

1 Tuesday, 4 June 2019

2 (10.01 am)

3 MR SHIEH: Good morning, Mr Chairman, Mr Commissioner. This
4 morning, we are going to call Mr Jeff Lii of Leighton
5 who is, in Mr Pennicott's words, a fixture for this
6 morning. He is now ready, so may I now call Mr Jeff
7 Lii?

8 MR LII HING YU, JEFF (affirmed in Cantonese)

9 Examination-in-chief by MR SHIEH

10 Q. Mr Lii, good morning.

11 A. Good morning. 早晨。

12 Q. For the purpose of this Commission of Inquiry, you have
13 made a witness statement, so can I ask you to look at
14 bundle CC6, at page 3809.

15 Do you have that page in front of you?

16 A. Yes.

17 Q. It says, "First witness statement of Jeff Lii". Can you
18 then turn to page 3817. Do you see your signature on
19 that page?

20 A. 見到。

21 Q. You put forward the contents of this witness statement
22 as your evidence in this Commission of Inquiry?

23 A. 係。

24 Q. Thank you.

25 A logistical matter. I know sometimes you -- I know
26 you know English and sometimes there's an urge or

1 temptation to actually answer immediately, but since
2 there is simultaneous translation, so maybe you could
3 wait until the translation is over, because otherwise
4 the voices may overlap.

5 A. 明白。

6 Q. Now, there is an organisation chart that I wish to show
7 you, in bundle CC2, at page 526.

8 This is an organisation chart. You can see "MTRC"
9 on the top; do you see that, the dark blue box at the
10 top? And if you look about 4 o'clock to the "MTRC" blue
11 box, do you see "Joe Tam" -- do you see the box
12 "Joe Tam" -- to the right, yes -- do you see "Joe Tam",
13 "Project manager"? I think the monitor is now showing
14 the "Joe Tam" box. Do you see the little hand?

15 A. 見到。

16 Q. Can I remind you that when you acknowledge or answer,
17 you have to actually speak out, either "yes" or
18 "correct", because if you just nod or make a noise, it
19 won't be recorded on the transcript. Do you understand?

20 A. 收到，明白。

21 Q. Now, if you look below "Joe Tam", to the right of
22 "Joe Tam", under "East", and you move down, "Senior
23 engineer (design)", you can see your name; do you see
24 that?

25 A. 見到。

1 Q. This is an organisation chart as of 31 May 2017, you can
2 see on the top left-hand corner?

3 A. 見到。

4 Q. So does this organisation chart accord with your
5 understanding as to your position in the organisation of
6 this project as of May 2017?

7 A. 喺嗰段時間係。

8 Q. Please remain seated. The gentleman in front of me,
9 maybe Mr Pennicott, will be asking you some questions
10 for the Commission, and then other lawyers for other
11 parties, they would also ask you questions, and the
12 Commissioner and Mr Chairman may also ask you questions.
13 And after all that, I may wish to follow up on the
14 questions that they have asked.

15 So could you please remain seated and answer their
16 questions?

17 A. 明白。

18 Examination by MR PENNICOTT

19 MR PENNICOTT: Good morning, Mr Lii.

20 A. 早晨。

21 Q. As Mr Shieh has indicated, my name is Ian Pennicott and
22 I'm one of the counsel for the Commission, and so I'm
23 going to ask you some questions first.

24 Mr Shieh has shown you the organisation chart for
25 May 2017. You tell us, I think, in your witness

1 statement that you worked on the project from about
2 February 2015 to May 2018. Is that correct, Mr Lii?

3 A. 係。

4 Q. As I understand it, Mr Lii, you started off as
5 a graduate engineer, then you were made an engineer in
6 about -- up to about 2016, when you were made a senior
7 engineer, as we've just seen on the organisation chart.
8 Is that right?

9 A. 係。

10 Q. As also I understand it, for the entire period of just
11 over three years that you were working on the project,
12 you were working on the HHS area of the site. Is that
13 correct?

14 A. 係。

15 Q. Now, simply because you are the first witness that we're
16 going to look in detail at certain aspects of the HHS
17 works, I'm going to show you a plan so that we can get
18 ourselves orientated. I wonder if we can look at
19 CC9/5254.

20 A. 係，見到。

21 Q. That's the first page, and we can see that what's marked
22 on here in green is the HHS track slab, and marked in
23 yellow what we'll be calling the accommodation blocks.
24 Do you see that, Mr Lii?

25 A. 見到。

1 Q. Then if we could go to the next page, 5255, we get
2 a continuation of what we've just seen on the previous
3 sheet, continuation of the track slab. We see more
4 accommodation blocks in yellow. And this time we see
5 what is the NFA, that is the North Fan Area. Is that
6 right, Mr Lii?

7 A. 係。

8 Q. We can look at another drawing if we need to, but I'm
9 right in suggesting, am I not, that the shunt neck area
10 is the area to the right or to the north of the blue NFA
11 track slab area?

12 A. 我唔係睇到係好清楚。

13 Q. All right. If we just quickly put up on the screen
14 BB86. What we see there is the shunt neck area shaded
15 in blue; do you see that, Mr Lii? And the area to the
16 left, do you see the black dotted line, is the top of
17 the North Fan Area; do you see?

18 A. 見到。

19 Q. And my understanding, Mr Lii, is that during the course
20 of your work on the HHS area, you worked in the track
21 slab area and the accommodation blocks but not the NFA;
22 is that correct?

23 A. 部分，成個HHS唔係我睇晒嘅。

24 Q. Right. So which area do you say on the HHS you are or
25 were responsible?

1 A. 最主要係第一張圖，去到大概gridline 20嗰度，20，同埋accommodation
2 block，我唔清楚你哋有冇--知唔知個冧巴，去到第4座，accommodation
3 block 4，就去到gridline 17至到19嗰個黃色位置。

4 Q. Right. So essentially what we see on the first page
5 that I've shown you at 5254?

6 CHAIRMAN: Sorry, can we go back to that?

7 MR PENNICOTT: Yes, CC5254. I'm so sorry. That's it.

8 CHAIRMAN: Yes.

9 A. 係。

10 MR PENNICOTT: Right. And there were other engineers
11 responsible for other areas of the HHS?

12 A. 係。

13 Q. Including a gentleman called Matthew Tse?

14 A. 係。

15 Q. We'll come back to that in a moment.

16 CHAIRMAN: Sorry, just so that we understand, perhaps for
17 the purposes of describing it in the report.

18 MR PENNICOTT: Yes, sir.

19 CHAIRMAN: The large yellow accommodation block that we see
20 on the screen at the moment is at what end: the south --

21 MR PENNICOTT: The southern end, yes.

22 CHAIRMAN: The southern end?

23 MR PENNICOTT: Yes.

24 CHAIRMAN: So would it be accurate to say, then, that Mr Lii
25 worked at the southern end of the stabling yards, up to

1 grid --

2 MR PENNICOTT: Gridline 20, I think he said.

3 CHAIRMAN: Yes, okay.

4 Would that be accurate?

5 MR PENNICOTT: I think so.

6 Is that right, Mr Lii?

7 A. 更正少少，大概去到22嘍嘅，22，sorry。

8 Q. Up to 22. Okay.

9 COMMISSIONER HANSFORD: And gridline 22 is to the right-hand
10 side of the yellow accommodation block? It's the bottom
11 accommodation block on the right-hand side; is that
12 right?

13 A. 呢張圖右下角嗰個都係我睇嘅。

14 COMMISSIONER HANSFORD: Right. So all of these
15 accommodation blocks that we see on this particular
16 drawing were part of your area, Mr Lii; is that correct?

17 A. 係。

18 COMMISSIONER HANSFORD: Thank you.

19 CHAIRMAN: Mr Lii, we've heard the name "accommodation
20 blocks" used as a description name. Do you know what
21 they were in fact intended for?

22 A. 實際用途畀將來地鐵嘅員工嘅office，大概知道係咁，或者係有啲plumb room
23 --啊，唔係plumb room，係啲水缸咁樣。

24 CHAIRMAN: All right. Thank you.

25 MR PENNICOTT: Mr Lii, as I understand it, as part of your

1 responsibilities, you were required to carry out both
2 routine inspections of the rebar fixing works and also
3 formal hold-point inspections of the rebar works. Is
4 that correct?

5 A. 正確。

6 Q. But we know that on the HHS area, the rebar fixing
7 sub-contractor was Wing & Kwong. You will no doubt
8 recall that, Mr Lii?

9 A. 記得，正確。

10 Q. Who was your main point of contact at Wing & Kwong?

11 A. 阿俊。

12 Q. Okay. And how often would you encounter and speak with
13 Ah Chun?

14 A. 每一日都有接觸。

15 Q. Right. Mr Lii, what sort of impression did you form of
16 Ah Chun? Was he a hard-working, conscientious sort of
17 chap? What sort of impression did you have of him?

18 A. 好認真，好勤力，同埋好主動去同我哋去做coordination。

19 Q. All right. Did you generally find him to be competent?

20 A. 稱職。

21 Q. Okay.

22 In paragraph 14 of your witness statement -- that's
23 at CC3811 -- you say, in relation to routine and
24 informal inspections:

25 "I would often undertake informal inspections during

1 my 'rounds' on site by myself and sometimes with
2 a foreman."

3 Are you referring to a Leighton foreman in that
4 sentence, Mr Lii?

5 A. 禮頓嘅科文又有，判頭嘅科文都有。

6 Q. Okay. And the sub-contractor's foreman is Ah Chun, is
7 that right, or is there somebody else?

8 A. 我唔係淨係得一個科--判頭嘍嘛，同埋其他判頭嘅科文都要--都會做呢樣嘢。

9 Q. Okay. So you are not just confining yourself here to
10 the rebar works but other type of work as well?

11 A. 冇錯。

12 Q. I see. Okay. But if you were carrying out inspections
13 with Wing & Kwong, the foreman there would be Ah Chun;
14 is that right?

15 A. 冇錯。

16 Q. All right.

17 Now, in paragraph 16, starting in paragraph 16 of
18 your witness statement, you describe the usual steps
19 involved with the formal inspections, that is the
20 hold-point inspections. Do you see that?

21 A. 睇到。

22 Q. And you say, as I understand it, that is what should
23 have happened. Is that correct?

24 A. 係。

25 Q. All right.

1 In paragraph 17 of your witness statement, you refer
2 to various practical aspects of the formal inspection of
3 the rebar fixing, and you then set out four practical
4 aspects. Do you see that, Mr Lii?

5 A. 四個方面係指咩嘢?

6 Q. (a), (b), (c) and (d); do you see that?

7 A. Okay. 睇到。

8 Q. Can I just ask you a question about (d). You say:

9 "We had an agreed practice with MTRC's IOW for
10 arranging formal inspections for my area. This practice
11 involved Leighton's engineers communicating every
12 morning with the MTRC's IOW (usually via WhatsApp) to
13 request inspections during that day (ie to inform MTR
14 of the time, location and item(s) to be inspected).
15 Then, MTR's IOW would allocate their resources to
16 conduct the inspection."

17 Now, it's right -- and I've read some of the MTR
18 witness statements; I don't know whether you have,
19 Mr Lii -- but they essentially agree with you that there
20 was this, as it were, WhatsApp communication practice
21 that was adopted, particularly in the HHS area, it would
22 appear. But, Mr Lii, as I understand it, you don't
23 suggest that that WhatsApp communication practice was
24 somehow an alternative or a substitute for the RISC form
25 protocol. Do you agree? You are not suggesting it's
26 a substitute for the RISC forms?

1 A. 呢個係我哋嗰時嘅做法。

2 Q. I appreciate it was your practice at the time, but what
3 I'm asking you to confirm: that it was not a practice
4 that was a substitute for the RISC form procedure.

5 A. 可以咁講。

6 Q. It was simply a means of communicating with MTR's IOWs,
7 to arrange for inspections, but at all times the RISC
8 form was still required; do you agree?

9 A. 作為紀錄上，係同意嘅，但係呢個就係我哋嗰陣嘅溝通方法，亦都係港鐵係
10 要求我哋用呢個方式去報收貨嘅。

11 Q. Right. Indeed, I think it was perhaps one or more of
12 the MTR engineers that set up the WhatsApp groups; is
13 that right?

14 A. 你指係我哋禮頓同佢哋港鐵工程師呀？其實就係同一個群組嚟嘅，嗰個群組
15 係有埋港鐵工程師連埋港鐵嘅IOW嘅。

16 Q. All right.

17 CHAIRMAN: Sorry, could I ask -- what was the quickest, the
18 RISC form procedure or the WhatsApp procedure?

19 A. 當然係WhatsApp喇。

20 CHAIRMAN: And was the WhatsApp procedure reliable?

21 A. 其實WhatsApp都可以係一個紀錄，我覺得可靠。

22 CHAIRMAN: Okay.

23 MR PENNICOTT: Mr Lii, I'm going to now ask you quite
24 a number of questions about RISC forms and your practice
25 with regard to the production of RISC forms.

1 Can I start by suggesting to you this, that there
2 were, as things turned out, a number of different
3 categories, essentially, of RISC forms that you were
4 involved with. First of all, there was a RISC form that
5 you properly issued and submitted to MTR on time, and
6 those RISC forms were completed by -- they were
7 completed by MTR and Leighton with all necessary
8 detailed records, details recorded in those RISC forms.
9 So that's the first category. There were some of those:
10 do you agree?

11 A. 同意。

12 Q. And the details of those we find either on the RISC form
13 sheet itself or in the MTRC RISC register. I assume,
14 Mr Lii, you've never seen the MTRC RISC register; would
15 that be right?

16 A. 港鐵嗰個我有睇過。

17 Q. Right. The second category -- I'm calling it a RISC
18 form -- is where you issued and submitted the RISC form
19 to MTR, but you submitted it late, it was called a late
20 submission, but nonetheless the RISC form had on it the
21 inspection details by the MTR and Leighton. Is that
22 correct?

23 A. 正確。

24 Q. Thirdly -- and we'll be looking at one or two of these
25 in a moment -- there are a number of RISC forms, Mr Lii,
26 that you appear to have created in the sense that part A

1 of the RISC form is filled in. You appear -- and we'll
2 look at some in a moment -- to have submitted that RISC
3 form to MTR, but there are no other details, apart from
4 what's in part A, on the RISC forms. Parts B, C and D
5 are blank.

6 Do you recall that category of RISC form?

7 A. 我想問你意思係啲form issue咗，但係冇回頭，係咪呢個意思呀？

8 Q. Well, I'm going to ask you in a moment why there are
9 RISC forms that have been produced which simply have no
10 information about the inspections on them. Are you able
11 to explain that?

12 A. 呢個我唔清楚。

13 Q. Right. We'll look at some in a moment, Mr Lii, don't
14 worry.

15 Then the last category, if it can be called that,
16 is: there are RISC forms that you didn't issue at all;
17 is that right, Mr Lii?

18 A. 冇人到。

19 Q. You say, in your witness statement, paragraph 20,
20 page 3814, this:

21 "I acknowledge that I did not submit some of the
22 RISC forms for the formal inspections for rebar fixing
23 and pre-pour checks in the HHS that I conducted with
24 MTR's engineers/IOWs. The reason why I did not submit
25 these RISC forms was that both MTR and Leighton expected
26 the inspections to proceed without delay. As noted,

1 Leighton's engineers and MTR's IOW for my area would
2 arrange inspections every morning in advance."

3 And that's a reference back to the WhatsApp
4 arrangement, I believe.

5 "This was enhanced flexibility in procedure. During
6 the construction period, both parties received great
7 pressure from management to achieve progress and did not
8 want to wait until they had received the RISC forms
9 before conducting the formal inspections. In my
10 opinion, generating a RISC form using the required
11 system was not user-friendly and took a lot more time
12 than was necessary."

13 Mr Lii, in what sense do you say that the RISC forms
14 were not user-friendly? Can you please elaborate?

15 A. 呢個係嗰個system嘅問題，因為佢係用一個叫做INCITE嘅system去
16 generate啲form嘅，對比我以前嘅經驗，其實係用一個work file，你
17 已經可--print出嚟簽名，你已經入啲form嘅，經嗰個INCITE system，
18 你print出嚟，需要唔係用啲普通嘅影印機，用部三色紙嘅影印機，中間有
19 error會發生，你又比較難改，同埋其實有時相同嘅item你又要重新再打過
20 一次，所以其實係比較啱時間嘅。調番轉，以前用Word file，就其實我可
21 以--個activity我可以copy and paste，我就淨係改個location同埋
22 簽名，就係咁，呢個我嘅意見。

23 Q. Okay.

24 COMMISSIONER HANSFORD: Can I ask, Mr Lii: did you share
25 that opinion with others at the time?

1 A. 我有呀，不過公司制度係咁，contract--呢個contract係行呢套制度，
2 我改變唔到啲咩嘢。

3 COMMISSIONER HANSFORD: Okay. Thank you.

4 MR PENNICOTT: I hear your answer, Mr Lii. And, as we will
5 see in a moment, the reality of the situation is that on
6 certain occasions you did use the RISC form system, but
7 on a significant number of other occasions you did not?

8 A. 係。

9 Q. Now, in that paragraph we've just been looking at, there
10 appear to be two points that you make as to perhaps why
11 you didn't use the RISC system, RISC form system. One
12 was great pressure from management regarding progress,
13 and two, the system wasn't user-friendly. Are both of
14 those the reasons you put forward for not having used
15 the RISC form system?

16 A. 個壓力--即係個管理層嘅壓力就唔係--即係呢度個意思唔係話令到我唔入
17 RISC form，係喺個progress嘅壓力，喺個progress嘅壓力之下，我入
18 唔切啲RISC form，入唔切到想再遲交，跟住再擺得耐，跟住直頭唔記得咗
19 咁樣。

20 Q. Right. Because I did wonder whether the two things were
21 related, or might be related, Mr Lii. That is, because
22 your view was that they were not user-friendly, and
23 because you were under pressure, it was difficult to
24 operate the system. Would that be one way of putting
25 it?

1 A. 有壓力係喺個progress上面，係喺個project嘅progress上面，喺個
2 進度度，唔係有壓力喺個唔入form嗰度。

3 Q. Okay. And in paragraph 19 of your witness statement,
4 you say:

5 "While I tried to submit RISC forms before a formal
6 inspection, there were times when I submitted RISC forms
7 soon after a formal inspection. As noted, it was common
8 and normal practice for Leighton to continue working
9 once it obtained the MTR's verbal approval after
10 a formal inspection. This allowed work to continue
11 without delay. MTR's staff was aware, and approved, of
12 this normal practice."

13 Now, which "normal practice" are you referring to,
14 Mr Lii? Is it the practice whereby RISC forms would be
15 submitted after the inspection had taken place? Is that
16 the "normal practice" you're referring to?

17 A. 我指嘅「正常做法」或者我哋同地鐵喺呢個project慣常嘅做法就係我哋用
18 WhatsApp或者電話去溝通、去約收貨，收完貨，阿Sir即時話okay，就繼續。

19 Q. And what about the RISC form?

20 A. 佢哋有特別意見嘅，喺呢方面。

21 Q. What, a strong view that it didn't matter if it was
22 submitted late, or a strong view that it didn't matter
23 if it wasn't submitted at all?

24 A. 我個人認為佢哋--地鐵認為呢樣嘢唔影響個progress係有所謂，但係喺個
25 紀錄嗰度係有問題。

1 Q. Right. So your understanding, is this right, was that
2 MTR did regard the non-submission of RISC forms as
3 a problem?

4 A. 係。

5 Q. And nobody from the MTR ever told you that it was
6 acceptable not to submit the RISC forms?

7 A. 可唔可以問多一次？唔好意思。

8 Q. Yes. Nobody from MTR, at any time, told you that it was
9 acceptable not to submit the RISC forms?

10 A. 佢哋有話可以接受，但係佢哋有提我哋入番啲form。

11 Q. Indeed. All right.

12 Could you please be shown CC10/6208, please.

13 Mr Lii, this is an email -- sir, we've looked at
14 this before; I'm not going to read it all out again --
15 but, Mr Lii, this is an email sent from Kenneth Kong of
16 the MTR to Leighton, at the bottom part of the page.
17 Scroll up, please, and then go over the page, please.

18 What Mr Kong is advising Mr Rawsthorne is -- what
19 he's advising him of is his disappointment about the
20 failure to submit RISC forms. This is in March 2017.

21 I imagine you have not seen this email before, Mr Lii?

22 A. 我有印象。

23 Q. Right. Now, Mr Joe Tam tells us that after he had
24 received a copy of this email, he spoke to certain team
25 members about the problem of the non-submitting of the

1 emails. Do you recall Mr Tam speaking to you in about
2 March 2017?

3 A. 我諗佢有forward到呢個email畀啲下屬嘅，但係我有印象佢有同我傾過
4 呢樣嘢。

5 Q. Okay. All right.

6 Now, could we please go to CC9/5642. We are going
7 to give you a hard copy of this document, Mr Lii.

8 Mr Lii, I don't know whether this is a document that
9 you've actually seen before?

10 A. 類似嘅文件有睇過。

11 Q. All right. Did you participate in the preparation of
12 this document?

13 A. 提供資料，有，有囉，係，有。

14 Q. Right. You provided information to others who actually
15 prepared the document; is that right?

16 A. 都有參與過下嘅，咁就但係唔係好長時間，我就唔係好主要去prepare呢個
17 table，係嗰段時候佢哋想搵資料，可能叫我過去幫佢哋input某啲data
18 咁樣，或者幫佢哋搵--係喇，搵下邊啲係--填番啲date，參與過下，主要
19 都係另外啲同事去搞。

20 Q. All right. Which data were you asked to fill in?

21 A. 主要係填RISC form嘅罨巴，係，RISC form嘅罨巴。Sorry，想補充一下。

22 Q. Of course.

23 A. 應該係嗰陣佢哋prepare咗一個table，有啲資料佢搵唔到，就叫我去補充
24 番，主要可能係一啲pour date--唔係，pour date佢哋有嘅，係RISC

1 form個冧巴，同埋搵啲相畀佢哋。

2 Q. All right. Now, this document is essentially in three
3 parts. First of all, from page 5642 to page 5649, it
4 provides details of the concrete pours and various
5 related matters in relation to the HHS track slabs. Do
6 you see that, Mr Lii?

7 A. 睇到。

8 Q. Then at page 5650 to 5652, we get two pages and a bit in
9 relation to details relevant to the accommodation
10 blocks; do you see that?

11 A. 見到。

12 Q. As you've already confirmed, those are the two areas
13 that you were involved in.

14 If you go then to page 5653, to the end, that is to
15 5655, ignoring the notes for the moment, we get the
16 details in relation to the NFA, the North Fan Area?

17 A. 係。

18 Q. Mr Lii, we have done a basic analysis. First of all,
19 let's just focus on the track slabs. It appears to
20 us -- let's take them in stages -- if you look at the
21 brown shaded columns on the first page; do you see those
22 at the top, Mr Lii?

23 A. 見到。

24 Q. The last brown shaded column is "Responsible engineer";
25 do you see that?

1 A. 見到。

2 Q. And your name appears on the first page, at 5642, quite
3 frequently, as does Mr Matthew Tse's; do you see that?

4 A. 見到。

5 Q. As we understand it, you accept that in relation to
6 every entry where your name appears as the responsible
7 engineer, a RISC form ought to have been issued; is that
8 right?

9 A. 係。

10 Q. We've done a very rough calculation, and we have
11 calculated that your name appears in that column, in
12 relation to the track slabs only, approximately 110
13 times. So what ought to have been generated by you is
14 approximately that number of RISC forms in relation to
15 the rebar fixing. I'm not concerned at this stage with
16 the blue columns, the pre-pour. I'm just focusing on
17 the rebar. All right? I'm asking you to do the
18 calculation.

19 And in relation to that number you appear to have
20 issued and possibly submitted approximately 22 RISC
21 forms, so about, in broad terms, 20 per cent.

22 In broad terms, Mr Lii, does that accord with your
23 recollection as to your issuing of RISC forms on the
24 track slabs, about 20 per cent, one in five?

25 A. 冇乜印象，實際數字base on呢個紀錄係咁樣寫，但係實際數字我有乜印象。

1 Q. All right. But unfortunately it doesn't quite stop
2 there, Mr Lii. I mean, if you look at the very first
3 entry on page 5642, you have recorded the RISC form
4 number there of 7898; do you see that?

5 A. 見到。

6 Q. Okay. Just to the left of that number, the preceding
7 column, is the date of 8 July 2015; do you see that?

8 A. 見到。

9 Q. And it has a hash sign next to it; yes?

10 A. 見到。

11 Q. And what that hash means is set out at page 5656.

12 A. 見到。

13 Q. It says this:

14 "This reflects the proposed date for inspection
15 referred to in the relevant RISC form in instances when
16 the inspection date was not recorded."

17 All right?

18 A. 呢句係咁寫，係。

19 Q. Okay. Now, to try and make a bit more sense of that,
20 one needs to look at the RISC form, for which purpose we
21 need to go to C11. You need to go to C11/7004, please.

22 Mr Lii, first of all, can you confirm that this is
23 the relevant RISC form, 7898, and, as the table
24 suggests, it was anticipated the date of inspection
25 would be 8 July; do you see that? 2015.

1 A. 見到。

2 Q. Now, however, the rest of this form is blank, in the
3 sense that we have the pro forma words on it but nothing
4 is filled in; do you see that?

5 A. 見到，呢張應該係就咁gen.出嚟嗰張form嚟，係。

6 Q. Yes, which you filled in -- I assume it's you, although
7 it's not signed -- you filled in part A?

8 A. Part A, part A, 係。

9 Q. Okay. Now, having filled in part A, what did you do
10 with this RISC form; do you recall?

11 A. 正常我填咗，print出嚟，簽名，過去遞畀阿Sir。

12 Q. Right. This is not signed, but I can tell you, Mr Lii,
13 that this RISC form clearly got into the hands of the
14 MTR. I know not how. But if we look at the MTR RISC
15 register -- I appreciate you've not seen it before but
16 just to illustrate the point; I'm trying to understand
17 what happened -- can we look at B13/8815.126, please.

18 You will see -- thankfully, this is in numerical
19 order -- about seven or eight entries down, six or seven
20 entries down from the top of page, let's just call it
21 "126" for short, you will see a reference to that RISC
22 form; do you see that, Mr Lii?

23 A. 見到。

24 Q. However, if one then looks at the RISC form, and looks
25 under the columns "Inspection", "by" and "Result", it is

1 blank; do you see that?

2 A. 見到。

3 Q. Now, that's the information that we have, Mr Lii, in
4 relation to this RISC form, as far as I'm aware. Can
5 you explain how it came to be that this RISC form simply
6 wasn't filled in by the MTR and then ultimately signed
7 off by you or somebody else from Leighton? Are you able
8 to explain that?

9 A. 唔係好清楚呢個。

10 Q. Right. Because the point is, Mr Lii, it's all very well
11 saying, "We have a RISC form", but, with respect, it
12 doesn't actually tell us anything particularly
13 meaningful in terms of an actual inspection by anybody.
14 Do you follow?

15 A. 我明，喺呢個紀錄上出咗問題，但係正如我頭先講，我哋係有同港鐵去收貨嘅。

16 Q. Right. My understanding is, Mr Lii, that if there was
17 to be a formal hold-point inspection of the rebar
18 fixing, that would normally be done by -- so far as the
19 MTRC was concerned, that would normally be done by
20 an engineer; is that correct?

21 A. 港鐵嘅工程師去檢查鐵，係咪呀？你個問題係咪？

22 Q. Yes.

23 A. 係，係。

24 Q. Whereas if it was a pre-pour inspection, it would
25 normally be an inspector of works or a senior inspector

1 of works; is that right?

2 A. 係，通常都係。

3 Q. We understand, going back to this RISC form, Mr Lii, the
4 way it would normally work was that you would submit it
5 to MTR; you don't need to know the detail but somebody
6 at MTR would fill in the basic details, as we've seen in
7 the RISC register; the RISC form would then be given to
8 the senior inspector of works, who would then decide who
9 needed to have it to carry out the inspection; and then
10 they would, the MTR person, then fill out the details;
11 and ultimately it would find its way back to you, who
12 would sign, towards the bottom of the page, the
13 contractor's confirmation.

14 Is that your understanding of how it worked?

15 A. 流程，我交咗畀佢哋之後，佢哋去交界邊個簽、邊個睇，呢個就佢哋決定嘅，
16 最後張form係會有張底form回番嚟，就去畀我哋簽。

17 Q. Yes. If we go to 7033, we can perhaps see an example of
18 that, a RISC form that appears by and large to have
19 worked.

20 This is RISC form 6217, do you see, top right-hand
21 corner, Mr Lii?

22 A. 見到。

23 Q. And it's signed by you on 17 February 2015, in your
24 capacity as a graduate engineer at that point, and you
25 were asking for a total number of 17 columns in the HHS

1 area to be inspected; do you see that?

2 A. 17支column, 其實個位置都係喺accommodation block度嘅, 應該係。

3 Q. I'm sorry, you are quite right. They are at the
4 accommodation block.

5 Leaving that aside, you were asking for this
6 reinforcement to be -- or these columns to be inspected?

7 A. 冇錯。

8 Q. It appears that what happened is that Mr Pedro So from
9 the MTR, he's the SIOW, handed the form to Mr Victor
10 Tung who carried out the inspection, although he is
11 an IOW, it says there. He filled in the details, saying
12 that the columns had been checked and were acceptable.
13 Then it's presumably found its way back to you, because
14 you sign it towards the foot of the page; do you see
15 that?

16 A. 見到。

17 Q. And that's a sort of classic operation of how this ought
18 to work, broadly speaking?

19 A. 個流程係咁。

20 COMMISSIONER HANSFORD: Could I ask a question on this form?

21 MR PENNICOTT: Of course.

22 COMMISSIONER HANSFORD: Can you scroll down to part A. This
23 one is handwritten -- "Name", Jeff Lii; "Position",
24 graduate engineer -- and it's completed by hand. The
25 previous one was typed or generated by the system. Why

1 are some handwritten and some typed?

2 A. 手寫其實都係嗰張三色紙嚟嘅，嗰張係--我如果有記錯，因為呢個內容都
3 填得幾多下，因為我要mark晒所有column嘅紙巴落去，所以我就用手寫呢，
4 我就反而覺得會方便啲，所以嗰陣我有印象係特登攞過一沓三色紙，即係
5 其實都係print出嚟都係嗰set三色紙嚟嘅，我就用手寫填呢個。

6 COMMISSIONER HANSFORD: So are you telling me, Mr Lii, that
7 an engineer has the choice as to whether to fill in the
8 triplicate copies by hand or to generate them
9 typewritten through the system? Is that the choice of
10 the engineer?

11 A. 其實就都有得揀嘅，但係全部都係建議用番嗰個系統嘅，但係正如我頭先所講，
12 我覺得用個系統gen.張form嚟有咁方便，所以我有--好似就呢張form例子，
13 我就用手寫嚟入。

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. 因為我--即係我見到呢張，我先醒起我有試過用手寫，你問番我嗰陣係咪有
19 呢個option，我就--我諗即係系統係一個--係睇下你點用，但係最緊要係
20 個message有冇寫咗入面。

21 COMMISSIONER HANSFORD: Okay. Thank you.

22 MR PENNICOTT: I think I forgot to ask you this question.

23 I was just checking the transcript. Go back to 7033, if
24 we've still got it there, and go to the bottom, please.
25 So, as I was suggesting, Mr Lii, this form ends up back

1 with you to sign, do you see that, just above part D; do
2 you see that?

3 A. 見到。

4 Q. And when you've signed it, as it were, for the second
5 time, at the end of the process, what do you do with it
6 then?

7 A. 簽完，我有記錯，應該畀番QA嘅。

8 Q. Right. That's the Leighton quality assurance
9 department; is that right?

10 A. 如果我有記錯，應該係。

11 Q. All right.

12 COMMISSIONER HANSFORD: Sorry, Mr Lii, on that answer, does
13 that mean that it's dependent on the engineer to then
14 submit the completed form to the QA department?

15 A. 佢應--即係因為我唔係好--我驚我講錯，因為應該係張form回番嚟，我哋
16 簽番，然後畀番QA做個紀錄嘅，係，如果--即係假設，如果keep起咗，有
17 畀呢個，我呢個就唔清楚。

18 MR PENNICOTT: Did you not send it back to the MTR?

19 A. 唔係，底--嗰張底嘅form佢--因為我唔知--sorry，三色定唔知四色㗎嘛，
20 以我所知，返嚟嗰張回頭，簽完，我就畀番QA，因為我--大致上係咁嘅，我
21 驚我記錯。

22 Q. Right.

23 A. 我唔知QA跟手會唔會畀番地鐵。

24 Q. All right.

25 This is not a question for the witness but it's

1 quite clear from the MTR RISC register that at some
2 point it clearly ends up back with the MTR because
3 of course all the necessary details do get filled in,
4 and that one we've got up on the screen in a moment, if
5 you find it in the MTR RISC register, you will then see
6 all the details that are on the form, albeit in summary,
7 will be on the RISC register.

8 COMMISSIONER HANSFORD: So at least one copy of the form is
9 returned to MTR?

10 MR PENNICOTT: Yes, sir. I mean, if one looks at
11 page 8815.93, you will see the sixth entry down is the
12 form we've just been looking at, that's 6217, and if you
13 just cast your eye across, you will see all the columns
14 that were inspected are filled in. It's by "VT", Victor
15 Tung, who we saw appeared on the RISC form; "P" I assume
16 is pass; reinspected, "N", no; and form closed, "Y",
17 yes.

18 So at some point it clearly has got back to MTR.
19 Unfortunately, frankly, I'm not going to go there with
20 this witness. There are occasions when you'll find a
21 form that is completely filled in and you won't find the
22 details in the MTR register, but there we are. There
23 are examples of that as well.

24 COMMISSIONER HANSFORD: Perhaps there's one witness who can
25 take us to a flow chart of where all the forms should
26 go, but I'll save that for another day.

1 MR PENNICOTT: Yes. What I will do is I will have a re-read
2 of Audrey Fung's police statement, which I think I might
3 have mentioned --

4 COMMISSIONER HANSFORD: You did.

5 MR PENNICOTT: -- at some point, where -- she was the lady
6 responsible for completing the RISC register and she
7 does explain how it was put together. I'm going to have
8 a re-read of that to see whether, contrary to my earlier
9 indication, it might be useful for her to come along.
10 Anyway, we will do that if we need to.

11 COMMISSIONER HANSFORD: Thank you.

12 CHAIRMAN: But we have her statement.

13 MR PENNICOTT: We have her police statement, sir, yes.

14 I'm bound to say that it's only when you do this
15 sort of detailed preparation for asking a witness
16 questions that you discover all sorts of glitches and
17 anomalies, most of which I imagine really don't matter
18 at all, but if there are any more sort of fundamental
19 questions, perhaps I will look into it.

20 But anyway, Mr Lii, going back to the chart, summary
21 table, at 5642 -- that's the first page.

22 We've looked at 7898 which is the first one. That's
23 got a hash next to the date.

24 If you go down to 8250, which is another one,
25 another RISC form reference, 8250; do you see that?

26 4 August, that's got a hash by it; do you see that? I'm

1 just looking in the -- on the summary table, first page,
2 the column "RISC form number"; do you see "8250"?

3 A. 見到。

4 Q. And if you go to the left, it's got a date with a hash
5 sign next to it; do you see that?

6 A. 見到。

7 Q. If you go down to the next one that you were responsible
8 for, that's 8649, similarly the date has got a hash; do
9 you see that?

10 A. 見到。

11 Q. And the next one at 8446?

12 A. 見到。

13 Q. Without going on and on, all of those with the hash will
14 be in identical form to the one we've looked at at the
15 top, that is the 7898; do you agree, Mr Lii?

16 A. 唔係好明。

17 Q. Yes. Where we have that hash sign, we know that it
18 means that the date of inspection is not recorded, so
19 all I'm suggesting to you is that whilst we could go
20 through them one by one, if it's got a hash, the chances
21 are that parts B, C and D of the RISC form will be blank
22 or not filled in?

23 A. 就呢個表，係。

24 Q. Just quickly, if you could look at page 5650 in this
25 table, which is the first sheet of the accommodation

1 block. First of all, Mr Lii, can I ask you this: as
2 a general proposition, generally speaking, were the
3 accommodation blocks constructed -- the rebar
4 constructed earlier in time, in general terms, than the
5 track slabs?

6 A. 係。

7 Q. Because, on the accommodation blocks, you seem to have
8 issued and submitted a greater percentage of RISC forms.
9 It looks to us as though it's about something like
10 50 per cent of the ones you should have submitted or
11 issued, you did, about 50 per cent, so one in two rather
12 than one in five. Is that because, what, life was a bit
13 easier when you were doing the accommodation blocks
14 rather than the track slabs?

15 A. 唔係，應該可能嗰個accommodation block嘅時候，track slab就未
16 開始嘅，去到track slab開始嘅時候，其實我要睇嘅範圍亦都多咗，比較
17 多咗好多，嗰段時候就開始比較入唔切啲form。

18 Q. All right. So, in a sense, you might be agreeing with
19 me that when you were doing the accommodation blocks, it
20 was a bit more straightforward than the track slabs,
21 which were much more complicated?

22 A. 唔係。

23 Q. How would you put it?

24 A. 我諗accommodation block嘅structure係--個結構係難啲嘅，比較
25 difficult啲嘅，其實就入唔入到張form唔係好關嗰個結構難唔難事，在

1 於我嗰個時候，去到track slab嘅時候我係入唔切啲form，因為最高峰期
2 其實我對上係對住個site agent，我有其他資源去幫我做呢樣嘢。

3 MR PENNICOTT: Okay.

4 CHAIRMAN: Could I ask: did you realise that the RISC forms
5 would have to be completed at some stage?

6 A. 清楚。

7 CHAIRMAN: And did you have any plan as to when you would
8 complete them?

9 A. 初初開，喺呢個地盤嘅時候，我係會有本簿仔記錄我喺出面做咗啲乜嘢，
10 或者收咗啲咩嘢貨，嗰啲我自己嘅簿仔，我就會入番張form，但係後期
11 去到後期嘅時候，真係比較忙，比較忙，都知道自己係要入嘅，但係越積
12 越多嘅時候就唔記得咗，跟住想去入嘅時候，其實入唔切。

13 CHAIRMAN: I mean, I'm not suggesting you should, but it's
14 not unheard-of -- when you leave the site in the
15 evening, are you able to take these forms home and fill
16 them in or anything like that?

17 A. 我唔會咁做，你可以帶番屋企做，但係每一日嘅工作已經夠多喇我覺得，
18 我--你當我無能為力囉，喺呢方面。

19 CHAIRMAN: Okay.

20 MR PENNICOTT: Sir, I see it's 11.25. I have two relatively
21 short topics. Perhaps it would be best to have
22 15 minutes now and come back.

23 CHAIRMAN: Yes. Thank you. 15 minutes.

24 You are giving your evidence at the moment, and
25 while any witness is giving their evidence and before

1 the evidence is completed, you are not allowed to
2 discuss your evidence with anybody else. Do you
3 understand me?

4 WITNESS: 明白。

5 CHAIRMAN: In other words, you can't go out and ask people
6 how it's going or what's happening or should you change
7 it, anything at all concerning your evidence.

8 WITNESS: 明白。

9 CHAIRMAN: 15 minutes. Thank you.

10 (11.27 am)

11 (A short adjournment)

12 (11.48 am)

13 MR PENNICOTT: Mr Lii, I'm now going to move on from RISC
14 forms to a couple of just relatively short, I hope,
15 topics.

16 First of all, in paragraph 27 of your witness
17 statement, at page 3816, you make reference to the use
18 of couplers on the project, and you say that:

19 "At some locations in the project, it was necessary
20 to connect some rebar by using couplers (instead of
21 lapping to connect the bars) at some construction
22 joints. The decision to use couplers was made by [your]
23 seniors. There were various legitimate reasons why
24 couplers were used instead of lapping."

25 Then you refer as an example to access routes. Do
26 you see that?

1 A. 睇到。

2 Q. So would this be right, Mr Lii, that when you were
3 carrying out your routine inspections, and when you were
4 carrying out your formal hold-point inspections, you
5 were also responsible not only for inspecting the rebar
6 generally but you were responsible for inspecting the
7 connections at the couplers in particular; is that
8 right?

9 A. 正確。

10 Q. Right. Had you had any previous experience in -- with
11 coupler connections, Mr Lii?

12 A. 有follow過嘅。

13 Q. No, that wasn't my question. Prior to the introduction
14 of the use of couplers in the HHS, had you had any
15 previous experience of rebar being -- threaded rebar
16 being screwed into couplers?

17 A. 有。

18 Q. Where?

19 A. 喺我第一個project。

20 Q. Right. Were they the same type, same sort of couplers?

21 A. 我唔記得咗第一個project用咩嘢品牌，應該唔係同一款。

22 Q. Right. We know these were BOSA couplers, so perhaps --

23 A. 係，係，係。

24 Q. So you think you may have had experience but perhaps
25 with another brand of coupler?

1 A. 係，係。

2 Q. So did you know what you were looking for in a coupler
3 connection? Did you have an appreciation of what
4 a proper coupler connection with a threaded rebar ought
5 to look like?

6 A. 扭晒入牙，同埋扭得實唔實。

7 Q. Right. So you would look at whether any threads were
8 showing? Would you physically go and try and see if you
9 could screw in the rebar any further, or whether it was
10 tight enough?

11 A. 會，會，我會好general咁睇，亦都informal inspection，我自己間中
12 都會擺隻手扭下，睇下實唔實嘅。

13 Q. All right.

14 CHAIRMAN: Sorry, could I ask -- when you're coming to the
15 formal inspection, by then all the rebars are lapped and
16 tied, are they not? I'm just wondering how much leeway
17 you get for screwing a rebar, because that rebar now has
18 been lapped with another bar.

19 A. 要睇都可以睇到，都仲可以check到嘅，因為我哋留啲structure其實
20 主要係牆身嚟嘅，隻手都可以觸及到嘅，即係到正式收貨嘅時候都仲可以
21 睇到扭得實唔實嘅。

22 CHAIRMAN: Okay.

23 MR PENNICOTT: So, Mr Lii, the answer you gave to my
24 question I think had the words "informal inspection" you
25 would try to screw the rebar, but in answer to the

1 Chairman's question, you would also do that, if you were
2 able to, on the formal inspection as well; is that
3 right?

4 A. 係。

5 Q. All right.

6 In paragraph 17(b) (i) of your witness statement, you
7 say that one of the steps that you would take would be
8 to "physically measure the spacing and lap length of
9 reinforcement in the area to be inspected and check
10 whether the as-built works complied with the working or
11 agreed drawings"; do you see that?

12 A. 係。

13 Q. So, as I understand it, you and the MTR engineer, when
14 you were formally inspecting the rebar, would have those
15 drawings with you; is that correct?

16 A. 係。

17 Q. Can you confirm that when couplers were introduced, you
18 had drawings which showed where the couplers should be,
19 where they should be positioned?

20 A. 圖則，應該係有張plan，就係話邊度用螺絲帽嘅，就唔係一張formal嘅
21 drawing嘅。

22 Q. Right, and you would have that plan when you were doing
23 your inspection so you would know where the couplers
24 should be and whether they were in the right place?

25 A. 其實喺track slab好obvious嘅，要留啲位，基本上就係講係邊條

1 gridline至邊條gridline嗰段用螺絲帽，其實只要你清楚嗰個地盤係個
2 location係點樣，你有冇嗰張plan其實冇乜大影響嘅。

3 Q. But you had plans, you were given plans, that showed the
4 location of the couplers; is that right?

5 A. 我唔係好記得我有冇攞住手有張plan話呢度用coupler，但係我會--即係
6 嗰個時候係會清楚喺呢個位置係留coupler。

7 Q. All right.

8 Now, I'll be corrected if I'm wrong, Mr Lii, but
9 I don't think you mention this in your witness
10 statement, but I understand that you were part of
11 Leighton's supervisory team for the reconstructed stitch
12 joints. Is that correct?

13 A. 係。

14 Q. Does that apply to the reconstruction of all three
15 stitch joints, that's the stitch joint in the EWL and
16 the two stitch joints in the NSL?

17 A. 我淨係負責NSL嘅stitch joint嘅，但係喺佢完成remedial之前，我都
18 調咗去其他地盤。

19 Q. Were you full-time on site supervising the stitch joint
20 remedial works?

21 A. 差唔多full-time, yes。

22 Q. And that is in relation to the NSL stitch joints that
23 were done largely in July 2018; is that correct?

24 A. 嗰段時候，我已經離開咗紅磡站嗰個地盤，我接觸到stitch joint NSL
25 remedial嗰段時段應該係3月中去到4月尾，因為5月頭我就去咗另外一個地盤。

1 Q. It may be my fault. Let me just check something. Hang
2 on.

3 Yes, it's my fault. I'm sorry. I'm getting my
4 years mixed up. Right.

5 So, yes, from about the middle of April to the end
6 of May, you were full-time on site more or less,
7 supervising the NSL stitch joint remedial works?

8 A. 3月中去到4月尾，5月第一個工作天，我就已經去咗新地盤。

9 Q. Okay. Do you know if somebody replaced you?

10 A. 應該係Henry Lai。

11 Q. Okay. Well, just for form's sake, we'd better just look
12 at the document.

13 Could we look at DD1, please, at page 91.

14 Just look at it on the screen, I think, Mr Lii; that
15 will probably be okay. This is a quality supervision
16 plan on enhanced site supervision and independent audit
17 checking. I imagine it's not a document you've seen
18 before?

19 A. 冇見過，冇印象冇見過。

20 Q. Right. If we go to page 107, and we look at the box at
21 the bottom, please, we have the list of quality control
22 coordinator from the RC team -- that's the registered
23 contractor, which is Leighton -- and do you see there
24 you are listed as the T1, Jeff Lii; "Frequency level of
25 site inspection: 5 (full-time)"; do you see that?

26 Were you aware of this document at all, Mr Lii?

1 A. 呢一版我就有見過。

2 Q. Ah. Right. Okay. Did you see it at the time or have
3 you been shown it recently?

4 A. 當時見過喇，當時見過。

5 Q. Okay. But you say you were there until the end of
6 April, when Mr Lai took over; is that right?

7 A. 係，係。

8 MR PENNICOTT: Okay.

9 Thank you, sir. I have no further questions. Thank
10 you very much.

11 MR TSOI: We have no questions for Mr Lii. Thank you.

12 CHAIRMAN: Thank you.

13 MR BOULDING: None from us, sir. Thank you very much.

14 WITNESS: 我可唔可以去個洗手間？

15 MR PENNICOTT: Of course.

16 CHAIRMAN: Yes, of course. Just five minutes.

17 (In the absence of the witness)

18 (Discussion off the record)

19 Mr Pennicott, who follows Mr Lii?

20 MR PENNICOTT: Mr Johnny Leung.

21 CHAIRMAN: Yes. Oh, Johnny Leung, yes, site agent.

22 (In the presence of the witness)

23 Cross-examination by MR KHAW

24 MR KHAW: Yes, Mr Lii. I represent the government and there
25 are some questions we wish to ask you.

1 First of all, Mr Pennicott referred you to the BOSA
2 couplers; do you remember?

3 A. 記得。

4 Q. Regarding the works for HHS, were you aware of only one
5 type of coupler which was used, which were used, and
6 that is the BOSA couplers; is that right?

7 A. 正確。

8 Q. Did you ever have attend any session provided by BOSA
9 regarding how the coupler connections should be done?

10 A. 冇印象有。

11 Q. Were there any meetings or sessions held by Leighton
12 regarding the use of BOSA couplers, for example how they
13 should be connected, how many threads could be exposed,
14 et cetera?

15 A. 我有印象有。

16 Q. So, when you were inspecting, whether you were talking
17 about the routine inspection or the formal hold-point
18 inspection, when you were checking the coupler
19 installations, you would have to rely on what you
20 previously learned about the coupler connections; is
21 that right?

22 A. 大致上係。

23 Q. Can you tell us how long did each routine check for
24 rebar fixing usually last?

25 A. 你指係嗰一段--即係淨係嗰個area我要routine去檢查要幾耐?

- 1 Q. Yes.
- 2 A. 好depends, 唔一定。
- 3 Q. On average?
- 4 A. 可能半個鐘, 如果結構複雜啲, 需要多啲時間睇下圖, 講唔埋。
- 5 Q. If we are talking about a particular bay of rebar fixing
- 6 work, how long did it usually take?
- 7 A. 我諗十五分鐘至半個鐘都好足夠㗎喇, 視乎有幾大喇個倉。
- 8 Q. Did you bring with you any kind of checklist, log book
- 9 or any document with you, when you were carrying out the
- 10 routine inspection?
- 11 A. 會帶圖, 或者我將啲圖入落電話度攤出嚟睇, 有時甚至乎我記得嘅, 我直頭
- 12 圖都唔使。
- 13 Q. But I take it that you did not have any document that
- 14 would help you record what you saw during the routine
- 15 inspection; is that right?
- 16 A. 帶本簿仔寫低, 有需要嘅話, 或者喺--我有帶圖紙嘅, 喺張圖紙度mark低囉,
- 17 咁--係, 係喇。
- 18 Q. So you talk about a booklet. Did you carry a booklet
- 19 every time when you conducted the routine inspection?
- 20 A. 有帶就記得囉, 係喇, 同一本, 我得--係呀, 同一本。
- 21 Q. You mean sometimes you did, sometimes you did not?
- 22 A. 係, 係。
- 23 Q. Did you take pictures for what you inspected, during the
- 24 routine inspection?
- 25 A. 正常喺有工作個位置, 我look after嘅area, 我通常都會影個general

1 view咁樣嘅，都會影相，如果係發現有問題，會走埋去影相，可能send畀
2 相關人士去跟進咁樣。

3 Q. So, according to your recollection, did you encounter
4 any problems regarding coupler connections for which you
5 actually took pictures and shared with other people?

6 A. 有時會見到扭唔實嘅，呢啲情況，通常我都會即刻打電話畀永光阿俊，就嗌
7 佢搵個伙記嚟扭實佢，會有啲咁嘅情況。

8 Q. Do you remember how many times did you actually detect
9 something wrong with the coupler connections which
10 called for your further discussions with Wing & Kwong?

11 A. 唔記得。

12 Q. Now, you talk about the RISC forms in your witness
13 statement, and Mr Pennicott has asked you about that
14 extensively. There's just a few questions I wish to
15 clarify with you in this regard.

16 First of all, you agree with us that the function of
17 the RISC forms was to ensure that there would be records
18 which would evidence that the quality of the
19 construction works inspected for each hold point were in
20 order and also ready for the next stage of construction
21 works? Do you agree?

22 A. 唔好意思，比較長少少，可唔可以講多一次？

23 Q. Sorry, yes. You agree that you needed a RISC form in
24 order to ensure that the construction works inspected at
25 each hold point would be in order and also would be

1 ready for the next stage of construction works?

2 A. 在我嚟講，張表係個紀錄，係呀。

3 Q. You told us that in your opinion, you did not find the
4 RISC form system user-friendly; remember that, according
5 to your witness statement?

6 A. 記得。

7 Q. And Prof Hansford earlier also asked whether you
8 actually shared that opinion with other people?

9 A. 我好似有反映過嘅。

10 Q. And your answer was you did, but that's the system of
11 the company and that's also the contract, so you can't
12 change anything; do you remember that?

13 A. Yes.

14 Q. Who did you talk to in Leighton when you formed this
15 opinion that the RISC form was not user-friendly?

16 A. 呢個我有印象。

17 Q. I see. So you remember that you did talk to someone in
18 Leighton but you cannot tell us whom you've talked to;
19 right?

20 A. 即係我唔係一個好formal嘅表達意見模式囉，我諗我嗰陣時係，但係可能同啲
21 上司提及過咁樣囉，係呀。

22 Q. So I would like to know whether there was anyone in
23 Leighton who actually told you, "Jeff, now, you probably
24 don't need to worry about the RISC forms; you can use
25 WhatsApp messages to replace the RISC forms"? Did

1 anyone actually tell you?

2 A. 冇。

3 Q. You also told us that since you were very busy during
4 your work time, and you wanted to complete the
5 outstanding RISC forms, but, well, given the workload,
6 you just couldn't cope. That's what you told us; right?

7 A. 係。

8 Q. So you have given us two reasons why the RISC forms were
9 not completed. One was your opinion that the RISC form
10 was not user-friendly, and the other reason was that you
11 were just too busy to do it. I just want to know what
12 was the actual reason why you did not complete the RISC
13 form, either one of the two reasons or both reasons?

14 A. 其實講我話個意見，即係我嘅意見嚟嘅，就係嗰個唔係話好構成真係我唔入
15 RISC form個原因，最主要都係因為我太忙嘅，因為頭先我個意見其實好
16 depends㗎嘛，可能有人覺得好好用，話唔埋㗎嘛。

17 Q. So now it's clear: your personal opinion that the RISC
18 form might not be very user-friendly did not cause you
19 not to do the RISC forms; right?

20 A. 間接囉，因為我需要咗多啲時間去入，但係我本身都唔夠時間入，同埋因為
21 我太忙，所以我都入唔切。

22 Q. And regarding this heavy workload that you told us,
23 which made you unable to complete the RISC forms, did
24 you also share that problem with other people in
25 Leighton?

1 A. 冇好刻意去傾呢樣嘢。

2 Q. But at the same time are you aware that in fact MTR was
3 not happy with the way the RISC forms were handled? You
4 know about that?

5 A. 喺嗰段時候，其實阿Sir間唔時會有提下我哋嘅，但係你話係咪not happy呢，
6 我唔覺得係not happy。

7 Q. So your superiors told you that MTR was chasing them for
8 the RISC forms? Did your superiors tell you about that?

9 A. 阿Sir，我頭先係指MTR嘅阿Sir。

10 Q. I see. Yes.

11 Now, if we can take a look at one of the witness
12 statements provided by MTR. If we can take a look at
13 BB8/5248. We can go to 5254.

14 If I can start from paragraph 30. In fact,
15 paragraph 29. Sorry, this is the witness statement of
16 Mr Victor Tung. Do you remember him?

17 A. 記得。

18 Q. In paragraph 29, he mentioned that he created a WhatsApp
19 group entitled "HHS inspection group" then in 30 he
20 talks about the participants in that group, and they
21 included you, I believe, "Jeff Lii"; do you see that?

22 A. 睇到。

23 Q. So you remember that WhatsApp group chat?

24 A. 記得。

25 Q. Now, according to Victor Tung, if we can move to his

1 paragraph 32, he said:

2 "[He and his] colleagues had to chase Leighton to
3 submit RISC forms;

4 (2) There were occasions ... where I had provided
5 all relevant inspection data to Leighton's Lam Wai Chung
6 and reminded him to submit the ... RISC forms;

7 (3) Leighton would often inform me of the location
8 to be inspected ... with a promise that the relevant
9 RISC form would follow;

10 (4) In purported compliance with my request to
11 provide a formal written record of a request for
12 inspection ... Leighton would on occasions send through
13 a photograph by WhatsApp of a RISC form to be submitted
14 and treat the photograph as a formal request for
15 inspection;

16 (5) on one occasion in December 2015, Leighton sent
17 over to [us] four months' worth of RISC forms in one go
18 for me to fill out."

19 Now, were you aware of those incidents or any of
20 those incidents that Victor Tung talked about in his
21 witness statement?

22 A. 大致上都知嘅。

23 Q. So if I can go back to my earlier question, that is was
24 MTR quite unhappy with the way the RISC forms were
25 handled, would you agree with me that you were actually
26 aware that they were not very happy with this?

1 A. 佢哋有追我哋，即係無論港鐵嘅Victor董、佢哋下屬或者港鐵嘅ConE I、
2 ConE II，佢哋有追我哋嘅。

3 Q. Right.

4 A. 但係我唔--我都係--佢可能知--即係呢樣文--我都係唔覺得佢哋話not happy，
5 因為都會繼續同我哋收貨，因為照樣我哋都係用呢個模式喺個WhatsApp group
6 嗰度報收貨。

7 Q. I see. If you can just take a look at one of the
8 WhatsApp messages, at BB14, page 9437. This is
9 a message from Victor Tung.

10 Sorry, it's in Chinese but I will try my best to
11 translate that, perhaps with a bit of help from
12 Mr Shieh. It says:

13 "資深grad E ..."

14 It's in Chinese, so "Senior grad E". What does that
15 mean, "grad E"?

16 A. 嗰個資深"grad E"。

17 Q. "Graduate engineer"?

18 A. Yes.

19 Q. So "senior graduate engineer"? So he was referring to
20 you or to anyone else?

21 A. Yes, yes, I know this issue, yes.

22 Q. So he was referring to you?

23 A. 係。

24 Q. He says:

25 "...吾使咁毒一鑊過比4个月inspection form畀我呀..."

1 I don't know how to translate it, but it means,
2 basically, "Why did you send me RISC forms for a period
3 of four months in one go?"

4 A. 正如我頭先所講，其實嗰段時候我每日有本簿仔我記低我有做過啲乜嘢，收
5 過啲咩嘢貨嘅，因為真係個工程畀個進度推到我真係冇乜時間去做番啲文件
6 嘢，喺我有時間嘅時候，我係睇番嗰本簿仔啲紀錄，我寫番晒啲form落去。

7 Q. I see. I see. So once you had time, then you tried to
8 compile some outstanding RISC forms and sent them to MTR
9 at one go?

10 A. 當然係要收咗貨先㗎喇。

11 Q. This issue regarding the RISC forms, we know that Victor
12 Tung kept chasing you and your colleagues for the RISC
13 forms and -- well, you don't agree with me that he was
14 not happy, but certainly he raised this issue regarding
15 how the RISC forms should be handled.

16 So --

17 CHAIRMAN: There's an "unhappy" emoji there! Which is -- my
18 understanding is emojis are becoming an international
19 language.

20 COMMISSIONER HANSFORD: Is that "unhappy" or is that
21 "angry"?

22 MR KHAW: I think it's probably worse than "unhappy".

23 WITNESS: I think it's "funny", actually.

24 MR KHAW: So, at that time, all I wish to know is: did you
25 find it a serious matter that you need to address, ie

1 the outstanding RISC forms?

2 A. 我唔為意嘅，我唔為意個嚴重性。

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. 佢哋都不斷地同我哋收貨囉，都有繼續收，個inspection個個system都
8 繼續行緊嘅，可能你就咁見到個message，覺得佢好嬲，但係其實我同佢
9 本人或者同地鐵嘅engine，我哋都--個關係係比較良好嘅，我哋嗰區，
10 可能大家忽略咗呢個嚴重性，即係提，有提我哋嘅，友善去提嘅係。

11 Q. After having received such chasers from MTR's
12 representative, did you raise this matter with anyone in
13 Leighton, as to, "How should we deal with it?" Did you
14 do that?

15 A. 人番囉，人番囉，人番啲form。

16 Q. Yes, that's what you did, but I think my question was:
17 did you actually talk to anyone in Leighton as to how
18 you should try to deal with this RISC form issue?

19 A. 冇，冇特別去同人傾。

20 Q. Right.

21 COMMISSIONER HANSFORD: Can I ask, Mr Lii, when that message
22 was received from Mr Tung, did that encourage you to
23 submit more, or did that discourage you to submit more?

24 A. 係會鼓勵我入番嘅，但係都係入唔切，因為可能已經睇得太多，入唔切。

25 COMMISSIONER HANSFORD: Right. Okay. Thank you.

1 MR KHAW: Right. So perhaps, just to make Mr Pennicott
2 happy, so that he would not give me the same emoji, and
3 to hopefully show that the government team can be
4 sometimes efficient, I have no further questions.

5 MR LIU: No questions from us.

6 CHAIRMAN: Thank you.

7 Can I ask you: were you aware at the time that these
8 RISC forms had an ultimate purpose; in other words, they
9 had a purpose that went beyond you just filling out some
10 details at the time?

11 A. 我同意嘅，但係因為嗰陣時嘅地盤節奏令我忽略咗呢樣嘢嘅，但係正如而家
12 你有呢個調查委員會，其實我都realise其實呢樣嘢好重要嘅。

13 CHAIRMAN: I appreciate that. My question really is, going
14 back to that time, did you realise that each and every
15 RISC form would play a part in some ultimate final
16 process? Because my understanding, and perhaps I'm
17 wrong -- if so, I will be corrected -- is that before
18 government would give the final okay for the building to
19 be accepted and everybody to go off site, the records of
20 quality inspection had to be considered. Were you aware
21 of that? I think I'm --

22 MR KHAW: For the sake of the record, for the government to
23 issue the certificate of completion --

24 CHAIRMAN: That's it.

25 MR KHAW: -- we do not need the RISC forms.

26 CHAIRMAN: Fine. Okay.

1 MR KHAW: Yes. But of course the RISC forms will have to be
2 submitted at the earlier stage, when MTR and Leighton
3 prepared those forms for the purpose of completing the
4 process.

5 CHAIRMAN: So what role, if any, then, did the RISC forms
6 play?

7 MR KHAW: As between MTR and Leighton, that is obviously to
8 ensure that the construction works inspected at each
9 hold point were in order, so that they could proceed to
10 the next stage.

11 CHAIRMAN: All right. That was between MTR and Leighton.

12 MR KHAW: Yes.

13 CHAIRMAN: And if the MTR was happy? They didn't need any
14 forms, did they, then? You could shred them all?

15 MR KHAW: Obviously, from the messages that we have seen,
16 MTR was not happy with the way that the RISC forms were
17 handled.

18 CHAIRMAN: All right. So perhaps -- just forgive me for the
19 moment; it's just so that I understand -- suddenly we
20 get, in the public view, a very large statement of
21 concern that hundreds of these forms are missing; okay?
22 The suggestion being, to the average man on the MTR
23 going to work or in the back of a car going to work,
24 that there's absolutely no evidence of any quality
25 inspections available.

26 But from what you tell me, so that I can understand

1 the parameters better, these documents were really
2 limited. They were limited to the contractor and the
3 MTR, and if the MTR was happy with the work, then that
4 was an end to it; they weren't needed anymore.

5 MR KHAW: Mr Chairman, according to the PIMS, then obviously
6 the RISC forms would be required. But what I try to
7 clarify is that the government would not inspect the
8 RISC forms during the process.

9 CHAIRMAN: Right.

10 MR KHAW: But insofar as the requirements are concerned,
11 they are contained in MTR's PIMS, and that is why it is
12 part of -- it is an integral part of the system which
13 would need to be complied with.

14 CHAIRMAN: I appreciate that, and we've all got these
15 systems, but the point I'm trying to understand, in very
16 simple, layman's terms, is -- you have to fill in
17 a form, okay, and a lot of forms were not filled in, it
18 appears. It appears that the MTR, depending on who the
19 officers were, may have been angry about it or couldn't
20 care less or may have been indulgent about it. But what
21 really counted was, at the end of the day, was everybody
22 satisfied that there had been inspections and that the
23 work had been done properly?

24 MR KHAW: Yes.

25 CHAIRMAN: And if that was the case, then to a large degree
26 it may be said that, leaving aside adherence to

1 paperwork, the essential issue, that is quality, had
2 been assured at that stage.

3 MR KHAW: Yes.

4 CHAIRMAN: So the fact that these RISC forms had gone
5 missing, where is the great concern? Because it would
6 be a question, would it not, of saying, "We are
7 satisfied the work was done, the RISC forms are part of
8 that process, but they don't stand absolutely on their
9 own, and we are happy that the work was done correctly"?

10 MR KHAW: Yes.

11 CHAIRMAN: So why do we have a major concern for everybody
12 sitting on the MTR going to work, reading this in the
13 newspaper? That's not a criticism. I'd just like to
14 understand the real impact, if there is one.

15 MR KHAW: Yes. Now, Mr Chairman, first of all, the IoC and
16 the IoE were obviously issued on the basis of the PIMS
17 provided by MTR, and under the PIMS, the RISC forms form
18 part of the quality assurance system.

19 CHAIRMAN: Right.

20 MR KHAW: So it was on this basis that the government would
21 have to be satisfied that they complied with this
22 important part of the quality assurance system.

23 CHAIRMAN: Right. So would government go to MTR and say,
24 "Have you got all your RISC forms? Could we have a look
25 at them", or not? Or they would have that ability, if
26 they wished to use it?

1 MR KHAW: In that regard, obviously we have to rely on MTR
2 for the purpose of checking that the RISC forms were in
3 order.

4 CHAIRMAN: Right. I mean, would there inevitably and in
5 every single instance be a question, before completion
6 is signed off on any particular part of the project,
7 "Are all the RISC forms in order? Do you have them all
8 and are you satisfied with them?"

9 MR KHAW: According to our system, under the IoC and IoE, we
10 would expect that all the RISC forms were compiled and
11 also were checked before the completion of the
12 construction works. But it's just that it's not the
13 government who would conduct that exercise.

14 CHAIRMAN: Okay, yes. But it's still -- I still have this
15 minor problem. Please forgive me --

16 MR KHAW: Not at all.

17 CHAIRMAN: -- if I'm being somewhat intellectually tardy.
18 But I can see the RISC forms are part and parcel of the
19 ongoing quality assurance scheme, but in addition to
20 that you've got the MTR and you've got Leighton, the
21 contractor, inspecting things together --

22 MR KHAW: Yes.

23 CHAIRMAN: -- and saying, "Yes, we are happy", and nobody
24 moves on, assuming that system works, by the way; okay?
25 So at the end of the day, when, shall we say, the
26 stable sidings are completed, all the works are

1 completed there, you have consensus between Leighton and
2 the MTR; it's all been done.

3 MR KHAW: Yes.

4 CHAIRMAN: Now, in that process, certain pieces of paper,
5 certain written records, may have not been 100 per cent
6 completed.

7 Now, if they haven't been 100 per cent completed but
8 there's consensus that everything has been done well and
9 everything has been inspected and there's no concern,
10 the question I ask is: at that stage, is the RISC form
11 simply a question of arid paperwork, if there's anything
12 missing, or does it have some real role to play?

13 And I'm not quite sure. You see, I can understand,
14 suddenly -- I mean, we get in the newspaper, for
15 example -- and I'm just doing this from the point of
16 view of the average person on the street -- suddenly he
17 picks up his newspaper and says, "70,000 forms are
18 missing. What does that mean?" Answer: "It means
19 there's no assurance of any sort of quality control.
20 The whole place is going to fall down. Everybody is
21 negligent on the job." Whereas in fact, from what you
22 are telling me, it seems as if while the RISC forms are
23 part of an ongoing quality control, they are part and
24 parcel; they are not the sole quality control. And if
25 there is consensus between Leighton and the MTR and
26 their inspectors that everything has gone ahead, that

1 everything has been done properly, then, in a way, the
2 RISC forms become redundant after that.

3 Or am I wrong?

4 (Tribunal conferring)

5 My co-Commissioner Prof Hansford said that maybe
6 this might be a matter for expert evidence, as to the
7 matter going forward.

8 But do you see the concern that I have? There's
9 a certain kind of opaqueness on everybody's face looking
10 at me, as though I'm missing something very obvious.
11 But what I've got is this little bit of credibility gap
12 at the moment between something appears suddenly in the
13 public domain saying, "70,000 of these forms are
14 missing, ipso facto nothing has been built properly",
15 whereas in fact it seems that these forms are important
16 and they are part of the ongoing process of assuring
17 quality, but they run with the working of the actual
18 experts on site. And if those experts on site are happy
19 at the end of the day, having worked with each other and
20 done these inspections, then the fact that a few of
21 these forms may have fallen by the way, nobody appears
22 to have taken that as being a mortal sin for which every
23 engineer will burn in hell forever. You know, far from
24 it. It's a case of, "Well, you know, we can overlook
25 that because we know that the whole thing is moving
26 properly."

1 That's my concern, you see.

2 MR KHAW: Mr Chairman, I will try to ease your concern by
3 saying this. First of all, the RISC forms obviously
4 constitute an important piece of evidence for us to
5 ensure quality.

6 CHAIRMAN: Yes.

7 MR KHAW: Now, obviously we are not saying that the fact
8 that forms are missing can lead -- or will cause one to
9 immediately jump to a conclusion that the works were
10 defective. We are not saying that.

11 CHAIRMAN: That's the point.

12 MR KHAW: But --

13 CHAIRMAN: In the press -- let me not say "the press" -- in
14 the general public, as I understood it from the odd
15 person bumping into me on the street, it was "These
16 forms are missing, that's the only evidence of quality.
17 It therefore follows, quod erat demonstrandum, there's
18 no quality."

19 COMMISSIONER HANSFORD: I think the issue that the
20 Commissioners are grappling with and will continue to
21 consider is notwithstanding these forms being missing,
22 can quality nevertheless be assured? That's the point
23 that we will be considering over the next few weeks.

24 MR KHAW: Yes, that will be something which will be
25 addressed in the verification proposal, because in the
26 verification proposal we will see whether we could

1 gather other evidence, in the absence of RISC forms, to
2 try to ascertain whether the works had been properly
3 done.

4 COMMISSIONER HANSFORD: I mean, with respect, Mr Khaw,
5 I think the verification proposal is yet another piece
6 of evidence, but only another piece of evidence.

7 MR KHAW: Yes.

8 CHAIRMAN: All right. I think I have belaboured my concern.
9 It's just -- and I do understand. It's just that why --
10 if you had everybody happy with the work and the quality
11 of the work, then, in this instance, how did it blow up
12 suddenly that the forms were missing? I suppose that's
13 the point.

14 MR KHAW: Yes, but of course we are also facing the reality
15 that the problems at the stitch joint had in fact been
16 identified.

17 CHAIRMAN: Okay. Then I understand. Thank you.

18 MR KHAW: Yes. So it's not just a matter of a missing
19 procedure regarding missing RISC forms. We have real
20 issues that we need to address.

21 CHAIRMAN: Absolutely, yes. Good. I'm with you. So it's
22 not as if you have to go and present to government or to
23 the Buildings Department every single RISC form, so that
24 they can go through some computer program, checking each
25 one off. That's not required.

26 MR KHAW: Yes.

1 MR PENNICOTT: Sorry, I don't know whether anyone else wants
2 to say anything, particularly the MTR, but in my rather
3 simplistic way -- the government of course is wearing at
4 least two hats here. Mr Khaw might think he's wearing
5 four hats, he's got four departments, but at least two
6 hats.

7 One of the hats is the Buildings Department. As
8 a matter of statutory requirements, the RISC forms are
9 not necessary. I mean, under the Buildings Ordinance,
10 a RISC form, you will not find any reference to it, and
11 so forth. So, as a matter of statutory requirement, the
12 Buildings Department don't require RISC forms.

13 Of course the other hat the government is wearing is
14 the Highways Department. They are essentially the
15 owner. They are the contracting party with the MTRC.
16 And part of, as I understand it, I'll be corrected if
17 I'm wrong, but part of the contractual obligation
18 between the Highways Department and the MTRC is that
19 PIMS is complied with.

20 COMMISSIONER HANSFORD: That's right.

21 MR PENNICOTT: PIMS requires, as part of it, a small part of
22 it, the RISC forms. Therefore, if the RISC forms are
23 not there -- I mean, I suppose one might put it in terms
24 of technically "a breach" of the obligation to comply
25 with the PIMS.

26 CHAIRMAN: Yes, I think that's what I was looking for.

1 Where is -- so it's a contractual obligation?

2 MR PENNICOTT: It seems to me certainly it's more of
3 a contractual obligation than it is a statutory
4 obligation. I certainly don't see that one can elevate
5 this into a statutory obligation.

6 CHAIRMAN: No.

7 MR PENNICOTT: But it certainly appears, on the face of it
8 to us, as though it is, arguably at least, a contractual
9 obligation.

10 And of course one of the other problems that has
11 arisen -- and if I may say so, sir, you very much
12 touched on this yesterday, albeit very quickly -- and
13 that is the role that the RISC forms played in the first
14 part of this Inquiry --

15 CHAIRMAN: Yes.

16 MR PENNICOTT: -- where everybody seemed to be placing a lot
17 of credence and reliance on them and elevating them to
18 being part of the whole process of trying to create this
19 high standard of quality, and now we are getting
20 a rather different take and a rather different picture
21 of their use and their quality, intrinsic quality of the
22 RISC forms themselves.

23 So there's a lot of competing points here, but
24 again, as Mr Khaw rightly says, one of the big aspects
25 of this part of the Inquiry is the stitch joints. We
26 know jolly well that something has gone seriously wrong

1 with the original stitch joints. There were no RISC
2 forms, and that's obviously part of that specific
3 inquiry that we are looking at, the particular
4 investigation into the stitch joints, where it seems to
5 us that the RISC forms do have at least part -- are part
6 of that story and part of that investigation.

7 CHAIRMAN: Thank you. That helps me a lot. Thank you.

8 Let me say from the beginning, I'm not trying to
9 reduce the importance of the RISC forms in the role that
10 they play in assuring quality. What I didn't quite
11 understand, and it's been made clear to me now -- thank
12 you very much -- is the role -- how they fit into the
13 broader picture. I can see there's a contractual nexus,
14 and although, therefore, the RISC forms are not
15 inevitably needed -- they don't have to be all lined up
16 and all presented to the Highways Department or the
17 Buildings Department -- because they form part of the
18 contractual mesh, they can be inspected if necessary and
19 can be viewed as necessary to ensure ultimate quality by
20 whatever arm of government is dealing with that
21 particular matter.

22 Good. Thank you.

23 MR BOULDING: Sir, I don't intend to extend this argument,
24 but in the context you've been talking about, you just
25 might want to remind yourself, in your leisure time, of
26 paragraphs 49 and onwards of our written opening, where

1 we do deal with this point.

2 I remind you that the BD's Mr Lok Pui Fai says on at
3 least two occasions that RISC forms are
4 "an administrative/procedural issue, given that RISC
5 forms do not" -- "do not" -- "constitute either
6 a statutory or regulatory requirement".

7 But you can read that to yourself at your leisure.

8 CHAIRMAN: Thank you very much. That helps me greatly.

9 Thank you. All right.

10 I think what I had overlooked slightly was the
11 underlying contractual connection. Thank you.

12 MR SHIEH: My legal team WhatsApp chat group tells me that
13 I should try to be efficient, and I have no
14 re-examination.

15 CHAIRMAN: Thank you.

16 Thank you very much indeed, Mr Lii. Your evidence
17 is now completed, so you can go; okay? Thank you for
18 your assistance.

19 (The witness was released)

20 MR PENNICOTT: Sir, as we mentioned earlier, the next
21 witness is Mr Johnny Leung, but I see it's about eight
22 minutes before 1.00.

23 CHAIRMAN: Yes. I'm not going to call him in just for
24 a couple of seconds.

25 MR PENNICOTT: So perhaps we could re-convene at 2.10 or
26 something like that? Or 2.15, I suppose, is --

1 CHAIRMAN: 2.15 then. Thank you very much.

2 (12.52 pm)

3 (The luncheon adjournment)

4 (2.16 pm)

5 MR KHAW: Mr Chairman --

6 CHAIRMAN: Sorry, just before we start, I just wanted to
7 perhaps explain myself very briefly as to my somewhat
8 fragmented and perhaps difficult-to-comprehend
9 interjection earlier.

10 What has concerned me, not in order to make any
11 decisions at this time -- I have been a professional
12 judge for long enough to know that I reserve those kinds
13 of matters until I have heard all the evidence -- but to
14 try to understand the dynamic within which these
15 engineers were working.

16 Because at one level, it could be said if the forms
17 were undoubtedly, just as winter follows summer, going
18 to be studied by some higher authority, it was almost
19 an insanity for these engineers not to complete the
20 forms. But as I understand it, and I'm open to
21 correction, your very valuable assistance has provided
22 me with the following -- that between the MTR and
23 government, there is the undertaking, with a contractual
24 nexus, to use PIMS, that particular plan. Between the
25 MTR, there is the same contractual nexus to use PIMS.
26 PIMS, therefore, runs through the hierarchical

1 relationship and it has a position of central importance
2 because, among other things, it guarantees the right for
3 government and/or the MTR to ensure due quality.

4 One of the instruments by which it ensures due
5 quality is to look at written records, which have
6 long-time been preserved in PIMS, namely the RISC forms,
7 the request for inspection forms.

8 That does not mean that each and every form is going
9 to end up being considered by a person in government.
10 What it means is that as between the MTR and any
11 contractor, in this case Leighton, there is
12 an obligation to complete all these forms so that there
13 is that relationship and that understanding and that
14 quality assurance, but it doesn't necessarily mean that
15 they will be taken further.

16 What it does mean, however, is that government, in
17 its various forms, has a right perhaps to audit or to
18 check, and while it will not do so perhaps in most
19 cases -- I don't know -- or certainly in a good number
20 of cases, that ability is always there and, in
21 appropriate circumstances, will be exercised. So that
22 the obligation, therefore, to complete the RISC forms is
23 always there, although, as I've said before, not like
24 winter always following summer, each and every one will
25 be followed.

26 Now, that, I wish to stress, is my understanding

1 now, built on trying to understand the dynamics within
2 which these people were working, and it's not and has
3 never been my intention to denigrate these documents as
4 being of no value. I appreciate their central value.
5 But equally one has to sometimes ask initially: why
6 would it be that you would allow yourself to fall behind
7 in completion of these forms, and could it be, to some
8 degree, because there may be an awareness that they may
9 not actually be studied in detail further along the
10 line, if everything else is moving along okay?

11 So I wanted you to understand that my reason for
12 questioning was to try to understand the dynamics within
13 which individuals operate. It was not to denigrate the
14 importance of these quality documents or the importance
15 of process generally in the building of very large
16 projects such as this. Okay?

17 So my apologies for the fragmented way in which
18 I approached the subject initially, but it has helped me
19 greatly. Thank you.

20 MR KHAW: I'm most grateful for Chairman's comments in this
21 regard. In fact, I was about to say, before Mr Shieh
22 calls his next witness, there are probably just three
23 short points I would like to make, in order to discharge
24 my duties fully.

25 CHAIRMAN: Yes.

26 MR KHAW: First of all, Mr Chairman, I have to apologise for

1 the shortcoming on my part during the exchange with
2 Mr Chairman. That is, I tried to emphasise the
3 importance of PIMS, which obviously included the need
4 for the RISC forms, and the obligation to ensure the
5 compliance with the PIMS has been set out in the
6 relevant agreements, ie the entrustment agreements,
7 and it has also been set out in our IoE and IoC.

8 Perhaps the point I did not make clear is the
9 contractual nature of this obligation, as opposed to the
10 statutory nature of this obligation. That is something
11 I probably did not make clear. But I am most grateful
12 to Mr Pennicott for the clarification before the lunch
13 break.

14 CHAIRMAN: Yes. It did help a great deal.

15 MR KHAW: Yes.

16 CHAIRMAN: The other thing I was looking at was perhaps,
17 even though it wasn't contractual, may it have been
18 customary; do you know what I mean?

19 MR KHAW: Yes.

20 CHAIRMAN: Sometimes -- well, we all know, in the business
21 here, that we are going to have to show our forms to
22 a particular department at a particular time.

23 MR KHAW: Of course.

24 CHAIRMAN: And I realise now that there's this contractual
25 mesh, as I described it, which gives the power to do
26 these audits if necessary but not inevitably.

1 MR KHAW: Yes, Mr Chairman.

2 The second point I wish to perhaps further
3 elaborate, following from what I said earlier, before
4 the lunch break, and that is if one looks at the
5 chronology of events, obviously the government was
6 alerted to the water seepage problems at the stitch
7 joints in around January 2018, and subsequently there
8 were investigations and also proposals for remedial
9 works by various parties.

10 And in around December 2018 we were informed of the
11 missing RISC forms and also the missing construction
12 records, by the MTR.

13 What I'm trying to say is that if we look at this
14 chronology of events, the lack of RISC forms is not
15 an isolated incident which exists in a vacuum. I mean,
16 we are not only examining this question of RISC forms in
17 isolation from other issues.

18 Obviously, one of the main issues in this whole
19 fact-finding exercise is to examine why the defective
20 works could have actually occurred, in view of the
21 overall system, and given in particular the lack of RISC
22 forms that we are now looking at. This is one of the
23 factors that we need to address in the overall
24 fact-finding exercise, when it comes to why and how the
25 defective works would have occurred.

26 CHAIRMAN: Yes. I appreciate that fully. I think also,

1 of course, because -- and I bow to his expertise here --
2 my co-Commissioner, who is about 100 leagues ahead of me
3 in understanding that the true issue is going to be one
4 of expert evidence --

5 MR KHAW: Yes.

6 CHAIRMAN: -- to look at perhaps refinement.

7 MR KHAW: Yes.

8 CHAIRMAN: But as I say, that's a more advanced and
9 sophisticated issue we will come to.

10 MR KHAW: Yes.

11 CHAIRMAN: I was looking to something more simple: how does
12 a young engineer, if he knows, as sure as God made
13 apples, that he's going to have to account for each and
14 every RISC form, not fill them out?

15 MR KHAW: I fully appreciate that, Mr Chairman.

16 CHAIRMAN: Do you see the point I'm making?

17 MR KHAW: Yes.

18 CHAIRMAN: That's how I was trying to view the matter.

19 MR KHAW: Yes.

20 CHAIRMAN: Let me emphasise again, I'm not criticising any
21 engineer, I'm not making any findings at all. I'm just
22 trying to conduct a reconnaissance as to the lie of the
23 land that enables me to then make my determinations.

24 MR KHAW: Yes.

25 CHAIRMAN: Thank you.

26 MR KHAW: The last point, Mr Chairman, I wish to make is

1 that before the lunch break, Mr Boulding for MTR, took
2 the opportunity to reiterate the point stated in their
3 opening submissions, and that is the RISC forms are
4 administrative and procedural. But I only wish to
5 remind everyone that in fact in part 1 of the Inquiry,
6 we have dealt with the situation where there were
7 missing record sheets --

8 CHAIRMAN: Yes.

9 MR KHAW: -- for the inspection of the coupler installations
10 in respect of the EWL slabs. At that time, it was MTR's
11 position and it was also their evidence that the RISC
12 forms actually constituted sufficient evidence to show
13 that the works had been properly carried out.

14 So I wish to clarify that point. I'm sure
15 Mr Boulding will further elaborate that point as to why
16 this is purely administrative and procedural, but if we
17 look at what happened in part 1, it is perhaps not as
18 simple as that. That is all I wish to say.

19 CHAIRMAN: Yes, and again I emphasise the fact that any
20 questions that I raised were not to derogate the
21 importance of quality records, though they can be
22 critical, both for and agin, I appreciate that; nor to
23 derogate, in fairness, any expressions of shock in the
24 public domain when such a large amount were found to be
25 missing.

26 MR KHAW: I appreciate that.

1 CHAIRMAN: As I say, I approach the whole issue in a rather
2 fragmentary way, as judges are sometimes akin to do.
3 They are listening to evidence and trying to formulate
4 matters, and questions arise in their heads, and it's
5 best that they be dealt with immediately.

6 MR KHAW: Yes.

7 CHAIRMAN: Thank you. Anyway, enough of that.

8 MR PENNICOTT: Sir, if I may, one further observation. I've
9 been keeping an eye on the various discussions that
10 we've been having about the RISC forms, and I've been
11 trying to remind myself -- a point that has just been
12 raised by Mr Khaw -- as to what happened in the first
13 part of the Inquiry. I'm not going to dwell on that.
14 But I feel -- and this is at sort of a very early
15 stage -- that there is emerging a potential quasi
16 project management point in relation to these RISC forms
17 in the context of this part of the Inquiry that was not
18 anywhere near the forefront in the previous part of the
19 Inquiry, and that is whether these RISC forms are indeed
20 a sort of one-size-fits-all document, in the sense that
21 one can see that they might be perfectly user-friendly,
22 to use a term, in certain situations, but in others that
23 may not be the case, and one is building up a picture,
24 at least I am in my mind, where in -- for example, doing
25 a comparison on the facts that we're dealing with in
26 this part of the Inquiry, one has the NAT area

1 generally, let's say, where perhaps over a period of
2 time one's looking at 50 or 60 pours, and one would look
3 at a certain number of RISC forms in that context;
4 whereas one's looking at the HHS where one can see that
5 there are in excess of 500 pours, just in the track
6 slabs, leaving aside the accommodation blocks, that
7 might -- it might; I'm not saying it does but it
8 might -- paint a rather different picture as to how the
9 approach to the RISC forms by an engineer is viewed.

10 I'm not saying there's an excuse or whatever, but
11 the factual position may well be different. I mean,
12 that's a huge number.

13 CHAIRMAN: You've hit the nail on the head from -- my
14 concerns were: how do I view realistically the approach
15 of engineers in different circumstances to the same
16 issue?

17 MR PENNICOTT: Yes, sir.

18 COMMISSIONER HANSFORD: Why, Mr Pennicott, do you say it's
19 quasi-project management?

20 MR PENNICOTT: Well, whether it is right for -- it's not
21 a pure project management issue, it seems to me. It
22 perhaps goes wider than that. It is the use of this
23 particular document in this particular -- the various
24 situations that we have in the various areas. Perhaps
25 you think it's an absolute project management issue.
26 Maybe it is.

1 COMMISSIONER HANSFORD: To my mind, it's a quality assurance
2 issue.

3 MR PENNICOTT: Yes.

4 COMMISSIONER HANSFORD: And in my book, quality assurance is
5 part of the project management.

6 MR PENNICOTT: I'm not going to disagree with that. But
7 anyway, I think we are flushing out the point and it's
8 useful to do so.

9 CHAIRMAN: Yes. It is important to sometimes park our
10 convoy at the side of the road and actually get our
11 bearings, even if only one of the drivers, in this
12 instance me, just wants to be assured that the
13 navigation system is correct.

14 MR PENNICOTT: Yes, sir.

15 CHAIRMAN: Thank you.

16 MR PENNICOTT: Thank you very much.

17 MR BOULDING: Sir, from our perspective, if I can just
18 add -- because you did pose the question what does the
19 person, the Hong Kong person on the MTR, think in
20 circumstances where he's told there are no or there are
21 missing RISC forms -- what we would like to emphasise,
22 and indeed the evidence we have heard to date supports
23 this, is the fact that there is no RISC form or a late
24 RISC form or even the fact that the RISC form is on time
25 but not filled in properly, does not mean that
26 an inspection was not made.

1 I do think that needs to be emphasised and I do
2 emphasise that. That, we would say, is important.

3 I agree with my learned friend Mr Pennicott that the
4 matter of RISC forms raises a project management issue,
5 and again I remind you that MTR recognise that and
6 Mr Peter Ewen in due course will tell you the steps that
7 have already been taken -- iSuper, BIMS and one or two
8 others -- to ensure that to the extent that forms were
9 missing and couldn't be traced before, that will not
10 happen again. And no doubt in due course we may well
11 hear from Mr Rowsell and Mr Huyghe as to what they think
12 of that particular system and whether or not anything
13 further ought to be done.

14 So I do hope that intervention is --

15 CHAIRMAN: It helps a lot. Thank you very much.

16 Anything further?

17 MR SHIEH: I can now call Mr Johnny Leung for Leighton.

18 MR LEUNG YIK WANG, JOHNNY (affirmed in Cantonese)

19 Examination-in-chief by MR SHIEH

20 Q. Good afternoon, Mr Leung.

21 A. 午安。

22 Q. You have made a witness statement for the purpose of
23 this Commission of Inquiry. Can I ask you to turn to
24 bundle CC10, page 6511.

25 Can you see that?

26 A. 我睇到。

1 Q. It is a document entitled, "Witness statement of Johnny
2 Leung"; that's you, correct?

3 A. 啱，正確。

4 Q. And if you turn to page 6513, that is your signature on
5 that page; correct?

6 A. 係我簽名。

7 Q. Are you prepared to put forward the contents of this
8 witness statement as your evidence in this Commission of
9 Inquiry?

10 A. 我願意。

11 Q. A few things. First of all, please remain seated
12 because other lawyers, counsel for the Commission and
13 counsel for other parties, will ask you questions. The
14 Chairman and Mr Commissioner will also ask you
15 questions, after which I may have some follow-up
16 questions for you.

17 Secondly, can I remind you that we have
18 a transcription service which picks up verbal answers
19 given, and so I would invite you to actually give verbal
20 answers rather than "mm-hmm" or a nod of the head. Do
21 you understand?

22 A. 我明白。

23 MR SHIEH: Thank you very much.

24 Mr Chairman and Commissioner, we were unable to find
25 an organisation chart featuring Mr Leung, because

1 Mr Leung actually left Leighton at a relatively early
2 point in time, and all the organisation charts that we
3 have been able to find or locate postdated his
4 departure. So I'm afraid I have to depart from the
5 usual ritual of showing an organisation chart to the
6 Commission.

7 Mr Leung, please remain seated. Other counsel will
8 ask you questions now.

9 Examination by MR PENNICOTT

10 MR PENNICOTT: Mr Leung, good afternoon.

11 A. 午安。

12 Q. My name is Ian Pennicott. I'm one of the counsel to the
13 Commission. I'm going to ask you some questions first.

14 Before I do that, can I first of all just say thank
15 you very much for coming along to give evidence to the
16 Commission, and secondly can I apologise that I know
17 you've been waiting since yesterday afternoon to come
18 and give your evidence, but at least we've got to you
19 now.

20 Now, Mr Shieh may have failed, but we don't think we
21 have. Let's have a look. C7/5531.

22 MR SHIEH: Yes, that's the one I am just looking at. It's
23 in part 1.

24 COMMISSIONER HANSFORD: It's a good game, isn't it?!

25 MR PENNICOTT: It's in the original bundle.

26 This is an organisation chart dated, we think,

1 January 2015. You will see -- at least you will if we
2 keep it still; that's fine -- do you see Mr Rawsthorne
3 at the top there?

4 A. 見到。

5 Q. If you come down to Mr Joe Tam, and then follow the
6 dotted line across to Marco Chan; do you see that?

7 A. 見到。

8 Q. Then if you go to the heading, "Stabling sidings" -- do
9 you see that -- is that you, the site agent, just under
10 the box "stabling sidings"?

11 A. 係。

12 Q. There's a similar organisation chart -- we don't need to
13 look at it -- of March 2015 in the original bundle at
14 C7/5534, three pages on.

15 So, as I understand it, Mr Leung, your role,
16 certainly at this stage, was the HHS area?

17 A. 係。

18 Q. But I think also you had some involvement in the NAT
19 area, particularly with regard to the underground
20 utilities works; is that correct?

21 A. 喺嗰個階段，我淨係負責--我有負責NAT area嘅underground喇，喺
22 而家個O chart嗰個階段，我係由--我係最初喺禮頓工作，就負責NAT。

23 Q. All right. But insofar as you were working on the NAT,
24 what did you have responsibility for? Any particular
25 aspects of the work?

1 A. 我最主要負責地下公共設施嘅更改，屬於一啲結構之前嘅前期工作。

2 Q. Right. So that happened before the work that you did on
3 the HHS; is that right?

4 A. 係。

5 Q. Okay. And you left project in May 2015, you tell us; is
6 that right?

7 A. 係。

8 Q. However -- and this is really the main reason you are
9 here, Mr Leung -- you attended on behalf of Leighton
10 a number of meetings called interface meetings. Do you
11 recall that?

12 A. 記得。

13 Q. Right. Do you recall why you, Mr Leung, were chosen by
14 Leighton to attend those meetings?

15 A. 因為當時我負責NAT嘅underground utility嘅diversion，所以有
16 機會同其他合約有接觸，喺嗰個階段。

17 Q. So the underground utilities works were seen as
18 an interface issue, were they, or an interface item of
19 work; is that right? Have I understood that correctly?

20 A. 喺。

21 Q. All right. Then could we look at the first meeting you
22 attended, and I think you attended three in all. So
23 that's CC2/739.

24 This was meeting number 2 of 7 February 2014, and
25 you were there with a Mr TC Kan, K-A-N, of Leighton; do

1 you see that?

2 A. 係，正確。

3 Q. And, as you indicated earlier, it's got your -- the
4 title there is "Site agent (NAT)".

5 Can I then ask you this: at paragraph 1.3.1 of the
6 meeting minutes, on page 740, it says -- sorry, just go
7 back. We see at the meeting there are representatives
8 of the MTR, Leighton and the Gammon-Kaden Joint Venture?

9 A. 同意。

10 Q. At paragraph 1.3.1, it says:

11 "[The] meeting was chaired by [the] 1111 contractor
12 and the meeting notes was also [to] be drafted by [the]
13 1111 contractor. The draft meeting notes will be sent
14 to the attendees for comment after the meeting. After
15 consolidation, the agreed meeting notes would be
16 distributed through [the] ePMS by the drafter."

17 Now, do you recall what the ePMS was?

18 A. 我淨係記得ePMS係一個地鐵入面嘅一個系統，一個書信嘅聯絡系統。

19 Q. Do you recall who would have access to that system?

20 A. 唔清楚。

21 Q. Would you, Mr Leung, have access to that system?

22 A. 我從來冇用過，我唔可以，我相信，因為我只係用--當時用禮頓入面嘅
23 INCITE system。

24 Q. All right. When you say "the Leighton INCITE system",
25 how did that work? How were these minutes distributed

1 within Leighton? Forget about the MTR, just within
2 Leighton, how did it work; do you recall?

3 A. 我印象中，係一個好似email嘅system，有任何incoming關於我嘅信，
4 就會尸入咗嗰個mailbox，我就可以睇。

5 Q. So when you received -- first of all, let's break it
6 down. Did you receive draft minutes from the GKJV, so
7 far as you can recall?

8 A. 我記憶中有。

9 Q. So you were able to comment on them, if you wanted to;
10 is that right?

11 A. 啱。

12 Q. Then, if you did, the minutes would then be finalised by
13 the GKJV, and then they would be sent back to you; is
14 that correct?

15 A. 我唔記得係經邊一個送番畀我，我只係收過呢個minutes，有印象。

16 Q. Right. Now, did you distribute those minutes within the
17 Leighton organisation?

18 A. 我唔會。

19 Q. Do you know whether somebody else distributed the
20 minutes within the Leighton system, the Leighton
21 organisation?

22 A. 我相信有，不過唔知邊一個。

23 Q. Okay. Well, I will follow that up shortly.

24 Could I ask you to please look at another meeting,
25 which is documented at page CC750.

1 So we've jumped on in time, Mr Leung, from February
2 2014 to November 2014. I think we will all agree that
3 there's a series of typos on this sheet at page 750,
4 because both TC Kan, Johnny Leung and Albert Chan are
5 not of MTRC, they are all of Leighton. That's obviously
6 right, isn't it, Mr Leung?

7 A. 同意。

8 Q. So you are there this time with two other
9 representatives of Leighton.

10 If you could please go over to page 752 -- if you
11 turn over the page, on the right-hand side, at
12 paragraph 7.4.2 -- it says there, at 7.4.2:

13 "GKJV tabled three proposed material submissions
14 which would be used in the structure at the interfaced
15 location for 1112 review, and which have been approved
16 by MTRC 1111."

17 The second bullet point is "Mechanical splicing
18 system of rebar"; do you see that, Mr Leung?

19 A. 見到。

20 Q. Then underneath that it says:

21 "Leighton will review and provide relevant method
22 statements to cope with these interfacing works."

23 Do you see that?

24 A. 見到。

25 Q. I know it's a long time ago, Mr Leung, but do you have
26 any recollection of who in the Leighton organisation was

1 going to review these submissions that have been
2 provided, or were to be provided, by the GKJV
3 contractor?

4 A. 當時應該有人覆檢。

5 Q. No. But what Leighton said at the meeting, whether it
6 was you or one of your colleagues who was there, was
7 that Leighton would carry out or will carry out a review
8 and provide relevant method statements; is that right?

9 A. 我印象，當時係話禮頓將來會--將會review，去睇番，同埋提供一個
10 method statement，但係唔係呢一刻。

11 Q. Right.

12 So if we could then go on to the next meeting, so
13 you will need page 756 for that. Now, this is meeting
14 number 8, just a month or so later, 5 December 2014. On
15 this occasion, Mr Leung, you are the sole representative
16 of Leighton; do you see that, at page 756?

17 A. 同意。

18 Q. At paragraph 8.4.2 of the notes on page 757, there is
19 something of an expansion to the previous minutes,
20 because it says:

21 "GKJV tabled three proposed material submissions
22 which would be used in the structure at the interfaced
23 location for 1112 reference during meeting no. 7."

24 Then the second bullet point:

25 "Mechanical splicing system of rebar [then

1 a reference is given and then it says] resubmission",
2 and then these words appear:

3 "Leighton stated that they have no comment on those
4 submissions and will ..."

5 Pausing there, when it says "Leighton stated", that
6 must have been you, because you were the only
7 representative there; do you see that?

8 A. 係，同意。

9 (Discussion off record re a technical problem)

10 Q. Mr Leung, to recap, in the minutes it says:

11 "Leighton stated that they have no comment on those
12 submissions ..."

13 And the point I put to you was, when it says
14 "Leighton stated", that must have been you because you
15 were the only representative, and I think you agreed; is
16 that correct?

17 A. 我同意。

18 Q. Okay. Would it be right to think, right to say,
19 Mr Leung, that by the time of this meeting you had
20 actually considered the submissions that the GKJV had
21 made?

22 A. 我有考慮，因為喺嗰個階段，未有任何結果需要做，所以我會留番畀將來嘅
23 負責人去檢討，所以喺個minutes呢度我有講清楚，就係喺將來嘅時間會
24 睇下究竟係咪同第二個合約嘅coupler係咪大家會夾到咁樣。

25 Q. Yes, because the minute goes on to say:

1 "... and will check with their supplier regarding
2 compatibility in later stage."

3 So would this be fair, Mr Leung: that you had
4 appreciated at this point that there was, potentially at
5 least, a compatibility issue that needed to be checked?

6 A. 係。

7 Q. At this stage, who did you envisage would do that check?

8 A. 喺嗰個階段，我唔會知道，所以冇預計過。

9 Q. But, as I understand it, it wasn't going to be you who
10 did the checking; it was going to be somebody else. Is
11 that right?

12 A. 喺呢個階段，應該冇人會考慮呢個問題，所以留番將來先考慮。

13 Q. Right. Is that simply because it was seen that these
14 interface issues would not arise for some time in the
15 future?

16 A. 同意。

17 Q. All right.

18 The last line of the minute at 8.4.2 says:

19 "Cover page of those submissions are enclosed for
20 reference."

21 If you could go, please, to page 763. This, as
22 I understand it, is part of the GKJV materials
23 submission in relation to the splicing system,
24 mechanical splicing system. Do you see that?

25 A. 見到。

1 Q. Is this a document that you saw at the time, at the
2 meeting or before the meeting or shortly after the
3 meeting?

4 A. 我印象，應該係會議嗰陣佢哋提及過，畀過我哋睇過。

5 Q. Right. And so is this fair, Mr Leung: that at or about
6 the time of the meeting, having seen this document, you
7 knew that Lenton type A2 standard coupler for
8 non-ductility coupler requirement was intended to be
9 used by the GKJV?

10 A. 我記憶中有三--有呢幾份文件畀過我哋，但係細節我有睇入面嘅內容，因為
11 我都係覺得應該係將來先會去考慮，所以我有去細節睇個內容。

12 Q. All right. But you did at least appreciate that
13 a potential compatibility issue might arise in relation
14 to this submission?

15 A. 係。

16 Q. In paragraph 10 of your witness statement, at CC10/6513,
17 you say:

18 "Since no structural works had started at the time,
19 Leighton's NAT site team did not have quality assurance
20 team and site agent responsible for the relevant
21 structural works (and I was the site agent in the NAT
22 responsible for underground utilities work)."

23 A point we mentioned earlier. Then you say:

24 "Therefore, there was no one responsible for the
25 compatibility regarding couplers and rebar at the time."

1 A. 係。

2 Q. Just now, you told the Commission that you at least
3 envisaged that there might be a potential issue as to
4 compatibility. Do you recall that?

5 A. 記得。

6 Q. This was the last interface meeting that you attended.
7 Do you remember?

8 A. 呢個唔記得。

9 Q. Can I ask you to turn to paragraph 4 of your witness
10 statement, then. It's I think CC10/6511.

11 You mentioned that you attended the second, seventh
12 and eighth meetings; can you see that?

13 A. 見到。

14 Q. So the eighth meeting, the meeting that we just looked
15 at, that was the last meeting that you attended on
16 behalf of Leighton; is that correct?

17 A. 喺呢三份文件嘅資料睇到，就係囉。

18 Q. Did you take any steps to pass on that potential
19 compatibility issue to anyone in Leighton, any of your
20 colleagues?

21 A. 我有通知--喺呢個過程，我係通知咗一個KT簡嘅同事，有呢個問題--有
22 呢個--唔係問題，有呢個一件事。

23 Q. So it was KT Kan [sic] whom you notified; right?

24 A. 記憶中有提過，同佢講過，即係我講咗話留番將來負責嘅同事再跟進。

25 Q. Did you recall having passed on the minutes to --

1 COMMISSIONER HANSFORD: Sorry, Ms Pang, you're going too
2 fast for the transcript.

3 MR PENNICOTT: Put the question again.

4 CHAIRMAN: Sorry -- I'm interrupting you, I apologise -- you
5 are saying you told Mr Kan that this should be reserved
6 for the future. Can you explain?

7 A. 其實因為KT Kan呢個人都有參加之前嘅會議嘅，其實佢都知道有呢件事，
8 但係我再同佢mention--因為而家--因為禮--因為當時個會議，1111就
9 要求我哋答佢有冇問題，所以我同我同事提及，就話呢樣嘢將來去處理，
10 因為而家係太早期。

11 CHAIRMAN: Sorry to again cut across but if the contractor
12 for 1111, which is Leightons, wanted to know if there
13 was any problem, did you not think of just letting them
14 know what these particular matters were that the Gammon
15 consortium were thinking of doing?

16 MR BOULDING: Sir, if I may say, just so it's not confusing,
17 you have identified the contractor for 1111 as being
18 Leighton. I just wondered whether you intended to do
19 that.

20 CHAIRMAN: I am sorry. Yes. I've got it the wrong way
21 around.

22 Did you not think of advising Leighton if they were
23 interested in knowing if there was any problems -- well,
24 no problems but they do have certain specific
25 intentions, which are ...?

1 A. 唔明白個問題。

2 CHAIRMAN: All right. I thought you had said a little bit
3 earlier that the one contractor had asked to be notified
4 of any problems.

5 A. 係。

6 CHAIRMAN: I'm just wondering, there were no problems as
7 such at that time, but the purpose of an interface
8 meeting would be so that both contractors could -- each
9 contractor could know what the other was doing; would
10 you agree?

11 A. 同意。

12 CHAIRMAN: Okay. So you knew, from the interface meeting,
13 that certain things were going to be done, and so it was
14 just a question really of making sure that some sort of
15 clear message remained for those that were going to take
16 your place or would have to deal with the issue later?

17 A. 同意，因為嗰件事--嗰件--嗰個有關嘅問題當時嗰刻係冇條件去分析佢係有
18 冇--對將來嘅建造有冇問題，我留番嗰呢個minutes嗰度，所以下--跟住未
19 來、將來--呢個會係會繼續嘅，會隔一段時間會繼續嘅，就留番一個item喺
20 度，將來去再等其他同事去解決，所以喺嗰一刻，基本上係好早期嘅工程，連
21 究竟決定咗邊個分判商去施工都唔知開始未，所以我哋唔會考慮，喺嗰個階段。

22 CHAIRMAN: Okay. Thank you.

23 MS PANG: Mr Leung, when you told KT Kan [sic] about this,
24 did you specifically mention to him that Lenton couplers
25 would be used on the 1111 side of the contract?

1 A. 頭先我講咗，我呢個同事同一時間喺個會度出席嘅，所以佢應該知道會有
2 coupler呢件事，但係我有強調同佢講係咩嘢牌子。

3 Q. Just to make sure there's no misunderstanding -- we have
4 just looked at the minutes for the eighth meeting and
5 according to the minutes of that meeting, you were the
6 only representative who attended that particular meeting
7 and your colleague was not there. So do you still
8 maintain your answer that your colleague, KT Kan [sic],
9 would somehow be aware of the type of couplers used?

10 A. 我係堅持我同事知道有--喺個minutes入面會有三個物料係喺interface
11 嘅問題會出現嘅--即係interface呢件事會出現嘅，因為之前，我唔記得
12 係第二定第七，其實佢有參與過個會嘅，喺個會亦都會提過有--我印象中有
13 coupler嘅，要翻睇番個minutes。

14 MS PANG: Either you would have -- sorry.

15 CHAIRMAN: Sorry, the couplers are mentioned by code,
16 I think, is that right, in those minutes? By designated
17 letters and numbers. I'm just wondering if that's the
18 case, and whether the brand name was known at that time.

19 MS PANG: Mr Chairman, perhaps we can have a look at CC763.
20 I believe this is the document that my learned friend
21 Mr Pennicott has taken this witness to. So this is
22 an appendix to the minutes of the eighth meeting.

23 CHAIRMAN: I see. It's an appendix. Thank you very much.

24 MS PANG: So the name Lenton couplers was actually mentioned
25 in this particular cover page, and that's why I posed

1 the question to this witness.

2 CHAIRMAN: Thank you. So that's the annexure to the
3 minutes.

4 MR PENNICOTT: Yes.

5 CHAIRMAN: Yes.

6 MS PANG: Mr Leung, so you mentioned that your colleague,
7 KT Kan [sic], would be aware from the minutes. Did you
8 pass on these minutes to him?

9 A. 冇。

10 Q. Can I ask the Secretariat to bring up page 755.

11 This is a cover letter, I believe from the
12 Gammon-Kaden JV, and if we flip over to the next page,
13 that would be the minutes of the eighth meeting.

14 If we can then go back to the previous page, 755, at
15 the bottom of the page, Mr Leung, do you see there
16 "cc Leighton -- Mr TC Kan"?

17 A. 見到。

18 Q. So that was the colleague you were referring to; is that
19 correct?

20 A. 正確。

21 Q. So your colleague, TC Kan, would have received a copy of
22 these minutes; right?

23 A. 我唔肯定。

24 MS PANG: I have no further questions.

25 MR LIU: No questions.

1 COMMISSIONER HANSFORD: Can I ask a question at this point
2 then.

3 So, Mr Leung, are you aware of an interface
4 requirement specification for this contract?

5 A. 呢個我唔記得喇。

6 COMMISSIONER HANSFORD: Can we get up BB40.

7 As I understand it, this is an appendix to the
8 Particular Specification for contract 1112. Have you
9 seen this?

10 A. 唔記得喇，呢個真係。

11 COMMISSIONER HANSFORD: Okay. I'm assuming this
12 specification also applied to contract 1111, but I don't
13 expect you necessarily to know that.

14 Can we turn to page BB425, and there's an item 1.7
15 which relates to a joint inspection, presumably a joint
16 inspection of the two contractors, Leighton and
17 Gammon-Kaden. Is that the way you would read that, that
18 the two contractors would jointly inspect this
19 interface? Is that correct?

20 A. 同意。

21 COMMISSIONER HANSFORD: Okay. Thank you very much.

22 MR SHIEH: I have no re-examination.

23 CHAIRMAN: Thank you very much indeed. Thank you. Your
24 evidence is now completed. Apologies for keeping you
25 waiting.

26 COMMISSIONER HANSFORD: Thank you.

1 WITNESS: Thank you.

2 (The witness was released)

3 (Tribunal conferring)

4 MR SHIEH: Mr Chairman, Mr Commissioner, I can now call
5 Ms Regina Wong or I can do it after the afternoon tea
6 break.

7 CHAIRMAN: Just ten minutes?

8 MR PENNICOTT: Yes.

9 CHAIRMAN: Ten minutes. Thank you.

10 (3.19 pm)

11 (A short adjournment)

12 (3.35 pm)

13 MR SHIEH: Mr Chairman, Mr Commissioner, I now have
14 Ms Regina Wong in the witness box. May I proceed to
15 call her?

16 CHAIRMAN: Yes.

17 MR SHIEH: Ms Wong, welcome to the Commission of Inquiry.
18 Can I ask you to look at bundle CC10.

19 MS WONG HIN WAI, REGINA (affirmed in Cantonese)

20 Examination-in-chief by MR SHIEH

21 Q. Ms Wong, can you look at bundle CC10, page 6518. It
22 should now be open in front of you. It's a document
23 that is entitled, "Witness statement of Regina Wong"; do
24 you see that?

25 A. 見到。

26 Q. If you turn to page 6521, that is your signature on that

1 page?

2 A. 係。

3 Q. Do you put forward the contents of this witness
4 statement as your evidence in this Commission of
5 Inquiry?

6 A. 係。

7 Q. Thank you. Can I ask you to look at bundle CC2,
8 page 533. This is an organisation chart. You can see
9 it on the screen, if you want. This is an organisation
10 chart of the project, as of 3 October 2017. You can see
11 "MTRC", the dark blue box on the top; yes? Do you see
12 that?

13 A. 見到。

14 Q. At around 5 o'clock to the "MTRC" box, if you go down,
15 immediately above Henry Lai we can see you there; can
16 you see your name above that of Henry Lai?

17 A. 見到。

18 Q. So does this accord with your understanding of your
19 position in the organisational structure at the time?

20 A. 呢個係邊個時間?

21 Q. October 2017.

22 A. October 2017, 嗰陣時我好似仲未返去, 我係2017年11月先返去。

23 Q. Did you say you returned in November 2017?

24 A. 係。

25 Q. So does it reflect your position as of November 2017?

1 A. 係，不過嗰陣時就有印象幫過Joe Leung。

2 Q. So whom did you report to at the time?

3 A. 嗰陣我係幫張志偉（譯音）手。

4 Q. Cheung Chi Wai?

5 A. 係，即係2017年11月嗰陣時。

6 Q. Cheung Chi Wah or Cheung Chi Wai?

7 A. 張志偉。

8 MR SHIEH: Thank you very much.

9 Can you remain in the witness box. Mr Pennicott, in
10 front of me, counsel for the Commission, may have some
11 questions for you, and counsel for the other parties may
12 ask you questions also. And Mr Chairman and
13 Mr Commissioner may have their questions for you, after
14 which I may have follow-up questions to ask you. So
15 please answer all these questions; all right?

16 WITNESS: Okay.

17 COMMISSIONER HANSFORD: Mr Shieh, sorry, before we move on,
18 was that previous point resolved about the reporting
19 lines? Because it certainly wasn't resolved in my mind.

20 MR SHIEH: She said she was not reporting to Joe Leung; she
21 remembers working for Cheung Chi Wai.

22 COMMISSIONER HANSFORD: Is Cheung Chi Wai the gentleman to
23 the left of Joe Leung?

24 MR SHIEH: That's Cheung Chi Wah.

25 COMMISSIONER HANSFORD: This is somewhat confusing.

- 1 MR SHIEH: Ms Wong, we wish to place you as accurately as
2 possible within the organisational structure. Apart
3 from the point that you are not reporting to Joe Leung,
4 you say you report to Cheung Chi Wai; correct?
- 5 A. Yes.
- 6 Q. Is he the site agent?
- 7 A. He was senior site agent.
- 8 Q. Right. So if we place Cheung Chi Wai in the box of
9 Joe Leung, does it accurately reflect the situation
10 then?
- 11 A. I should be in that "SEM" line at that time.
- 12 Q. You should be in the "SEM" line, "Repairs/SEM" line?
- 13 A. Yes, "Repairs/SEM" line.
- 14 Q. So you should be in the "SEM" line, reporting to Cheung
15 Chi Wai?
- 16 A. Yes.
- 17 Q. Not Wah?
- 18 A. Not Wah, Wai.
- 19 Q. So that we are not confused, Cheung Chi Wai is not the
20 gentleman described as Cheung Chi Wah there?
- 21 A. No, this is the guy -- Cheung Chi Wai.
- 22 Q. This is Cheung Chi Wai. So the name is actually
23 mistyped in the box. It's Cheung Chi Wai?
- 24 A. Yes.
- 25 Q. And further up, there's Colin Mitchell; right?
- 26 A. Yes.

1 Q. What is "SEM"?

2 A. Some openings.

3 Q. Some opening?

4 A. Yes.

5 Q. So you know the abbreviation but you don't actually know
6 what "SEM" stands for?

7 A. I think it's some -- service E&M opening, something like
8 that.

9 MR SHIEH: Thank you very much, Ms Wong. Please remain
10 seated while Mr Pennicott asks you some questions.

11 Examination by MR PENNICOTT

12 MR PENNICOTT: Just on that last point, SEM, before I
13 forget, it is services for electrical and mechanical
14 works, openings for those works?

15 A. Yes.

16 Q. I've got it.

17 Ms Wong, first of all, thank you very much for
18 coming to give evidence to the Commission this
19 afternoon, and Mr Shieh has already explained how it's
20 going to work. So I'm going to ask you some questions
21 first.

22 First of all, I know you have set this out in your
23 witness statement, but just so we've got it clear, my
24 understanding is that between October 2014 and February
25 2017, you worked, first of all, as a sub-agent and then
26 as a site agent on the project, and during that period

1 you were principally working in the North Fan Area, the
2 NFA; is that right?

3 A. Yes.

4 Q. In February 2017, you went to another Leighton project,
5 I understand?

6 A. Yes.

7 Q. Then, in November 2017, so some nine months later or so,
8 you returned to the project and took up the role that
9 we've just seen on this organisation chart?

10 A. Sure, yes.

11 Q. As part of that latter role, between November 2017 and
12 December 2018, when I understand you left Leighton --

13 A. Yes.

14 Q. -- part of your responsibilities was to supervise the
15 reconstruction of the stitch joints?

16 A. Yes.

17 Q. Now, let's wind the clock back to the NFA, the North Fan
18 Area, where you were working for the majority of your
19 time on the project.

20 A. Yes.

21 Q. What I'd like to do is first of all show you a document
22 that I think is probably in front of you there. It's
23 CC9/5642.

24 Sir, we are back to the HHS summary table that we
25 were looking at with Mr Lii this morning.

26 Ms Wong, I appreciate that this is probably not

1 a document that you've seen before.

2 A. No.

3 Q. What I'd like you to do, please, is to go to page 5653.

4 I'll just tell you what this document is, Ms Wong.

5 It's a document that Leighton have prepared, on the

6 basis of various records that are available, and --

7 I see I'm the only one who seems to be wearing

8 headphones; shall I take them off? -- what it seeks to

9 do is to summarise various concrete pour dates, whether

10 or not couplers were used in various areas, if so the

11 details; the date of rebar testing -- I'm looking at

12 along the top columns, the headings -- whether there

13 were RISC forms; and then the start of rebar fixing, the

14 end of rebar fixing, the date of rebar fixing, the

15 number of the RISC form, the responsible engineer, and

16 then some details about pre-pour checks. Do you see

17 that?

18 A. Yes.

19 Q. The responsible engineer for the vast majority of the

20 items that we see here was somebody called SK Ng?

21 A. Yes.

22 Q. And he presumably was one of your engineering

23 colleagues; is that right?

24 A. Yes.

25 Q. And there's also somebody called Duffy Lee as well?

26 A. Yes.

1 Q. And another engineering colleague?

2 A. Yes.

3 Q. We see your name appearing once on this sheet, down at
4 number 28. If you see item 28 on the left-hand side, if
5 you run your eye across, you see your name appearing; do
6 you see that?

7 A. Yes.

8 Q. It's all right, there's nothing sinister about this,
9 Ms Wong, at all.

10 But the point here is that if you look down the
11 "RISC form number" column, you will see that at just
12 about every single place there is indeed a RISC form
13 number; do you see that?

14 A. Yes.

15 Q. If you go over to page 5654, there are about three
16 missing -- there's two at the top and there's one sort
17 of two-thirds of the way down -- and on the last page
18 there are also a couple missing, but just a handful of
19 RISC forms missing. Do you see that?

20 A. Yes.

21 Q. To your recollection, Ms Wong, in the NFA, did Mr Ng,
22 yourself, or Duffy Lee have any difficulties or problems
23 with the RISC forms, in issuing them, submitting them,
24 getting them filled in by the MTR?

25 A. As I know, they will invite the inspector to inspect the
26 rebar every time.

1 Q. Were you familiar with the RISC form system yourself?

2 A. Myself, no.

3 Q. No. Okay. But you were aware that Mr Ng --

4 A. I aware they do it.

5 Q. You were aware they do it? All right.

6 As we discussed earlier, Ms Wong, you left, at least
7 temporarily, the project in February 2017?

8 A. Yes.

9 Q. I don't know whether you recall but that would have been
10 just after the shunt neck joint was constructed in
11 January 2017. Have you any recollection of that?

12 A. No.

13 Q. Would I be right in saying that you had no involvement
14 with the supervision or construction of the shunt neck
15 joint, the original shunt neck joint?

16 A. No involvement.

17 Q. No involvement? Okay.

18 We know also, in January and February 2017, the EWL
19 interface joint, as we sometimes call it, was
20 constructed, and again am I right in saying you had no
21 involvement with that?

22 A. No involvement.

23 Q. No involvement? Okay.

24 Ms Wong, what you did have involvement with was that
25 you attended all the interface meetings apart from
26 meeting number 10, from meeting number 9 onwards, right

1 up to number 22. That's right, isn't it?

2 A. I'm not sure about the number, but I attend most of
3 them, yes.

4 Q. Okay. We'll look at a few of them in a moment. And you
5 tell us that you did that at Mr Jim Wong's request; is
6 that right?

7 A. Yes.

8 Q. Did Mr Wong explain to you why he wanted you to attend
9 with him?

10 A. No, but every time I would help him to do the minutes.

11 Q. Yes. But did you ask him why you were being asked to
12 attend?

13 A. I did not ask why.

14 Q. You didn't ask why? Okay.

15 I'm trying to work out what the logic was of you
16 attending. It's not a criticism, Ms Wong, but we've
17 seen, through the vast amount of time that you spent on
18 the project up to February 2017, you spent it on the NFA
19 area --

20 A. Mmm.

21 Q. -- and we're agreed about that. The NFA area itself has
22 nothing to do, as I understand it, with interface
23 issues. Do you agree?

24 A. No. At the beginning, I did some drainage works. The
25 drainage works had some interface issues with 1111.

26 Q. Right. So that might be a reason why Mr Wong asked you

1 to attend. So there were drainage interface issues that
2 you recollect?

3 A. Yes.

4 Q. So that would at least be a logical reason for you
5 attending; is that right?

6 A. Yes.

7 Q. Okay.

8 Did those drainage issues -- in fact, to be fair to
9 you, you do refer to that in paragraph 10 of your
10 witness statement. Perhaps we could just look at that
11 briefly. You say in paragraph 10 of your witness
12 statement, at page 6520:

13 "If an issue raised during the interface meeting
14 falls within my responsibility, for instance in relation
15 to drainage at the interface, I would usually address
16 the issue together with the engineers under my
17 supervision."

18 Now, did the drainage -- potential interface
19 drainage issues, did that relate to all of the stitch
20 joints or just some other areas, or is there any
21 relationship between the drainage interface and the
22 stitch joint?

23 A. No, not related.

24 Q. So can you explain how the drainage interface -- the
25 relevance of the drainage interface?

26 A. At the connection point -- the connection point and

1 maybe the sequence of works, something like that.

2 There's some sheet pile, something like that.

3 Q. Leaving aside stitch joints and tunnels and so forth,
4 there are various other areas where there is
5 an interface between the Gammon-Kaden Joint Venture
6 works, the 1111 works, and the Leighton works, nothing
7 to do with the stitch joints?

8 A. Nothing to do with the stitch joints.

9 Q. So other issues, other areas?

10 A. Yes.

11 COMMISSIONER HANSFORD: So the drainage from one contract
12 was connected to the drainage of another contract; is
13 that correct?

14 A. Yes. Yes.

15 COMMISSIONER HANSFORD: So all water from one contract had
16 to flow into the other one, so there was an interface?

17 A. Yes.

18 COMMISSIONER HANSFORD: Okay.

19 MR PENNICOTT: And wholly unconnected with what we're
20 concerned with, which is the stitch joints, or indeed
21 the shunt neck joint?

22 A. Not related.

23 Q. They had nothing to do with it? All right.

24 In your witness statement, you explain how the
25 minutes of the meetings were taken, and in broad terms
26 you, that's Leighton, and the Gammon-Kaden Joint

1 Venture, would take turns in drafting the minutes; is
2 that right?

3 A. Yes.

4 Q. And when it was Leighton's turn you would assist Mr Wong
5 in drafting the minutes?

6 A. Yes.

7 Q. You would prepare a draft and then send it to him for
8 approval; is that how it worked?

9 A. Yes.

10 Q. Then you would circulate the minutes to the MTR and to
11 the Gammon-Kaden Joint Venture representatives?

12 A. I would send to MTR for comment first.

13 Q. Right. At the meetings, as you've just touched on, the
14 MTR representatives were there?

15 A. Yes.

16 Q. We heard earlier from Mr Johnny Leung, who was at some
17 of the early meetings before you took over, that they
18 were chaired by the Gammon-Kaden Joint Venture. Is that
19 what happened when you attended the meetings, that the
20 GKJV would chair the meetings?

21 A. Yes. We take turns to chair the meeting.

22 Q. Okay. And the MTR representatives that were there, did
23 they participate in the discussions much or were they
24 just there to listen? What was their role? Why were
25 they there?

26 A. They will join the discussion.

1 Q. They would join the discussion? Okay. Perhaps I'll ask
2 them why they were there in due course.

3 In paragraph 8 you say, presumably once the meeting
4 meetings had been finalised, you say:

5 "I understand that those meeting minutes might ...
6 have been circulated but letter or electronically by
7 contractor submission form ... on MTRC's online
8 system ..."

9 Is that the ePMS system that we've heard about?

10 A. This one I refer was the INCITE.

11 Q. Ah, the INCITE system. All right. Who had access to
12 the INCITE system?

13 A. Leighton used the INCITE system.

14 Q. Okay. So the INCITE system is Leighton's system, not
15 MTR's system?

16 A. I think they are connected, something.

17 Q. All right. Did you have access to the system?

18 A. I have access to the INCITE, yes.

19 Q. Did all of Leighton's personnel -- obviously management
20 level; I'm not talking about the workers on the site --
21 did they have access to that system?

22 A. Yes.

23 Q. And so these meeting minutes, when placed on the system
24 or in the system, were available to be viewed by
25 Leighton management; is that right?

26 A. Yes.

1 COMMISSIONER HANSFORD: Sorry, once on the system, did they
2 remain on the system?

3 A. Yes.

4 COMMISSIONER HANSFORD: So it would be possible to get onto
5 the system and look at interface meeting minutes many,
6 many months ago?

7 A. Yes, if it is on the system, yes.

8 COMMISSIONER HANSFORD: It it's on the system, it stays on
9 the system?

10 A. Yes.

11 COMMISSIONER HANSFORD: And is it easy to navigate your way
12 around the system to find things?

13 A. You may press some keywords, then you can find.

14 COMMISSIONER HANSFORD: Okay. That sounds easy.

15 MR PENNICOTT: All right. Let's just look at a few of the
16 meeting minutes. We are not going to look at all of
17 them, you will be pleased to hear.

18 Could we just pick it up at CC2/756, please, where
19 we left off with Mr Leung.

20 That's meeting number 8 there, Ms Wong, attended by
21 Mr Johnny Leung who we just heard from.

22 A. Yes.

23 Q. And that was his last meeting; all right?

24 A. (Nodded head).

25 Q. What then happens is meeting number 9, and that you will
26 find behind the next tab at CC772. Do you see that?

1 A. Yes.

2 Q. So that was the next month, in January 2015.

3 If I may say so, unusually, we see seven
4 representatives of Leighton there; do you see that?
5 Yourself and Mr Wong, and then five others; do you see
6 that?

7 A. Yes.

8 Q. As we go through, if we look at the other minutes,
9 normally it's just you and Mr Wong there. Was there any
10 particular reason why there was such a big turnout at
11 this particular meeting? Do you have any recollection
12 of that?

13 A. I believe it was about the cofferdam, the interface of
14 the cofferdam.

15 Q. Ah, right. So that was at the time a big issue, was it,
16 or a significant issue?

17 A. Yes, I think it's because of that, yes.

18 COMMISSIONER HANSFORD: And the cofferdam, again, is it
19 connected at all to the stitch joints? Is there any
20 connection between the cofferdam works and the stitch
21 joints?

22 A. Cofferdam was the ELS works, a temporary works.

23 COMMISSIONER HANSFORD: The temporary works between the two
24 contracts?

25 A. For use the excavate -- yes, for use the excavation, for
26 excavation works.

1 COMMISSIONER HANSFORD: For excavation. I understand.

2 Okay. Thank you.

3 MR PENNICOTT: And indeed, one can pick that up if you go to
4 page 773, the first full page of the minutes, at 9.3.4.
5 You can see the heading, "Interface cofferdam wall
6 design of EWL and NSL", and I'm not going to read it all
7 out but it says in one sentence:

8 "The design needs to be agreed by GKJV and
9 Leighton."

10 You can see that. So your recollection, Ms Wong, is
11 that it was that issue that probably brought so many
12 people to this particular meeting?

13 A. Yes.

14 Q. If one goes to paragraph 9.4.1 -- and this is the part
15 of the minutes that we're primarily concerned with --
16 you can see there, and we've seen it before, that three
17 proposed material submissions have been tabled by the
18 GKJV. One of them was the mechanical splicing system of
19 rebar; you can see that?

20 A. Yes.

21 Q. Then at the end it says:

22 "Leighton will check with their supplier regarding
23 compatibility in later stage."

24 Ms Wong, at the time, was that particular issue,
25 mechanical splicing system and the necessity to check
26 with the supplier regarding compatibility, was that

1 something that you specifically remember, that you
2 thought about at the time, or is it something that you
3 weren't interested in?

4 A. I remember the first time this item was just put there,
5 we didn't have much discussion on that.

6 Q. It was in more or less the same form it was in the
7 previous meeting?

8 A. Yes, just keep this item here.

9 Q. So at this stage, at least, in January 2015, it wasn't
10 something that you or anybody else was paying particular
11 attention to?

12 A. Yes.

13 Q. All right.

14 Would you have looked at and reviewed the minutes
15 and the annexures to the previous minutes, that is
16 meeting number 8, before you attended this meeting,
17 number 9?

18 A. I don't remember.

19 Q. Okay. Let me just show you one piece of paper, just to
20 see whether it jogs your memory. If we can go back,
21 please, to page 763. This is a sheet of paper, it's
22 a materials related submission form from the
23 Gammon-Kaden Joint Venture to the MTR, but it appears
24 that it was attached to minutes of meeting number 8. Do
25 you recall this?

26 A. No. I don't recall I see this.

1 Q. Okay.

2 If we go to meeting minute number 10, which, in the
3 way of these things, is before, in the bundle, meeting
4 minute number 9. That's at page 767. That's meeting
5 number 10 in February 2015, and that's the one you
6 didn't attend, the only one. Mr Wong attended that
7 meeting.

8 Let's just pick it up, however, at meeting
9 number 11, at 777, March 2015, and this time you were
10 there with Mr Wong.

11 A. Mmm.

12 Q. And if you go to 779, we see that the minute, at 11.4.1,
13 is in virtually the same form as we saw it in both
14 meeting number 9 and number 10?

15 A. Yes.

16 Q. I think I'm right in saying, Ms Wong, that that minute
17 stayed in that form for a very long time?

18 A. Yes.

19 Q. Until meeting number 19, which is at 847.

20 We can see, at 847, this is the minutes of meeting
21 number 19, and they seem to be in tracked-change format.
22 Do you see that, Ms Wong?

23 A. Yes.

24 Q. It does say at the bottom, "Prepared by: Jim Wong
25 (1112)", but as I understand it from what we discussed
26 earlier, you would have likely prepared this minute --

1 A. Yes.

2 Q. -- for Mr Wong's approval?

3 A. Yes.

4 Q. If we go to page 849, there's quite a lot of tracked
5 changes in this minute, Ms Wong, and what it now seems
6 to say, leaving the deleted parts out, is that:

7 "The following material submissions ... would be
8 used at 1111/1112 interface boundary advised by GKJV in
9 previous interface meeting".

10 We are only interested in the second bullet point:

11 "Mechanical splicing system of rebar [then
12 a reference is given] -- T40 coupler is BOSA; others are
13 Lenton -- Approved."

14 Now, do you have any specific recollection of that
15 alteration to the minutes?

16 A. I thought it's -- yes, I remember they said about this,
17 so I add to the minute.

18 Q. Right. Do you recall whether there was any discussion,
19 how it came about that a reference to "T40 coupler is
20 BOSA" was inserted?

21 A. No. I don't recall any discussion. I remember they
22 just talked about it.

23 Q. And you didn't participate in that part of the
24 discussion?

25 A. No.

26 Q. Okay.

1 COMMISSIONER HANSFORD: Why is -- further down in the same
2 box, there's a line, "GKJV advised the coupler for T40
3 is BOSA; others are Lenton" -- that's deleted, and then
4 the insertion as part of the second bullet -- why was it
5 done that way?

6 A. I think that one crossed out, that line crossed out,
7 I think is did by me, and then after I sent out for
8 comment or approval, somebody put it there and crossed
9 out that line.

10 COMMISSIONER HANSFORD: Okay, because presumably that's
11 a duplication of what you've got above. In the second
12 bullet, you've got "T40 coupler is BOSA; others are
13 Lenton".

14 A. Yes, that one is somebody after me adding it.

15 COMMISSIONER HANSFORD: Okay.

16 MR PENNICOTT: So you thought it should be a separate item
17 at the bottom, and somebody deleted that and put it back
18 in in the bullet point.

19 COMMISSIONER HANSFORD: I see.

20 A. Yes, because when they jump to this item, they just said
21 "T40 coupler is BOSA; others are Lenton", and I put this
22 line to this item.

23 MR PENNICOTT: Right. Was it your understanding at the
24 time, Ms Wong, that GKJV were using Lenton couplers?
25 Did you know that?

26 A. Based on what they said. Yes, based on what they said,

1 "T40 ... is BOSA; others are Lenton".

2 Q. And was it your understanding that the BOSA couplers
3 were, as it were, used by Leightons, and the Lenton
4 couplers were going to be used by GKJV?

5 A. No, GKJV used both types of coupler.

6 Q. Both types of coupler, both the T40 BOSA and the Lenton
7 coupler, depending on size?

8 A. Yes.

9 Q. Okay. Understood. All right.

10 So anything smaller than a T40 -- so a T32, a T25 --
11 would be Lenton; that was your understanding?

12 A. Yes.

13 Q. All right. We see that the words that we've seen
14 before -- "Leighton will check with their supplier
15 regarding compatibility in later stage" -- remain in the
16 minutes, untouched and unamended; do you see that?

17 A. Yes.

18 Q. Did you have an appreciation at the time that there may
19 be a compatibility issue that needed to be checked, with
20 regard to the splicing system, mechanical splicing
21 system?

22 A. Yes, I presume the team, the NAT team, will follow that.

23 Q. Right. When you say you presume the NAT team will
24 follow that, who do you mean by "the NAT team"? Who are
25 you thinking of?

26 A. Because Jim Wong go to the meeting with me, then

1 I suppose he will talk to his team, his NAT team.

2 Q. Right. so you personally made the assumption that it was

3 Mr Jim Wong who would need to take the initiative in

4 carrying out any compatibility checks; is that right?

5 A. Yes.

6 Q. All right.

7 If we then go to 861. That's meeting number 21 of

8 2 September 2016. Do you see that, Ms Wong?

9 A. Yes.

10 Q. You were there with Jim Wong again, and if we go to the

11 minute at 19.3.3 on page 862, the minute that we're

12 concerned with, that is the mechanical splicing part of

13 it, is as per meeting number 19; yes?

14 A. Yes.

15 Q. There are one or two other changes, but that one has

16 remained the same; do you see?

17 A. Say again, sorry?

18 Q. There appear to be one or two other minor changes to the

19 minute, but the mechanical splicing part of it is the

20 same as --

21 A. Oh, yes, the same. The same.

22 Q. Okay.

23 Now, that was the last meeting that Mr Wong,

24 Jim Wong, attended, and there was one other meeting

25 thereafter which you will not find in that bundle

26 because, in the way of these things, it's in another

1 bundle. CC10/6526.

2 This was meeting number 22, Ms Wong, and it was the
3 last one. It was on 6 January 2017. Do you see that?

4 A. Yes.

5 Q. This time, you attended, but with Chan Hon Sun; yes?

6 A. Yes.

7 Q. Had he replaced Mr Wong?

8 A. By seeing that, I think that time is Jim Wong may be
9 transferred to other team. Then I asked Chan Hon Sun
10 to, yes, attend the meeting.

11 Q. You asked him to attend the meeting?

12 A. I think so. I don't remember but I -- I don't remember.

13 Q. All right.

14 If we go to the minute, the relevant minute, if you
15 go over the page, please -- there we are -- it looks as
16 though it's been unchanged from the previous meeting
17 number 21 that we just looked at; do you see that?

18 A. Yes.

19 Q. Right.

20 Now, the date of that meeting, as we've just seen,
21 is 6 January 2017; yes? And the relevance of that is
22 that two days earlier, on 4 January 2017, the shunt neck
23 joint, construction joint, had been built at the track
24 slab level. Were you aware of that?

25 A. No.

26 Q. All right.

1 Do you know why this was the last meeting, on
2 6 January 2017, the last interface meeting, sorry, on
3 6 January 2017?

4 A. I don't know.

5 Q. Did somebody call a halt to these meetings, do you know?
6 Do you have recollection that somebody said, "All right,
7 that's it, we don't need to have any more of these
8 meetings"?

9 A. Maybe it was getting less and less interface issues.
10 I remember the interface meeting was -- previously, it
11 was monthly, it already --

12 Q. Yes, and then the gaps got bigger between the meetings?

13 A. Yes, maybe --

14 Q. As I understand it, Ms Wong, you are not aware of any
15 compatibility check that may have been done by anybody
16 at Leightons in relation to the mechanical splicing
17 system and the couplers?

18 A. Not aware.

19 Q. Not aware? Okay.

20 And when those minutes, as they do, keep saying that
21 the check will be made in later stage or at later stage,
22 have you any idea what that meant?

23 A. No. Just keep there every time.

24 Q. Right. And you never turned your mind personally to
25 whether that stage had been reached?

26 A. No.

1 Q. Okay.

2 Could I ask you something completely different.

3 Could you please look at EE1/285. Ms Wong, this is
4 an email of 23 February 2018, from Mr Kenny Wong, one of
5 your colleagues at Leighton, a senior quantity surveyor.
6 Do you see that?

7 A. Yes.

8 Q. You are, I think -- I think it must be you --

9 A. Yes.

10 Q. -- copied in on this email. And what it is is it's
11 an email that encloses a backcharge notice and it is
12 going to Wing & Kwong.

13 A. Mm-hmm.

14 Q. Do you remember who Wing & Kwong were?

15 A. Yes.

16 Q. If we can look at the backcharge notice on the next
17 page, please, and if we go right down to the foot of the
18 page, we see, on the left-hand side, just above where it
19 says, "Part G", your name and signature. Do you see
20 that, Ms Wong?

21 A. Yes.

22 Q. Do you recall being asked to prepare this backcharge
23 notice?

24 A. Yes.

25 Q. By whom were you asked to prepare it?

26 A. I think it's Colin. I'm not really remember.

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,
26 Ms Wong -- you had a role in supervising the

1 reconstruction of the stitch joints. Is that correct?

2 A. Yes.

3 Q. Was that all three stitch joints?

4 A. Mainly the NSL.

5 Q. All right. And did you do that on a full-time basis?

6 A. Most of the time, yes.

7 MR PENNICOTT: Thank you very much, Ms Wong. I have no
8 further questions.

9 Cross-examination by MR TSOI

10 MR TSOI: Ms Wong, I act for Wing & Kwong. I just have
11 a couple of short questions for you.

12 A. Okay.

13 Q. Can we just go back to the backcharge notice we find at
14 EE286. We see your signature there on the left as the
15 site agent; is that right?

16 A. Yes.

17 Q. After you signed that -- and do you see the handwriting
18 on the right-hand side; it says, "Sent to sub-contractor
19 by email at 23 February 2018"; can you see that?

20 A. Yes.

21 Q. And you were copied in that email. That we just saw.

22 A. Yes.

23 Q. I think perhaps the page before that. Yes.

24 So you knew that the backcharge has been sent to
25 Wing & Kwong?

26 A. Not sure.

1 Q. Is that your email, Regina Wong --

2 A. Yes.

3 Q. That's your email. Just if we could turn to page EE290.

4 This is Wing & Kwong's reply to the backcharge notice.

5 Do you remember anyone showing you Wing & Kwong's reply

6 in Leighton?

7 A. I remember I've seen one but I'm not sure whether this

8 is the one. I remember I see some reply from Wing

9 & Kwong.

10 Q. Some reply from Wing & Kwong. But is it in reply

11 specifically to the backcharge? Look, if you can't

12 recall, it's absolutely fine. I'm just asking.

13 A. I cannot recall.

14 Q. The occasion you recalled seeing Wing & Kwong's reply,

15 did you remember if you spoke to anyone about it or did

16 anyone show you or ...?

17 A. Somebody emailed to me.

18 Q. It's just an email?

19 A. (Nodded head).

20 Q. Did you speak to anyone afterwards about it?

21 A. No.

22 Q. Can I now ask you a completely separate topic, which --

23 if I can ask you to turn to page CC6542. We see

24 an image of a WhatsApp exchange.

25 I believe this is a WhatsApp chat group; is that

26 right?

1 A. Yes.

2 Q. The group name is called "1111/1112 interface", and the
3 Chinese characters is only the "interface"; is that
4 right?

5 A. Yes.

6 Q. Can we just look through who is in there, we can see in
7 the chat. "Andy" -- who is "Andy"?

8 A. I'm not sure about this Andy. Andy Ip, I think.
9 I don't know.

10 Q. All right. "Billy"?

11 A. Billy, I think it's Billy Ng.

12 Q. Billy Ng?

13 A. I think. I don't really know.

14 Q. Chi Wai, would that be Cheung Chi Wai?

15 A. Chi Wai is Cheung Chi Wai.

16 Q. Regina is you?

17 A. Yes.

18 Q. Jacky?

19 A. Jacky, not sure.

20 Q. Right. If we go through just that page, we see a photo
21 sent from Fans. Is that Fans Chan we just saw in one of
22 the interface meetings?

23 A. Yes, Fans.

24 Q. Then we see Henry Lai replying; do you see that?

25 A. Yes.

26 Q. So Henry Lai has contact -- has a direct way of

1 CC6519, paragraph 9:

2 "In preparation of those meeting minutes, our
3 practice was to use the meeting minutes from the
4 previous meeting as a starting point and amend it in
5 track changes to record the updates on the items as
6 discussed in those interface meetings. Therefore not
7 every item set out on the meeting minutes would have
8 been discussed specifically during an interface meeting.
9 In other words" -- this is the sentence that I would
10 like to draw your attention to -- "the meeting minutes
11 serve as a document setting out every item discussed in
12 those interface meetings as at the date of the meeting
13 minutes (to the extent that the item was still a live
14 issue)."

15 Do you see that?

16 A. Yes.

17 Q. So, in other words, one of the purposes of these meeting
18 minutes would be to track the outstanding issues; would
19 you agree?

20 Or, using your words, it would be to record the live
21 issues?

22 A. Yes, you can say that, just to keep the item here.

23 Q. So the compatibility issue that you've been discussing
24 with my learned friend Mr Pennicott, you see that item
25 in the minutes since 2015, when you first joined the
26 meetings; is that correct?

1 A. Yes.

2 Q. We see from the record that this particular item, it was
3 retained there, all the way until January 2017. Do you
4 recall seeing that during your exchange with
5 Mr Pennicott?

6 A. Yes.

7 Q. Right. So, in other words, this particular item, it has
8 been in the minutes every time you worked on it for
9 about two years' time; is that correct?

10 A. Correct.

11 Q. During this two years' time, did it ever occur to you or
12 have you ever wondered why was this outstanding item
13 always there for two years and no one ever dealt with
14 it?

15 A. I didn't pay attention to that item.

16 Q. Was it because it was not about an area that you are
17 responsible for?

18 A. Yes.

19 Q. So you didn't pay attention to it because you expect
20 someone else, perhaps Jim Wong, to take care of that?

21 A. Yes.

22 Q. Is it correct?

23 A. Yes.

24 Q. Were you aware that the construction of one of the
25 interface stitch joints commenced in January 2017? Were
26 you aware of that?

1 A. No.

2 Q. So it all falls under Jim Wong's scope of duties; is
3 that right?

4 A. Yes.

5 Q. You mentioned that you would expect Jim Wong to follow
6 up with that compatibility issue. Would you expect him
7 to resolve this issue before the construction of the
8 stitch joints?

9 A. Yes.

10 MS PANG: Thank you. I have no further questions.

11 CHAIRMAN: Good.

12 COMMISSIONER HANSFORD: I have a couple of questions,
13 perhaps if I can ask at this point.

14 So, Ms Wong, I understand you were involved in the
15 reconstruction, the remedial works on the stitch joints?

16 A. Yes.

17 COMMISSIONER HANSFORD: Particularly on stitch joints 1 and
18 2, the NSL ones?

19 A. Yes.

20 COMMISSIONER HANSFORD: On stitch joint 1, which is the one
21 against the Gammon-Kaden boundary, against the boundary
22 with contract 1111, in the reconstruction, what bars
23 were used? What reinforcement -- what threaded rebars
24 were used in the couplers?

25 A. You mean Leighton side?

26 COMMISSIONER HANSFORD: I mean -- you did the

1 reconstruction, Leighton did the reconstruction.

2 A. Yes.

3 COMMISSIONER HANSFORD: So what bars connected the Leighton
4 side to the Gammon side?

5 A. For the -- you mean the reconstruction?

6 COMMISSIONER HANSFORD: Yes, in the reconstruction.

7 A. The reconstruction, it's 32.

8 COMMISSIONER HANSFORD: I don't mean the diameter. What
9 were the threads? Were they BOSA threads or were they
10 Lenton threads?

11 A. When we do the reconstruction, it's Lenton.

12 COMMISSIONER HANSFORD: You use Lenton threads in the
13 reconstruction?

14 A. Yes.

15 COMMISSIONER HANSFORD: Okay. So you had to order Lenton
16 bars for the reconstruction?

17 A. Yes.

18 COMMISSIONER HANSFORD: Do you know how long they took to
19 order, between ordering those bars and receiving them,
20 how long they took to procure?

21 A. Not really order the bars, we just do the threading.

22 COMMISSIONER HANSFORD: You did the threading?

23 A. Lenton. We deliver the rebar to Lenton yard to do the
24 threading.

25 COMMISSIONER HANSFORD: Yes. So you delivered rebar to
26 Lenton, and Lenton did the threading of those bars; is

1 that correct?

2 A. Yes.

3 COMMISSIONER HANSFORD: How long did that take?

4 A. Just maybe one week, two weeks, something like that.

5 COMMISSIONER HANSFORD: One or two weeks. Okay. Thank you.

6 That's useful.

7 Re-examination by MR SHIEH

8 MR SHIEH: Ms Wong, just a short point in re-examination.

9 Can you look at paragraph 8 of your witness statement,
10 bundle CC10. Yes.

11 A. Yes.

12 Q. There, there is a reference to "meeting minutes might
13 also have been circulated ... electronically by
14 contractor submission form ... on MTRCL's online
15 system"; do you see that sentence?

16 A. Yes.

17 Q. Mr Pennicott earlier asked you whether that would be the
18 MTRC's system called ePMS. Do you remember that
19 question?

20 A. Yes, I remember.

21 Q. I think your answer was that you think it would be
22 INCITE; do you remember that answer?

23 A. Yes.

24 Q. And I think Mr Pennicott then asked you whether INCITE
25 was Leighton's system and not MTR's system, to which you
26 gave an answer: you think they are connected. Do you

1 remember that line of questioning?

2 A. Yes.

3 Q. And you were asked whether you have access to the system
4 and you said you have access to the INCITE system?

5 A. Yes.

6 Q. Do you remember that? Now, I just wish to clarify that
7 INCITE is a system which is only accessible to Leighton
8 people; correct?

9 A. Yes.

10 Q. So when MTR circulates a document, people in MTR cannot
11 log on to INCITE to load something onto INCITE; correct?

12 A. Yes. INCITE is Leighton's system.

13 Q. Purely Leighton?

14 A. Yes.

15 COMMISSIONER HANSFORD: Can I just ask -- sorry to
16 interrupt, Mr Shieh -- have we got the spelling of
17 INCITE correct?

18 MR SHIEH: I-N-C-I-T-E.

19 COMMISSIONER HANSFORD: It is I-N-C-I-T-E?

20 MR SHIEH: Yes.

21 COMMISSIONER HANSFORD: Okay. Thank you.

22 MR SHIEH: Now, Ms Wong, let me cut to the heart of the
23 matter. I don't believe this should be controversial
24 but let me just try the best I can. Have you heard of
25 a system within MTRC called ePMS?

26 A. I think this one is used by MTR.

1 Q. This is used by MTR?

2 A. Yes.

3 Q. Right. So when you refer to MTRCL's online system,
4 circulated on MTRCL's online system, can I just ask you
5 whether you are in fact referring to ePMS?

6 A. No. INCITE, I mean.

7 Q. But INCITE is not an MTRCL system. Can I ask you to
8 look at the wording you used in that paragraph.

9 A. This one, I mean I can circulate the minute using our
10 INCITE system. I mean I can submit, maybe you can say,
11 using the CSF form.

12 Q. I see. You mean you can circulate the minutes by using
13 Leighton's INCITE system?

14 A. Yes.

15 Q. I see. So you mean you wish to correct this paragraph?

16 A. Yes.

17 Q. So you don't mean to refer to an MTR system?

18 A. No.

19 Q. You mean to refer to a Leighton system?

20 A. Yes.

21 Q. Which is INCITE?

22 A. Yes.

23 Q. Can I just have one moment?

24 The reason is because you don't have access to any
25 MTR system; correct?

26 A. Yes.

1 MR SHIEH: Thank you very much. I have no further
2 questions.

3 CHAIRMAN: Good. Thank you very much indeed. Your evidence
4 is completed now. Thank you for waiting today before
5 giving your evidence.

6 WITNESS: No problem.

7 CHAIRMAN: Thank you.

8 (The witness was released)

9 MR PENNICOTT: Sir, the next witness, logically, would have
10 been Mr Jim Wong, for fairly obvious reasons.

11 CHAIRMAN: Yes.

12 MR PENNICOTT: Unfortunately, he is not available this week,
13 and so we've had to push him back until sometime early
14 next week, when I understand he is available. That's
15 a slightly unfortunate turn of events but there it is;
16 we have to live with it.

17 CHAIRMAN: Yes.

18 MR PENNICOTT: So the next witness would be Mr Holden, but
19 I see what time it is, the problem being -- well, it's
20 not a problem but we have got Mr Karl Speed locked in
21 first thing tomorrow morning, so unless anybody is
22 really keen to start Mr Holden, I would suggest we
23 adjourn now, start with Mr Speed in the morning, and
24 then continue with Mr Holden thereafter.

25 CHAIRMAN: Is everybody happy with that? Good. Then that's
26 what we'll do. We'll adjourn now, start tomorrow at

1 9.30 -- or 10.00?

2 MR PENNICOTT: 10.00 for me, please.

3 CHAIRMAN: Good. Then we will commence tomorrow morning,

4 10 am. Thank you.

5 MR PENNICOTT: Thank you very much.

6 (4.46 pm)

7 (The hearing adjourned until 10.00 am the following day)

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