ms Wong, at all. 16 But the point here is that if you look down the 17 "RISC form number" column, you will see that at just 18 about every single place there is indeed a RISC form 19 number; do you see that? 20 A. Yes. 21 Q. If you go over to page 5654, there are about three 22 missing -- there's two at the top and there's one sort 23 of two-thirds of the way down -- and on the last page 24 there are also a couple missing, but just a handful of 25 RISC forms missing. Do you see that?</p>	<p>1 interface joint, as we sometimes call it, was 2 constructed, and again am I right in saying you had no 3 involvement with that? 4 A. No involvement. 5 Q. No involvement? Okay. 6 Ms Wong, what you did have involvement with was that 7 you attended all the interface meetings apart from 8 meeting number 10, from meeting number 9 onwards, right 9 up to number 22. That's right, isn't it? 10 A. I'm not sure about the number, but I attend most of 11 them, yes. 12 Q. Okay. We'll look at a few of them in a moment. And you 13 tell us that you did that at Mr Jim Wong's request; is 14 that right? 15 A. Yes. 16 Q. Did Mr Wong explain to you why he wanted you to attend 17 with him? 18 A. No, but every time I would help him to do the minutes. 19 Q. Yes. But did you ask him why you were being asked to 20 attend? 21 A. I did not ask why. 22 Q. You didn't ask why? Okay. 23 I'm trying to work out what the logic was of you 24 attending. It's not a criticism, Ms Wong, but we've 25 seen, through the vast amount of time that you spent on</p>

Page 109	Page 111
<p>1 the project up to February 2017, you spent it on the NFA</p> <p>2 area --</p> <p>3 A. Mmm.</p> <p>4 Q. -- and we're agreed about that. The NFA area itself has</p> <p>5 nothing to do, as I understand it, with interface</p> <p>6 issues. Do you agree?</p> <p>7 A. No. At the beginning, I did some drainage works. The</p> <p>8 drainage works had some interface issues with 1111.</p> <p>9 Q. Right. So that might be a reason why Mr Wong asked you</p> <p>10 to attend. So there were drainage interface issues that</p> <p>11 you recollect?</p> <p>12 A. Yes.</p> <p>13 Q. So that would at least be a logical reason for you</p> <p>14 attending; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 Did those drainage issues -- in fact, to be fair to</p> <p>18 you, you do refer to that in paragraph 10 of your</p> <p>19 witness statement. Perhaps we could just look at that</p> <p>20 briefly. You say in paragraph 10 of your witness</p> <p>21 statement, at page 6520:</p> <p>22 "If an issue raised during the interface meeting</p> <p>23 falls within my responsibility, for instance in relation</p> <p>24 to drainage at the interface, I would usually address</p> <p>25 the issue together with the engineers under my</p>	<p>1 to flow into the other one, so there was an interface?</p> <p>2 A. Yes.</p> <p>3 COMMISSIONER HANSFORD: Okay.</p> <p>4 MR PENNICOTT: And wholly unconnected with what we're</p> <p>5 concerned with, which is the stitch joints, or indeed</p> <p>6 the shunt neck joint?</p> <p>7 A. Not related.</p> <p>8 Q. They had nothing to do with it? All right.</p> <p>9 In your witness statement, you explain how the</p> <p>10 minutes of the meetings were taken, and in broad terms</p> <p>11 you, that's Leighton, and the Gammon-Kaden Joint</p> <p>12 Venture, would take turns in drafting the minutes; is</p> <p>13 that right?</p> <p>14 A. Yes.</p> <p>15 Q. And when it was Leighton's turn you would assist Mr Wong</p> <p>16 in drafting the minutes?</p> <p>17 A. Yes.</p> <p>18 Q. You would prepare a draft and then send it to him for</p> <p>19 approval; is that how it worked?</p> <p>20 A. Yes.</p> <p>21 Q. Then you would circulate the minutes to the MTR and to</p> <p>22 the Gammon-Kaden Joint Venture representatives?</p> <p>23 A. I would send to MTR for comment first.</p> <p>24 Q. Right. At the meetings, as you've just touched on, the</p> <p>25 MTR representatives were there?</p>
Page 110	Page 112
<p>1 supervision."</p> <p>2 Now, did the drainage -- potential interface</p> <p>3 drainage issues, did that relate to all of the stitch</p> <p>4 joints or just some other areas, or is there any</p> <p>5 relationship between the drainage interface and the</p> <p>6 stitch joint?</p> <p>7 A. No, not related.</p> <p>8 Q. So can you explain how the drainage interface -- the</p> <p>9 relevance of the drainage interface?</p> <p>10 A. At the connection point -- the connection point and</p> <p>11 maybe the sequence of works, something like that.</p> <p>12 There's some sheet pile, something like that.</p> <p>13 Q. Leaving aside stitch joints and tunnels and so forth,</p> <p>14 there are various other areas where there is</p> <p>15 an interface between the Gammon-Kaden Joint Venture</p> <p>16 works, the 1111 works, and the Leighton works, nothing</p> <p>17 to do with the stitch joints?</p> <p>18 A. Nothing to do with the stitch joints.</p> <p>19 Q. So other issues, other areas?</p> <p>20 A. Yes.</p> <p>21 COMMISSIONER HANSFORD: So the drainage from one contract</p> <p>22 was connected to the drainage of another contract; is</p> <p>23 that correct?</p> <p>24 A. Yes. Yes.</p> <p>25 COMMISSIONER HANSFORD: So all water from one contract had</p>	<p>1 A. Yes.</p> <p>2 Q. We heard earlier from Mr Johnny Leung, who was at some</p> <p>3 of the early meetings before you took over, that they</p> <p>4 were chaired by the Gammon-Kaden Joint Venture. Is that</p> <p>5 what happened when you attended the meetings, that the</p> <p>6 GKJV would chair the meetings?</p> <p>7 A. Yes. We take turns to chair the meeting.</p> <p>8 Q. Okay. And the MTR representatives that were there, did</p> <p>9 they participate in the discussions much or were they</p> <p>10 just there to listen? What was their role? Why were</p> <p>11 they there?</p> <p>12 A. They will join the discussion.</p> <p>13 Q. They would join the discussion? Okay. Perhaps I'll ask</p> <p>14 them why they were there in due course.</p> <p>15 In paragraph 8 you say, presumably once the meeting</p> <p>16 meetings had been finalised, you say:</p> <p>17 "I understand that those meeting minutes might ...</p> <p>18 have been circulated but letter or electronically by</p> <p>19 contractor submission form ... on MTRC's online</p> <p>20 system ..."</p> <p>21 Is that the ePMS system that we've heard about?</p> <p>22 A. This one I refer was the INCITE.</p> <p>23 Q. Ah, the INCITE system. All right. Who had access to</p> <p>24 the INCITE system?</p> <p>25 A. Leighton used the INCITE system.</p>

Page 113	Page 115
<p>1 Q. Okay. So the INCITE system is Leighton's system, not 2 MTR's system? 3 A. I think they are connected, something. 4 Q. All right. Did you have access to the system? 5 A. I have access to the INCITE, yes. 6 Q. Did all of Leighton's personnel -- obviously management 7 level; I'm not talking about the workers on the site -- 8 did they have access to that system? 9 A. Yes. 10 Q. And so these meeting minutes, when placed on the system 11 or in the system, were available to be viewed by 12 Leighton management; is that right? 13 A. Yes. 14 COMMISSIONER HANSFORD: Sorry, once on the system, did they 15 remain on the system? 16 A. Yes. 17 COMMISSIONER HANSFORD: So it would be possible to get onto 18 the system and look at interface meeting minutes many, 19 many months ago? 20 A. Yes, if it is on the system, yes. 21 COMMISSIONER HANSFORD: It's on the system, it stays on 22 the system? 23 A. Yes. 24 COMMISSIONER HANSFORD: And is it easy to navigate your way 25 around the system to find things?</p>	<p>1 of that? 2 A. I believe it was about the cofferdam, the interface of 3 the cofferdam. 4 Q. Ah, right. So that was at the time a big issue, was it, 5 or a significant issue? 6 A. Yes, I think it's because of that, yes. 7 COMMISSIONER HANSFORD: And the cofferdam, again, is it 8 connected at all to the stitch joints? Is there any 9 connection between the cofferdam works and the stitch 10 joints? 11 A. Cofferdam was the ELS works, a temporary works. 12 COMMISSIONER HANSFORD: The temporary works between the two 13 contracts? 14 A. For use the excavate -- yes, for use the excavation, for 15 excavation works. 16 COMMISSIONER HANSFORD: For excavation. I understand. 17 Okay. Thank you. 18 MR PENNICOTT: And indeed, one can pick that up if you go to 19 page 773, the first full page of the minutes, at 9.3.4. 20 You can see the heading, "Interface cofferdam wall 21 design of EWL and NSL", and I'm not going to read it all 22 out but it says in one sentence: 23 "The design needs to be agreed by GKJV and 24 Leighton." 25 You can see that. So your recollection, Ms Wong, is</p>
Page 114	Page 116
<p>1 A. You may press some keywords, then you can find. 2 COMMISSIONER HANSFORD: Okay. That sounds easy. 3 MR PENNICOTT: All right. Let's just look at a few of the 4 meeting minutes. We are not going to look at all of 5 them, you will be pleased to hear. 6 Could we just pick it up at CC2/756, please, where 7 we left off with Mr Leung. 8 That's meeting number 8 there, Ms Wong, attended by 9 Mr Johnny Leung who we just heard from. 10 A. Yes. 11 Q. And that was his last meeting; all right? 12 A. (Nodded head). 13 Q. What then happens is meeting number 9, and that you will 14 find behind the next tab at CC772. Do you see that? 15 A. Yes. 16 Q. So that was the next month, in January 2015. 17 If I may say so, unusually, we see seven 18 representatives of Leighton there; do you see that? 19 Yourself and Mr Wong, and then five others; do you see 20 that? 21 A. Yes. 22 Q. As we go through, if we look at the other minutes, 23 normally it's just you and Mr Wong there. Was there any 24 particular reason why there was such a big turnout at 25 this particular meeting? Do you have any recollection</p>	<p>1 that it was that issue that probably brought so many 2 people to this particular meeting? 3 A. Yes. 4 Q. If one goes to paragraph 9.4.1 -- and this is the part 5 of the minutes that we're primarily concerned with -- 6 you can see there, and we've seen it before, that three 7 proposed material submissions have been tabled by the 8 GKJV. One of them was the mechanical splicing system of 9 rebar; you can see that? 10 A. Yes. 11 Q. Then at the end it says: 12 "Leighton will check with their supplier regarding 13 compatibility in later stage." 14 Ms Wong, at the time, was that particular issue, 15 mechanical splicing system and the necessity to check 16 with the supplier regarding compatibility, was that 17 something that you specifically remember, that you 18 thought about at the time, or is it something that you 19 weren't interested in? 20 A. I remember the first time this item was just put there, 21 we didn't have much discussion on that. 22 Q. It was in more or less the same form it was in the 23 previous meeting? 24 A. Yes, just keep this item here. 25 Q. So at this stage, at least, in January 2015, it wasn't</p>

Page 117	Page 119
<p>1 something that you or anybody else was paying particular 2 attention to? 3 A. Yes. 4 Q. All right. 5 Would you have looked at and reviewed the minutes 6 and the annexures to the previous minutes, that is 7 meeting number 8, before you attended this meeting, 8 number 9? 9 A. I don't remember. 10 Q. Okay. Let me just show you one piece of paper, just to 11 see whether it jogs your memory. If we can go back, 12 please, to page 763. This is a sheet of paper, it's 13 a materials related submission form from the 14 Gammon-Kaden Joint Venture to the MTR, but it appears 15 that it was attached to minutes of meeting number 8. Do 16 you recall this? 17 A. No. I don't recall I see this. 18 Q. Okay. 19 If we go to meeting minute number 10, which, in the 20 way of these things, is before, in the bundle, meeting 21 minute number 9. That's at page 767. That's meeting 22 number 10 in February 2015, and that's the one you 23 didn't attend, the only one. Mr Wong attended that 24 meeting. 25 Let's just pick it up, however, at meeting</p>	<p>1 used at 1111/1112 interface boundary advised by GKJV in 2 previous interface meeting". 3 We are only interested in the second bullet point: 4 "Mechanical splicing system of rebar [then 5 a reference is given] -- T40 coupler is BOSA; others are 6 Lenton -- Approved." 7 Now, do you have any specific recollection of that 8 alteration to the minutes? 9 A. I thought it's -- yes, I remember they said about this, 10 so I add to the minute. 11 Q. Right. Do you recall whether there was any discussion, 12 how it came about that a reference to "T40 coupler is 13 BOSA" was inserted? 14 A. No. I don't recall any discussion. I remember they 15 just talked about it. 16 Q. And you didn't participate in that part of the 17 discussion? 18 A. No. 19 Q. Okay. 20 COMMISSIONER HANSFORD: Why is -- further down in the same 21 box, there's a line, "GKJV advised the coupler for T40 22 is BOSA; others are Lenton" -- that's deleted, and then 23 the insertion as part of the second bullet -- why was it 24 done that way? 25 A. I think that one crossed out, that line crossed out,</p>
Page 118	Page 120
<p>1 number 11, at 777, March 2015, and this time you were 2 there with Mr Wong. 3 A. Mmm. 4 Q. And if you go to 779, we see that the minute, at 11.4.1, 5 is in virtually the same form as we saw it in both 6 meeting number 9 and number 10? 7 A. Yes. 8 Q. I think I'm right in saying, Ms Wong, that that minute 9 stayed in that form for a very long time? 10 A. Yes. 11 Q. Until meeting number 19, which is at 847. 12 We can see, at 847, this is the minutes of meeting 13 number 19, and they seem to be in tracked-change format. 14 Do you see that, Ms Wong? 15 A. Yes. 16 Q. It does say at the bottom, "Prepared by: Jim Wong 17 (1112)", but as I understand it from what we discussed 18 earlier, you would have likely prepared this minute -- 19 A. Yes. 20 Q. -- for Mr Wong's approval? 21 A. Yes. 22 Q. If we go to page 849, there's quite a lot of tracked 23 changes in this minute, Ms Wong, and what it now seems 24 to say, leaving the deleted parts out, is that: 25 "The following material submissions ... would be</p>	<p>1 I think is did by me, and then after I sent out for 2 comment or approval, somebody put it there and crossed 3 out that line. 4 COMMISSIONER HANSFORD: Okay, because presumably that's 5 a duplication of what you've got above. In the second 6 bullet, you've got "T40 coupler is BOSA; others are 7 Lenton". 8 A. Yes, that one is somebody after me adding it. 9 COMMISSIONER HANSFORD: Okay. 10 MR PENNICOTT: So you thought it should be a separate item 11 at the bottom, and somebody deleted that and put it back 12 in in the bullet point. 13 COMMISSIONER HANSFORD: I see. 14 A. Yes, because when they jump to this item, they just said 15 "T40 coupler is BOSA; others are Lenton", and I put this 16 line to this item. 17 MR PENNICOTT: Right. Was it your understanding at the 18 time, Ms Wong, that GKJV were using Lenton couplers? 19 Did you know that? 20 A. Based on what they said. Yes, based on what they said, 21 "T40 ... is BOSA; others are Lenton". 22 Q. And was it your understanding that the BOSA couplers 23 were, as it were, used by Leightons, and the Lenton 24 couplers were going to be used by GKJV? 25 A. No, GKJV used both types of coupler.</p>

Page 121	Page 123
<p>1 Q. Both types of coupler, both the T40 BOSA and the Lenton 2 coupler, depending on size? 3 A. Yes. 4 Q. Okay. Understood. All right. 5 So anything smaller than a T40 -- so a T32, a T25 -- 6 would be Lenton; that was your understanding? 7 A. Yes. 8 Q. All right. We see that the words that we've seen 9 before -- "Leighton will check with their supplier 10 regarding compatibility in later stage" -- remain in the 11 minutes, untouched and unamended; do you see that? 12 A. Yes. 13 Q. Did you have an appreciation at the time that there may 14 be a compatibility issue that needed to be checked, with 15 regard to the splicing system, mechanical splicing 16 system? 17 A. Yes, I presume the team, the NAT team, will follow that. 18 Q. Right. When you say you presume the NAT team will 19 follow that, who do you mean by "the NAT team"? Who are 20 you thinking of? 21 A. Because Jim Wong go to the meeting with me, then 22 I suppose he will talk to his team, his NAT team. 23 Q. Right. so you personally made the assumption that it was 24 Mr Jim Wong who would need to take the initiative in 25 carrying out any compatibility checks; is that right?</p>	<p>1 A. Yes. 2 Q. This time, you attended, but with Chan Hon Sun; yes? 3 A. Yes. 4 Q. Had he replaced Mr Wong? 5 A. By seeing that, I think that time is Jim Wong may be 6 transferred to other team. Then I asked Chan Hon Sun 7 to, yes, attend the meeting. 8 Q. You asked him to attend the meeting? 9 A. I think so. I don't remember but I -- I don't remember. 10 Q. All right. 11 If we go to the minute, the relevant minute, if you 12 go over the page, please -- there we are -- it looks as 13 though it's been unchanged from the previous meeting 14 number 21 that we just looked at; do you see that? 15 A. Yes. 16 Q. Right. 17 Now, the date of that meeting, as we've just seen, 18 is 6 January 2017; yes? And the relevance of that is 19 that two days earlier, on 4 January 2017, the shunt neck 20 joint, construction joint, had been built at the track 21 slab level. Were you aware of that? 22 A. No. 23 Q. All right. 24 Do you know why this was the last meeting, on 25 6 January 2017, the last interface meeting, sorry, on</p>
Page 122	Page 124
<p>1 A. Yes. 2 Q. All right. 3 If we then go to 861. That's meeting number 21 of 4 2 September 2016. Do you see that, Ms Wong? 5 A. Yes. 6 Q. You were there with Jim Wong again, and if we go to the 7 minute at 19.3.3 on page 862, the minute that we're 8 concerned with, that is the mechanical splicing part of 9 it, is as per meeting number 19; yes? 10 A. Yes. 11 Q. There are one or two other changes, but that one has 12 remained the same; do you see? 13 A. Say again, sorry? 14 Q. There appear to be one or two other minor changes to the 15 minute, but the mechanical splicing part of it is the 16 same as -- 17 A. Oh, yes, the same. The same. 18 Q. Okay. 19 Now, that was the last meeting that Mr Wong, 20 Jim Wong, attended, and there was one other meeting 21 thereafter which you will not find in that bundle 22 because, in the way of these things, it's in another 23 bundle. CC10/6526. 24 This was meeting number 22, Ms Wong, and it was the 25 last one. It was on 6 January 2017. Do you see that?</p>	<p>1 6 January 2017? 2 A. I don't know. 3 Q. Did somebody call a halt to these meetings, do you know? 4 Do you have recollection that somebody said, "All right, 5 that's it, we don't need to have any more of these 6 meetings"? 7 A. Maybe it was getting less and less interface issues. 8 I remember the interface meeting was -- previously, it 9 was monthly, it already -- 10 Q. Yes, and then the gaps got bigger between the meetings? 11 A. Yes, maybe -- 12 Q. As I understand it, Ms Wong, you are not aware of any 13 compatibility check that may have been done by anybody 14 at Leightons in relation to the mechanical splicing 15 system and the couplers? 16 A. Not aware. 17 Q. Not aware? Okay. 18 And when those minutes, as they do, keep saying that 19 the check will be made in later stage or at later stage, 20 have you any idea what that meant? 21 A. No. Just keep there every time. 22 Q. Right. And you never turned your mind personally to 23 whether that stage had been reached? 24 A. No. 25 Q. Okay.</p>

Page 125	Page 127
<p>1 Could I ask you something completely different. 2 Could you please look at EE1/285. Ms Wong, this is 3 an email of 23 February 2018, from Mr Kenny Wong, one of 4 your colleagues at Leighton, a senior quantity surveyor. 5 Do you see that? 6 A. Yes. 7 Q. You are, I think -- I think it must be you -- 8 A. Yes. 9 Q. -- copied in on this email. And what it is is it's 10 an email that encloses a backcharge notice and it is 11 going to Wing & Kwong. 12 A. Mm-hmm. 13 Q. Do you remember who Wing & Kwong were? 14 A. Yes. 15 Q. If we can look at the backcharge notice on the next 16 page, please, and if we go right down to the foot of the 17 page, we see, on the left-hand side, just above where it 18 says, "Part G", your name and signature. Do you see 19 that, Ms Wong? 20 A. Yes. 21 Q. Do you recall being asked to prepare this backcharge 22 notice? 23 A. Yes. 24 Q. By whom were you asked to prepare it? 25 A. I think it's Colin. I'm not really remember.</p>	<p>1 Ms Wong -- you had a role in supervising the 2 reconstruction of the stitch joints. Is that correct? 3 A. Yes. 4 Q. Was that all three stitch joints? 5 A. Mainly the NSL. 6 Q. All right. And did you do that on a full-time basis? 7 A. Most of the time, yes. 8 MR PENNICOTT: Thank you very much, Ms Wong. I have no 9 further questions. 10 Cross-examination by MR TSOI 11 MR TSOI: Ms Wong, I act for Wing & Kwong. I just have 12 a couple of short questions for you. 13 A. Okay. 14 Q. Can we just go back to the backcharge notice we find at 15 EE286. We see your signature there on the left as the 16 site agent; is that right? 17 A. Yes. 18 Q. After you signed that -- and do you see the handwriting 19 on the right-hand side; it says, "Sent to sub-contractor 20 by email at 23 February 2018"; can you see that? 21 A. Yes. 22 Q. And you were copied in that email. That we just saw. 23 A. Yes. 24 Q. I think perhaps the page before that. Yes. 25 So you knew that the backcharge has been sent to</p>
Page 126	Page 128
<p>1 Q. Mr Mitchell, you think? 2 A. Yes, because I asked him to sign, maybe. 3 Q. Right. Do you have a recollection about what this was 4 all about, why you were being asked to prepare this 5 backcharge notice? 6 A. I don't remember. 7 Q. All right. 8 If we could just scroll up slightly, please. Thank 9 you. 10 The words that appear in type in part C of the 11 document, Ms Wong, are those words that you typed or had 12 typed into this backcharge notice? 13 A. This is by typing, but I think it's -- when I draft it, 14 I think somebody write it, then I follow their writing 15 and type it again. 16 Q. I think the short point is, Ms Wong, are these your 17 words or somebody else's words that you've just typed in 18 there? 19 A. I think it's somebody else's words. 20 Q. And who would that be? 21 A. Maybe it's Colin. 22 Q. Okay. 23 Now just last couple of questions on one topic. You 24 mentioned earlier that when you returned -- and this is 25 part of the story, I think, this backcharge notice,</p>	<p>1 Wing & Kwong? 2 A. Not sure. 3 Q. Is that your email, Regina Wong -- 4 A. Yes. 5 Q. That's your email. Just if we could turn to page EE290. 6 This is Wing & Kwong's reply to the backcharge notice. 7 Do you remember anyone showing you Wing & Kwong's reply 8 in Leighton? 9 A. I remember I've seen one but I'm not sure whether this 10 is the one. I remember I see some reply from Wing 11 & Kwong. 12 Q. Some reply from Wing & Kwong. But is it in reply 13 specifically to the backcharge? Look, if you can't 14 recall, it's absolutely fine. I'm just asking. 15 A. I cannot recall. 16 Q. The occasion you recalled seeing Wing & Kwong's reply, 17 did you remember if you spoke to anyone about it or did 18 anyone show you or ...? 19 A. Somebody emailed to me. 20 Q. It's just an email? 21 A. (Nodded head). 22 Q. Did you speak to anyone afterwards about it? 23 A. No. 24 Q. Can I now ask you a completely separate topic, which -- 25 if I can ask you to turn to page CC6542. We see</p>

Page 129	Page 131
<p>1 an image of a WhatsApp exchange. 2 I believe this is a WhatsApp chat group; is that 3 right? 4 A. Yes. 5 Q. The group name is called "1111/1112 interface", and the 6 Chinese characters is only the "interface"; is that 7 right? 8 A. Yes. 9 Q. Can we just look through who is in there, we can see in 10 the chat. "Andy" -- who is "Andy"? 11 A. I'm not sure about this Andy. Andy Ip, I think. 12 I don't know. 13 Q. All right. "Billy"? 14 A. Billy, I think it's Billy Ng. 15 Q. Billy Ng? 16 A. I think. I don't really know. 17 Q. Chi Wai, would that be Cheung Chi Wai? 18 A. Chi Wai is Cheung Chi Wai. 19 Q. Regina is you? 20 A. Yes. 21 Q. Jacky? 22 A. Jacky, not sure. 23 Q. Right. If we go through just that page, we see a photo 24 sent from Fans. Is that Fans Chan we just saw in one of 25 the interface meetings?</p>	<p>1 A. Yes. 2 Q. -- I act for the government and I only have a few quick 3 questions to ask you about the interface meetings. 4 A. Okay. 5 Q. Can I start by taking you to your witness statement, at 6 CC6519, paragraph 9: 7 "In preparation of those meeting minutes, our 8 practice was to use the meeting minutes from the 9 previous meeting as a starting point and amend it in 10 track changes to record the updates on the items as 11 discussed in those interface meetings. Therefore not 12 every item set out on the meeting minutes would have 13 been discussed specifically during an interface meeting. 14 In other words" -- this is the sentence that I would 15 like to draw your attention to -- "the meeting minutes 16 serve as a document setting out every item discussed in 17 those interface meetings as at the date of the meeting 18 minutes (to the extent that the item was still a live 19 issue)." 20 Do you see that? 21 A. Yes. 22 Q. So, in other words, one of the purposes of these meeting 23 minutes would be to track the outstanding issues; would 24 you agree? 25 Or, using your words, it would be to record the live</p>
Page 130	Page 132
<p>1 A. Yes, Fans. 2 Q. Then we see Henry Lai replying; do you see that? 3 A. Yes. 4 Q. So Henry Lai has contact -- has a direct way of 5 contacting the GKJV side, the GKJV representative; is 6 that right? 7 A. Yes. From this WhatsApp, yes. 8 Q. In the photo we see sent from Fans, if we can enlarge 9 that, we see some yellow bits. Are they yellow caps for 10 the couplers? 11 A. Yes. From this photo, yes. 12 Q. And this was, I believe, June 17. 13 MR PENNICOTT: Yes. 14 A. Yes. 15 MR TSOI: Do you recall what happened in this chat, the 16 contents of it? 17 A. Because by that time, I already left the project. 18 Q. I see. Because I just see your name in the group. 19 A. I think because I opened that WhatsApp group before and 20 then they used this group. 21 MR TSOI: Understood. That's all, Ms Wong. Thank you very 22 much. 23 MR BOULDING: No questions. Thank you, sir. 24 Cross-examination by MS PANG 25 MS PANG: Ms Wong --</p>	<p>1 issues? 2 A. Yes, you can say that, just to keep the item here. 3 Q. So the compatibility issue that you've been discussing 4 with my learned friend Mr Pennicott, you see that item 5 in the minutes since 2015, when you first joined the 6 meetings; is that correct? 7 A. Yes. 8 Q. We see from the record that this particular item, it was 9 retained there, all the way until January 2017. Do you 10 recall seeing that during your exchange with 11 Mr Pennicott? 12 A. Yes. 13 Q. Right. So, in other words, this particular item, it has 14 been in the minutes every time you worked on it for 15 about two years' time; is that correct? 16 A. Correct. 17 Q. During this two years' time, did it ever occur to you or 18 have you ever wondered why was this outstanding item 19 always there for two years and no one ever dealt with 20 it? 21 A. I didn't pay attention to that item. 22 Q. Was it because it was not about an area that you are 23 responsible for? 24 A. Yes. 25 Q. So you didn't pay attention to it because you expect</p>

Page 133	Page 135
<p>1 someone else, perhaps Jim Wong, to take care of that?</p> <p>2 A. Yes.</p> <p>3 Q. Is it correct?</p> <p>4 A. Yes.</p> <p>5 Q. Were you aware that the construction of one of the</p> <p>6 interface stitch joints commenced in January 2017? Were</p> <p>7 you aware of that?</p> <p>8 A. No.</p> <p>9 Q. So it all falls under Jim Wong's scope of duties; is</p> <p>10 that right?</p> <p>11 A. Yes.</p> <p>12 Q. You mentioned that you would expect Jim Wong to follow</p> <p>13 up with that compatibility issue. Would you expect him</p> <p>14 to resolve this issue before the construction of the</p> <p>15 stitch joints?</p> <p>16 A. Yes.</p> <p>17 MS PANG: Thank you. I have no further questions.</p> <p>18 CHAIRMAN: Good.</p> <p>19 COMMISSIONER HANSFORD: I have a couple of questions,</p> <p>20 perhaps if I can ask at this point.</p> <p>21 So, Ms Wong, I understand you were involved in the</p> <p>22 reconstruction, the remedial works on the stitch joints?</p> <p>23 A. Yes.</p> <p>24 COMMISSIONER HANSFORD: Particularly on stitch joints 1 and</p> <p>25 2, the NSL ones?</p>	<p>1 COMMISSIONER HANSFORD: Do you know how long they took to</p> <p>2 order, between ordering those bars and receiving them,</p> <p>3 how long they took to procure?</p> <p>4 A. Not really order the bars, we just do the threading.</p> <p>5 COMMISSIONER HANSFORD: You did the threading?</p> <p>6 A. Lenton. We deliver the rebar to Lenton yard to do the</p> <p>7 threading.</p> <p>8 COMMISSIONER HANSFORD: Yes. So you delivered rebar to</p> <p>9 Lenton, and Lenton did the threading of those bars; is</p> <p>10 that correct?</p> <p>11 A. Yes.</p> <p>12 COMMISSIONER HANSFORD: How long did that take?</p> <p>13 A. Just maybe one week, two weeks, something like that.</p> <p>14 COMMISSIONER HANSFORD: One or two weeks. Okay. Thank you.</p> <p>15 That's useful.</p> <p>16 Re-examination by MR SHIEH</p> <p>17 MR SHIEH: Ms Wong, just a short point in re-examination.</p> <p>18 Can you look at paragraph 8 of your witness statement,</p> <p>19 bundle CC10. Yes.</p> <p>20 A. Yes.</p> <p>21 Q. There, there is a reference to "meeting minutes might</p> <p>22 also have been circulated ... electronically by</p> <p>23 contractor submission form ... on MTRCL's online</p> <p>24 system"; do you see that sentence?</p> <p>25 A. Yes.</p>
Page 134	Page 136
<p>1 A. Yes.</p> <p>2 COMMISSIONER HANSFORD: On stitch joint 1, which is the one</p> <p>3 against the Gammon-Kaden boundary, against the boundary</p> <p>4 with contract 1111, in the reconstruction, what bars</p> <p>5 were used? What reinforcement -- what threaded rebars</p> <p>6 were used in the couplers?</p> <p>7 A. You mean Leighton side?</p> <p>8 COMMISSIONER HANSFORD: I mean -- you did the</p> <p>9 reconstruction, Leighton did the reconstruction.</p> <p>10 A. Yes.</p> <p>11 COMMISSIONER HANSFORD: So what bars connected the Leighton</p> <p>12 side to the Gammon side?</p> <p>13 A. For the -- you mean the reconstruction?</p> <p>14 COMMISSIONER HANSFORD: Yes, in the reconstruction.</p> <p>15 A. The reconstruction, it's 32.</p> <p>16 COMMISSIONER HANSFORD: I don't mean the diameter. What</p> <p>17 were the threads? Were they BOSA threads or were they</p> <p>18 Lenton threads?</p> <p>19 A. When we do the reconstruction, it's Lenton.</p> <p>20 COMMISSIONER HANSFORD: You use Lenton threads in the</p> <p>21 reconstruction?</p> <p>22 A. Yes.</p> <p>23 COMMISSIONER HANSFORD: Okay. So you had to order Lenton</p> <p>24 bars for the reconstruction?</p> <p>25 A. Yes.</p>	<p>1 Q. Mr Pennicott earlier asked you whether that would be the</p> <p>2 MTRC's system called ePMS. Do you remember that</p> <p>3 question?</p> <p>4 A. Yes, I remember.</p> <p>5 Q. I think your answer was that you think it would be</p> <p>6 INCITE; do you remember that answer?</p> <p>7 A. Yes.</p> <p>8 Q. And I think Mr Pennicott then asked you whether INCITE</p> <p>9 was Leighton's system and not MTR's system, to which you</p> <p>10 gave an answer: you think they are connected. Do you</p> <p>11 remember that line of questioning?</p> <p>12 A. Yes.</p> <p>13 Q. And you were asked whether you have access to the system</p> <p>14 and you said you have access to the INCITE system?</p> <p>15 A. Yes.</p> <p>16 Q. Do you remember that? Now, I just wish to clarify that</p> <p>17 INCITE is a system which is only accessible to Leighton</p> <p>18 people; correct?</p> <p>19 A. Yes.</p> <p>20 Q. So when MTR circulates a document, people in MTR cannot</p> <p>21 log on to INCITE to load something onto INCITE; correct?</p> <p>22 A. Yes. INCITE is Leighton's system.</p> <p>23 Q. Purely Leighton?</p> <p>24 A. Yes.</p> <p>25 COMMISSIONER HANSFORD: Can I just ask -- sorry to</p>

Page 137

1 interrupt, Mr Shieh -- have we got the spelling of
 2 INCITE correct?
 3 MR SHIEH: I-N-C-I-T-E.
 4 COMMISSIONER HANSFORD: It is I-N-C-I-T-E?
 5 MR SHIEH: Yes.
 6 COMMISSIONER HANSFORD: Okay. Thank you.
 7 MR SHIEH: Now, Ms Wong, let me cut to the heart of the
 8 matter. I don't believe this should be controversial
 9 but let me just try the best I can. Have you heard of
 10 a system within MTRC called ePMS?
 11 A. I think this one is used by MTR.
 12 Q. This is used by MTR?
 13 A. Yes.
 14 Q. Right. So when you refer to MTRCL's online system,
 15 circulated on MTRCL's online system, can I just ask you
 16 whether you are in fact referring to ePMS?
 17 A. No. INCITE, I mean.
 18 Q. But INCITE is not an MTRCL system. Can I ask you to
 19 look at the wording you used in that paragraph.
 20 A. This one, I mean I can circulate the minute using our
 21 INCITE system. I mean I can submit, maybe you can say,
 22 using the CSF form.
 23 Q. I see. You mean you can circulate the minutes by using
 24 Leighton's INCITE system?
 25 A. Yes.

Page 138

1 Q. I see. So you mean you wish to correct this paragraph?
 2 A. Yes.
 3 Q. So you don't mean to refer to an MTR system?
 4 A. No.
 5 Q. You mean to refer to a Leighton system?
 6 A. Yes.
 7 Q. Which is INCITE?
 8 A. Yes.
 9 Q. Can I just have one moment?
 10 The reason is because you don't have access to any
 11 MTR system; correct?
 12 A. Yes.
 13 MR SHIEH: Thank you very much. I have no further
 14 questions.
 15 CHAIRMAN: Good. Thank you very much indeed. Your evidence
 16 is completed now. Thank you for waiting today before
 17 giving your evidence.
 18 WITNESS: No problem.
 19 CHAIRMAN: Thank you.
 20 (The witness was released)
 21 MR PENNICOTT: Sir, the next witness, logically, would have
 22 been Mr Jim Wong, for fairly obvious reasons.
 23 CHAIRMAN: Yes.
 24 MR PENNICOTT: Unfortunately, he is not available this week,
 25 and so we've had to push him back until sometime early

Page 139

1 next week, when I understand he is available. That's
 2 a slightly unfortunate turn of events but there it is;
 3 we have to live with it.
 4 CHAIRMAN: Yes.
 5 MR PENNICOTT: So the next witness would be Mr Holden, but
 6 I see what time it is, the problem being -- well, it's
 7 not a problem but we have got Mr Karl Speed locked in
 8 first thing tomorrow morning, so unless anybody is
 9 really keen to start Mr Holden, I would suggest we
 10 adjourn now, start with Mr Speed in the morning, and
 11 then continue with Mr Holden thereafter.
 12 CHAIRMAN: Is everybody happy with that? Good. Then that's
 13 what we'll do. We'll adjourn now, start tomorrow at
 14 9.30 -- or 10.00?
 15 MR PENNICOTT: 10.00 for me, please.
 16 CHAIRMAN: Good. Then we will commence tomorrow morning,
 17 10 am. Thank you.
 18 MR PENNICOTT: Thank you very much.
 19 (4.46 pm)
 20 (The hearing adjourned until 10.00 am the following day)
 21
 22
 23
 24
 25

Page 140

INDEX	PAGE
MR LII HING YU, JEFF (affirmed in Cantonese)	1
Examination-in-chief by MR SHIEH	1
Examination by MR PENNICOTT	3
Cross-examination by MR KHAW	43
(The witness was released)	67
MR LEUNG YIK WANG, JOHNNY (affirmed in Cantonese) ...	78
Examination-in-chief by MR SHIEH	78
Examination by MR PENNICOTT	80
Cross-examination by MS PANG	91
(The witness was released)	98
MS WONG HIN WAI, REGINA (affirmed in Cantonese)	99
Examination-in-chief by MR SHIEH	99
Examination by MR PENNICOTT	103
Cross-examination by MR TSOI	127
Cross-examination by MS PANG	130
Re-examination by MR SHIEH	135
(The witness was released)	138