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<p>1 Wednesday, 5 June 2019</p> <p>2 (10.01 am)</p> <p>3 MR SHIEH: Mr Chairman, Mr Commissioner, I now have Mr Karl</p> <p>4 Speed as Leighton's next witness.</p> <p>5 CHAIRMAN: Yes.</p> <p>6 MR KARL ROBERT SPEED (affirmed)</p> <p>7 Examination-in-chief by MR SHIEH</p> <p>8 MR SHIEH: Good morning, Mr Speed. Welcome to the</p> <p>9 Commission of Inquiry again.</p> <p>10 You have made two witness statements for the purpose</p> <p>11 of this part of the Inquiry. Can I take you first of</p> <p>12 all to bundle CC1, page 49.</p> <p>13 This is a document entitled, "Fifth witness</p> <p>14 statement of Karl Speed; do you see that?</p> <p>15 A. Correct.</p> <p>16 Q. Can you turn to page 71. I believe that is your</p> <p>17 signature on that page?</p> <p>18 A. Yes, it is.</p> <p>19 Q. Next, can I ask you to look at bundle CC6, page 3764.</p> <p>20 A. I have 3763 here at the moment. 3764?</p> <p>21 Q. Sorry, my mistake. 3752. It's my mistake, sorry.</p> <p>22 3752.</p> <p>23 A. Yes.</p> <p>24 Q. That is your sixth witness statement; do you see that?</p> <p>25 A. Correct, yes.</p>	<p>1 A. Yes, that's the way it's shown.</p> <p>2 Q. Thank you very much. You have been through this process</p> <p>3 before and I'm just reminding you that counsel for other</p> <p>4 parties and counsel for the Commission would be asking</p> <p>5 you some questions, and the Chairman and the</p> <p>6 Commissioner may have their questions for you as well.</p> <p>7 A. Yes.</p> <p>8 MR SHIEH: After all that, if I wish to, I can ask follow-up</p> <p>9 questions, so can you remain seated and answer the</p> <p>10 questions. Thank you.</p> <p>11 WITNESS: Thank you.</p> <p>12 Examination by MR PENNICOTT</p> <p>13 MR PENNICOTT: Mr Speed, good morning --</p> <p>14 A. Good morning.</p> <p>15 Q. -- again. Mr Shieh has helpfully explained the process,</p> <p>16 with which I know you are familiar, so I won't go</p> <p>17 through it again. Thank you very much indeed for coming</p> <p>18 along to give evidence to the Commission once more.</p> <p>19 As we've just heard and as you say in your witness</p> <p>20 statement, you are the general manager of Leighton, and</p> <p>21 as I understand it you've been in that post since April</p> <p>22 2017?</p> <p>23 A. Yes. I think around 24 April.</p> <p>24 Q. Yes. I think we pick that up from your earlier witness</p> <p>25 statement in the first part of the Inquiry.</p>
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<p>1 Q. Can you turn to page 3763.</p> <p>2 A. Yes.</p> <p>3 Q. I believe that is your signature on that page?</p> <p>4 A. That's correct.</p> <p>5 Q. Do you put forward the content of these two statements</p> <p>6 as your evidence in this part of the Inquiry?</p> <p>7 A. Correct.</p> <p>8 Q. Thank you. Can I ask you to also turn to page 526 of</p> <p>9 bundle CC2. You can look at the monitor in front of</p> <p>10 you. Page 526.</p> <p>11 This is an organisation chart.</p> <p>12 A. Yes, I see it.</p> <p>13 Q. If you look at the blue box on the top, "MTRC", below</p> <p>14 that you can see Anthony Zervaas, and next to Anthony</p> <p>15 Zervaas we can see your name --</p> <p>16 A. Correct.</p> <p>17 Q. -- Karl Speed. And this is the organisation chart as of</p> <p>18 May 2017, if you look at the top left-hand corner?</p> <p>19 A. Yes.</p> <p>20 Q. Is this consistent with your understanding of the</p> <p>21 organisation structure within which you were placed?</p> <p>22 A. Yes. I was a general manager for the Hong Kong</p> <p>23 business.</p> <p>24 Q. Right. And you are on the same level as Anthony Zervaas</p> <p>25 on this organisation chart?</p>	<p>1 A. Correct.</p> <p>2 Q. And you have general responsibility, as I understand it,</p> <p>3 for all of Leighton's contracts, certainly in Hong Kong?</p> <p>4 A. Yes, in Hong Kong.</p> <p>5 Q. So not just the SCL project but all other contracts?</p> <p>6 A. All the other projects, yes.</p> <p>7 Q. Now, I've just got a number of questions to ask you</p> <p>8 about.</p> <p>9 First of all, can I ask you to look at paragraph 13</p> <p>10 of your fifth witness statement, so that's at CC54.</p> <p>11 CC1, page 54.</p> <p>12 A. Okay.</p> <p>13 Q. You say there:</p> <p>14 "The NAT stitch joints and SNJ [that's the shunt</p> <p>15 neck joint] were cast as late as possible after</p> <p>16 completion of backfilling and groundwater recharge, as</p> <p>17 required by" -- and then you give a drawing reference</p> <p>18 which I'll call "101A" for short -- "in the index."</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. I've asked this a couple of times of a few witnesses</p> <p>22 already. Mr Speed, are you able to assist us with this</p> <p>23 question: when do you know when the two structures</p> <p>24 either side of the stitch joint have reached a position</p> <p>25 or a situation where it is, as it were, safe and</p>

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<p>1 permissible to get on to build the stitch joint?</p> <p>2 A. Okay.</p> <p>3 Q. How does one know that and who makes the decision?</p> <p>4 A. I think that decision is made basically by the project.</p> <p>5 You'd have to go through that detail with them</p> <p>6 specifically. Obviously we cast the stitch joints late</p> <p>7 to prevent differential settlement, but the specifics</p> <p>8 and dates and engineering, you would have to go through</p> <p>9 with the teams.</p> <p>10 Q. But can you help with this to this extent: is it the</p> <p>11 position that the Leighton structure on the one side and</p> <p>12 the Gammon-Kaden structure on the other side -- are they</p> <p>13 being monitored constantly for that settlement so that</p> <p>14 when they reach a particular, if you like, stabilised</p> <p>15 state, then the stitch joints can go ahead?</p> <p>16 A. You know, I could speculate with the answer, but I would</p> <p>17 prefer if the right people answer that question.</p> <p>18 Q. Right. Who do you think are the right people? I expect</p> <p>19 there may be somebody from MTR, perhaps, who can come</p> <p>20 along and tell us, but ...</p> <p>21 A. I think probably the engineering manager would be a good</p> <p>22 person to speak to regarding the specifics at the time.</p> <p>23 Q. Mr Holden may know?</p> <p>24 A. He possibly may know. I don't know if he was involved</p> <p>25 at this stage. He was involved obviously in the defect</p>	<p>1 are you?</p> <p>2 A. I don't think so. I don't think that was a document we</p> <p>3 produced.</p> <p>4 Q. No. All the others I can well see the relevance of and</p> <p>5 the materiality of insofar as Leighton is concerned, but</p> <p>6 there was never any question, as I understand it, of</p> <p>7 Lenton couplers being used by Leighton; it was entirely</p> <p>8 BOSA couplers?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay.</p> <p>11 Now, in paragraph 16 of the same statement, you say:</p> <p>12 "The NAT be stitch joints were constructed</p> <p>13 approximately nine months after the construction of the</p> <p>14 adjacent bays on the SCL1112 side of the NSL rail tunnel</p> <p>15 and EWL trough structure. The sequence of construction</p> <p>16 for the NAT stitch joints (with the party responsible</p> <p>17 for each step listed in brackets) should have been as</p> <p>18 follows".</p> <p>19 Then can I ask you about, first of all, (b),</p> <p>20 "scabbling of construction joint surfaces". Mr Speed,</p> <p>21 do you mean by that the chipping away and removal of</p> <p>22 concrete to expose the couplers?</p> <p>23 A. No, just removing a thin layer of concrete to prepare</p> <p>24 the surface, scabbling, not the chipping-out for the</p> <p>25 couplers, no.</p>
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<p>1 rectification later.</p> <p>2 Q. Yes, he was. I don't think he was involved --</p> <p>3 A. I don't know if he was involved specifically around this</p> <p>4 at the time.</p> <p>5 Q. Okay.</p> <p>6 A. But it would have been discussed on the project and it</p> <p>7 would have been agreed to go ahead.</p> <p>8 Q. All right.</p> <p>9 Then, at paragraph 15 in the same witness statement,</p> <p>10 you -- we'll just see what you are dealing with first of</p> <p>11 all. Just above paragraph 14 you have a subheading,</p> <p>12 "General -- NAT stitch joints"; do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Then at paragraph 15 you say:</p> <p>15 "The following documents set out the standards and</p> <p>16 requirements for the rebar fixing and concreting works</p> <p>17 in the construction of the NAT stitch joints".</p> <p>18 Then you set out a series of documents, from (a) to</p> <p>19 (i), and the one that I was interested in was (g), where</p> <p>20 you say:</p> <p>21 "Lenton (coupler manufacturer/supplier for SCL1111)</p> <p>22 technical and quality assurance manual ELQ-01 ...", and</p> <p>23 then you give a reference.</p> <p>24 You are not, as I understand it, suggesting that</p> <p>25 that's a document that Leighton produced and submitted,</p>	<p>1 Q. Therefore, if that's right, presumably there is a step</p> <p>2 missing here, is there? That is --</p> <p>3 A. Okay. Maybe it does include it, but scabbling itself</p> <p>4 can refer to two items. Maybe it does include that as</p> <p>5 well, by Hills.</p> <p>6 Q. Right. But as we now understand it -- I don't know</p> <p>7 whether you've had an opportunity of looking at it --</p> <p>8 from Mr Joe Tam's recent witness statement, what</p> <p>9 happened was that on the Leighton side, Hills, as we</p> <p>10 understand his statement, Hills, together with some</p> <p>11 Leighton direct labour, removed and chipped away the</p> <p>12 concrete on the Leighton side to expose the couplers.</p> <p>13 Have you seen this?</p> <p>14 A. I've not been through the witness statement, but the</p> <p>15 method is clear, yes.</p> <p>16 Q. Right. But on the Gammon side, we are told by Mr Tam</p> <p>17 that the Gammon-Kaden Joint Venture itself, or one of</p> <p>18 their sub-contractors, I know not, was responsible for</p> <p>19 removing and chipping away the concrete on the Gammon</p> <p>20 side to expose the Lenton couplers on that side.</p> <p>21 Presumably you accept that that's what Mr Tam says?</p> <p>22 A. That's what he says, that's what my understanding is.</p> <p>23 Not unusual.</p> <p>24 Q. All right.</p> <p>25 Then you say at (c) here:</p>

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<p>1 "inspection of couplers installed into outer 2 reinforced concrete structure on both sides of the joint 3 to confirm the number is adequate, the diameter, 4 alignment and spacing is correct and the thread appears 5 undamaged (Wing & Kwong)". 6 So your position, as I understand, your 7 understanding is that it's the sub-contractor, is it, 8 that has to do that inspection, as opposed to Leighton 9 itself? 10 A. We employed a specialist sub-contractor to do the 11 reinforcement fixing works for the project. 12 Q. Yes. But let's suppose -- obviously, the 13 sub-contractor, as a matter of practicality, before he 14 starts doing his rebar fixing, certainly may take a look 15 at those couplers on both sides. Presumably, if he 16 finds a problem, then you would expect him to refer that 17 problem back to Leighton and say -- 18 A. Correct. 19 Q. You wouldn't expect him to put right any problems, any 20 damage, any misaligned couplers, any missing couplers; 21 that was something that you should have referenced to 22 Leighton to put right? 23 A. If there was damage or something else, possibly a site 24 instruction would be issued, to rectify it or make good 25 in some way.</p>	<p>1 the dynamics. As a layperson, if I suggested the 2 following, can you tell me where I fall down, where this 3 system would be wrong? 4 You have the Leighton engineer on site, and he is 5 informed by his sub-contractor, for example the bar 6 fixers, that a particular bay is now ready for 7 inspection. So he or she telephones the MTR office and 8 says, "Can we do an inspection this afternoon, 9 3 o'clock?" The MTR office on the telephone says, 10 "Yes". No record kept of that. They meet, and both are 11 carrying small electronic tablet-type items which are 12 already pre-set. They look at the bay, they check 13 everything, ding-dong, ding-dong, technical language, 14 okay, is used, all done, and they are happy, and so you 15 get the final tick or whatever the software allows. And 16 on site, at that moment in time, the word is given, 17 "Yes, let's proceed with the concrete, or preparation 18 for the concrete pour." 19 Now, everybody goes away. There's been no 20 preparation of documents to set this up; it's all just 21 done by telephone, and the inspection is done, and 22 that's gone out and it's now settled in the hard disks, 23 or whatever you call it, of various computers, 24 including, for example, government, if that was the 25 case.</p>
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<p>1 Q. Okay. Moving on, paragraph 17 of your witness 2 statement -- you say that: 3 "In summary, the procedure required to install rebar 4 for the NAT stitch joints, as detailed in 5 paragraph 16.d, should have been as follows". 6 And again you've set out the steps that ought to 7 have been taken to install the rebar for the NAT stitch 8 joints; do you see that? 9 A. Correct. 10 Q. Can I just confirm with you that at (e) you say: 11 "the bottom layers of reinforcement are inspected by 12 Leighton's engineers and the MTR's engineers". 13 And then at (i) you say: 14 "the top reinforcement is inspected by Leighton's 15 engineers and MTR's engineers." 16 What you don't say, but I assume you accept, is that 17 before those inspections take place, RISC forms should 18 be issued? 19 A. Yes. 20 Q. As I think you are now aware, in relation to the 21 original defective stitch joints, no such RISC forms 22 were issued? 23 A. That's my understanding, yes. 24 CHAIRMAN: Sorry, on this question of RISC forms, I was 25 asking a few questions yesterday to try to understand</p>	<p>1 What have I missed there? 2 A. Obviously, that's different to what the current contract 3 is, the current system. 4 CHAIRMAN: I know. I'm talking about -- 5 A. The system you were describing is -- since we've been 6 dealing with these issues, we've been -- we have 7 reviewed our system, at Leighton, and how we can enhance 8 our systems to make sure this doesn't happen again. 9 We've certainly spent a lot of time and effort looking 10 at how we can simplify our tools, how we can speed up 11 the process, how we can use digitalisation and tools 12 going forward, and also to capture this information 13 realtime and actually -- so it doesn't cause any 14 unnecessary progress delays to the project. 15 That system is basically for us, it would be 16 implemented in the third and fourth quarter in terms of 17 that system you are describing. That would be the way 18 forward for the industry, the construction industry in 19 general. You've seen reports, Construction 2.0 with the 20 Hong Kong government, improving cost, time and quality, 21 and this is an area of that that we need to look at as 22 an industry as well, to go forward. So that is 23 something useful that will come out of, probably, this 24 Inquiry, in terms of processes. 25 CHAIRMAN: Thank you very much.</p>

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<p>1 MR PENNICOTT: Mr Speed, back to your witness statement, 2 please. At paragraph 19, you make reference to the fact 3 that the Gammon-Kaden Joint Venture used Lenton brand 4 couplers with a tapered thread. You then say, it seems 5 to me logically, that the rebar that was therefore 6 required and should have been used to connect the rebar 7 to the couplers installed on the Gammon side of the NSL 8 stitch joint 1111/1112 and EWL stitch joint. 9 If you then go to paragraph 29 of your witness 10 statement, you have made reference to some interface 11 meetings that we have looked at with at least two other 12 witnesses so far, one more to come at least, and then 13 you go on to say at paragraph 29: 14 "T40 is a reference to rebar with a 40 millimetre 15 nominal bar diameter. The couplers installed in the NSL 16 stitch joint ... and EWL stitch joint were for rebar 17 under 40 millimetre nominal bar diameter. Therefore, 18 according to the minutes of the interface meeting, the 19 couplers on the [Gammon] side of the interface joints 20 should have been Lenton." 21 Then you say at paragraph 30: 22 "Leighton's records show that only BOSA (parallel) 23 threaded rebar was ordered for the NAT stitch joints. 24 There was no Lenton (tapered) threaded rebar ordered for 25 the initial construction of the NAT stitch joints."</p>	<p>1 top of the page, that's CC60, you are dealing with the 2 defective work/design issue, and at paragraph 36 you 3 say: 4 "Leighton investigated reports of water seepage and 5 concrete cracking at two of the NAT stitch joints ... 6 for the purpose of identifying any defects and then 7 rectifying them", and so forth. 8 A. Yes. 9 Q. We know that that investigation took place largely 10 January/February 2018? 11 A. Yes. 12 Q. You are the general manager of Hong Kong operations. 13 Was this actually a matter that was reported to you at 14 the time? 15 A. It was. Probably I think sometime in January it got 16 reported to myself. 17 Q. So I assume, on that basis, that it was regarded by 18 those who reported it to you that this was 19 a sufficiently serious matter that you, the general 20 manager, should be advised of it? 21 A. Yes. 22 Q. And did indeed you share that view, that it was 23 a sufficiently serious matter and it was correct that 24 you should be advised of it? 25 A. Defects happen, you know, in construction projects,</p>
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<p>1 As I understand it, putting those three paragraphs 2 together, Mr Speed, you accept that responsibility for 3 not having ordered tapered threaded rebar to insert and 4 screw into the Lenton couplers is that of Leighton? 5 A. Lenton couplers should have been used at the stitch 6 joints, yes, correct. 7 Q. If Lenton couplers were used on the Gammon side of the 8 stitch joint, it was Leighton's responsibility to ensure 9 that tapered threaded rebar was ordered and used to 10 insert into those couplers? 11 A. That's correct, with the assistance of our specialist 12 sub-contractor. 13 Q. What assistance would they be able to give you if they 14 didn't know that Lenton couplers were being used on that 15 side of the stitch joint? 16 A. I don't know whether or not they knew or not, 17 Mr Pennicott. 18 Q. On the assumption that they did not know until it was 19 too late, on one view, what assistance could they give 20 you? 21 A. The sub-contractor was responsible for calling off 22 materials required for execution of the works. We were 23 responsible for ordering those materials and the supply. 24 Q. All right. Could I ask you, please, to go to 25 paragraph 36 of your witness statement. Here, at the</p>	<p>1 across it. The quantum associated with the 2 rectification works which perhaps at the start we didn't 3 know the full estimate of the cost, but then it did rise 4 in terms of making the repair, so the cost became 5 substantial. 6 Q. So do you think it was referred to you, as the general 7 manager, because it was perceived to have potentially 8 significant costs implications, as opposed to the fact 9 that these were pretty serious defects in themselves, 10 that is rebar not connected to couplers? 11 A. I think both, and also, you know, the focus on 12 rectifying the defect so that obviously we can get 13 trains running as soon as possible, the time required 14 through the defects. So I think it encompassed those 15 elements. But the primary focus was to rectify and get 16 the works completed as soon as possible. 17 Q. Right. Were you involved at all in the decision-making 18 process that must have taken place to do that, as we 19 know, pretty quickly, just to get on with it and get it 20 done -- 21 A. Yes, I was. Yes. 22 Q. And so your advice was sought to see whether you agreed 23 with just getting on with it and getting it sorted as 24 quickly as possible? 25 A. Correct.</p>

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<p>1 Q. And you obviously agreed with that approach?</p> <p>2 A. Yes.</p> <p>3 COMMISSIONER HANSFORD: Can I ask -- actually, in your</p> <p>4 paragraph 37, in your final sentence, you say:</p> <p>5 "... the water seepage occurred as a result of the</p> <p>6 failure of the installed permanent waterproofing</p> <p>7 measures."</p> <p>8 That was your understanding, was it? That was</p> <p>9 what --</p> <p>10 MR PENNICOTT: Sorry, this is at paragraph 37, Mr Speed.</p> <p>11 COMMISSIONER HANSFORD: Yes, paragraph 37, the final</p> <p>12 sentence:</p> <p>13 "... the water seepage occurred as a result of the</p> <p>14 failure of the installed permanent waterproofing</p> <p>15 measures."</p> <p>16 Was that your understanding?</p> <p>17 MR PENNICOTT: It's the internal stitch joint.</p> <p>18 COMMISSIONER HANSFORD: This is the internal stitch joint,</p> <p>19 yes.</p> <p>20 A. I think that was the initial findings from it, the</p> <p>21 initial findings.</p> <p>22 COMMISSIONER HANSFORD: So the initial finding was that it</p> <p>23 was a waterproofing failure?</p> <p>24 A. I think so, but very soon thereafter it became apparent</p> <p>25 that -- the issue with the couplers.</p>	<p>1 MR PENNICOTT: Mr Speed, moving on to paragraph 39 of your</p> <p>2 witness statement, under the heading, "Supervision,</p> <p>3 inspection and records", you say there:</p> <p>4 "Leighton has disclosed to the Commission the</p> <p>5 organisational charts for Leighton ... The members of</p> <p>6 Leighton's construction engineering team who were</p> <p>7 involved in supervising the construction of the NAT</p> <p>8 stitch joints are Henry Lai [who we have already heard</p> <p>9 from] and Joe Tam [who we will be hearing from]."</p> <p>10 I have asked this question to Mr Kitching, Mr Speed.</p> <p>11 I make no apologies for repeating it. To your</p> <p>12 understanding, who is responsible, in the Leighton</p> <p>13 organisation, and at what level, for ensuring that any</p> <p>14 particular area of the construction site, such as what</p> <p>15 we've got here, is first of all sufficiently resourced?</p> <p>16 By that I mean sufficiently resourced with personnel.</p> <p>17 Whose decision is that?</p> <p>18 A. I suppose, you know, to answer generally -- obviously,</p> <p>19 I wasn't involved at the project from the early start,</p> <p>20 but in a general situation that, you know, you have</p> <p>21 various different levels of management. You know,</p> <p>22 sometimes an engineer may come to his direct-line</p> <p>23 manager and says, "I'm struggling with the volume of</p> <p>24 work", et cetera. That manager would then review. If</p> <p>25 he was in agreement, he would then rise up through the</p>
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<p>1 COMMISSIONER HANSFORD: Was that in addition to the</p> <p>2 waterproof failure or rather than the waterproofing --</p> <p>3 A. Rather than the waterproofing.</p> <p>4 MR PENNICOTT: Sir, this is a matter that I am going to</p> <p>5 discuss with Mr Holden.</p> <p>6 COMMISSIONER HANSFORD: That's fine.</p> <p>7 MR PENNICOTT: Because he was involved in the</p> <p>8 investigations.</p> <p>9 A. Yes, he was.</p> <p>10 COMMISSIONER HANSFORD: That's absolutely fine, but I was</p> <p>11 just checking Mr Speed's understanding.</p> <p>12 A. That was when it was originally brought that it was</p> <p>13 a water seepage issue coming to the project, and then it</p> <p>14 transpired into more than that.</p> <p>15 COMMISSIONER HANSFORD: Yes. Thank you.</p> <p>16 MR PENNICOTT: Indeed I think -- would this be fair,</p> <p>17 Mr Speed -- your paragraph 37 is really reporting what</p> <p>18 Mr Holden told you?</p> <p>19 A. It is, yes.</p> <p>20 MR PENNICOTT: Right. So I was going to go to the source,</p> <p>21 as it were, Mr Holden.</p> <p>22 COMMISSIONER HANSFORD: I understand that, of course, but</p> <p>23 I wanted to check Mr Speed's understanding of what -- at</p> <p>24 the time.</p> <p>25 A. Yes, sure.</p>	<p>1 different levels to agree.</p> <p>2 In terms of escalation, our project directors would</p> <p>3 liaise with the operational managers and also then with</p> <p>4 our HR managers, general manager, to review what</p> <p>5 resources can be provided or recruited for the job. So</p> <p>6 it's fairly standard.</p> <p>7 Q. Because we have heard some evidence, certainly from</p> <p>8 Henry Lai and another witness perhaps, that they were</p> <p>9 overworked, overstretched, and this was one of the</p> <p>10 reasons being put forward for the non-issuing and</p> <p>11 submission of the RISC forms, and that's why I'm asking</p> <p>12 the question as to --</p> <p>13 A. I suppose, since I've been the general manager, I'm not</p> <p>14 aware of any restrictions on -- if people have required</p> <p>15 staff to do anything, structurally there's no</p> <p>16 restrictions in place on that.</p> <p>17 Q. But I think what you are saying is I suppose it depends</p> <p>18 on the acuteness of the problem. If it's very</p> <p>19 significant, then it could find its way all the way up</p> <p>20 to the project director or the operations manager?</p> <p>21 A. Yes, for sure, we're recruiting, yes.</p> <p>22 Q. For recruiting, yes, to say, "We actually need another</p> <p>23 engineer on this area of the site and we need someone</p> <p>24 quickly"?</p> <p>25 A. Yes, and our operation managers across our business will</p>

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<p>1 re-allocate resources to the needs required. We have 2 a lot of resource in the business. 3 CHAIRMAN: Would you agree -- this is a psychological 4 question more than an engineering question -- that in 5 most professional organisations, such as the one that 6 you are managing at the moment, the professional 7 officers in it are loath perhaps to go to their 8 superiors and say, "I can't manage"? It's a sign of 9 weakness and none of us like to give that sign of 10 weakness. I'm not suggesting that's a fault, by the 11 way. I'm just saying one of the factors that sometimes 12 you have to take into account is just how people behave. 13 A. I can't really answer the question. 14 CHAIRMAN: No. 15 A. It's sort of vague, you know, for that. There is human 16 nature. But we are fortunate in Hong Kong, with our 17 management team, with the vicinity of our projects, to 18 get to know them well, to get to know the people, and 19 also people are busy on projects but also to provide 20 resource as required, to address needs from time to 21 time. You know, if one project gets busy, we may look 22 at whatever resourcing we can provide for that. It's 23 how the industry works. 24 CHAIRMAN: That answers the question, because what you are 25 saying is yes, if that sort of reluctance to express</p>	<p>1 CHAIRMAN: And could I ask just one thing: as far as fairly 2 new, young engineers are concerned, is there any formal 3 training on, for example, what their inspections should 4 seek to reveal and how they should go about the work of 5 inspecting? 6 A. I suppose, when we talk about training -- obviously, 7 Leighton have comprehensive training programmes. We 8 have training in the classroom, we have training on site 9 with different people. You know, I am aware that there 10 was quality management training at the project. I don't 11 know the specifics of whether or not -- you know, the 12 specific training. But I am aware there was training 13 for these individuals. 14 MR PENNICOTT: Indeed, we have seen the process by which 15 Leighton takes on graduate engineers and then they 16 become engineers and senior engineers as they presumably 17 acquire experience. 18 A. Yes. 19 Q. I mean, when a graduate engineer joins you, is that for 20 a fixed period as a graduate engineer? 21 A. We have some graduates who come to us straight from 22 college, and some may join a few years later. We do 23 have a specific graduate training programme, I can't 24 remember the exact numbers, but over the last few years 25 it's been 40 or 50 graduates per year. I take part in</p>
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<p>1 a sign of incapability to deal with the pressures should 2 be there, you are dealing with people on a day-by-day 3 basis, you move where you feel resources are needed, so 4 you don't have to deal with that problem openly because 5 you are tackling it by making sure resources are 6 available. 7 A. You know, Hong Kong is a very small place, so we can 8 actually -- we know a lot what is happening from 9 a staffing perspective as well. You know, if some of 10 our projects are coming to an end and there's a big 11 ramp-up for completion, we will look at what resources 12 that can be transferred to those projects to help it 13 finish, because we understand the needs and requirements 14 of that, at those times. 15 But there's no specific answer specifically, you 16 know. 17 MR PENNICOTT: Yes. And a sort of related question, 18 Mr Speed. In terms of the experience and the 19 qualifications of the personnel, who is responsible for 20 looking at that and saying, "Yes, we've got somebody 21 appropriately qualified, appropriately experienced, to 22 carry out routine rebar inspections, hold-point rebar 23 inspections"? Who looks at that? 24 A. Ultimately, our project directors are responsible for 25 the projects and what's required, from all respects.</p>	<p>1 some of the leadership training days and we have 2 structured programmes around our graduates, to help them 3 through. And also we do rotation with different 4 consultancies in respect of design as well. So there 5 are processes, you know, how we train the graduates. 6 Q. And the graduate programme will last a couple of years 7 or something of that nature? 8 A. I'm not sure if it's two or three years but it's that 9 sort of order. 10 COMMISSIONER HANSFORD: Do they proceed to become senior 11 engineers through merit or does that happen through the 12 length of time they've been a graduate engineer? 13 A. I think it's -- obviously experience is key and also 14 years of service is also -- those considerations. So 15 both of those are factors. You know, you won't be 16 a senior engineer after two months, even if ... 17 COMMISSIONER HANSFORD: Both of those relate to time served, 18 don't they, experience and -- 19 A. And also performance as well. 20 COMMISSIONER HANSFORD: That's what I'm trying to 21 understand, to what extent does performance feature in 22 the decisions to promote a senior engineer. 23 A. It's also a consideration, yes. 24 MR PENNICOTT: All right. 25 Now, in paragraph 44 of your witness statement,</p>

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<p>1 Mr Speed, you say -- and this is still in the section 2 that's dealing with supervision, inspection and records: 3 "Leighton has reviewed its records relating to the 4 supervision and inspection of the rebar fixing and 5 concreting works for the NAT stitch joints. Leighton 6 has found that: 7 (a) physical inspections took place regarding the 8 inspection and approval process for the NAT stitch 9 joints". 10 In relation to that, you simply rely on Mr Lai's 11 witness statement, as I understand it; is that right? 12 A. That's correct, yes. 13 Q. Then you say: 14 "(b) while RISC forms were generated for pre-pour 15 and as-built survey, no RISC forms were generated for 16 the rebar fixing and pre-pour check inspections for the 17 original construction works". 18 Which is a point we've already talked about. Then 19 you say this: 20 "(c) site diary entries ... record the rebar fixing, 21 pre-pour work and the concrete pours for the original 22 construction work on the NAT stitch joints". 23 Just holding that thought with us, could I ask you, 24 please, to look at paragraph 16(c) of your sixth witness 25 statement, which will be at page CC6/3754, where you</p>	<p>1 which is ... 2 Q. But that's no more than saying, well, the concrete is 3 there, therefore it must have been -- the rebar must 4 have been inspected, the pre-pour check must have been 5 done, because the concrete is there. I mean, there's 6 nothing in the diaries, is there -- 7 A. My understanding is that the formal inspections took 8 place across the project. 9 Q. And we've got a lot of people looking at site diaries 10 and photographs and so forth, but they don't actually 11 show you, they don't record the fact, that the 12 inspections, whether informal or formal, have taken 13 place? 14 A. I have to review, yes. 15 CHAIRMAN: Could you just tell, for my assistance -- site 16 diaries, can you tell me something about them? What 17 role do they play? Who maintains them? 18 A. From my understanding, MTRC generally prepares the site 19 diaries. They would provide them to ourselves for 20 review and then they would be signed and passed back. 21 That's the normal sort of process. 22 CHAIRMAN: Okay. So MTR, they commence the diary, and who 23 puts material into it? It's MTR staff, is it? 24 A. My understanding, it's MTRC. 25 CHAIRMAN: So they make entries related to concrete pours,</p>
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<p>1 expand upon, a little bit at least, the sentence we have 2 just looked at, and you say this: 3 "other documentary records" -- and you repeat this 4 paragraph a number of times in this witness statement -- 5 "evidence that Leighton and MTR supervised the rebar 6 fixing and pre-pour works at the NAT. For example, site 7 diary entries record all of the rebar fixing, pre-pour 8 work and the concrete pours for the NAT. These are 9 consistent [you say] with, and support, the conclusion 10 that all formal inspections took place and that Leighton 11 and MTR supervised and approved the works and authorised 12 the pouring of concrete." 13 Can I first of all suggest to you -- first of all, 14 can I ask you: have you looked at the site diaries at 15 all? 16 A. I've seen site diaries, yes. 17 Q. It is right that they record that rebar work is being 18 done and that concrete pouring is being done, but they 19 do not, do they, in any sense, make any record of the 20 fact that an inspection has taken place, whether formal 21 or informal? 22 A. I suppose if you look at, you know, concrete pouring, to 23 get to concrete pouring would mean that you would have 24 had to go beyond the hold point for the reinforcement 25 fixing, and by definition, the approval had been given,</p>	<p>1 inspections maybe, if that's -- or whatever's happening 2 of importance, and sets out a chronology of events on 3 site? 4 A. Correct. Yes, correct, on a daily basis. 5 CHAIRMAN: And that is shown to the contractor, in your case 6 Leighton, and there would be countersignatures or 7 something of that -- 8 A. Something of that order, yes. 9 CHAIRMAN: Thank you. 10 COMMISSIONER HANSFORD: So there's no requirement then, 11 Mr Speed, for Leighton engineers or Leighton foremen to 12 produce their own diaries? 13 A. I'm not aware of a contractual requirement for their own 14 personal diaries. 15 COMMISSIONER HANSFORD: I meant the company requires. 16 A. We don't have a company requirement for all staff to 17 keep all diaries, no. 18 COMMISSIONER HANSFORD: Right. 19 MR PENNICOTT: Sir, I wasn't proposing to go into the matter 20 with Mr Speed, but of course one mustn't lose sight of 21 the acceptance letters and the log book, which is 22 a potentially important matter. 23 COMMISSIONER HANSFORD: Yes. 24 MR PENNICOTT: We can put up on the screen for you, sir, 25 since you've asked the question, CC6/3866.19.</p>

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<p>1 I understand this might be a typical example of the site 2 diary. Mr Speed can have a look at it as well. 3 I don't know what date that was -- 30 March 2016, 4 the top right-hand corner. It's recorded "labour and 5 plant", and if you go to the right, please -- sorry, the 6 other way, left -- it's a general -- we can see at 7 number 7, it's headed "NAT". 8 If we scroll down, somebody has helpfully outlined 9 in red perhaps the relevant part of this particular 10 diary on this day, "Rebar fixing of base slab at bay 1 11 for NSL Tunnel (Wing Kwong)", and one sees that, and 12 references also to concrete being poured. 13 COMMISSIONER HANSFORD: But the diaries don't record 14 inspections? 15 MR PENNICOTT: We have not been able to find any diary that 16 says "rebar inspected by X" or Y, no, sir. 17 COMMISSIONER HANSFORD: Or hold points passed? 18 MR PENNICOTT: No, sir, as far as I'm aware. I don't 19 suppose we've looked at every single diary. 20 COMMISSIONER HANSFORD: No, I just wondered if, from what 21 you have seen, that was the case. 22 MR PENNICOTT: In many ways, unfortunately not. 23 COMMISSIONER HANSFORD: Okay. 24 CHAIRMAN: Even though it doesn't confirm actual 25 inspections, it confirms that MTR, and presumably if</p>	<p>1 sentence you say this: 2 "Leighton ..." 3 And you've got a footnote there to qualify what you 4 mean by "Leighton": 5 "This refers to the knowledge of Leighton's 6 management on the project and Leighton's senior 7 management." 8 "Leighton was not aware that RISC forms had not been 9 completed for the rebar fixing check and pre-pour check 10 for original construction of the NAT stitch joints." 11 Now, when you say Leighton's management on the 12 project and Leighton's senior management, who precisely 13 are you referring to? 14 A. So I suppose, if I take Leighton's senior management, 15 I refer to our sort of corporate management, you know, 16 general manager, operation managers, et cetera. And in 17 terms of project manager, on the project management, the 18 project director, you know, in terms of management -- 19 I'm not sure how far that goes down, actually, but the 20 project director for sure. 21 Q. Right. So let me put it slightly differently. The 22 engineer on the ground, so far as the NAT is concerned, 23 is Henry Lai? 24 A. Correct. 25 Q. We know that he issued very few RISC forms, and</p>
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<p>1 Leighton countersigns, are aware of day-by-day 2 individual building of different kinds? 3 MR PENNICOTT: Indeed, sir, yes, that's right. 4 CHAIRMAN: Which would imply that they -- maybe not inspect 5 at such -- but have knowledge because they watch it 6 happening and are aware of it, et cetera. 7 MR PENNICOTT: Yes, and it's just a question of, as Mr Speed 8 has indicated, what weight you attach to that and 9 whether you can make the inferences that inspections 10 would have taken place. 11 CHAIRMAN: Yes. 12 MR PENNICOTT: Sorry, we didn't look at the bottom of the 13 page, just to see the signatures, because that's a point 14 that's of relevance. 15 You can see, sir, that this is prepared by the IOW, 16 that's of the MTR, signed by either the construction 17 manager or the senior construction manager, on the 18 right-hand side. That's MTR. Endorsed by the SIOW, 19 that's Kenneth Kong, that's the MTR. And then 20 countersigned by Leighton in the bottom right-hand 21 corner this time -- somebody has signed it on behalf of 22 Mr Rawsthorne. I know not who. 23 Can we then go to paragraph 45 of your witness 24 statement, Mr Speed, still in the same section of 25 supervision, inspection and records. In the second</p>	<p>1 certainly no RISC forms in relation to the original 2 stitch joints; okay? 3 A. (Nodded head). 4 Q. Who, in the hierarchy, should have known that no RISC 5 forms had been issued? 6 A. I suppose what I've said in my -- obviously, he was 7 reporting in to Joe Tam at the time. 8 Q. Yes. 9 A. But I don't have that level of detail. But I think the 10 challenge -- you know, what we've said in the second 11 half of the management system was that -- our system 12 tracked RISC forms once they had been created in draft. 13 Q. Sure. 14 A. When the system, you know, was I suppose changed in some 15 way that allowed us after formal inspections to continue 16 without a RISC form, that's what created difficulty in 17 terms of our management system, and that's why it was 18 not picked up by our quality management team on the 19 project as well. That's what deficiency was created. 20 Q. Let me put it rather more bluntly: do you think Joe Tam 21 ought to have known that these RISC forms were not 22 issued? 23 A. I wasn't involved in that level of detail. You know, to 24 be honest, I don't know the answer to that. 25 COMMISSIONER HANSFORD: The agreement with MTR to proceed on</p>

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<p>1 WhatsApp messages was effectively a work around the 2 system, wasn't it? Rather than using the system, 3 a workaround had been found? 4 A. I think the system was cumbersome and I think they found 5 some technology to work around. Obviously, it's not 6 a structured process, but that's how it was operating on 7 the project, you know, between us and MTRC. 8 COMMISSIONER HANSFORD: But it wasn't -- I was going to use 9 the word "foolproof" -- but it wasn't secure? 10 A. No, correct, it wasn't secure. But as I said earlier, 11 we are now basically establishing the new tools and the 12 mobile platforms so that it can be done at the face, can 13 be uploaded. So that's where we need to head to. 14 COMMISSIONER HANSFORD: Indeed. 15 MR PENNICOTT: Mr Speed, can I go on to paragraph 46 of your 16 witness statement, a slightly different topic, but it's 17 another "what should have happened" question, I'm 18 afraid. 19 A. Okay. 20 Q. You make reference there, again, to Mr Henry Lai being 21 the engineer responsible for the ordering of the rebar 22 and couplers, and so forth. Then you say, correctly, it 23 seems to me: 24 "It appears that certain members of Leighton's 25 construction engineering team were aware that</p>	<p>1 someone like Jim Wong attended, then it should also be 2 distributed and communicated in terms of the area of 3 management. 4 Q. Okay. Mr Speed, in paragraphs 58 through to 67 of your 5 witness statement, you deal with non-compliance issues 6 at the shunt neck joint; do you see that? 7 A. Yes. 8 Q. In relation to the questions that I've been discussing 9 with you regarding the RISC form and the ordering of the 10 tapered threaded rebar, I assume that your answers would 11 be the same in relation to the shunt neck as they were 12 in relation to the stitch joints? 13 A. Correct. 14 Q. However, can I just ask you about this. In paragraph 60 15 you say: 16 "On 15 February ..., [Gammon] confirmed to Leighton 17 that a construction joint should be built at the shunt 18 neck joint ..." 19 Do you see that, that a construction joint should be 20 built? 21 A. Yes. 22 Q. Then you make reference to a request for information 23 document, which I'm going to be discussing with Mr Tam 24 later. Then you say at 62: 25 "[Gammon] built a construction joint using couplers</p>
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<p>1 Gammon-Kaden ... was using Lenton brand couplers as 2 a result of attending interface meetings with 3 [Gammon-Kaden]. However, this information was not 4 communicated to Henry Lai." 5 Mr Speed, can you help us: what should the persons, 6 the people, who attended those interface meetings, have 7 done to communicate to those that needed to know what 8 was discussed at those meetings? 9 A. It could be done in a number of ways. Obviously, 10 there's minutes from the interface meeting. Within our 11 systems, we have a document management system where, if 12 you are the manager of an area, you would copy that to 13 the relevant persons part of your team. That could be 14 one way. The second way could be verbal communication 15 as well. There's a few ways it could have been done. 16 In this case, you know, it appears that the 17 information wasn't communicated to Henry. 18 Q. Okay. And unless there was some form of specific 19 delegation, would you expect the most senior person at 20 those meetings to be responsible for passing that 21 information on, in the way you've described? 22 A. There may be a number of similar level at the meeting 23 from Leighton, I don't know the exact persons, but if 24 for example Joe Tam was at the meeting, he would be 25 passing that to his team. If Joe Tam didn't attend and</p>	<p>1 on their side of the interface, and did not leave 2 a recess for the construction of a stitch joint. In 3 that context, and following MTR's direction, Leighton 4 should have built a construction joint with continuous 5 rebar connection using the couplers installed by 6 [Gammon]." 7 Do you see that? 8 A. Yes. 9 Q. Then, at paragraph 80, you say: 10 "Atkins was the permanent works designer of the SNJ 11 for both contract 1111 and contract 1112. There was 12 a mismatch between the detailing of the SNJ under 13 contract 1111 and contract 1112. It appears as though 14 Atkins deleted the requirement for the stitch joint on 15 the approved drawings for contract 1111 but did not 16 update the same on the drawings for contract 1112." 17 Can I ask you to confirm -- you are not making 18 a criticism of Atkins there, are you, Mr Speed, or 19 perhaps you are? I'm not sure. 20 A. I think we are just stating the fact, actually. We're 21 not ... 22 Q. So you are not seeking to criticise Atkins for -- 23 I mean, Leighton knew it was a construction joint that 24 had to be built, not a stitch joint? 25 A. I'm not sure at the original time actually whether we</p>

<p style="text-align: right;">Page 37</p> <p>1 knew at that moment, until the clarification. 2 Q. Well, agreed. From the time of the RFI back in May 3 2016, as you seem to acknowledge, Leighton knew that it 4 was a construction joint that needed to be built, not 5 a stitch joint? 6 A. Correct. 7 Q. Okay. So whether or not the drawings concerned were 8 updated, it was known that it was a construction joint 9 that had to be built? 10 A. It would obviously help if drawings are updated 11 regularly, so it ought to have been communicated to all 12 the teams as well. 13 Q. All right. 14 Just a couple of other topics. Again, it's really 15 a question of whether you know certain general 16 procedures concerned with this topic, Mr Speed. 17 Mr Henry Lai has told us that following the discovery of 18 the defects in the stitch joint, he went through what he 19 described as an internal survey or appraisal. And 20 Mr Kitching told us that following that survey or 21 appraisal, Mr Lai was put on what Mr Kitching described 22 as an improvement scheme. 23 Are you familiar with the process of these internal 24 appraisals and putting people on improvement schemes, 25 Mr Speed?</p>	<p style="text-align: right;">Page 39</p> <p>1 Just so the Commission is aware of what you're 2 talking about when you use the words "Just Culture", 3 could we look at CC10/6545.5, please. 4 We've been told -- it's not on the transcript but 5 just in an email from your solicitors, Mr Speed -- that 6 this is a document that, as it were, Mr Lai was taken 7 through during this internal appraisal, as I call it. 8 Do you see that? 9 A. Yes. 10 Q. This is what you're referring to when you say the "Just 11 Culture" process? 12 A. Yes. 13 Q. These are the sorts of questions that, therefore, Mr Lai 14 would have been asked? 15 A. I wasn't at the "Just Culture" discussion -- 16 Q. No, but you would have expected -- 17 A. -- but this is the model, yes. 18 Q. What you would have expected him to have been asked? 19 A. Yes. 20 Q. If we scroll down to the bottom, please -- the options 21 at the bottom seem to be five. The worst it gets, you 22 will be terminated, and the better, "I've learned". 23 We have been told, as I say, by Mr Kitching that 24 an improvement scheme was adopted for Mr Lai, so 25 probably that's somewhere around about, "I need</p>
<p style="text-align: right;">Page 38</p> <p>1 A. I think in terms of our business, we have a "Just 2 Culture" model that we follow as a business, so that we 3 treat people fairly and we go through that model. If we 4 have, you know, for example, a safety issue, we would 5 review that model to see whether or not it was 6 unintentional and whether or not someone needs 7 additional training or whatever. That's the sort of 8 process we would go through. 9 Q. All right. What type of circumstances would give rise 10 to that sort of appraisal survey taking place? 11 A. As I said, maybe an example would be a safety issue -- 12 a safety issue could be an example of that, just to 13 review that to see whether or not -- you know, where the 14 action should lie, what's required. 15 Q. Would you expect that appraisal survey process to be 16 recorded in writing so that there was some note of it on 17 the file, as it were? 18 A. I think, from what I understand, this was done 19 informally. Often, you know, we are not there to create 20 long reports. Some of these things are sitting with 21 their direct managers to go through it and to review. 22 Q. So the answer to my question is you wouldn't necessarily 23 expect it to be recorded in writing? 24 A. Sometimes, sometimes not. 25 Q. Sometimes, sometimes not. Okay.</p>	<p style="text-align: right;">Page 40</p> <p>1 training" or "I need coaching". 2 A. Yes, in that sort of order. 3 Q. All right. 4 COMMISSIONER HANSFORD: Would someone going through this 5 process affect their promotion path? 6 A. Yes, it's possible. I think you are referring to the 7 promotion of Henry Lai from engineer to senior engineer, 8 are you? 9 COMMISSIONER HANSFORD: Generally actually, but -- 10 A. Yes, of course. It would be taken into consideration, 11 yes. 12 MR PENNICOTT: Sir, just -- this is not for you, Mr Speed, 13 but you can obviously listen. Sir, we've been informed 14 by those instructing Mr Shieh that there is or there are 15 no documents relating to Mr Lai's survey and appraisal, 16 and given what Mr Speed has just said I'm not proposing 17 to press that any further. So it will rest where it is. 18 CHAIRMAN: Yes. 19 COMMISSIONER HANSFORD: Yes. 20 MR PENNICOTT: Next, Mr Speed, in your sixth witness 21 statement, that's the second one for the purposes of 22 this hearing, at page 3761, you have a section that 23 deals with "Testing of rebar"; do you see that? 24 A. Yes. 25 Q. At paragraph 60 you say:</p>

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<p>1 "Leighton has reviewed its records and found that 2 a small percentage (approximately 7 per cent) of rebar 3 delivered to site was not tested by a HOKLAS certified 4 laboratory." 5 Then you give some figures. Presumably, that's 6 an exercise that somebody has carried out for you, 7 Mr Speed, rather than your exercise? 8 A. Yes, that's a reconciliation of the actual HOKLAS 9 certified testing. 10 Q. Okay. 11 A. But, as we say in the first paragraph, 100 per cent of 12 the testing by the manufacturers was carried out. 13 Q. Yes. I don't know whether you can help with this, but 14 from my reading of the various witness statements that 15 Leighton have submitted to the Commission, we already 16 know that Henry Lai told us that, in relation to the 17 NAT, there were 159 batches of rebar, of which 103 were 18 tested and 56 were not. Mr Alan Yeung has told us -- or 19 will tell us, I imagine, if his witness statement is 20 correct -- that two batches were not tested on the SAT. 21 And Mr Ronald Leung will tell us that some batches of 22 rebar were not tested, but he doesn't give a figure. 23 Would your 7 per cent figure, do you know, Mr Speed, 24 as it were, take into account all of these points? 25 A. It takes into account -- this is the overall number for</p>	<p>1 else knocks it back. 2 So, in May 2018, you sent the ball over MTR's way. 3 On 31 December 2018, it came back your way. And on 4 11 February 2019, you send it back to them. And here we 5 are in June. 6 A. I think, from what I understand, just speaking briefly 7 with my team earlier, we now have a way forward on this 8 to resolve it, just come in. 9 COMMISSIONER HANSFORD: Ah. 10 A. I don't know the details but I think there's 11 something -- a proposed way forward now, to rectify. 12 COMMISSIONER HANSFORD: All right. We'll hear that from 13 somebody, presumably. 14 A. Yes, perhaps Will Holden who's coming along next. 15 COMMISSIONER HANSFORD: We will ask Mr Holden. 16 MR PENNICOTT: Sir, if it has been taken forward and if 17 there is documentation, then I would readily expect that 18 documentation to be disclosed either by Leighton or by 19 MTR, and/or, to the extent they are involved, the 20 government. I'm sure somebody will disclose the 21 documents to us. 22 COMMISSIONER HANSFORD: I merely observe that the gap 23 between the ball coming from one direction to the other 24 seems to be rather long. 25 MR PENNICOTT: Yes, sir.</p>
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<p>1 the project. 2 Q. So on that basis, it probably does take into account -- 3 A. It does. It's a small percentage. 4 Q. So that is the whole project -- you are not just talking 5 about the NAT, SAT and the HHS -- you are talking about 6 literally the whole project? 7 A. The whole project, yes. 8 Q. I think lastly, Mr Speed: do you know what the current 9 position is with regard to the submission of as-built 10 drawings on contract 1112? 11 A. My teams are working on it, but you would have to go 12 through the details with them. You know, I don't know 13 the current status. 14 Q. You don't know the current status? 15 A. No. 16 MR PENNICOTT: All right. Thank you very much. 17 Sir, I have no further questions. 18 COMMISSIONER HANSFORD: I have one at this point, if I may. 19 In the first witness statement, your paragraph 90, 20 relates to rectification works proposals on the shunt 21 neck joint. 22 A. Yes. 23 COMMISSIONER HANSFORD: I think in paragraph 90 you 24 effectively describe to us a game of tennis, where one 25 person knocks the ball over the net and then somebody</p>	<p>1 A. Yes. 2 MR PENNICOTT: Thank you very much. Thanks, Mr Speed. 3 WITNESS: Thank you. 4 Cross-examination by MR TSOI 5 MR TSOI: Mr Speed, I act for the rebar fixers, Wing 6 & Kwong. I just have one issue to clarify with you. 7 Can I take you to paragraph 26 of your fifth witness 8 statement, which we can find at page CC59. There you 9 say: 10 "The use of couplers for the construction of the NAT 11 stitch joints is detailed on the working drawings. The 12 drawings only indicated the diameter and spacing of the 13 rebar but did not indicate the requirement to suit the 14 type of couplers that should be used." 15 Do you see that? 16 A. I see that, yes. 17 Q. I think you repeat the same thing for the shunt neck 18 joint at paragraph 71. Do you see that? 19 A. Yes. 20 Q. In answering the questions to my learned senior, you 21 said that when ordering the materials, Leighton 22 engineers would need assistance from the sub-contractor. 23 Do you remember answering that? 24 A. Correct. 25 Q. One of the answers you gave was this:</p>

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<p>1 "The sub-contractor was responsible for calling off 2 materials required for execution of the works. We were 3 responsible for ordering those materials and the 4 supply." 5 Do you remember answering that? 6 A. I do, yes. 7 Q. Now, do you or do you not know -- and if you do not 8 know, please do tell us -- that when the rebar fixers 9 request for the rebars or the couplers, they do not 10 specify the type of threads for the rebars or the 11 couplers? 12 A. Can you repeat your question, sorry? 13 Q. The rebar fixers, when they request for materials from 14 Leighton to do the rebar works, they do not specify the 15 exact type of couplers or the rebars. So the threads of 16 the rebar, so whether it was a Lenton type or the BOSA 17 type, they don't in fact say that when they request the 18 materials. Do you know that or do you not know that? 19 A. They were Lenton couplers at the location. 20 Q. That's right, but when the rebar fixers make the request 21 to Leighton for materials -- 22 A. You say they didn't request the Lenton threaded rebar? 23 Q. They do not need to, because they don't. They do not 24 need to say, "We need Lenton rebars"? 25 A. No, but they do, because they are Lenton couplers.</p>	<p>1 A. That's the drawings, yes. 2 Q. So your suggestion is that the Leighton engineer would 3 not know from the working drawing about the need to use 4 tapered rebars? 5 A. But the calling off of material isn't purely a function 6 of drawings. It's a function of the site inspection, as 7 you're aware. 8 Q. Exactly. That's what I'm asking. You say the Leighton 9 engineer would not know about the tapered rebars; is 10 that right? 11 A. No, I didn't say that. I was referring to your role as 12 a specialist sub-contractor. 13 Q. No, I'm talking about your paragraph 26, because you are 14 saying Leighton would be using these working drawings. 15 Do you see that? 16 A. What I'm saying -- when Wing & Kwong, our specialist 17 steel fixing contractor, calls off materials, they would 18 be going to the site, they would be doing inspection, 19 they would be doing the measuring. That is your role as 20 the specialist steel fixing contractor. 21 Q. Yes, but please answer my question. At paragraph 26, 22 aren't you saying to the Commission that the Leighton 23 engineer looking at the working drawings would not know 24 the type of couplers or the type of the rebars that 25 would be used, in terms of the threads? That's what you</p>
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<p>1 Q. I think you are slightly confused. As you say, your 2 engineers, Leighton themselves, do not know what type of 3 couplers and rebars were to be used, as you say in 4 paragraph 26, "The drawings only indicated the diameter 5 and spacing of the rebar"; do you see that? 6 A. Yes, I see that. 7 Q. So the drawings do not show the type of couplers used? 8 A. But Wing & Kwong were the specialist steel fixer 9 responsible for the execution of the works, which 10 included the connection to the Lenton couplers. 11 Q. No, I'm talking about the ordering of the materials. 12 So, when it was ordered, according to the working 13 drawings Leighton had, Leighton did not know the type of 14 couplers or the type of the rebars in terms of the 15 threads? 16 A. Can you say that again, please? 17 Q. In your paragraph 26, as you say there, the drawings 18 that the engineers were using, the engineers of 19 Leighton, "The drawings only indicated the diameter and 20 the spacing of the rebar but did not indicate the 21 requirement to suit the type of couplers that should be 22 used"; do you see that? 23 A. That's correct, yes. 24 Q. So that's the working drawing that Leighton was working 25 with?</p>	<p>1 are saying; right? 2 A. No, I'm saying that the working drawings didn't show the 3 type of coupler. 4 Q. Right, and those were the working drawings used by the 5 engineer of Leighton? 6 A. They are the working drawings, yes. 7 Q. Used by Leighton engineers; yes? 8 A. They are the working drawings used by the project. 9 Q. My question is -- if you do not know, please say you do 10 not know -- when in fact the rebar fixers make an order 11 request to Leighton, to your engineer, they do not 12 specify the type of threads for the rebars or the 13 couplers? Do you know that or do you not know that? 14 A. I am the general manager of the business. I don't know 15 how you ordered the materials which are required for 16 your works. 17 Q. That's what I'm trying to get at. 18 A. I don't know the detail. 19 Q. So when you answered my learned senior that the 20 sub-contractor was responsible for calling off the 21 materials, you do not in fact know -- 22 A. No, I do know that. The sub-contractor is responsible 23 for calling off the materials. 24 Q. They are, I agree with that, because they make the 25 order; right? But what I'm trying to get at is you do</p>

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<p>1 not in fact know, when they ordered, they do not specify 2 the threads of the rebars or the couplers. You don't 3 know that? 4 A. I've not seen your order form, no, but I've read the 5 sub-contract. 6 MR TSOI: Thank you very much. 7 WITNESS: Thank you. 8 MR BOULDING: No questions for this witness. Thank you, 9 sir. 10 CHAIRMAN: Thank you. 11 MR KHAW: Mr Chairman, I have some questions, but I see the 12 time. Shall we have the morning break first? 13 CHAIRMAN: Yes, certainly. 15 minutes. 14 Mr Speed, you are aware of the restriction on 15 a witness who is in the middle of giving his evidence? 16 WITNESS: Sure. 17 CHAIRMAN: Thank you. 15 minutes. 18 (11.21 am) 19 (A short adjournment) 20 (11.41 am) 21 Cross-examination by MR KHAW 22 MR KHAW: Mr Speed, good morning. I represent the 23 government. Just a few matters to discuss with you. 24 To follow up on what counsel for Wing & Kwong just 25 asked you before the morning break regarding the calling</p>	<p>1 Q. Yes. Now, the problem we have here is that we have seen 2 the drawings. Now, the drawings do not specify the 3 brand or the particular type of rebars which should be 4 used for contract 1111, regarding the interface. 5 But we have also seen what we call the material 6 sheets provided by Wing & Kwong, specifying, for 7 example, the measurements, the quantity required. 8 Again, those material sheets do not specify the brand 9 and the type of the rebars which would need to be used 10 for contract 1111. 11 So the problem is this. When we are talking about 12 the brand and particular type -- now we know it's Lenton 13 couplers right, the particular type of couplers that 14 would need to be used for contract 1111. Obviously, 15 that was discussed in the interface meetings; right? 16 You agree? 17 A. Yes. 18 Q. I suppose the specialist sub-contractor was not required 19 to attend the interface meetings? 20 A. I'm not sure of all the attendees of those meetings. 21 Q. Right. According to the records, the sub-contractor was 22 not required to attend those meetings. 23 Are you aware that then, after the interface 24 meetings, there was also a QAS actually specifying the 25 Lenton couplers that would need to be used for</p>
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<p>1 of materials and also the question as to who was 2 responsible for ordering the materials -- just correct 3 me if I'm wrong, you agree with Mr Pennicott that 4 Leighton was responsible for ordering the materials; 5 correct? 6 A. Yes. 7 Q. But what you have just told us is that you would 8 probably require the specialist sub-contractor to tell 9 you the type or the brand of the rebars of the coupler 10 that should be ordered? 11 A. To call off the materials. 12 Q. Yes. That's what I don't quite understand, when you say 13 "call off the materials", what do you mean? 14 A. So, under the sub-contract, it's quite standard that the 15 main contractor would purchase the materials and the 16 sub-contractor would provide the specialist labour for 17 the fixing works. 18 Q. Yes. 19 A. The sub-contractor would basically detail what is 20 required to execute the works, what materials is 21 required. 22 Q. Yes. 23 A. He would then inform Leighton, and Leighton would then 24 make sure -- or order the materials for the project. 25 That's the normal process.</p>	<p>1 contract 1111? Are you aware of that? 2 A. I've not seen that document, no. 3 CHAIRMAN: Sorry, QAS again? Quantity -- 4 MR KHAW: Quality assurance scheme. 5 CHAIRMAN: Thank you. That's the quality assurance scheme. 6 MR KHAW: So what I'm interested in is, since Leighton 7 attended the interface meetings where the specific brand 8 or type of couplers for 1111 was discussed, so Leighton 9 obviously knew about this requirement -- what I'm not 10 quite sure about is apart from the fact that the 11 sub-contractor should know what they do, on what basis 12 did Leighton expect that Wing & Kwong, the bar fixing 13 sub-contractor, would be able to actually identify the 14 brand or type that would need to be used for 15 contract 1111? 16 A. I think, as I said, we have documentation. We also 17 have, you know, on-site measurements. 18 Q. Yes, but obviously on-site measurements were not only 19 conducted by the bar fixing sub-contractor. Leighton 20 would also have to play a part in doing inspection 21 regarding the on-site conditions? 22 A. Yes, Leighton did the inspections. 23 Q. So if one is saying that the bar fixing sub-contractor 24 should have been aware of a particular type or brand in 25 relation to the couplers used for 1111, you agree with</p>

<p style="text-align: right;">Page 53</p> <p>1 me that Leighton would also have a part to play in 2 identifying what would be the appropriate brand or type 3 that should be used? 4 A. I think, obviously, the people who attended the 5 interface meetings were aware of the requirement for 6 Lenton couplers. 7 Q. Yes. 8 A. But there seemed to be a communication breakdown. 9 Q. Yes. Thank you. 10 Another point I would like to explore with you -- 11 it's the issue regarding the chipping of the concrete 12 surface that Mr Pennicott had also discussed briefly 13 with you. 14 If couplers were damaged during the process, would 15 Leighton be responsible for replacing those couplers? 16 A. Which couplers are you talking about? The 1111 or the 17 1112? 18 Q. Let's talk about 1112 first. 19 A. Yes. 20 Q. Just in general, if couplers were damaged during this 21 chipping process, do you know whether Leighton would be 22 responsible for replacing the couplers? 23 A. You are saying if these were damaged -- in this 24 scenario, if Leighton had damaged the couplers, Leighton 25 or Leighton's other sub-contractors?</p>	<p style="text-align: right;">Page 55</p> <p>1 A. I think in terms of doing inspections, our engineers are 2 aware of the requirements that are required to be done 3 on the project. 4 Q. Because I asked Henry Lai and we also asked Jeff Lii 5 yesterday, and it seems to us that their answer was that 6 they were not given any particular instructions or 7 notice as to what they should look for during the 8 inspection process. That's the answer that they gave 9 us. 10 So I'm interested to know, given what happened, has 11 Leighton considered that the training or the 12 instructions given to the engineers were not sufficient? 13 A. Let me just think about that. 14 I think in any organisation, there's always more 15 that could be done in any area, and we are looking at 16 different ways of education, different ways of training, 17 that can be done in the future. 18 Q. If I can then move on to talk about the site diaries 19 that Mr Pennicott also went through. If we can have 20 a look at CC1/443. 21 If we can blow that up a little bit, and if we go to 22 the number of labour. 23 MR PENNICOTT: Can we just get the date first? 24 MR KHAW: Sorry. This is -- 25 MR PENNICOTT: 4 January 2017.</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. Yes. 2 A. Then -- I don't know the details, but Leighton would 3 provide the material. 4 Q. Earlier on, Mr Chairman asked you a question regarding 5 whether the engineers who were responsible for carrying 6 out the inspection had been given sufficient training or 7 instruction as to what they should look for, what they 8 should see during the inspection process. Do you 9 remember that? 10 A. Yes. 11 Q. Then you told us that Leighton has classroom trainings, 12 on-site trainings, et cetera, et cetera. 13 The problem now is that we all know that -- for 14 example, in respect of the stitch joints, we all know 15 that there were improper or inadequate coupler 16 connections during the execution of the works, and such 17 improper or inadequate connections actually went 18 unnoticed by the engineers on site, and we have 19 discussed that with Henry Lai, et cetera. 20 So now we are aware of this problem, did Leighton 21 consider that the engineers were not given sufficient 22 training or instructions for the purpose of carrying 23 out -- I mean instructions or training to the engineers 24 for the purpose of carrying out the inspection works 25 on site?</p>	<p style="text-align: right;">Page 56</p> <p>1 MR KHAW: 4 January 2017. 2 It's supposed to be a daily site record. If we look 3 at the number of labour for each activity, I take it 4 that the information must have been supplied by Leighton 5 to MTR; am I correct? 6 A. Not necessarily, actually. MTRC have inspectors on the 7 project, you know. We countersigned these records. 8 Q. Right. So you mean the MTR inspectors were supposed to 9 actually be able to count the exact number of labourers 10 for each activity? 11 A. With site diaries, they are a moment in time. Obviously 12 there could be labour in a room or whatever moving 13 around. So it may not reflect the exact number of 14 labour on the project. 15 Q. Right. Now, you've told us that Leighton, as a main 16 contractor, was not responsible for compiling any site 17 diary. Is that correct? 18 A. Well, I said MTRC -- a diary was produced that we 19 countersigned together with MTRC. 20 Q. Yes. But let's take a look at this countersign issue. 21 If we can go to the bottom -- now, this one was 22 apparently countersigned by Ian Rawsthorne, and he 23 countersigned it on 16 February -- 24 A. It's Pped by someone else, actually. 25 Q. Yes, by someone else, on behalf of him.</p>

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<p>1 A. Yes.</p> <p>2 Q. And it was dated 16 February 2017.</p> <p>3 A. Okay.</p> <p>4 Q. So that was more than one month after this particular</p> <p>5 site diary was prepared.</p> <p>6 So what I'm interested to know is: what's the</p> <p>7 purpose of this countersign when it was done more than</p> <p>8 one month later, and Leighton does not have any raw</p> <p>9 materials, so to speak --</p> <p>10 A. That's not correct.</p> <p>11 Q. -- to actually verify --</p> <p>12 A. That's not correct. I think maybe -- I thought the</p> <p>13 question you were asking me was did Leighton keep</p> <p>14 an equivalent diary the same as this?</p> <p>15 Q. Right.</p> <p>16 A. That's not -- did we keep it exactly the same as this?</p> <p>17 No, we didn't. But obviously, on our projects, we have</p> <p>18 records of all the resource on the projects for each</p> <p>19 sub-contractor.</p> <p>20 Q. Right. So you mean that there would be records kept by</p> <p>21 Leighton, who would enable the representative of</p> <p>22 Leighton to verify the information contained on this</p> <p>23 site diary compiled by MTR?</p> <p>24 A. It's before I was employed as a general manager, this</p> <p>25 date, but, you know, normally our staff would check</p>	<p>1 So if there is an issue with an engineer, he can speak</p> <p>2 to his direct boss, which may be the sub-agent or site</p> <p>3 agent or construction manager and, you know, people are</p> <p>4 able to speak freely about what requirements are needed.</p> <p>5 Q. Right. But from this incident, obviously we have been</p> <p>6 told by Henry Lai and Jeff Lii that when they failed to</p> <p>7 cope, they found their own way to try to solve the</p> <p>8 problem. For example, we have also seen an incident</p> <p>9 that RISC forms for a period of four months were</p> <p>10 suddenly submitted to MTR in one go. So that was how</p> <p>11 they perceived to be the way to solve the problem.</p> <p>12 So given the incidents that we have now seen, has</p> <p>13 Leighton actually considered it necessary to review the</p> <p>14 system as to how or what the engineers should do when</p> <p>15 they encounter similar problems on site?</p> <p>16 A. Sure. So if we just take the RISC forms, one of the</p> <p>17 issues that has arisen in respect of the RISC forms was</p> <p>18 that the ability to continue the works beyond the hold</p> <p>19 point. Say, for example, the reinforcement fixing,</p> <p>20 a RISC form should be submitted and the work should hold</p> <p>21 until that's approved, and then continue to the next</p> <p>22 step.</p> <p>23 So when the system was changed by sort of, you know,</p> <p>24 a verbal approval, and was given and the works allowed</p> <p>25 to proceed -- we've reviewed that as a system, and what</p>
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<p>1 their own records, maybe with the labour officer,</p> <p>2 et cetera, of the resource on the project and what they</p> <p>3 were doing.</p> <p>4 Q. Regarding the RISC forms, the only matter that I wish to</p> <p>5 discuss with you is this. We heard evidence from Henry</p> <p>6 Lai and also Jeff Lii that they failed to submit the</p> <p>7 RISC forms, and they told us that they are too busy at</p> <p>8 work, and Jeff Lii also told us that he did not find</p> <p>9 this whole process of making RISC forms very</p> <p>10 user-friendly, even though he told us that that was not</p> <p>11 the main reason why he did not compile the RISC forms.</p> <p>12 The main reason was still he had difficulty, he couldn't</p> <p>13 cope, because of the heavy workload on site.</p> <p>14 So what I'm interested to know is: did Leighton ever</p> <p>15 tell the engineers, "When you encounter a problem</p> <p>16 on site which would make you unable to discharge your</p> <p>17 duties fully, which would make you unable to complete</p> <p>18 all your work that you are supposed to do", then what</p> <p>19 should the engineers then do; what steps should they</p> <p>20 take in order to let, for example, their superior know</p> <p>21 the difficulties? Do you --</p> <p>22 A. We have very much an open-door policy within Leighton.</p> <p>23 You know, for example, my door is always open. I get</p> <p>24 calls sometimes from engineers or project managers --</p> <p>25 different levels. It's very flat-lined in that respect.</p>	<p>1 we have now is that we have developed a system with</p> <p>2 construction lots, so that we forecast now on our</p> <p>3 projects the RISC forms that will be submitted for</p> <p>4 an area; okay? We now know whether or not a RISC form,</p> <p>5 at the end of each day or the end of each week, whether</p> <p>6 there's any outstanding for those areas. So we have</p> <p>7 tracking schedules and tracking systems in place.</p> <p>8 So what has happened here, which could be down to</p> <p>9 maybe the archaic system we are dealing with will not</p> <p>10 happen again going forward. We have now put the systems</p> <p>11 in place to avoid this, and obviously the digitalisation</p> <p>12 which we have heading to now, towards the third</p> <p>13 quarter/fourth quarter with all our documents, this will</p> <p>14 make it much more easier, user-friendly, simplified</p> <p>15 processes to go forward.</p> <p>16 But just because the RISC forms -- the RISC forms</p> <p>17 are just one element of it. You know, the formal</p> <p>18 inspections have taken place. There are, as we've said,</p> <p>19 diaries, there are WhatsApps, there are photographs;</p> <p>20 there's lots of other pieces of information around this.</p> <p>21 Q. Finally, in relation to testing of materials, that you</p> <p>22 have also covered in your witness statement, as you told</p> <p>23 us that about 7 per cent of the rebar delivered to site</p> <p>24 was not tested, but you told us that Leighton intends to</p> <p>25 adduce expert evidence to address this point, or to</p>

<p style="text-align: right;">Page 61</p> <p>1 demonstrate as to whether the tests performed on the 2 rebars was sufficient or not. 3 First of all, I would like to ask you, on this 4 point, are you aware of the requirement imposed by the 5 Buildings Department regarding the testing of materials? 6 A. In respect of the HOKLAS testing? 7 Q. I can actually take you to one of the acceptance 8 letters: DD8/11586. 9 That's one of the acceptance letters in relation to 10 HHS. If I can then take you to have a look at one of 11 the appendixes, if I can take you to DD11571. This is 12 one of the attachments to the government's acceptance 13 letter. This attachment refers to certain requirements 14 on sampling and testing of steel reinforcing bars which 15 would need to be carried out. 16 If we look at paragraph (a), it says: 17 "Sampling and testing of steel reinforcing bars 18 should be carried out in accordance with Practice 19 Note ... Testing should be carried out by a laboratory 20 accredited [by the HOKLAS] for the particular test 21 concerned. Test results should be submitted within 22 60 days of the delivery of the steel reinforcing bars to 23 the site. The test reports should be appended with 24 a statement signed by the competent person to confirm 25 the following:</p>	<p style="text-align: right;">Page 63</p> <p>1 passed. 2 COMMISSIONER HANSFORD: Do you know why, in some countries, 3 that's acceptable without this additional on-site 4 sampling? Do you know? 5 A. We are currently putting the expert advice around that. 6 We do have examples of that where the manufacturer's is 7 sufficient. 8 COMMISSIONER HANSFORD: Yes. I just wondered if you knew 9 why it was different in Hong Kong. 10 A. I don't know the exact requirement, but we certainly 11 have -- we are working on something now, at the moment, 12 for the expert evidence. 13 COMMISSIONER HANSFORD: Okay. 14 MR KHAW: Are you aware of some previous incident -- have 15 you heard about this incident called the Kobe Steel 16 scandal where the manufacturer's certificate of 17 inspection were actually not reliable and that caused 18 misuse of materials? 19 A. As I said, all the material delivered to this project 20 which was HOKLAS tested all passed. 21 Q. Finally, when we discussed the issues with Mr Kitching, 22 he told us that there were certain internal reports 23 compiled by Leighton after the incidents came to light, 24 addressing the issues such as the estimated costs 25 involved and progress, et cetera. Are you aware of</p>
<p style="text-align: right;">Page 62</p> <p>1 (i) All steel reinforcing bars used for the 2 construction and the test specimens covered by the test 3 reports are in accordance with the types and grades of 4 steel shown in the agreed proposal. 5 (ii) Sampling and testing of steel reinforcing bars 6 used have been carried out in accordance with [the 7 Practice Note]. 8 (iii) The acceptance criteria appropriate to each 9 type and grade of steel reinforcing bars used have been 10 complied with. 11 (iv) ... carried out by a laboratory accredited 12 under the HOKLAS." 13 In view of this requirement, would you agree that 14 the materials delivered on site with only the 15 manufacturer's certificate or with only the 16 manufacturer's inspection would not be adequate because 17 you still have to have the required sampling or testing 18 before the materials could actually be used on site? 19 A. HOKLAS testing is required for the contract. 20 Q. Yes. 21 A. And what I said earlier was that, okay, we have 22 100 per cent of the testing from the manufacturers, 23 which is often used in other countries, you know, and 24 there is -- 7 per cent of it has not been HOKLAS tested. 25 But all the testing carried out on the project has</p>	<p style="text-align: right;">Page 64</p> <p>1 those internal reports? 2 A. Yes, I am. 3 Q. Any conclusions which have been made so far within those 4 reports? 5 A. I think where we are in terms of reports at the 6 moment -- as I said earlier, the focus was on rectifying 7 the defects, which we've done, rectified it all. That 8 was the main focus of that investigation. 9 MR KHAW: I have no further questions. Thank you. 10 MR LIU: Sir, no questions. 11 CHAIRMAN: Thank you. 12 COMMISSIONER HANSFORD: I have one, but perhaps if I can 13 raise before Mr Shieh stands up, or speaks up -- he's 14 not going to stand up. 15 Are you aware, Mr Speed, of an interfacing 16 requirement specification for civils contracts? 17 A. In general terms, yes. 18 COMMISSIONER HANSFORD: Could we have a look at it? BB420 19 A. I've not studied this document. 20 COMMISSIONER HANSFORD: No, no, no. I just want to take you 21 to something. This is the appendix to contract 1112. 22 I'm assuming there's a similar one for 1111, but never 23 mind whether or not there is. 24 Can we turn to page, now, BB425. If you look at 25 item 1.7, this sets out what the 1111 contractor should</p>

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<p>1 do and what the 1112 contractor should do at 2 an interface. I just wonder whether you agree with me 3 that this implies a joint inspection between the two 4 contractors, to identify couplers, protection measures 5 to couplers, and accepts that they're provided at the 6 interface? Is that what this -- 7 A. I haven't read the document before. 8 COMMISSIONER HANSFORD: No, but reading it now, 1.7, do you 9 see -- 10 A. If "joint inspection" means the 1111 contractor and the 11 1112 contractor, if that's what it means. 12 COMMISSIONER HANSFORD: Well, I wonder if that's what it 13 means, and if it does, then presumably the 1112 14 contractor would have seen the state, the conditions, of 15 the couplers at the interface when this joint inspection 16 was taking place. 17 A. I'm aware that they are responsible for the breaking out 18 and making good any damage that occurred at that 19 interface. 20 COMMISSIONER HANSFORD: My point is slightly different, 21 because my point is you will have both seen it and 22 agreed it, if this was followed. 23 A. I wasn't there so I can't comment on what happened at 24 the workface. 25 COMMISSIONER HANSFORD: Okay. Thank you very much.</p>	<p>1 Q. And your signature appears at 3783? 2 A. That's correct. 3 Q. You are prepared to put forward the content of these two 4 witness statements as your evidence in this Commission 5 of Inquiry? 6 A. I am. 7 Q. Thank you. Now, can I show you a corporate chart at 8 CC2/526. 9 A. Sure. 10 Q. This is a familiar chart that we have seen a few times. 11 You can see the blue "MTRC" box at the top? 12 A. Yes. 13 Q. And around 8 o'clock from the "MTRC" blue box, far left, 14 we can see your goodself, "Engineering manager, William 15 Holden"; do you see that? 16 A. We are there now. Yes, that's right. 17 Q. So that accords with your understanding as to your 18 position within the organisation as of May 2017? 19 A. That's correct, at that point. 20 MR SHIEH: Thank you very much. You have presumably been 21 observing these proceedings and you would know the order 22 of proceedings. Counsel for the Commission, 23 Mr Pennicott, in front of me, and other counsel will ask 24 you questions, and also perhaps the Commissioner and 25 Mr Chairman. Then I may have follow-up questions for</p>
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<p>1 MR SHIEH: I have no re-examination. 2 CHAIRMAN: Good. 3 Thank you very much, Mr Speed. Thank you for your 4 assistance. 5 WITNESS: Thank you very much. 6 (The witness was released) 7 MR SHIEH: The next witness for Leighton is Mr William 8 Holden. 9 MR WILLIAM HOLDEN (affirmed) 10 Examination-in-chief by MR SHIEH 11 Q. Good morning, Mr Holden. 12 A. Good morning. 13 Q. You have given two witness statements for the purpose of 14 this Commission of Inquiry. Can I ask you first to look 15 at bundle CC1, page 72. You can choose to look at the 16 hard-copy version, if you have, or look at the monitor 17 in front of you. It's a document headed, "First witness 18 statement of William Holden"; do you see that? 19 A. Yes, I do. 20 Q. Can you turn to page 80, where I believe you can find 21 your signature. 22 A. That's mine, yes. 23 Q. Next, can I ask you to look at bundle CC6, page 3764. 24 This is your second witness statement? 25 A. Correct.</p>	<p>1 you in re-examination. So please remain seated and 2 answer those questions. 3 WITNESS: Sure. Thank you. 4 Examination by MR PENNICOTT 5 MR PENNICOTT: Good morning, or good afternoon, Mr Holden. 6 A. Good afternoon. It's afternoon, just. 7 Q. First of all, thank you very much for coming along to 8 give evidence to the Commission today. 9 Mr Shieh has explained the process so I'm not going 10 to repeat it. 11 What I would like to do, though, Mr Holden, is just 12 to spell out with you your involvement with this 13 project. 14 A. Sure. 15 Q. I appreciate that you've set it out in your witness 16 statement, but there are those not necessarily in this 17 room who've not had an opportunity of reading the 18 statement. 19 A. Sure. 20 Q. So if we can just put everything in context, and I do 21 have one or two questions to ask you about your 22 involvement at various stages in any event. 23 A. Okay. 24 Q. So you first became involved, as I understand it, with 25 the project in March 2013, and up to about early 2015</p>

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<p>1 you were a senior site agent, dealing primarily with 2 foundation works in and about the diaphragm walls; is 3 that right? 4 A. That's correct, for the Hung Hom Station. 5 Q. For the Hung Hom Station. 6 A. Yes. 7 Q. Then, from early 2015 to mid-2016, you were involved 8 with the underpinning works to the existing podium 9 structure? 10 A. That's correct. 11 Q. Then, from mid-2016 to late 2016 -- so I take that to be 12 about a six-month period -- 13 A. Yes. 14 Q. -- you say you were involved in the broader planning and 15 commercial aspects of the project. 16 A. That's right. 17 Q. So that was presumably a sort of off-site -- 18 A. No, it was on site. We were in the process of working 19 with MTR to get to an interim final account, and I was 20 involved in that process. 21 Q. Understood. 22 Then you say in early 2017 you went to the HHS area? 23 A. That's correct. 24 Q. What was your role at that time in the HHS area? 25 A. In the HHS, at that point in time, most our major civil</p>	<p>1 stitch joint? 2 A. Yes. It was a side job, I guess. So the engineering 3 manager was part of the role I was doing, but an extra 4 because of the works that came up to do with the 5 rectification; it got tasked to me. 6 Q. Yes. I think Mr Kitching has told us that he requested 7 you to, as it were, head up -- 8 A. That's correct. 9 Q. -- that investigation? 10 A. We were in a stage where a lot of the major works was 11 downsizing, so we had limited people on the job at that 12 point in time, so they asked me to come in and help out 13 with this specific task. 14 Q. Okay. You tell us, and obviously one understands this, 15 that you weren't involved in the initial construction of 16 the NAT stitch joints. 17 A. That's correct. 18 Q. But Mr Speed has prompted me to ask you this question, 19 a question that we are still, at least I am, trying to 20 get an answer to. 21 I don't know whether you can help or not, Mr Holden. 22 If you can't, just tell us. 23 A. Okay. 24 Q. We know that the stitch joints are constructed as one of 25 the last operations, civil operations.</p>
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<p>1 works was complete. We were coordinating access with 2 the designated contractor, particularly 1173, which is 3 the building services contractor. We still had some 4 minor outstanding works that we needed to carry out in 5 parallel with their works. So I was there to coordinate 6 and carry out that works and complete it, for Fire 7 Services inspection later in 2017. 8 Q. Understood. I've looked at the pour summary document 9 for the HHS area -- 10 A. Yes. 11 Q. -- and indeed there seemed to be, perhaps, half a dozen, 12 perhaps a bit more, number of pours left. 13 A. Yes. 14 Q. So I had worked out that the civil works were basically 15 complete and you were then moving on to building 16 services, as you say. 17 A. That's right. 18 Q. Then, in May 2017, as we've just seen with Mr Shieh and 19 the organisation chart, you were made the engineering 20 manager? 21 A. That's correct. 22 Q. And that was the engineering manager for this project? 23 A. For the entire project, that's right. 24 Q. It was in that role, as I understand it, that you 25 ultimately found yourself managing the remedying of the</p>	<p>1 A. That's correct. 2 Q. We understand that's because the two structures that are 3 going to be stitched together have to stabilise. 4 A. That's correct. 5 Q. The question that we're asking, that I'm asking, is: how 6 does one know when that stage has been reached and it is 7 safe and appropriate to start constructing the stitch 8 joints? Do you know the answer to that question? 9 A. I've done some homework, you will be pleased to know. 10 I'm trying to answer your question. But I don't know 11 definitively because there's nothing within our contract 12 that I can find where there's a quantity of "you are not 13 allowed a certain amount of settlement beyond X 14 millimetres over a period of time", and I wasn't there 15 at the time, but we did monitor the structures 16 throughout the period. So our only guide was that note 17 on the drawing which has come up already, which is "as 18 late as possible" and after completion of recharge. So 19 I'm assuming, at that point in time, we were getting 20 pushed to hand over the track works, the backfilling was 21 complete, recharge was completed; we were ready to carry 22 out the work. But I'm not aware of any monitoring or 23 instrumentation or report that was required and approved 24 by anyone -- or it would have to be approved by the 25 permanent works designer as their design requirement for</p>

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<p>1 stitching that structure together.</p> <p>2 Q. All right. And has your research indicated as to</p> <p>3 whether there might have been any</p> <p>4 communication/discussion between Leighton and MTR?</p> <p>5 A. I couldn't find any.</p> <p>6 Q. You couldn't find any? Okay.</p> <p>7 Turning to investigation, Mr Holden.</p> <p>8 A. Sure.</p> <p>9 Q. Picking it up in your witness statement, please, that's</p> <p>10 your first witness statement, at paragraph 17 -- you</p> <p>11 tell us that you were assigned in January 2018 "to</p> <p>12 inspect some concrete cracking and water ingress at the</p> <p>13 NSL interface stitch joint ... with a view to providing</p> <p>14 your recommendations on remedial measures." Then you</p> <p>15 say this:</p> <p>16 "I inspected the NSL [interface stitch joint, as I'm</p> <p>17 calling it] and spoke to the construction manager</p> <p>18 appointed to the NAT at that time."</p> <p>19 Would that be Joe Tam?</p> <p>20 A. Joe Tam had left the project by that time. I think</p> <p>21 I spoke with -- the person I'm referencing there is</p> <p>22 Colin Mitchell.</p> <p>23 Q. You spoke to Colin Mitchell?</p> <p>24 A. Yes.</p> <p>25 Q. "He explained to me that there had been water leakage</p>	<p>1 Q. Then, having broken, what, approximately how many holes</p> <p>2 on that side?</p> <p>3 A. I think, if I recall, about six holes. There's two</p> <p>4 tracks and probably about six to eight, I think, in that</p> <p>5 location.</p> <p>6 Q. Right. On the Gammon-Kaden side?</p> <p>7 A. Or in that joint entirely, in total.</p> <p>8 Q. So having broken out some areas on the Gammon-Kaden</p> <p>9 side, you then went to the other side and did a similar</p> <p>10 number of --</p> <p>11 A. Yes, that's right.</p> <p>12 Q. So probably about three or four holes on each side?</p> <p>13 A. Three or four holes on each side? That's right. We</p> <p>14 only had access to the walls immediately, so we did the</p> <p>15 wall breaking-out, because the track was still in place</p> <p>16 in the base slab.</p> <p>17 Q. Understood. And were the problems that you observed</p> <p>18 essentially the same on both sides?</p> <p>19 A. The problem on the northern side, the Gammon-Kaden side,</p> <p>20 was different, because of the use of Lenton couplers,</p> <p>21 and the fact that a BOSA thread had been attempted to be</p> <p>22 threaded into a Lenton coupler. So they were partially</p> <p>23 engaged but there was thread sticking out of the Lenton</p> <p>24 coupler; whereas on the southern side, which is the</p> <p>25 Leighton side, there was a combination of some of them</p>
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<p>1 since late 2017 and that Leighton's workers had been</p> <p>2 carrying out remedial injection grouting to seal up the</p> <p>3 cracking."</p> <p>4 All right. Now, at paragraph 21 you say this:</p> <p>5 "Between 7 February 2018 and 14 February 2018,</p> <p>6 Leighton's workers broke holes in the concrete and</p> <p>7 exposed some of the reinforcement bars at the NSL stitch</p> <p>8 joint ... I was personally involved in inspecting the</p> <p>9 rebar and coupler connections. On inspection, I could</p> <p>10 see that a significant number of the exposed rebar had</p> <p>11 been incorrectly connected, or were not connected, into</p> <p>12 the couplers."</p> <p>13 A. That's correct.</p> <p>14 Q. When you make those observations, Mr Holden, are you</p> <p>15 referring to both sides of the stitch joint, that is the</p> <p>16 Gammon-Kaden side and the Leighton side?</p> <p>17 A. The first inspection was the Gammon-Kaden side, but we</p> <p>18 did break holes on the Leighton side of that same joint</p> <p>19 at a certain time.</p> <p>20 Q. So you started with the Gammon-Kaden side?</p> <p>21 A. That's where the crack was present, on the Gammon-Kaden</p> <p>22 side.</p> <p>23 Q. Okay. That was where the water seepage was presumably,</p> <p>24 as well?</p> <p>25 A. Yes, that's right.</p>	<p>1 were installed correctly, full engagement, and others</p> <p>2 weren't installed at all, they were put close to the</p> <p>3 coupler.</p> <p>4 Q. Just to take it in stages, on the Gammon side, on the</p> <p>5 northern side, there were instances of rebar partially</p> <p>6 screwed into the couplers --</p> <p>7 A. That's correct.</p> <p>8 Q. -- but only partially?</p> <p>9 A. There were instances of partial installation and then</p> <p>10 also no installation.</p> <p>11 Q. No installation?</p> <p>12 A. That's right.</p> <p>13 Q. All right. Then, on the Leighton side, there were</p> <p>14 instances of full engagement but also instances of no</p> <p>15 engagement?</p> <p>16 A. Exactly.</p> <p>17 Q. On the Gammon side, where there was partial engagement,</p> <p>18 presumably there were quite a number of threads showing?</p> <p>19 A. Yes. I think you could get it in two to three threads,</p> <p>20 I think is the recollection. I can't recall if that's</p> <p>21 from that point in time or subsequent knowledge.</p> <p>22 Q. Okay. And all of this was pretty clear and obvious?</p> <p>23 A. That's right.</p> <p>24 COMMISSIONER HANSFORD: Just in your paragraph 24 --</p> <p>25 A. Sure.</p>

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<p>1 COMMISSIONER HANSFORD: -- which I think is where we are. 2 MR PENNICOTT: Or where we're coming to. 3 COMMISSIONER HANSFORD: You ask your questions first then 4 Mr Pennicott, because it may cover my points. 5 MR PENNICOTT: We'll see. 6 Before we get to paragraph 24, Mr Holden -- 7 A. Sure. 8 Q. -- which we will be coming to, I promise -- you deal in 9 paragraph 23 with of the internal stitch joint. 10 A. Yes. 11 Q. Let's deal with that first. You say: 12 "Between [those dates] 9 February 2018 and 13 14 February 2018, Leighton's workers broke holes in the 14 concrete at the other two stitch joints ..." 15 Can I just focus, please, on the internal stitch 16 joint. 17 A. Sure. 18 Q. What did you observe at the internal stitch joint? What 19 was the problem there? 20 A. The internal stitch joint, there was quite a lot of 21 threaded bar and coupler that wasn't engaged at all, and 22 this was in the six or so locations on both sides of the 23 joint. 24 Q. On both sides of the joint, right. So again it was 25 approximately three to four holes on each side of the</p>	<p>1 COMMISSIONER HANSFORD: Because it seems, in your 2 paragraph 24, that at the 1111/1112 stitch joint, you 3 concluded that water seepage was due to non-engagement 4 of couplers. 5 A. Mm-hmm. 6 COMMISSIONER HANSFORD: Whereas at the 1112/1112 joint, you 7 concluded that it was due to a failure of the 8 waterproofing measures. Is that right? 9 A. The 1111/1112 joint had -- because the couplers weren't 10 engaged, and likely due to the cold weather had actually 11 cracked apart, so the permanent waterproofing measures 12 are a PVC strip which is cast as a waterstop between the 13 two structures, in parallel with some hydrophilic 14 strips. So any amount of movement of that, the concrete 15 bond to the PVC strip would not work, so it would create 16 a water path around that. That's why I say the crack or 17 the non-engagement of the couplers was the first cause 18 of why that joint was leaking. 19 COMMISSIONER HANSFORD: There's also an Omega seal. 20 A. Omega seal is a temporary seal that allows some 21 movement. My experience with those is they do let 22 a little bit of water in, in a permanent case. They are 23 not a thing that may be a permanent waterproofing 24 detail. 25 COMMISSIONER HANSFORD: I see.</p>
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<p>1 joint? 2 A. That's right. 3 Q. Some partially engaged, some not engaged and some fully 4 engaged; a combination of all three? 5 A. I would say the ones that were engaged were fairly well 6 screwed in. There was no reason for them not to be 7 fully installed. But there was quite a lot that weren't 8 lined up with couplers at all and were sitting adjacent 9 to the couplers. 10 Q. Right. And so far as the EWL stitch joint is concerned, 11 the situation there was similar to the NSL interface 12 stitch joint? 13 A. That's correct, yes, in relation to the engagement of 14 the couplers, yes. 15 Q. And a similar number of opening-ups done? 16 A. We did the trough walls initially, so there were two 17 trough walls, there's no roof in this location, and we 18 couldn't get access to the track slab because it was on 19 a live railway at that point in time or it had rail on 20 it. 21 Q. Okay. 22 COMMISSIONER HANSFORD: Perhaps I will ask my question then, 23 if I may. My question relates to the waterproofing 24 measures. 25 A. Sure.</p>	<p>1 A. But you're right, there was an Omega seal there, but 2 of course for it to be leaking, it would have had to 3 have breached the Omega seal as well. 4 COMMISSIONER HANSFORD: So on that one, it was clear that 5 the water path was due to the crack? 6 A. Yes, that's correct. 7 COMMISSIONER HANSFORD: And on the other one? 8 MR PENNICOTT: Sorry, before we get to the other one -- 9 COMMISSIONER HANSFORD: I'm sorry. 10 MR PENNICOTT: Due to the crack -- 11 A. Yes. 12 Q. -- was the crack caused by the non-engagement or lack of 13 engagement of the rebar? 14 A. That's my view, yes. 15 Q. So it's the first time we've really had an explanation 16 of the causation of why it was ultimately the 17 non-connection or lack of connection of the rebar that 18 was, in your view, the ultimate cause? 19 A. Yes. 20 Q. Sorry, now with regard to the other one. 21 A. With the other joint, the internal joint or the 22 1112/1112 joint, NSL, there was water leaks at that 23 location but no crack was present. 24 Now, I state that the permanent waterproofing must 25 have failed, which is obvious because there was water</p>

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<p>1 coming through. There was the same waterproofing detail 2 was in the 1111/1112 joint. However, why that is, 3 I don't think it's to do with the crack because the 4 crack wasn't present. It could have been to do with the 5 fact that the roof of the 1112/1112 joint was not 6 completely concreted, as completed in the original cast. 7 It was only half-full. The fact is that the PVC 8 waterstop may not have been fully engaged with the 9 concrete at the roof section, creating a water path 10 through the Omega seal, along the joint, and then around 11 the PVC, and then out through the joint on the internal 12 side of the 1112/1112 joint.</p> <p>13 We had been doing grout injection on that joint for 14 several months prior to that, and chasing the water 15 around the joint, but unsuccessfully to stop it.</p> <p>16 Q. Just pausing there. When did you realise -- at what 17 point did you realise there was this void --</p> <p>18 A. We didn't realise there was a void there until we 19 started the demolition in the roof.</p> <p>20 Q. Is this where you were pumping the grout in?</p> <p>21 A. The grout was pumped after, as part of the remedial 22 measure, to avoid any potential void in the roof pour. 23 But when we pumped grout initially after the demolition, 24 that was to seal up behind the Omega seal on the outside 25 of the structure, because when we broke through the --</p>	<p>1 problem, the decision was in any event just to rip it 2 all out and start again?</p> <p>3 A. Exactly. We've seen that it needed to be replaced, yes; 4 for structural reasons, not waterproofing.</p> <p>5 Q. Yes, structural rather than waterproofing, yes, 6 understood.</p> <p>7 When you were carrying out this investigation, 8 Mr Holden, did you, as part of that investigation, seek 9 to look back in time and seek to find any records of the 10 means by which the original stitch joints had been 11 constructed? Did you look back to find any relevant 12 records?</p> <p>13 A. We did a study to see whether inspection forms were 14 there, and then also we did some discussions with the 15 people that were involved at the time.</p> <p>16 Q. Right. So, during the -- fairly early during the course 17 of this investigation, presumably you must have 18 appreciated that there were no, for example, RISC forms 19 in relation to the original stitch joints?</p> <p>20 A. That's correct.</p> <p>21 Q. Paragraph 26 of your first witness statement, please. 22 You are dealing here with the remedial proposal for the 23 EWL stitch joint.</p> <p>24 A. That's correct.</p> <p>25 Q. So let's just focus on that for a moment. You say:</p>
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<p>1 or demolished the roof of the interface joint or stitch 2 joint 1 at NSL, we did have a significant amount of 3 water coming through from the ground into the tunnel. 4 So we did a cementitious injected grout through the 5 tunnel lining, and then that was attempting to try and 6 solidify and stop the water path from the ground coming 7 into the tunnel.</p> <p>8 Q. Right.</p> <p>9 A. We carried that out only on the interface joint 10 1111/1112.</p> <p>11 Q. Yes. On the NSL?</p> <p>12 A. That's right, the NSL. There's no water leaks -- it's 13 above the water table at EWL.</p> <p>14 Q. And there's no roof?</p> <p>15 A. Exactly, yes.</p> <p>16 Q. Just focusing on the internal stitch joint for a few 17 more moments, despite your conclusion that the water 18 seepage had probably occurred as a result of the failure 19 of the installed permanent waterproofing measures, as 20 you say, you had discovered the lack of connection of 21 the rebar --</p> <p>22 A. That's correct.</p> <p>23 Q. -- in that joint?</p> <p>24 A. That's right.</p> <p>25 Q. So despite your views about what was causing the</p>	<p>1 "On or around 3 March 2018, Leighton submitted 2 formally via contractors submission form the 'Task 3 method statement for EWL stitch joint reconstruction' 4 for MTR's approval. This was followed by a further 5 revision on or around 17 March ..."</p> <p>6 First of all, Mr Holden, can you confirm that there 7 was no equivalent task method statement for the original 8 stitch joints?</p> <p>9 A. I'm not aware that there was. There is a general method 10 statement for the NAT permanent works, the station-box 11 EWL. From my recollection of that document, it didn't 12 deal specifically with the stitch joint.</p> <p>13 Q. That was the conclusion I have reached, having looked at 14 that general method statement for the NAT.</p> <p>15 Can I ask you this. From your experience, would you 16 have expected the original stitch joints to have had 17 a specific method statement for their construction?</p> <p>18 A. I think there should have been some specific notes 19 related to the stitch joints within the method statement 20 or a separate method statement, yes.</p> <p>21 Q. At paragraph 30 of your witness statement, you deal 22 there with the remedial proposal for the NSL stitch 23 joint -- stitch joints -- and at paragraph 30 you again 24 refer to a task method statement, and in relation to the 25 NSL stitch joints, I assume your answers are the same --</p>

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<p>1 A. Yes. 2 Q. -- in relation to the method statement? 3 A. Yes. 4 Q. Then could I ask you, please, to go to paragraph 37 of 5 your witness statement. This is just to pick up the 6 subheading. You will see, just above paragraph 37, you 7 are dealing there with the rectification of the NSL 8 stitch joints. 9 A. (Nodded head). 10 Q. Then if I could ask you to go to paragraph 42, a point 11 we have already touched upon but perhaps I could just 12 ask you a couple of further questions. You say: 13 "During the demolition works of the NSL stitch 14 joint ..." 15 That's the internal one? 16 A. That's right. 17 Q. "... T&M ..." 18 I think that's one of the sub-contractors doing the 19 works? 20 A. Correct. 21 Q. "... discovered that there was a void above the cast 22 concrete in the roof of the stitch joint. The likely 23 reason for the void was due to difficulties encountered 24 during the concreting works which forced the early 25 termination of the concrete pour. I was not aware of</p>	<p>1 40 millimetre reinforcement, was quite difficult. 2 The design required a 20 millimetre aggregate, which 3 is normal size, but it's difficult to pump large 4 aggregate size concrete into highly congested concrete 5 pours, particularly when you are pumping from the 6 surface down into the tunnel and then vertically up into 7 the formwork. 8 Q. So the solution to that was you got the MTR's permission 9 to use a different concrete mix? 10 A. Yes. We requested a few options from them, to try to 11 reduce the amount of reinforcement that was in the 12 concrete pour, because we were aware that it was 13 over-designed. There was some spare utilisation in the 14 stitch joint. But that was not accepted. But we did 15 get an acceptance of using a 10mm aggregate which 16 ultimately was successful. 17 Q. Then, in paragraphs 54 to 59 of your witness statement, 18 Mr Holden, you deal with the shunt neck -- 19 A. Yes. 20 Q. -- joint, and you say, the last line of paragraph 57: 21 "On inspection, I could see that the exposed rebar 22 in the trough walls were not properly connected to 23 couplers." 24 A. That's correct. 25 Q. So a similar situation to the EWL stitch joint; is that</p>
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<p>1 this void at the commencement of the rectification 2 works." 3 Was that void a contributory factor to the problem? 4 A. I think a contributory factor to the water inflow, 5 but -- structurally it is a problem as well, but yes, 6 compounded with the rebar non-connection. 7 Q. Right. 8 In paragraphs 43 through to 49 of your witness 9 statement, you describe the further concreting problems 10 that were encountered when you tried to reconstruct the 11 roof of the internal stitch joint? 12 A. Yes. 13 Q. As I understand it, those were all overcome, and the 14 NCR199, as you say, was closed out satisfactorily? 15 A. That's correct. The only point of note there, I guess, 16 is that it was a difficult piece of work to do in a roof 17 pour. It needed to be poured under pressure, so 18 injected into the formwork in the roof, there was no 19 access from on top, and using gravity to assist placing 20 the concrete. This can be done quite easily in tunnels, 21 but this was a bit unusual because of the high density 22 of reinforcement required because of the stitch joint 23 and the confined nature of the works; it was restricted 24 to a 2 metre by 1 metre high box. Then injecting 25 concrete into that space, with up to six layers of</p>	<p>1 right? 2 A. That's correct. We only had access to inspect the 3 trough walls in that location, and there were Lenton 4 couplers left on the Gammon side in the trough wall, and 5 there weren't Lenton threaded rebars, and so the 6 connection was not complete. 7 Q. Okay. 8 Sorry, sir -- could I just have one moment? 9 CHAIRMAN: Of course. 10 While Mr Pennicott is just checking, could I ask you 11 this. Perhaps I should have asked it of earlier 12 witnesses. But in the stitch joint areas, as 13 I understand it, you've got quite a -- the breadth of 14 them is only 6 metres, maybe, is it? 15 A. Across -- or between the two structures or across -- 16 CHAIRMAN: Between the two structures. 17 A. Between the two structures, only about 2 metres. 18 CHAIRMAN: Oh, 2, yes. That's the breadth. But the length 19 is obviously considerably longer. 20 A. Two track widths, 16 metres. The 1111/1112 joint, the 21 interface joint, is smaller, it's not as wide. The 22 internal joint is wider. It's adjacent to a niche. 23 CHAIRMAN: When the rebars have already been fitted and you 24 are looking to conduct a formal inspection, would those 25 restricted measurements present any particular</p>

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<p>1 difficulty in conducting the inspection?</p> <p>2 A. I would say it's not as easy as a normal concrete pour</p> <p>3 where you are connecting a slab to a wall, for example.</p> <p>4 I mean, it's quite clear and obvious. But these were</p> <p>5 confined areas, that's for sure. There was a lot of</p> <p>6 reinforcement in them, particularly in the internal</p> <p>7 joint, and access around them, because particularly in</p> <p>8 the roof you had to get up on top of a scaffold and have</p> <p>9 a look up there.</p> <p>10 CHAIRMAN: Yes.</p> <p>11 A. I would say the external layer of reinforcement would be</p> <p>12 quite easy, and unless you inspected every layer, it</p> <p>13 probably would be difficult, definitely, to see the</p> <p>14 internal ones because of the amount of reinforcement</p> <p>15 that was in there. You wouldn't be able to see the</p> <p>16 fixing of the inner layers of reinforcement.</p> <p>17 CHAIRMAN: But presumably, if you had been keeping a running</p> <p>18 view, a running inspection of the work as it progressed,</p> <p>19 you would obviously then initially --</p> <p>20 A. That's true.</p> <p>21 CHAIRMAN: -- have seen the inner layers?</p> <p>22 A. Yes, the inspections aren't come and have a look at a</p> <p>23 final product. They are done progressively throughout</p> <p>24 the works, even informally.</p> <p>25 CHAIRMAN: Yes. And what you would have seen, when you</p>	<p>1 Q. So this is something entirely different, nothing to do</p> <p>2 with stitch joints.</p> <p>3 Did you have any involvement with this particular</p> <p>4 aspect, that is the drill-in bars at the SAT, Mr Holden?</p> <p>5 A. My involvement in the drill-in bars at the SAT was not</p> <p>6 to do with the construction but the subsequent works,</p> <p>7 since they are referred to as the Atkins report in</p> <p>8 point 32. So I was involved in developing that with</p> <p>9 Atkins.</p> <p>10 Q. Right.</p> <p>11 A. And I was responsible during the construction of the</p> <p>12 SAT1, 8 and 9 back in 2014, the actual diaphragm wall</p> <p>13 works.</p> <p>14 Q. Sorry, let me make sure I understand this. Were you</p> <p>15 involved in the decision to use drill-in bars at those</p> <p>16 connections, at those panels SAT1, 8 and 9?</p> <p>17 A. No, not directly.</p> <p>18 Q. But you were involved in, as you say, the Atkins report</p> <p>19 in relation to that particular topic?</p> <p>20 A. Subsequently. I was aware of the requirement for some</p> <p>21 drill-in bars and why they were required at the time,</p> <p>22 but not specifically for these panels, and then I wasn't</p> <p>23 aware of them being carried out on site. I wasn't</p> <p>24 responsible for that.</p> <p>25 Q. Okay.</p>
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<p>1 started to cut in, would have been bars more on the</p> <p>2 outside, initially, or more --</p> <p>3 A. That's correct, so when we carried out the inspection</p> <p>4 opening, so the hand-broke little holes, there were just</p> <p>5 the outside layers.</p> <p>6 CHAIRMAN: Yes.</p> <p>7 MR PENNICOTT: Mr Holden, can I just refer you to your</p> <p>8 second witness statement --</p> <p>9 A. Sure.</p> <p>10 Q. -- which starts at C6/3764. I just have a couple of</p> <p>11 points I want to take up with you.</p> <p>12 You deal with the SAT general sequence of</p> <p>13 construction. Then you move on, at paragraphs 7 and</p> <p>14 following, to set out the sequence of construction in</p> <p>15 relation to the various aspects of the HHS. That's the</p> <p>16 track slabs, the accommodation blocks and the NFA.</p> <p>17 A. Correct.</p> <p>18 Q. Then you deal with the various standards and</p> <p>19 requirements for the rebar fixing at paragraph 21.</p> <p>20 Then, at paragraph 24, you take up the question of the</p> <p>21 use of couplers instead of lapping. Then eventually we</p> <p>22 will get to what I want to ask you about, which is, at</p> <p>23 paragraph 30, you've got a heading just above there,</p> <p>24 "Use of drill-in bars in SAT".</p> <p>25 A. Yes.</p>	<p>1 Lastly, Mr Holden, have you or are you playing any</p> <p>2 role in the preparation of the as-built drawings to be</p> <p>3 submitted to MTR at the moment?</p> <p>4 A. Yes, I am.</p> <p>5 Q. Can you tell us what the current situation is, broadly</p> <p>6 speaking?</p> <p>7 A. Generally, for the as-built drawings, we submitted a set</p> <p>8 of almost all -- I think all as-built drawings in 2017</p> <p>9 to MTRC. They have been submitted with MTR and some</p> <p>10 have been commented and come back for us.</p> <p>11 Since halfway through year, with the issues relating</p> <p>12 to the Commission of Inquiry number 1 and the use of</p> <p>13 couplers, we provided revised design proposal which</p> <p>14 finally will go into as-built drawings related to the</p> <p>15 diaphragm wall, to EWL slab connections, and similarly</p> <p>16 for NSL and the construction joints and so on.</p> <p>17 So we have submitted last month a revised set of</p> <p>18 drawings, including the known locations of where we've</p> <p>19 used couplers in SAT, HHS and NAT, including NFA, and</p> <p>20 then also the design changes related to the first</p> <p>21 Commission of Inquiry for the EWL to D-wall slab</p> <p>22 connections were submitted last year. So they are</p> <p>23 currently with MTR.</p> <p>24 Q. Right. So, to sum that up then, a full set of as-built</p> <p>25 drawings were submitted in 2017, as you have indicated?</p>

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<p>1 A. Yes.</p> <p>2 Q. And they have gone through a revision process as</p> <p>3 a result of the various problems that have been</p> <p>4 discovered?</p> <p>5 A. That's right. The ones that were submitted in 2017 were</p> <p>6 essentially the latest copy of working drawings which we</p> <p>7 constructed to. The information we provided recently is</p> <p>8 in relation to more information, over and above the</p> <p>9 working drawings, including positions of couplers and</p> <p>10 other minor amendments that we've put on drawings and</p> <p>11 provided to MTR.</p> <p>12 MR PENNICOTT: Okay. Sir, I have no further questions.</p> <p>13 CHAIRMAN: Good. Thank you.</p> <p>14 COMMISSIONER HANSFORD: I have one. In fact, you may have</p> <p>15 heard us ask Mr Speed about the current status of the</p> <p>16 proposals on the repairs of the shunt neck joint.</p> <p>17 A. Yes.</p> <p>18 COMMISSIONER HANSFORD: And in paragraph 59, at the bottom</p> <p>19 you say you are waiting on MTR, but I understand that</p> <p>20 there may be news on that; is that right?</p> <p>21 A. Yes, the wait is over. We've got a response from RDO at</p> <p>22 the end of last week, which was a correspondence to MTRC</p> <p>23 which they provided to us under transmittal last week so</p> <p>24 we owe a response to MTRC with response to comments,</p> <p>25 which have actually been discussed with BD already in</p>	<p>1 MR TSOI: Mr Holden, I act for Wing & Kwong, the rebar</p> <p>2 fixers. I've just got one or two matters to clarify</p> <p>3 with you.</p> <p>4 Can I take you to page CC1350. This is a Wing</p> <p>5 & Kwong letter to Leighton, and this is the Leighton</p> <p>6 version of it. We can see the list of names on the</p> <p>7 latter right-hand corner of the page. If we could</p> <p>8 scroll down, closer. That's it.</p> <p>9 We see a tick next to your name, to "Act". Is that</p> <p>10 to action?</p> <p>11 A. That's what it means, yes.</p> <p>12 Q. Now reading that, can you now recall talking to anyone</p> <p>13 about this reply from Leighton -- from Wing & Kwong?</p> <p>14 A. Can you scroll to the top, please, just so I can ...</p> <p>15 Okay. So I drafted the Leighton letter for Jon</p> <p>16 Kitching's approval.</p> <p>17 Q. Right.</p> <p>18 A. It's come back to me for action likely because I drafted</p> <p>19 the initial letter.</p> <p>20 Q. Right.</p> <p>21 A. My follow-up action in relation to this -- I think</p> <p>22 I would have passed this to the commercial team.</p> <p>23 I think it deals with commercial matters; is that right?</p> <p>24 Q. Yes.</p> <p>25 A. So I would have spoken to the commercial manager in</p>
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<p>1 an informal meeting, and then MTR also have some</p> <p>2 outstanding comments that they need to respond to RDO.</p> <p>3 Once they are received, we will get acceptance of that</p> <p>4 package, I'm assuming.</p> <p>5 COMMISSIONER HANSFORD: And in essence, what are you doing</p> <p>6 there?</p> <p>7 A. The remedial work includes the installation of some</p> <p>8 steel plates to the trough walls.</p> <p>9 COMMISSIONER HANSFORD: Yes.</p> <p>10 A. We have carried out -- Atkins have carried out</p> <p>11 an assessment and determined that actually the two</p> <p>12 structures are sitting on piles themselves, so there's</p> <p>13 very little risk of any differential movement or</p> <p>14 settlement, but it's just as a mitigation to recognise</p> <p>15 that the trough walls aren't connected with</p> <p>16 reinforcement, continuous reinforcement. We are going</p> <p>17 to install essentially some strengthening plates to the</p> <p>18 outside of the structure.</p> <p>19 COMMISSIONER HANSFORD: Okay. I've seen that. Thank you.</p> <p>20 CHAIRMAN: Yes?</p> <p>21 MR TSOI: If I may, Chairman, because I may be absent in the</p> <p>22 afternoon, although I note the time. I'll be quite</p> <p>23 short.</p> <p>24 CHAIRMAN: That's all right.</p> <p>25 Cross-examination by MR TSOI</p>	<p>1 relation to this, because I think it deals with --</p> <p>2 I can't read the bottom of the letter, actually, but</p> <p>3 I think it deals with retention. Is that what it is?</p> <p>4 Q. Right. Understood.</p> <p>5 Now if I can turn you to page CC1356. That's also</p> <p>6 a Wing & Kwong letter to Leighton, on 26 February 2018.</p> <p>7 A. Mm-hmm.</p> <p>8 Q. Again, on the right-hand side, we see a list of names of</p> <p>9 the Leighton individuals, and we see a tick next to your</p> <p>10 name --</p> <p>11 A. Yes.</p> <p>12 Q. -- I think to action as well?</p> <p>13 A. That's right.</p> <p>14 Q. But in the middle there, I think it says, "Will: Note</p> <p>15 they want a joint inspection", and then "arrange". Can</p> <p>16 you now recall who wrote that?</p> <p>17 A. That's Jon Kitching's handwriting.</p> <p>18 Q. Is that Mr Kitching writing to you?</p> <p>19 A. He is, yes.</p> <p>20 Q. So he's asking you to arrange for a joint inspection</p> <p>21 with Wing & Kwong?</p> <p>22 A. That's right.</p> <p>23 Q. We know, of course, that in the end there's no joint</p> <p>24 inspection. Can you now recall what happened after</p> <p>25 that?</p>

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<p>1 A. I thought Ah Chun came to our site and was taken to the 2 stitch joint. 3 Q. Yes. That was before, so that's why I'm asking. 4 A. Okay. I'm guessing maybe the joint inspection carried 5 out prior. I know the stitch joint was arranged through 6 Cheung Chi Wai, who was working for me at the time, with 7 Ah Chun, and there was a meeting. So I'm not sure when 8 that note was put on there but if I did receive that 9 request, then the joint inspection had already taken 10 place. 11 Q. So you don't recall there was a change of mind about 12 a joint inspection? 13 A. Well, no, the joint inspection had already taken place 14 in my view. 15 Q. Had already? 16 A. Had already, yes. 17 MR TSOI: Thank you very much, Mr Holden. That's all I wish 18 to ask. 19 MR BOULDING: I have some questions on one matter, sir. You 20 might think it's more appropriate to deal with it after 21 lunch. 22 CHAIRMAN: Yes, it sounds so. Thank you very much. 23 Mr Holden, we are going to have lunch now. Because 24 you are giving your evidence at the moment, you are not 25 entitled to discuss your evidence with anybody until it</p>	<p>1 going into the bundles almost on a daily basis, and 2 unfortunately sometimes things slip through the net. 3 This one certainly did so far as I was concerned. 4 If we go to DD9, at page 12254. 5 It's okay, he's got it on the screen. 6 A. That's fine. 7 Q. Mr Holden, this is a letter of 28 May from the Highways 8 Department to MTR, which I imagine was then passed on to 9 you; is that right? 10 A. That's correct. This is the one. 11 Q. Is this the letter you were referring to before lunch? 12 A. It is. 13 MR PENNICOTT: Thank you very much. That's all I wanted to 14 clarify. 15 So it's there, sir, if you want to look at it in due 16 course. 17 CHAIRMAN: Thank you very much. 18 Cross-examination by MR BOULDING 19 MR BOULDING: Good afternoon, Mr Holden. I'm acting for MTR 20 and I've got one matter that I'd like to discuss with 21 you, please. 22 If we could go to your second witness statement, 23 which is in bundle CC at 3764. I think we'll find it 24 starts there. Splendid. 25 Then can we go on, please, to paragraph 24(a) at</p>
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<p>1 is completed; okay? 2 WITNESS: Okay. 3 CHAIRMAN: Thank you very much. 2 ...? 4 MR PENNICOTT: 2.15? 5 CHAIRMAN: 2.15. Thank you. 6 (1.01 pm) 7 (The luncheon adjournment) 8 (2.16 pm) 9 Further examination by MR PENNICOTT 10 MR PENNICOTT: Sir, good afternoon. Prof Hansford, good 11 afternoon. 12 Mr Holden, good afternoon. 13 Before Mr Boulding continues, can I just mention one 14 matter. During the course of Mr Holden's evidence just 15 before lunch, Prof Hansford was asking him some 16 questions regarding the current state of play in 17 relation to the shunt neck joint and the remedial 18 proposals. 19 In one of Mr Holden's answers, he referred to 20 a letter from RDO that was received at the end of last 21 week, and I just wonder if I can show him what I believe 22 to be the letter, just for the sake of getting it on the 23 transcript. 24 CHAIRMAN: Sure. 25 MR PENNICOTT: One does one's best to keep up with what's</p>	<p>1 3777. Scroll up, please. I want to see the top of the 2 letter. 3 We ought to pick up the bottom of the previous page, 4 just to read Mr Holden into what he says: "Use of 5 couplers instead of lapping", then paragraph 24, 6 "Leighton has disclosed to the Commission", then over 7 the page, please: 8 "(a) drawings identifying the indicative locations 9 within the NAT, SAT and HHS where couplers were adopted 10 instead of lapping to connect rebar ..." 11 Then we've got various references to a number of 12 documents; do you see that, Mr Holden? 13 A. I do, yes. 14 Q. Then you have a footnote there, footnote 6, and if we 15 can scroll down to see what that says: 16 "Leighton was not obliged to keep contemporaneous 17 records of its use of couplers and lapped rebar at each 18 construction joint within the NAT, SAT and HHS." 19 It's that proposition I would like to discuss with 20 you -- 21 A. Sure. 22 Q. -- if I could, please. 23 To start our discussions, first of all, could I go 24 to bundle C, page 2128. That's the beginning of the 25 document.</p>

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<p>1 Do you there see, Mr Holden, that we are in part of 2 the General Specification for Civil Engineering Works; 3 do you see that? 4 A. I can see that, yes. 5 Q. And that was part of the contract 1112 documentation, 6 was it not? 7 A. I agree. 8 Q. We can see, can we not, that we are at the beginning of 9 section 15, entitled "Document management"; correct? 10 A. Yes. 11 Q. If you would be kind enough to go on to C2131, and do 12 you there see clause G15.4.1? 13 A. I do. 14 Q. We can see, can we not, that the specification is 15 talking about as-built drawings? 16 A. Sure. 17 Q. If I might be permitted to read into it: 18 "On completion of the work, the Contractor shall 19 compile and certify a set of as-built drawings for the 20 Engineer's Approval." 21 A. Sure. 22 Q. Then you are told, are you not, that: 23 "The as-built drawings shall employ the Employer 24 with a permanent record of each project features." 25 Correct?</p>	<p>1 "Approved/used construction materials and 2 products ..." 3 Do you see the reference there? 4 A. I can see that, yes. 5 Q. "... including, but not limited to, grade of concrete, 6 movement joints, construction joints, waterproofing 7 membranes, structural bearing, cast-in structural 8 brackets, pipework, cable works, and ductworks". 9 Again, I suspect you'd agree with me that they are 10 all important matters, are they not? 11 A. They are. 12 Q. Then we can look at (e), "provisions for future 13 extensions", but perhaps that doesn't matter too much 14 for present purposes. 15 But I wonder if we could now go on in the bundle to 16 B12534. Here we see, do we not, part of the Particular 17 Specification for contract 1112? 18 A. Yes. 19 Q. And again I assume that you have seen this document 20 before? 21 A. I've seen this, yes. 22 Q. And presumably you are familiar with its contents? 23 A. Yes. 24 Q. For my present purposes, we can see, can we not, 25 a definition of the phrase "as-built drawings" at the</p>
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<p>1 A. Correct. 2 Q. You would accept, I assume, that these are indeed 3 important drawings? 4 A. Sure. Yes. 5 Q. Reading on, if I may: 6 "This set of record drawings shall consist of the 7 following: 8 (a) actual locations, dimensions and structural 9 details of the completed Works". 10 Were you aware of that requirement, Mr Holden? 11 A. Yes. 12 Q. Then: 13 "(b) actual method and sequence of construction and 14 installation". 15 Do you see that? 16 A. I see that. I'm unsure how some of that would be 17 reflected in the drawings, to be honest with you, but 18 I see it's in the contract. 19 Q. Yes, quite. And presumably Leighton would do its best 20 to comply with the requirements of the contract, would 21 it not? 22 A. Sure. 23 Q. Then: 24 "(c) left-in Temporary Works or permanent formwork". 25 Perhaps we can just skip that, but (d):</p>	<p>1 very top of the page? 2 A. Sure. 3 Q. And reading, if I may: 4 "As-Built Drawings' means the drawings which are the 5 as-built record of the Works incorporating all 6 dimensioned amendments, changes modification and 7 alterations to the Works." 8 A. Sure. 9 Q. "The Contractor shall provide As-Built Drawings in 10 accordance with General Specification Section 15." 11 Which of course we looked at two or three minutes 12 ago. 13 A. Sure. 14 Q. Then if we roll on, if we can, in that document to 15 B12535, do you there see a clause P28.6? 16 A. I can, yes. 17 Q. Reading that, if I may: 18 "Notwithstanding the requirements elsewhere in the 19 Contract for provision of records, the Contractor shall 20 submit all construction records in PDF format, required 21 for the preparation of a comprehensive Project Record, 22 within 21 days or as soon as practicable after the 23 completion of the activity to which the records relate." 24 Presumably, you were aware of that, were you not, 25 Mr Holden?</p>

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<p>1 A. I wasn't aware of that condition, actually. 2 Q. Well, you are now. 3 A. Yes. 4 Q. Just to finish that: 5 "Preliminary records shall be submitted within 6 24 hours." 7 A. Mmm. 8 Q. Then moving on, if I may, to 28.9: 9 "Prior to substantial completion of the Works, the 10 Contractor shall prepare, provide and submit As-Built 11 Drawings or records as required under the Specification 12 to the Engineer for Approval and to the Government 13 departments and relevant authorities as required." 14 So there we can see once again, can we not, the 15 reference to those as-built drawings which we discussed 16 a moment ago -- 17 A. Sure. 18 Q. -- in the context of the General Specification. 19 Then if we could go to B12536, and here we are still 20 in the Particular Specification; do you see that? 21 A. I can. 22 Q. You can pick that up at the top of the page. I don't 23 want you to be disadvantaged. 24 A. "Operating and maintenance manuals and as-built 25 drawings", PS/001, yes.</p>	<p>1 coupler is within the works and precisely how many. 2 Q. Well, I think we can read the clauses for ourselves and 3 what I've got to suggest to you is that Leightons were 4 in fact required to keep contemporaneous records, 5 including where couplers were used and lapped bars were 6 used at each of the construction joints within NAT, SAT 7 and HHS. That's what I'm suggesting to you, in the 8 light of the clear wording we have read together. 9 A. You know, in my experience, it's not usual practice to 10 be recording particularly the location of construction 11 joints or where you may have moved the location of a lap 12 on rebar within a continuous reinforcement structure. 13 Similarly, using couplers in a location where -- in 14 place of a lap, which is in accordance with the code of 15 practice, can also be used. And generally that level of 16 information has not been updated in an as-built set of 17 drawings in the past. 18 Q. Well, you are talking about your personal experience. 19 A. Yes. 20 Q. That's exactly why I took you to the wording of the 21 specification, the General Specification and the 22 Particular Specification. And what I suggest to you is, 23 notwithstanding your personal experience, having regard 24 to the clear terms of those specifications, Leightons 25 had an obligation to keep contemporaneous records,</p>
<p>Page 106</p> <p>1 Q. Splendid. 2 Let's have a look at clause P32.2: 3 "Unless agreed with the Engineer, the Contractor 4 shall provide the Engineer as-built drawings for all the 5 Works with four hard copies and two electronic copies on 6 CD-ROMs in both MicroStation and PDF format. As-built 7 drawings shall be prepared and submitted strictly in 8 accordance with the requirements of the Drawing and the 9 CADD Manual." 10 Again, is that a clause that you had occasion to 11 read before? 12 A. I am aware of that clause, yes. 13 Q. Having been through those documents, reminded you of 14 some of the terms, drawn to your attention some of the 15 terms for the first time, what I suggest to you, 16 Mr Holden, is that contrary to what we saw you said in 17 your footnote 6, Leightons was indeed required to keep 18 contemporaneous records. That's correct, is it not? 19 A. I'm just not sure about the precise location of where 20 these couplers were used, because if you look at the 21 General Specification, I think it refers to construction 22 joint materials, couplers, that sort of thing, more like 23 proprietary products which might appear on a general 24 note on a drawing, rather than a precise location 25 exactly where these joints were made or where the</p>	<p>Page 108</p> <p>1 including where couplers and lapped rebars were used at 2 each of the construction joints within the NAT, the SAT 3 and the HHS. Is that something you would accept? 4 A. I have difficulty accepting that at the moment. The 5 General Specification I think is probably more related 6 to proprietary products and if they've been used and 7 what were used for a product traceability exercise. 8 I can't see the purpose of having an as-built drawing to 9 show the exact location where a lap may be, because 10 structurally it doesn't matter. Similarly with 11 couplers. 12 Q. Well, we can look at clause G15.4.1 in due course and we 13 will make our submissions on that. 14 But thank you very much. 15 A. Thank you. 16 Cross-examination by MR CHOW 17 MR CHOW: Chairman and Prof Hansford, I have a few questions 18 for Mr Holden. 19 Good afternoon, Mr Holden. 20 A. Good afternoon. 21 Q. I represent the government and we have a few questions 22 for you. 23 A. Sure. 24 Q. You recall that in your statement, you told us that you 25 became the engineering manager in May 2017?</p>

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<p>1 A. That's right. 2 Q. And upon taking up that position, you were responsible 3 for various engineering matters -- 4 A. Sure. 5 Q. -- of the project? 6 A. That's right. 7 Q. We now know that the original joint 1, the original 8 stitch joint 1, was built between 6 July 2017 and 9 2 August 2017. 10 A. Mm-hmm. 11 Q. You can take it from me that we have evidence to show 12 that. 13 A. Sure, yes. 14 Q. And joint 2, the original stitch joint 2, was built 15 between 26 July and 29 July 2017. So they were built 16 after you have taken up the position as engineering 17 manager. 18 A. Sure. 19 Q. But earlier you mentioned that you were not involved in 20 the original stitch joint work, so is that the position? 21 A. That's correct. 22 Q. I would like you, if you don't mind, to help me 23 understand better the real cause of water leakage in 24 joint 1 and joint 2. Now, by joint 1, the convention is 25 that it refers to the stitch joint at the interface of</p>	<p>1 designed in the contract document, may not be strong 2 enough to hold the two structures together? Otherwise, 3 we don't need to specifically state that as 4 a requirement; is that right? Is it logical? 5 A. It's logical, yes. 6 Q. Now, at the same time, we also see that there is 7 a requirement for monitoring. 8 If we now go to item 1.5 on the same page, item 1.5, 9 for contractor 1111, it requires that -- contractor 1111 10 has to "provide access for 1112 contractor to install 11 monitoring points and carry out monitoring", and "To 12 relocate the monitoring point installed at contract 1112 13 area". 14 Can you see that? 15 A. I can see that, yes. 16 Q. And the corresponding obligation of the contractor for 17 contract 1112 is rather similar. It's: 18 "To provide access for 1111 contractor to install 19 monitoring points and carry out monitoring. 20 To relocate the monitoring point installed at 21 contract 1111 area if affected by 1111 contractor's 22 works." 23 Do you see that? 24 A. I can see that, yes. 25 Q. Now, the monitoring points here, is it right that it's</p>
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<p>1 NSL. 2 A. Correct. 3 Q. And joint 2 is the internal stitch joint -- 4 A. Correct. 5 Q. -- of NSL. 6 Let's start with joint 1 first. First of all, 7 I would like to refer you to the interface requirement 8 at bundle BB1, page 420, please. 9 The particular part of it can be found at page 424, 10 please. This is part of the interface requirement of 11 the Particular Specification of the contract. 12 A. Yes. 13 Q. Item 1.4 specifies, in the middle column, for contractor 14 1112 -- do you see that? 15 A. Yes, I do. 16 Q. It specifies that: 17 "To complete the stitch joint, including Omega seal, 18 rebar and infill concrete, after tunnel backfilling and 19 stabilisation of tunnel settlement." 20 A. Yes. 21 Q. Do you see that? 22 A. I can. 23 Q. Is it logical to deduce from this requirement that if 24 the settlement of the two structures on each side of the 25 stitch joint hasn't stabilised, the reinforcement, as</p>	<p>1 to monitor the movement of the structure on each side of 2 the stitch joint? 3 A. It would seem logical that that is what the monitoring 4 points are for, yes. 5 Q. Do you have any knowledge as to whether monitoring work 6 has actually been carried out? 7 A. I don't have any knowledge as to whether monitoring was 8 carried out prior to the original construction, but 9 I know that monitoring was carried out during the 10 remedial works and is still being carried out presently. 11 Q. I see. And earlier you also mentioned that there is 12 nothing in the contract which provides requirement or 13 guidance to the contractor as to what sort of movement 14 is allowed before one can start doing the stitch joint. 15 Basically, there's no requirement -- 16 A. That's not quite what I said. I said a quantifiable 17 limit. There is a guideline on the drawing, and 18 obviously, as you've pointed out here, in the interface 19 specification. But there is no quantifiable certain 20 amount of millimetres' differential over a period of 21 tile, which could be expected, possibly. 22 Q. Right. But, as a matter of fact, are you aware of any 23 result of the monitoring work having been submitted to 24 MTRC's designer? 25 A. In the original stitch joint, I'm not sure, no.</p>

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1 Q. So I have difficulty to understand, in such 2 circumstances, what is the point of doing monitoring? 3 A. Yeah, I'm not entirely sure -- I mean, it's really 4 a permanent works design requirement to see what the 5 permanent works would be capable of or what differential 6 settlement that it's designed for. But that's not 7 within my knowledge or within Leighton's. 8 Q. All right. You mentioned in your statement that based 9 on your own observation, there is a gap or a crack. You 10 used the term "crack"? 11 A. That's right. 12 Q. But I would prefer to use "gap" because 5 to 10 13 millimetres is quite wide in reinforced concrete. You 14 mentioned this is what you have observed at joint 1, on 15 the Gammon side of the stitch joint. 16 A. Exactly, yes. 17 Q. Would you agree with me that with a gap of that 18 magnitude, it demonstrates that the structure on two 19 sides of the stitch joint have moved or at least 20 relative to each other? 21 A. Agree, yes. 22 Q. Have you had a chance to look at the design, the 23 original design of the stitch joint, to see if the 24 reinforcement -- on the assumption that the couplers' 25 connection had been properly connected, would it be able	1 A. Not personally. 2 Q. So it seems to me that the real cause of the crack or 3 the water seepage perhaps -- of course I don't know for 4 sure -- was due to the excessive movement of the two 5 structures. That is also a possibility; would you 6 disagree? 7 A. That's true. It's the crack which is caused by the 8 differential movement, yes. 9 Q. And this is -- it means it is also a possibility that 10 the stitch joint was constructed too early, before the 11 structure on both sides of the stitch joint had 12 stabilised. 13 A. I would say that's unlikely, only because we did 14 construct at some time after, I think nine months after 15 the original construction, which -- the backfilling had 16 been completed, including the groundwater recharge. 17 It's more likely that it's due to the fact that the 18 couplers weren't connected. 19 Q. Okay. But it is something that if one wants to make 20 sure as to look into the design and to check the 21 monitoring reading at the time of the construction of 22 the stitch joint -- 23 A. Sure. 24 Q. -- to ascertain the degree of settlement at that 25 stage --
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1 to prevent the relative movement of the two structures? 2 You haven't checked that, right? 3 A. I'm not sure. That's not within our scope to check that 4 work. But I assume that that's what it was designed 5 for, yes. 6 CHAIRMAN: Sorry, I probably misheard. I think the 7 transcription team may have misheard to. To prevent the 8 something movement -- it sounded like a technical -- 9 MR CHOW: Relative movement of the two structures on each 10 side of the stitch joint. 11 CHAIRMAN: All right. So it's "relative" movement? 12 MR CHOW: Yes. 13 CHAIRMAN: Thank you. 14 MR CHOW: It must have been my fault. 15 Based on what you have told us, it seems to me -- 16 I'm not sure that my understanding is correct or not -- 17 first of all, we don't know -- we are convinced -- or 18 what you told me is the fact that we have a requirement 19 in the contract requiring the contractor to do the 20 stitch joint only after the settlement is stabilised 21 suggests that the reinforcement itself was not enough or 22 strong enough to hold the two structures together. 23 Secondly, you just confirmed with us that you so far 24 have had no chance to really look at the design of the 25 reinforcement details.	1 A. Yes. 2 Q. -- before one can really conclude the real cause of 3 a gap? 4 A. Yes, but to be clear, we don't know anything about the 5 permanent works design and we haven't designed it for 6 any -- or taken any consideration for differential 7 movement. 8 Q. Okay. I would now want to turn to joint 2. 9 A. Sure. 10 Q. Earlier, you also mentioned that based on your 11 observation there was no crack -- 12 CHAIRMAN: Sorry, just so I understand -- you have not 13 designed it or taken into consideration in respect of it 14 matters of differential movement? 15 A. It's not our design. It's permanent works design, so 16 it's the DDC designer, Atkins, working under MTRC. 17 CHAIRMAN: Thank you. 18 So the design that you worked on from Atkins had 19 nothing there that required you to take action in 20 respect of differential movement? 21 A. No. There was no information on that. 22 CHAIRMAN: Okay. 23 MR CHOW: Mr Holden, I will now turn to joint 2. 24 A. Sure. 25 Q. Earlier, you also mentioned that you observed -- well,

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<p>1 there was no crack formed in joint 2. 2 A. Yes. 3 Q. But nevertheless there was water seepage. 4 A. Mm-hmm. 5 Q. So your view at the time is that it was caused by 6 failure in the waterproofing system? 7 A. The permanent waterproofing system, yes. 8 Q. I just want to understand more about the cause. In the 9 first part of this Inquiry, we had experts in structural 10 engineering. 11 A. Sure. 12 Q. According to my recollection, the message that we have 13 got from the expert in relation to the behaviour of the 14 reinforcement inside the concrete -- perhaps you can 15 tell me whether my understanding is right or wrong -- 16 now, reinforcing bar cast or embedded in concrete, if 17 that part of the structure is not under tension, the 18 reinforcing bar would not be stretched and would not be 19 mobilised. 20 A. Mm-hmm. 21 Q. Is that -- 22 A. I'm not a structural engineer so I'm not going to 23 comment on that. 24 Q. Sorry. In that case, if the two structures on each side 25 of the stitch joint have not moved, and then Leighton</p>	<p>1 waterproofing measures, that is not the fault of Wing & Kwong -- was it? 2 3 A. I'm not entirely sure, but one of the things I mentioned 4 in relation to Mr Pennicott's question earlier was 5 a contributing factor could have been the void in the 6 roof, which is not contributable to Wing & Kwong, 7 I agree. 8 Q. Okay. 9 A. So if the waterproofing members, the PVC joint, aren't 10 embedded in concrete adequately, then it will be 11 ineffective, which is not related to the reinforcement, 12 I agree. 13 Q. Thank you. 14 Can I now move on to your second statement, 15 paragraph 22(m). In paragraph 22, you provide in 16 summary form the steps and procedures involved in the 17 rebar fixing works and concreting works in the 18 construction of NAT, SAT and HHS. Then you set out in 19 various subparagraphs the various steps. I would like 20 you to focus on subparagraph (m). 21 A. Sure. 22 Q. Where you said, "ordering threaded bar and couplers from 23 the relevant sub-contractor", and then you put within 24 brackets "(Leighton)"; do you see that? 25 A. That's correct, yes.</p>
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<p>1 came and cast the stitch joint in between -- 2 A. Mm-hmm. 3 Q. -- and thereafter both sides still remained stationary, 4 ie didn't move at all. It appears to me that the fact 5 that the couplers are properly connected or not 6 connected does not make any difference. Do you agree? 7 A. Does not make any difference in relation to the water 8 leakage? 9 Q. Well, in terms of -- the reinforcing bar will remain 10 inside the concrete, embedded in concrete, not subject 11 to any tension force; right? 12 A. Mm-hmm. 13 Q. So even if the couplers are not connected at all, in 14 terms of structural behaviour, it makes no difference; 15 do you agree with me? 16 A. The structure wouldn't be taking any load if there is no 17 movement; is that the point you are trying to get to? 18 Q. That's right, yes. Do you agree that this is 19 a reasonable interpretation? 20 A. It seems logical, yes. 21 Q. So the fact that there was water leakage is not 22 necessarily related to whether the couplers were 23 connected or not; do you agree with me? 24 A. That's correct, yes. That's right. 25 Q. Okay. So if it is purely caused by the failures in the</p>	<p>1 Q. So your understanding is that at the time it was 2 Leighton's staff who was responsible for ordering 3 threaded bars; is that right? 4 A. We had the supply agreements with the threaded bar and 5 coupler suppliers, yes. 6 Q. So, in the case of a stitch joint, would it be -- you 7 have carried out investigation, by now you know that the 8 engineer responsible for that part of the work was Henry 9 Lai? 10 A. Correct. 11 Q. So he would be the one responsible for placing order of 12 these threaded bars required to be screwed into Gammon's 13 couplers; right? 14 A. Correct. 15 Q. Have you, during your investigation or before today, 16 have you got a chance to talk to Henry Lai as to why he 17 failed to notice that the couplers used by Gammon was 18 a different brand of coupler? 19 A. Sorry, repeat that question again. 20 Q. Before today, have you got a chance to talk to Henry Lai 21 as to why he failed to order a properly threaded bar for 22 the purpose of screwing into Gammon's couplers? 23 A. He has mentioned to me that he wasn't aware, at that 24 point in time, that they were a different coupler. 25 Q. So you would not expect Wing & Kwong to place order of</p>

<p style="text-align: right;">Page 121</p> <p>1 this threaded bar, did you? 2 A. Wing & Kwong provide a material list, a shopping list, 3 of what they require to the Leighton engineer. We have 4 the agreements with the suppliers; we place the order. 5 Q. Okay. So would you have expected Wing & Kwong to 6 specifically mention about tapered-thread bar to be 7 procured? 8 A. I couldn't comment on that. I'm not sure how Wing 9 & Kwong normally did their orders with the engineer. 10 I wouldn't know. 11 Q. Okay. 12 Paragraph 26 of your second statement, where you 13 talk about the replacement of laps with couplers. 14 A. Yes. 15 Q. In paragraph 26, under the third line, you said: 16 "Laps were indicated on the approved design at the 17 junctions between slab and wall elements." 18 Do you see that? 19 A. Yes. That's generally the case for those locations, 20 yes. 21 Q. Can I just quickly show you a drawing to see whether 22 this is the kind of lap that you are referring to. 23 Bundle DD8, page 11305, please. 24 Do you see that on the top of the page, in the 25 middle, we see there are two details, which seem to show</p>	<p style="text-align: right;">Page 123</p> <p>1 perhaps confirm whether this is the kind of location in 2 which the couplers were used. Bundle CC10, page 6175, 3 please. 4 COMMISSIONER HANSFORD: Sorry, while we are getting that 5 can I just understand -- so typically you would have 6 used couplers, because otherwise there would have been 7 starter bars coming out the ground -- 8 A. Exactly. 9 COMMISSIONER HANSFORD: -- which would have obstructed 10 access; is that the logic? 11 A. We had -- because the site, and you have been there, is 12 actually on the other side of the construction site, so 13 we needed to have a track or road, for road vehicles to 14 get through the site, and also for our own logistics of 15 dump trucks and excavators and cherry-pickers and so on. 16 We need to have thoroughfares to access the works, not 17 only for our own works but for designated contractors 18 which were installing buildings services on the existing 19 podium. 20 So one of the constraints was we needed to have 21 access routes across this 400 by 400 metre long 22 continuous concrete structure and to facilitate that we 23 used couplers at the base of walls so that when we cast 24 the base slab, vehicles could travel over the top, when 25 they were backfilled, to protect it, so --</p>
<p style="text-align: right;">Page 122</p> <p>1 the wall base -- wall base detail. 2 A. It's a typical detail for a slab-to-wall connection, 3 yes. 4 Q. If you look at the one on the left, we see a marking 5 which says, "See note 2"; do you see that? 6 A. "LL see note 2", yes. 7 Q. Do you see that? 8 A. Yes. 9 Q. LL stands for lap length? 10 A. Yes. 11 Q. So this is the kind of lap that you said was specified 12 or shown in the approved design? 13 A. Yes. 14 Q. So this is what's shown in the accepted drawings. 15 Now, what you have or what Leighton has replaced by 16 couplers -- is it at the connection between walls like 17 that and the base? 18 A. Generally, the couplers were used in HHS. I think this 19 is an excerpt from one of the AECOM drawings which 20 relates to HHS, although that detail potentially looks 21 like it's an accommodation block, but we use couplers at 22 the stem of the wall, in the trough walls of the track 23 slabs in HHS reasonably extensively, for reasons of 24 access -- access, logistics constraints, and so on. 25 Q. Can I quickly refer you to another drawing and you can</p>	<p style="text-align: right;">Page 124</p> <p>1 COMMISSIONER HANSFORD: So if you had not -- 2 A. -- construct the walls later. 3 COMMISSIONER HANSFORD: So if you had not made that 4 provision, you would have had all these starter bars 5 coming up at, whatever they are, 150 centres -- 6 A. Exactly. 7 COMMISSIONER HANSFORD: -- and you would have had no access 8 route? 9 A. That's right. Or difficult to access. You can bend 10 down bars in these locations, but it's preferable to 11 have couplers because you are damage the bars and they 12 are in the way, you need to ramp over the top, and 13 certain diameters can't be bent obviously. 14 COMMISSIONER HANSFORD: And that's the primary situation 15 where couplers were used where on the drawings it shows 16 lapped bars? 17 A. Different cases. There's three situations where we use 18 couplers in lieu of laps. HHS is generally that 19 situation -- 20 COMMISSIONER HANSFORD: Yes. 21 A. -- to facilitate logistics. 22 NAT we had two situations. One is -- actually, 23 three. There's logistics to get access across the EWL 24 which cut the site in half. We needed to get access 25 through the trough walls. We used couplers in those</p>

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<p>1 locations. We also used couplers at NSL where we had 2 clashes with the ELS, the strutting from the cofferdam. 3 So where they were set at a level, we needed to continue 4 and build the permanent structure within the cofferdam, 5 and where the starter bars clashed with the strut, above 6 the structure that was being cast, we used couplers in 7 those locations. 8 COMMISSIONER HANSFORD: So that's just where the strut came 9 through? 10 A. Exactly, so there's a metre or a 2 metre section of the 11 wall where we used couplers. The alternatives are, 12 okay, you can bend bar but that's very difficult because 13 you had to bend it back. You can burn a hole in 14 the strut but that's not desirable because you have to 15 make sure the design is adequate with holes within the 16 webs of these steel members. 17 The other situation we used couplers in the NAT is 18 in the base slab and in the roof slabs there was up to 19 three layers in the top and bottom mat, and if you're 20 doing one bay and then you cast that and you leave laps, 21 it's very difficult to put the bar that goes at 22 90 degrees to those within those bars for the adjacent 23 bay or the subsequent bay. 24 So what we did generally was the base bar that was 25 running longitudinally to the structure we used as</p>	<p>1 COMMISSIONER HANSFORD: And you said this is a draft 2 as-built? 3 A. Yes, so we provided these to MTRC as a draft as-built, 4 with indicative locations, because the situation we have 5 is we don't know the precise location of where we use 6 couplers. 7 COMMISSIONER HANSFORD: Right. 8 A. We have a general idea, but because we didn't keep the 9 contemporaneous records -- we didn't think we were 10 required to -- we don't have that information 11 100 per cent accurate. We relied on photo records, 12 people's memory to mark up a draft as-built set of 13 drawings and provide them for information, whether it's 14 couplers or laps; we see they are interchangeable. 15 COMMISSIONER HANSFORD: So this in some ways goes to 16 Mr Boulding's questions to you earlier about what was 17 included on the as-builts? 18 A. That's right. So we attempted to compile -- 19 COMMISSIONER HANSFORD: So this is a typical detail of 20 an as-built rather than a specific location? 21 A. On layout plans, which are part of this drawing set, 22 we've included indicative locations where we have 23 photos, where we know we've got couplers, but we can't 24 say that covers every single coupler that we've used on 25 the job.</p>
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<p>1 a lap, and then the bars for, say, second and third 2 layer above we used couplers, so we could easily work 3 from the bottom up with the bars that ran across the 4 structure. 5 COMMISSIONER HANSFORD: And all of these were because the 6 constructability or the way in which it was going to be 7 constructed had not been considered by the designer? 8 A. That's right, yes. 9 COMMISSIONER HANSFORD: Okay. Thank you. 10 MR CHOW: Mr Holden, you will see a drawing shown on the 11 screen. On the top of the drawing, the second detail 12 from the left, I see that we have -- it seems to show 13 the slab, and then we see two couplers and connected to 14 the vertical bars. So does this show a typical 15 arrangement? 16 A. Sorry, can I just see what drawing this was? This was 17 our drawing, was it? I've lost track of where we were. 18 Q. I believe so, yes. 19 A. Yes, okay. It's a Leighton drawing, and it's a Z, which 20 means it's a draft as-built, yes. 21 Q. So this is the sort of typical arrangement or the 22 situation where lap was replaced by couplers? 23 A. That's right, yes. 24 COMMISSIONER HANSFORD: And this is -- sorry to interrupt -- 25 MR CHOW: No problem.</p>	<p>1 COMMISSIONER HANSFORD: I see. Thank you. 2 MR CHOW: Mr Holden, can I ask, the couplers that Leighton 3 used to replace the laps are the non-ductile couplers, 4 the type I couplers; is that right? 5 A. So the requirement is for non-ductile type I couplers. 6 But I think in many locations we generally use ductile 7 couplers because that was the stock we had in site, and 8 the price margin between the two is negligible. 9 Q. Okay. I don't know whether you are aware, there is one 10 issue between the government on one part and Leighton, 11 perhaps also MTR, whether the replacement of the laps by 12 couplers needs to be consulted prior to the execution of 13 the work. 14 A. Sure, I'm aware of this, yes. 15 Q. At present, I don't think it is necessary for me to get 16 into a debate with you -- 17 A. Sure. 18 Q. -- for the time being. Just park this for the moment. 19 What I am more concerned with at this stage is in terms 20 of the level of supervision that is required to be 21 provided in the execution of these couplers -- 22 A. Mm-hmm. 23 Q. -- the additional couplers that Leighton used. 24 I'm sure you are aware that in, for example, the 25 platform slabs between -- within the station area, the</p>

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<p>1 platform slab and the diaphragm wall we have ductile 2 couplers being used? 3 A. In some locations, not in all. I believe in the 4 diaphragm wall there is a clear requirement for ductile 5 couplers, but the slab 2 diaphragm wall, not exactly 6 clear what the requirement is. 7 Q. And you are aware -- or are you aware of the specific 8 requirements in terms of supervision imposed by the 9 government in relation to the installation of the 10 ductile couplers? 11 A. Ductile and non-ductile, yes. Ductile, yes. 12 Q. Also non-ductile couplers, there is also a certain level 13 of supervision required for those non-ductile couplers 14 as well? 15 A. I understand. 16 Q. From my recollection, although it is a lower level of 17 supervision, we still need the contractor to provide 18 full-time supervision and need the contractor to assign 19 a specific person as the quality control coordinator? 20 A. Sure. 21 Q. And to keep records of what he has inspected, the day, 22 time and what he has looked at, for those non-ductile 23 couplers? 24 A. Sure. 25 Q. In terms of quality control and quality assurance, do</p>	<p>1 in relation to these extra couplers? 2 A. For these, we do. Our supervisor, our engineers, who 3 are responsible for the works, are TCP T1 level and they 4 have carried out inspection and supervision of the 5 works. 6 Q. Okay. How about the inspection records, date, time, 7 identity of inspector, record set out in log books to be 8 kept on site; have you seen those documents? 9 A. I think, as we know, we are those for the diaphragm 10 wall. We don't have any log book as such, but we do 11 have some RISC forms. 12 Q. My last question is in relation to Henry Lai. Now, you 13 have -- after this water seepage was discovered, after 14 your investigation, you no doubt at that stage realised 15 that Henry Lai is the person who was responsible for the 16 inspection of those works; right? 17 A. Yes. On our side, yes, on Leighton's side, for and on 18 behalf of Leighton. 19 Q. Yes, for and on behalf of Leighton. And you have also 20 looked at -- after you exposed certain locations of the 21 stitch joint, you looked at how the defective work was 22 like, what it was like. It was pretty obvious to you or 23 to even a junior engineer to realise that there must be 24 something wrong; do you agree with me? 25 A. Yes. We've seen the photos. It's --</p>
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<p>1 you agree with me, for the extra couplers that you used 2 to replace the lap, I cannot see any reason that even 3 lower level of supervision -- or we don't need the same 4 level of supervision to be provided to those other 5 couplers, albeit non-ductile, but shown in the original 6 accepted drawings. Can you think of any reason why the 7 contractor does not need to provide the same level of 8 supervision? 9 A. We are aware of the requirements. It's a statutory 10 requirement that we need to have a TCP T1 carrying out 11 the inspection, and there is a requirement for a 12 log book which should be available for inspection if 13 required, yes. 14 Q. Can I take it that in your opinion, for the additional 15 couplers that Leighton used to replace the lap, Leighton 16 ought to provide at least the same level of supervision 17 as those for the non-ductile couplers used in, for 18 example, platform slab? 19 A. I would say we provide supervision for the works, and 20 the people that were supervising the works were T1 21 equivalent, or greater. 22 Q. So your answer so my question is "yes"? 23 A. Yes, we ... 24 Q. But you don't know, as a matter of fact, whether the 25 same level of supervision has been provided by Leighton</p>	<p>1 Q. We are now told that Henry Lai was promoted shortly 2 after this matter was discovered. 3 A. Sure. 4 Q. Did it surprise you? 5 A. No, not particularly. I wasn't involved in his 6 promotion or his review. He wasn't directly reporting 7 to me at that point in time, so I wasn't really actually 8 aware of his position prior or after. So I can't really 9 comment as to whether I was surprised or not. 10 MR CHOW: I have no more questions for you. Thank you very 11 much. 12 WITNESS: Thank you. 13 MR LIU: I have no questions. 14 CHAIRMAN: Thank you. 15 Re-examination by MR SHIEH 16 MR SHIEH: Just very briefly by way of re-examination. 17 Mr Holden, you remember being asked by Mr Chow 18 behind me about relative movement between the two 19 structures on 1111 and 1112? 20 A. Yes. 21 Q. You remember being asked about monitoring? 22 A. Yes. 23 Q. The broad point, as I understand, put by Mr Chow was 24 whether or not there could -- whether or not it was 25 possible for the cracks to be formed because of relative</p>

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<p>1 movement between the two structures. 2 A. Yes. 3 Q. Do you remember that line of questioning? 4 A. Yes. 5 Q. I want to ask you first of all: are you personally aware 6 of which entity was responsible for monitoring the 7 question of settlement or extent of settlement of the 8 two structures? 9 A. I'm not sure about this specific location, because 10 I wasn't -- but Leighton do have a responsibility for 11 monitoring. 12 Q. Right. For the 1112 structure or the 1111 structure? 13 A. I'm sure there's a requirement to do both, but looking 14 at the Particular Specification that was on there 15 earlier, it seems like there is some obligation to be 16 doing monitoring but across the joint. 17 Q. Secondly, do you know which entity had the 18 responsibility of making the decision that construction 19 of the stitch joint could commence? 20 A. Ultimately, it must be MTRC, because they are 21 responsible for the permanent works design. In the 22 absence of any other specific requirement to do 23 a differential settlement, they ultimately need to give 24 approval. 25 MR SHIEH: Thank you very much. I have no further</p>	<p>1 for the building services. So his primary role was 2 facilitating their works in parallel with ours. That 3 was his role at the time. 4 COMMISSIONER HANSFORD: Right. Okay, thank you. 5 CHAIRMAN: Good. Thank you, Mr Holden. 6 WITNESS: Thank you. 7 CHAIRMAN: That's your evidence completed. Thank you for 8 your assistance. 9 WITNESS: No worries. Thank you very much. 10 (The witness was released) 11 MR SHIEH: The next witness is Mr Joe Tam. 12 MR TAM CHI MING, JOE (affirmed in Cantonese) 13 (All answers given via simultaneous interpreter 14 except where otherwise specified) 15 Examination-in-chief by MR SHIEH 16 Q. I think we can start while you wait for your water. 17 A. (In English) Yes, okay. 18 Q. Mr Tam, thanks very much for coming. 19 For the purposes of this Commission of Inquiry 20 part 2, you have made three witness statements. Can 21 I first ask you to look at bundle CC1, page 81. 22 A. Yes. 23 Q. This is your third witness statement. And if you can 24 turn to page 87, we can see your signature on that page? 25 A. Yes.</p>
<p>Page 134</p> <p>1 questions. 2 COMMISSIONER HANSFORD: I just have one question. 3 What is an interface manager? 4 A. It's a person that's on the project that looks 5 after/coordinates between the different jobs -- 6 different projects, sorry. So it's more of 7 a coordination role that will facilitate meetings 8 between adjacent contracts, particularly on this job, 9 where one of the jobs that the interface manager was 10 involved in was interface with the live railway. So we 11 had particular requirements working adjacent to or on 12 live railways. So that was his role. 13 COMMISSIONER HANSFORD: Right at the beginning of your 14 evidence, Mr Holden, Mr Shieh took us to an organisation 15 chart. Can we go back to that chart. I don't know what 16 number it is. 17 MR SHIEH: CC2/526. 18 COMMISSIONER HANSFORD: If we look in the green area to the 19 left, we see "Interface manager Anthony Yam"? 20 A. Yes. 21 COMMISSIONER HANSFORD: Did he have any role in relation to 22 the interface between 1111 and 1112? 23 A. No. Anthony Yam is an E&M background. At this period 24 of the contract, we were having a fair amount of 25 interface with 1173 which is the designated contractor</p>	<p>Page 136</p> <p>1 Q. Next, can I ask you to look at bundle CC6, page 3784. 2 A. Yes. 3 Q. This is your fourth witness statement; do you see that? 4 A very short one. If you turn over the page, at 3785, 5 your signature appears on that page? 6 A. Yes, right. 7 Q. Then at CC10, page 6536 -- 8 A. Yes. 9 Q. -- that is your fifth witness statement, and your 10 signature appears at 6538? 11 A. Yes. 12 Q. Do you put forward the content of these three witness 13 statements as your evidence in this Commission of 14 Inquiry? 15 A. Yes. Right. 16 Q. Thank you. In terms of organisation chart, please look 17 at CC2, page 526. You can see the blue "MTRC" box on 18 top; yes? 19 A. Mmm. 20 Q. And if you look at maybe around 4 o'clock to "MTRC", you 21 can see yourself, "Project manager Joe Tam"; do you see 22 that? 23 A. Yes. 24 Q. So that accords with your understanding as to your place 25 in this organisation?</p>

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<p>1 A. Yes.</p> <p>2 Q. Thank you very much. There is one very small point</p> <p>3 which was touched on during one of the earlier</p> <p>4 examination of witnesses. CC6. Can I ask you to look</p> <p>5 at CC6 again, at 3785. This is your fourth witness</p> <p>6 statement, paragraph 5. Do you see that? Paragraph 5.</p> <p>7 A. Yes.</p> <p>8 Q. If you look at the third line, there's a sentence which</p> <p>9 starts:</p> <p>10 "I spoke to every team under my supervision."</p> <p>11 I think, in one of the earlier questions put by one</p> <p>12 of the counsel for some party -- I think Mr Pennicott --</p> <p>13 MR PENNICOTT: It was me.</p> <p>14 MR SHIEH: -- he read the sentence, "I spoke to every team</p> <p>15 under my supervision", and he thought that what you</p> <p>16 meant was "every team member under my supervision", but</p> <p>17 do you actually mean "every team" or "every team</p> <p>18 member"?</p> <p>19 A. Yes, every team. There are a number of members in each</p> <p>20 team but I didn't talk to every single one, but I talked</p> <p>21 with the leaders and the responsible persons.</p> <p>22 MR SHIEH: Thank you very much. Please remain in the</p> <p>23 witness box. Mr Pennicott for the Commission may have</p> <p>24 questions for you, and other counsel may also ask you</p> <p>25 questions, and Mr Chairman and Commissioner would also</p>	<p>1 such as the stitch joints?</p> <p>2 A. (Chinese spoken).</p> <p>3 Q. Could you repeat your answer, please?</p> <p>4 A. "Yes".</p> <p>5 Q. Does it follow from that, Mr Tam, that you are familiar</p> <p>6 with the interface requirements that are set out in the</p> <p>7 contract between MTRC and Leighton?</p> <p>8 A. Well, I know about that.</p> <p>9 Q. Because I'd like to look with you, please, at part of</p> <p>10 those requirements. If we could go to BB1/420.</p> <p>11 On the front sheet, if you just stick at page 420</p> <p>12 for the moment, Mr Tam --</p> <p>13 A. (In English) Yes.</p> <p>14 Q. -- that's appendix Z2, "Interfacing requirements</p> <p>15 specification with civil contracts"?</p> <p>16 A. Yes.</p> <p>17 Q. No doubt it's some time since you looked at this</p> <p>18 document, but are you generally familiar with it and</p> <p>19 were you familiar with it back in 2016/2017?</p> <p>20 A. I read it.</p> <p>21 Q. Could I ask, please -- if we go to the next page, and</p> <p>22 one more, please -- and what it says here, Mr Tam, is:</p> <p>23 "This interface requirements specification</p> <p>24 identifies the primary interfaces that are anticipated</p> <p>25 to arise between Contract 1111 and Contract 1112 during</p>
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<p>1 have their questions for you. After that, I may or may</p> <p>2 not have follow-up questions for you. So please answer</p> <p>3 all those questions.</p> <p>4 WITNESS: I know that.</p> <p>5 Examination by MR PENNICOTT</p> <p>6 MR PENNICOTT: Good afternoon, Mr Tam.</p> <p>7 A. Yes, hi.</p> <p>8 Q. Thank you very much for coming to give evidence to the</p> <p>9 Commission this afternoon.</p> <p>10 We saw on the organisation chart just a moment ago,</p> <p>11 which was for May of 2017, that you were described as</p> <p>12 the project manager. My understanding is that you were</p> <p>13 the construction manager. Is that right?</p> <p>14 A. Yes, construction manager.</p> <p>15 Q. And you were the construction manager for the NAT area</p> <p>16 of the site from January 2015 to July 2017; is that</p> <p>17 correct, Mr Tam?</p> <p>18 A. Yes.</p> <p>19 Q. In paragraphs 3 to 9 of your third witness statement,</p> <p>20 you summarise the duties that you had and the work that</p> <p>21 you did as construction manager; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. And part of your duties, as I understand it, Mr Tam,</p> <p>24 were, because you were dealing with the NAT area, you</p> <p>25 had responsibility for a number of interface matters,</p>	<p>1 the execution of the Works and sets out their respective</p> <p>2 responsibilities and obligations in respect of such</p> <p>3 interfaces."</p> <p>4 If we could scroll down, please, and stop there. At</p> <p>5 Z1.6 it says:</p> <p>6 "This document has been developed on the basis of</p> <p>7 the following construction sequence:</p> <p>8 -- Cofferdam wall installation at the interface will</p> <p>9 be completed by Contract 1111 ahead of the interfacing</p> <p>10 Contract 1112 works.</p> <p>11 -- Completion of the tunnel connections will be by</p> <p>12 Contract 1112."</p> <p>13 Obviously we will be discussing that in a moment,</p> <p>14 and then:</p> <p>15 "-- Utilities crossing the interface will have</p> <p>16 connection points constructed by the first Contractor to</p> <p>17 occupy the area with connection made by the second</p> <p>18 Contractor."</p> <p>19 Do you see all that, Mr Tam?</p> <p>20 A. Yes, I can see that.</p> <p>21 Q. Then if we could scroll down, please. Stop there, thank</p> <p>22 you.</p> <p>23 Z2.2:</p> <p>24 "The interface shall generally comprise the</p> <p>25 following:</p>

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<p>1 Structural interfaces; 2 Temporary works interfaces; 3 Tunnel drainage interfaces; 4 Utility interfaces ... 5 Testing and commissioning interfaces." 6 Just to put this point to you, so that everybody is 7 under no illusions, the stitch joints we are going to 8 discuss in a moment were just one of the interface 9 matters. There were a number or a broad range of 10 interface issues that you were also responsible for; is 11 that right? 12 A. Yes. Yes. 13 Q. We heard from one of your former colleagues yesterday, 14 Ms Wong, who talked to us a little bit about the 15 cofferdam, and she said that this is one of the more 16 important issues, and perhaps that's something you agree 17 with -- is it, Mr Tam? 18 A. Yes. Yes. 19 Q. If we could then go on to the next page, please, and if 20 we could shrink that a bit -- thank you very much -- 21 this is where we find the obligation upon the 1112 22 contractor to do the stitch joints. Do you see that at 23 1.4, Mr Tam, in the second column: 24 "To complete the stitch joint, including Omega seal, 25 rebar and infill concrete, after tunnel backfilling and</p>	<p>1 this. 2 Q. Right. So you personally are not aware of whether there 3 was in fact any such joint inspection? 4 A. Talking about inspection, were you talking about 5 waterproofing system and couplers? 6 Q. I am, yes, about this, what this says on this piece of 7 paper here. 8 A. I didn't know whether such joint inspections were 9 conducted. 10 Q. Did you not regard it as part of your responsibilities 11 as the construction manager to ensure that there was 12 such a joint inspection? 13 A. Well, on a daily basis, there were many joint 14 inspections. I was not told to join these joint 15 inspections, so I don't know whether these took place. 16 Q. All right. 17 If we could go back to the organisation chart, 18 please, at CC2/526, and if we just go up very slightly. 19 That's fine, that's good, thank you. Perhaps we could 20 just go to the left of it, please; that's fine, thank 21 you. 22 Mr Tam, we see you there at the top of a number of 23 vertical lines where a good number of people appear. We 24 see different teams that you have there -- five 25 different teams, is that, altogether?</p>
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<p>1 stabilisation of tunnel settlement." 2 Do you see that? 3 A. Yes, I can see that. 4 Q. Then if you could go to 1.7. I'm tempted to ask 5 Prof Hansford to take over the questioning at this 6 point, but I won't. You will see there, Mr Tam, that 7 there's a reference, underneath the "1111 contractor" 8 column, which says: 9 "To carry out joint inspection of the waterproofing 10 system, couplers and protection measures to couplers 11 provided at the interface work." 12 And then in the "1112 contractor" column it says: 13 "Provide access and attendance to 1111 contractor 14 for joint inspection of the waterproofing system, 15 couplers and protection measures ..." 16 Now, first of all, Mr Tam, was it your understanding 17 that there was to be a joint inspection of those items 18 prior to the construction of the stitch joints? 19 A. Well, I can see that from here. 20 Q. Do you know whether, as a matter of fact, there was such 21 a joint inspection between Leighton and the Gammon-Kaden 22 Joint Venture? 23 A. I did not know about it. Well, I did not know whether 24 that happened, but sometimes there were people working 25 jointly together, but I don't know specifically about</p>	<p>1 A. Yes. 2 Q. So you are the head, in charge of all these people, all 3 these teams; is that right? They are all answerable to 4 you? 5 A. Well, you can say that. 6 Q. Right. If we go up so we can see the top, please, and 7 you, as I understand it, would report to, in this 8 instance, Mr Rawsthorne, who was the project manager at 9 the time; is that right? 10 A. Yes. Yes. 11 Q. So would this be fair, Mr Tam, that you are effectively 12 the link, the important link, between all these teams 13 and what might be described as the senior management at 14 Leighton that we see on this chart? 15 A. Yes. 16 Q. Mr Tam, did you see it as your responsibility to ensure, 17 for example, that the engineering resources that 18 Leighton deployed to the NAT area were sufficient? 19 A. Well, not just for NAT but for everything; right? 20 Q. Okay. But did you regard it as your responsibility to 21 make sure the work that you were responsible for was 22 properly resourced? 23 A. Yes. 24 Q. Right. And that the personnel that were deployed to do 25 the work were properly and adequately qualified?</p>

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<p>1 A. Yes.</p> <p>2 Q. And if any of the personnel for whom you were</p> <p>3 responsible, who were answerable to you, indicated to</p> <p>4 you that they were overstretched, overworked, presumably</p> <p>5 you saw it as your responsibility to investigate that,</p> <p>6 look into it and do something about it?</p> <p>7 A. Of course, yes.</p> <p>8 Q. In your fourth witness statement -- that's at CC6/3784,</p> <p>9 paragraph 4 -- you say that on or around 24 March 2017</p> <p>10 you became aware that formal joint inspections by</p> <p>11 Leighton and MTR had been completed, while some of the</p> <p>12 relevant RISC forms were still outstanding, when you</p> <p>13 were copied in on an email dated 24 March from Mr Kong</p> <p>14 of MTR.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. We'll look at the email in a moment, but before we do</p> <p>18 that can I ask you this. Before 24 March 2017, were you</p> <p>19 aware, Mr Tam, that there was a serious lack of RISC</p> <p>20 forms, that a very significant number of RISC forms that</p> <p>21 should have been issued in relation to the works on the</p> <p>22 NAT had not been issued? Were you aware of that before</p> <p>23 24 March?</p> <p>24 A. I didn't know about that. I didn't.</p> <p>25 Q. So you did not think it part of your responsibilities to</p>	<p>1 whether there had been any improvement and he told you</p> <p>2 that there had been some -- there had been improvements.</p> <p>3 After that conversation with Mr Kong, Mr Tam, did</p> <p>4 you continue to monitor/keep an eye on the RISC form</p> <p>5 situation?</p> <p>6 A. Well, I talked with my colleagues, I talked with</p> <p>7 Mr Kong, the response I had was there was improvement,</p> <p>8 and I looked at the status of the RISC forms and there</p> <p>9 was indeed some improvement.</p> <p>10 Q. Right. How long did you continue to monitor the</p> <p>11 situation?</p> <p>12 A. I don't quite remember, because there were so many</p> <p>13 things that I attended to.</p> <p>14 Q. I ask that, Mr Tam, for this simple reason, that we know</p> <p>15 that in July 2017, so just three or four months after</p> <p>16 this email, the original stitch joints in the NSL,</p> <p>17 that's the interface stitch joint and joint number 2,</p> <p>18 the internal stitch joint, were constructed, and no RISC</p> <p>19 forms were issued in relation to either of those two</p> <p>20 stitch joints. You are now aware of that, I assume?</p> <p>21 A. Of course.</p> <p>22 Q. So does it follow, Mr Tam, that by July at least you</p> <p>23 were not following up and ensuring that the RISC forms</p> <p>24 were being issued by your teams?</p> <p>25 A. You mean after 2017?</p>
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<p>1 monitor whether or not RISC forms were being issued by</p> <p>2 the staff that were required to issue them?</p> <p>3 A. Well, obviously I do have the responsibility, but the</p> <p>4 thing is I wouldn't know everything, because there were</p> <p>5 many channels, many meetings going on. Now, for this</p> <p>6 March 2017, that was the first time I heard about it.</p> <p>7 Q. All right. If we could just -- we've looked at the</p> <p>8 email a couple of times already but let's just have</p> <p>9 a look at it. C10/6208, please.</p> <p>10 A. Yes.</p> <p>11 Q. If we could scroll down, please. Mr Tam, we see that</p> <p>12 you were indeed copied in on this email. Your name is</p> <p>13 right at the end of the fifth line of people to whom</p> <p>14 this was sent.</p> <p>15 A. I see that.</p> <p>16 Q. If we could scroll down, please, there is the email</p> <p>17 itself. I'm not going to read it all out; we've read it</p> <p>18 a couple of times already.</p> <p>19 Now, Mr Tam, you say that upon reading or receiving</p> <p>20 that email, and over the next few days, you spoke to</p> <p>21 your team members or some of your team members in person</p> <p>22 on an individual basis. You reminded them that going</p> <p>23 forward they should submit the RISC forms immediately.</p> <p>24 You say that you met Kenneth Kong, that's the sender of</p> <p>25 the email, of MTR a few days later. You followed up on</p>	<p>1 Q. After 24 March 2017, we've established I think from you</p> <p>2 that you checked and you detected some improvement,</p> <p>3 an improvement in the RISC form situation?</p> <p>4 A. Yes.</p> <p>5 Q. What I'm putting to you is that by July, when these</p> <p>6 important stitch joints are being built, there were no</p> <p>7 RISC forms in relation to those stitch joints. So were</p> <p>8 you not monitoring the situation constantly? Did you</p> <p>9 just stop monitoring the position?</p> <p>10 A. I didn't check anymore, no.</p> <p>11 Q. Do you recall, following the receipt of the email that</p> <p>12 we've just looked at, that you spoke to an individual</p> <p>13 called Henry Lai? Did you speak to him?</p> <p>14 A. I suppose so, yes.</p> <p>15 Q. You say you suppose so. It's quite important, Mr Tam.</p> <p>16 Do you have a recollection of specifically speaking to</p> <p>17 Mr Henry Lai after receiving this email?</p> <p>18 A. Well, at that time, looking at the organisational chart,</p> <p>19 there were so many people under me, I didn't talk with</p> <p>20 everybody, but I talked with one or two people in the</p> <p>21 teams. He was one of them. There were a number of</p> <p>22 people that I don't remember exactly whether I talked</p> <p>23 with him about that. Probably, yes, I did.</p> <p>24 Q. Well, when you were deciding who to speak to, presumably</p> <p>25 part of your thinking would have been: well, who amongst</p>

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<p>1 my team is actually responsible for issuing these RISC 2 forms? Can I identify them? Because surely they were 3 the key people to talk to; is that right? 4 A. Exactly. So I am not sure 100 per cent. You asked me 5 whether I was sure. I think probably I did talk to him, 6 but I'm not sure 100 per cent. It's such a long time 7 ago and I can't quite remember. 8 Q. Right. But if you had done your thinking, you would 9 have identified him as somebody who was responsible for 10 issuing RISC forms; yes? 11 A. I fully understand that, but over the passage of time, 12 it's such a long time ago, I probably did, but whether 13 I am 100 per cent sure, I can't say; I can't say I'm 14 100 per cent sure. 15 MR PENNICOTT: All right. 16 Sir, I see it's 3.40. I'm about to go on to 17 something else. 18 CHAIRMAN: Yes. Ten minutes? 19 MR PENNICOTT: Yes, sir, that's fine. 20 CHAIRMAN: Thank you. 21 MR PENNICOTT: Sorry, sir. Just ... 22 CHAIRMAN: Yes, thank you very much. 23 Mr Tam, you are giving your evidence at the moment 24 and we're having a short break. You are not permitted, 25 by the rules of this tribunal and of courts generally,</p>	<p>1 hold-point, formal inspections? Did you ever think 2 about that? 3 A. No. Quite frankly, no, because this inspection system 4 was not only for today. I think it has started many, 5 many years ago. It started with the time that I joined 6 the profession. It was always like this. It had always 7 been like this. 8 Q. All right. Looking back on things now, Mr Tam, and 9 leaving aside my point about junior and more 10 experienced, do you think it would be better, safer, to 11 have at least two different people doing the informal 12 and the formal inspections? 13 A. I would believe -- now we have two people, one 14 representing the contractor, one representing the owner. 15 I think that would be quite adequate. But if we had ten 16 people doing the inspections at different times, then it 17 would always be a better system. That would not be 18 debatable. But as to whether two are adequate, I think 19 two are adequate. 20 Q. When you say two are adequate, that's because there's 21 somebody from a contractor and somebody from MTR; is 22 that right? 23 A. Yes, yes. 24 Q. I'm not suggesting there should be ten people. All I'm 25 suggesting is that there should be different people from</p>
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<p>1 to discuss your evidence with anybody until it is 2 completed. Okay? 3 WITNESS: I know that. Thank you. 4 CHAIRMAN: Thank you. 5 (3.41 pm) 6 (A short adjournment) 7 (3.53 pm) 8 CHAIRMAN: Yes. 9 MR PENNICOTT: Thank you, sir. 10 Mr Tam, let's press on. Mr Tam, can I ask you just 11 a few general questions about the inspections that your 12 engineers carried out, particularly in relation to the 13 rebar fixing works. 14 We've heard from in particular Henry Lai, but one or 15 two other engineers as well, that they were responsible 16 for carrying out what have been described out informal 17 or routine inspections, but also responsible for 18 carrying out the formal or hold-point inspections. So 19 the same engineer would be doing both jobs or both 20 tasks. Do you understand? 21 A. Yes, I understand. 22 Q. Did you ever think to yourself that it would be a better 23 system if you had one engineer, perhaps a more junior 24 engineer, doing the routine, informal inspections, and 25 perhaps a more experienced senior engineer doing the</p>	<p>1 Leighton, one doing the informal and one doing the 2 formal, but your answer to that is, "Well, it's always 3 been done the way it was"? 4 A. Mmm. 5 Q. Yes? 6 A. Yes. 7 Q. All right. Can I ask you, please, to look at 8 paragraph 12 of your third witness statement. That's at 9 the bottom of page CC1/83. You say in paragraph 12, 10 Mr Tam: 11 "The construction drawings did not specify the rebar 12 size for the stitch joints at the SCL1111 side of the 13 interface. Therefore, Leighton submitted a request for 14 information (RFI) to MTRC in May 2016." 15 I'm going to take this a little bit slowly, Mr Tam, 16 because I think this might be the first time we've 17 looked at this RFI. 18 "Under item 3 of the RFI, Leighton asked for the RC 19 details for the stitch joints at the SCL1111 side of the 20 interface. MTR issued a reply in June 2016, showing the 21 couplers at both sides of the stitch joints, although 22 the size was not specified ... in the second ..." 23 Then you give a reference. Pausing there, could we 24 look at that RFI, please. It's at CC6/3333, at least it 25 starts there.</p>

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<p>1 This is the RFI from Mr Plummer to Mr Kit Chan; do 2 you see that? 3 A. Yes, I see that. 4 Q. If we scroll down to the bottom, please, we see that 5 this RFI was prepared by Billy Ng and reviewed by 6 Mr Plummer, and also reviewed by you, Mr Tam; is that 7 right? 8 A. Yes, correct. 9 Q. If we then could scroll back up again, please. Thank 10 you. 11 Without going into enormous detail here, Mr Tam, the 12 request is this: 13 "Please clarify the followings for stitch joint". 14 And a number of detailed requests are made with 15 regard to the stitch joint, and you are trying to find 16 out from MTR certain information, and in particular, at 17 number 3, you say: 18 "Please provide RC detail for the stitch joint". 19 And that presumably must be -- sorry, and then you 20 also say: 21 "Please also advise the following", and then there's 22 a question about differential movement. You ask 23 a question about backfilling. Then at 7, you say: 24 "As no stitch joint of shunt neck shown on 25 drawing ... please confirm stitch joint is not required</p>	<p>1 RFI. We had to make preparation and we couldn't go 2 ahead whenever it was needed. When we looked at the 3 structural drawings, there were questions, that's why we 4 asked them the questions. There was nothing that 5 triggered the RFI. I mean, we had to scrutinise the 6 drawings. That's the usual practice. 7 Q. I understand. And were you -- we see you reviewed this 8 RFI, so you were personally involved in looking at some 9 of this detail? 10 A. Yes. Yes. 11 Q. Okay. 12 When you prepared this RFI, did you review the 13 minutes of the interface meetings that had taken place 14 prior to this RFI? 15 A. I don't quite remember the sequence of events. I would 16 from time to time look at the minutes of the meetings, 17 yes. 18 Q. Right. Before you prepared this RFI, Mr Tam, did you 19 speak to anybody who had attended the interface meetings 20 prior to May 2016? 21 A. I probably did. Yes, I did. 22 Q. Right. Now, by this time, Mr Tam, it was known and 23 recorded, at least in general terms, in the interface 24 meetings, that the 1111 contractor would be using Lenton 25 couplers at the stitch joint, and I expect you will</p>
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<p>1 at shunt neck." 2 So a series of detailed queries to the MTR about the 3 stitch joint; yes? 4 A. Yes. 5 Q. This is in May 2016. So would I be right in thinking 6 that you, Mr Tam, were turning your mind to the fact 7 that these stitch joints had to be constructed, sometime 8 perhaps not in the far too distant future, and therefore 9 you were looking into the whole question of the details 10 that were required and you came up with these questions 11 to the MTR? Is that how it was? 12 A. Yes. 13 Q. And do you recall what prompted the RFI, at this time, 14 as opposed to a month before or a month later? Was 15 there anything that triggered the sending of this RFI at 16 the time? 17 A. Yes. I issued RFI when I had queries. 18 Q. But apart from the general point that I put to you, that 19 the stitch joints obviously were going to have to be 20 constructed at some point in the future, was there 21 nothing -- there was nothing specific that triggered 22 this RFI at this time? It was just the general point 23 that you knew that these had to be constructed and you 24 needed to look into the details? 25 A. Yes. When I saw problems with the details, I issued</p>	<p>1 remember that now? 2 A. Yes, I do. 3 Q. We do not see, do we, in amongst your queries, any 4 question to the MTR regarding the couplers and the rebar 5 fixings to be used by the 1111 contractor? 6 A. Well, first of all, I would have to look at the sequence 7 of events. I can't quite remember the chronology. 8 I mean, the minutes about the Lenton coupler, I can't 9 remember when it was. 10 Q. Okay. Let's look at CC2/739. In fact, if we could 11 start -- pick it up at page 756. That's meeting 12 number 8. 13 So this is meeting number 8 at 756, Mr Tam, way back 14 in December 2014. Do you see that? 15 A. Yes, I do. 16 Q. We've looked at this minute already a couple of times. 17 You will see at 8.4.2 that proposed material submissions 18 were made by the GKJV, and one of them was -- one of 19 them related to the mechanical splicing system of rebar. 20 Do you see that? 21 A. Yes, I do. 22 Q. If you then go over the page to 763, that's an annex to 23 these meeting minutes, where there is a contractor's 24 materials related submission form, submitted by the GKJV 25 to MTR, and it makes reference to the fact that Lenton</p>

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<p>1 type A2 standard couplers for non-ductility coupler 2 requirement are to be used. Do you see that? 3 A. Yes. Yes. 4 Q. Do you have any recollection of seeing those minutes and 5 that annex at the time, back in 2014/2015/2016? 6 A. I wasn't there in 2014. That's number one. Second, 7 I know that at a very late stage there was 8 a confirmation about the size of the couplers. At the 9 beginning, it was a simple description. 10 Q. Yes. And that revision was made at meeting number 19 11 which you will find at page 847 in the same file, which 12 we looked at with Ms Wong yesterday. 13 A. Yes. 14 Q. So this was meeting number 19, held on 6 January 2016, 15 so five months before you issued the RFI, in May 2016; 16 do you see that? 17 A. Yes, I can see that. 18 Q. Okay. And do you remember -- we can look at the 19 relevant minute, which is at page 849, and we've already 20 looked at the revision that was made to the minutes, 21 with the introduction of the words "T40 coupler is BOSA; 22 others are Lenton". 23 Do you recall reviewing these minutes, Mr Tam, back 24 in January 2016? 25 A. I'm aware of that, yes.</p>	<p>1 myself, I can't -- 2 COMMISSIONER HANSFORD: I mean the next page, the one we 3 just looked at, 333 -- 4 MR PENNICOTT: Go to the next page, please. Back to the 5 RFI, the next page. 6 COMMISSIONER HANSFORD: It will be 3334, won't it? 7 MR PENNICOTT: It's possible. 8 COMMISSIONER HANSFORD: It should be 3334, or 335 maybe. 9 MR PENNICOTT: We've got it here. 3341. 10 Right. This is, I think -- sorry about the delay; 11 my fault. This is the reply that you received to that 12 RFI, Mr Tam; do you see that? 13 A. Yes. 14 Q. It was sent by somebody called Kappa Kang. Do you 15 remember her? 16 A. Yes. 17 Q. What she says is: 18 "For item 1, 2, 3" -- so 3 is the one that you're 19 focusing on -- "please refer to advanced DAMS [that's 20 design amendments] sketches of DAMS 390 for 21 construction. Formal DAMS will be issued to you 22 shortly." 23 Do you see that? So that's the answer you got for, 24 amongst others, number 3; yes? 25 A. Yes.</p>
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<p>1 Q. You were aware of this at the time you wrote your RFI in 2 May 2016? 3 A. I suppose so, yes. 4 Q. Okay. But you didn't raise any specific questions in 5 relation to the couplers with MTR? 6 A. I think the difference is here, it says "T40 BOSA". The 7 first thing is, I have to know what size they use, 8 before I can ask them any question. That's the purpose 9 of an RFI. I ask them about the rebars and they answer 10 me and then I know whether the materials can be shared. 11 Q. I'm sorry, can we go back to the RFI. 12 Where did you ask them about the rebar, or the 13 couplers for that matter, in the RFI? 14 A. Point number 3. 15 Q. So, "Please provide RC detail for the stitch joint"? 16 A. (Nodded head). 17 Q. Right. So that, you say, includes a request for 18 information regarding the rebar and the couplers. All 19 right. 20 Let's see what answer you got to that. Can we 21 scroll down, please. There's an answer somewhere. 22 Actually, this is where you need a hard copy. 23 COMMISSIONER HANSFORD: Presumably, it's in the next 24 section, is it? 25 MR PENNICOTT: It might be, but without operating the thing</p>	<p>1 Q. And then presumably you looked at the DAMS, the 2 drawings? 3 A. (Witness nodded). 4 Q. And did they satisfy you that you -- sorry, were you 5 satisfied that you had been given the information that 6 you asked for? 7 A. I saw what rebars we received, but then they drew the 8 same symbol for the other size, so I thought both were 9 the same and we could use them. 10 Q. Okay. So that was the conclusion that you drew? 11 A. Yes. 12 COMMISSIONER HANSFORD: Does it show the bar diameter? 13 MR PENNICOTT: Well ... 14 Could you look at the drawings, Mr -- could you tell 15 us, Mr Tam, what you looked at in order to derive that 16 conclusion? 17 CHAIRMAN: Perhaps -- 18 A. There are more drawings to DAMS 390. (Chinese spoken). 19 MR PENNICOTT: They are there not? Okay. 20 COMMISSIONER HANSFORD: Just while we are pondering that, 21 it's interesting to see what it says for item 4, because 22 that's referring to differential movement. We were 23 asking questions earlier about -- 24 MR PENNICOTT: We were. 25 COMMISSIONER HANSFORD: -- differential movement that would</p>

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<p>1 be allowed before the casting of the stitch joint, but 2 this is not an answer to that. 3 MR PENNICOTT: It is an answer, yes, or it appears to be 4 an answer, yes. 5 Mr Tam, on the question of the rebar and the 6 couplers, are you telling us that there's nothing on the 7 three or four drawings that are attached to this email 8 that help you? 9 A. That's correct. 10 Q. But, as I understand it, from your recollection, you say 11 that you concluded that it was the same rebar that was 12 being -- that would be required, the same rebar that you 13 were using on the Leighton side would be appropriate to 14 be used on the Gammon side; is that right? 15 A. Well, this was not very direct or clear on the drawings, 16 but then that was what we understood it to be. 17 Q. If it wasn't very clear or direct on the drawings, did 18 you not think to follow up and ask for clarification? 19 A. Not at that time. 20 Q. Right. 21 CHAIRMAN: Did you at some later stage think it would be 22 prudent to check? 23 A. When you said at a later stage, you mean now or at that 24 time or before it was cast? 25 CHAIRMAN: Before it was done. Before it was cast, yes.</p>	<p>1 A. INCITE. 2 MR PENNICOTT: INCITE. 3 CHAIRMAN: There was the other one too. 4 A. ePMS? 5 MR PENNICOTT: ePMS is the MTR one. 6 Mr Tam, what we are trying to focus on is this. We 7 know that when it came to ordering the rebar for the 8 stitch joints, Henry Lai, so far as the NAT is -- Henry 9 Lai ordered parallel threaded BOSA rebar; all right? 10 A. (Nodded head). 11 Q. We know that. 12 A. Mmm. 13 Q. And the question is how that came to be. Why didn't he 14 order the tapered threaded rebar that would have been 15 compatible with the Lenton couplers? 16 Do you understand the point? 17 A. Yes, I understand the point. 18 Q. And what is your explanation as to why that happened? 19 A. Well, it was done wrongly. It was not known that the 20 other side ordered Lenton, or no one told him there was 21 a problem; he was not aware of it. 22 Q. As I understand it, you accept that you knew that Lenton 23 couplers were being used by the GKJV, because you and 24 others had seen the interface meeting minutes. Is that 25 right?</p>
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<p>1 A. No, I didn't pay much attention to that at that time. 2 MR PENNICOTT: Had you ever come across -- before you wrote 3 the RFI in May 2016, had you ever come across Lenton 4 couplers before? 5 A. You mean for this project or -- 6 Q. Any project. 7 A. Yes, I did. 8 Q. All right. Were you aware that they were -- they had 9 tapered threads or may have tapered threads? 10 A. Yes, I did. 11 Q. So, if that's right, and you knew about Lenton couplers, 12 you knew, from the minutes, that the GKJV were or might 13 be using Lenton couplers, and you knew that they might 14 be taper-threaded; is that right? But you made no 15 further enquiries about what rebar you should be 16 ordering? 17 A. Yes. 18 Q. And the response that you got to this RFI and the DAmS 19 that accompanied it and then perhaps the formal DAmS 20 that followed, was all that material detail given to 21 Henry Lai? 22 A. Well, everybody could access this. The system will 23 circulate this. I didn't have to give it to him 24 personally. 25 CHAIRMAN: "The system" was what system?</p>	<p>1 A. Well, I should put it like this. I knew, if it was 2 below 32, it should be Lenton, but above 40 it should be 3 BOSA. I knew about that. I heard about the existence 4 of Lenton. 5 Q. Right. And it was that fact, that the GKJV were using 6 tapered Lenton couplers, that fact did not get 7 communicated to Henry Lai. Is that it, in a nutshell? 8 A. Well, I don't know whether it was communicated to Henry, 9 but then, well, this happened, and then this was the 10 fact. As to whether this was communicated at that time, 11 I don't know. 12 Q. Did you personally communicate the fact that the GKJV 13 were using Lenton couplers to Henry Lai? Did you 14 personally communicate that? 15 A. Not personally. 16 Q. So either somebody else needed to tell him or he had to 17 access certain documentation and work it out for 18 himself? That's really what it comes to; is that right? 19 A. Well, such minutes were given to us through ePMS but not 20 through individual emails. This is from hindsight. It 21 is not that everything had to be communicated to 22 everybody, because we have a system. If that system 23 required communication from person to person, it would 24 not have been a good system. 25 COMMISSIONER HANSFORD: I don't think Mr --</p>

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<p>1 CHAIRMAN: Sorry, I don't understand. 2 MR PENNICOTT: Neither do I. 3 WITNESS: Okay. (Chinese spoken). 4 MR PENNICOTT: Try again, Mr Tam. 5 A. You asked whether he had to access the documentation or 6 that I should communicate to him or somebody else should 7 communicate to them, and then I said there could be 8 a third way. If the minutes were circulated to 9 everybody, then that was one of the ways, and he would 10 not have had to access the documentation, because this 11 was the third way. 12 MR PENNICOTT: All right. 13 CHAIRMAN: All right. Could I ask this. Were the engineers 14 who were tasked with doing work such as stitch joints, 15 which automatically had to have an interface element in 16 them -- were they trained that they should appraise 17 themselves of interface meetings before committing 18 themselves to any kind of work? 19 A. Sorry, can you ask that again? 20 CHAIRMAN: What we know is we have the stitch joints. 21 Stitch joint work comprises, necessarily, interface 22 issues, and there were interface meetings. Your 23 engineers, the young Leighton engineers, in this case 24 Henry Lai, people like him, were they trained or were 25 they instructed that when they took on stitch joint work</p>	<p>1 all the people. 2 Q. But that seems to me to effectively be saying that Henry 3 Lai should have looked at the meeting minutes but, in 4 answer to the Chairman's question just a moment ago, 5 you've indicated that he certainly would not have been 6 told to do that, he certainly wouldn't have been 7 instructed to do that. 8 A. Yes, you may put it this way, yes. 9 CHAIRMAN: In earlier evidence, one of the witnesses today 10 said that there had been a breakdown in communication. 11 Would you agree in respect of this particular matter 12 that there had been a breakdown in communication? 13 A. I suppose so, yes. 14 MR PENNICOTT: Yes. Sir, I have no further questions. 15 Cross-examination by MS LAU 16 MS LAU: Good afternoon, Mr Tam. I represent Wing & Kwong 17 and I'd just like to ask you a few questions. 18 I think it's now been established that you were the 19 construction manager of the NAT area during its initial 20 construction stage; is that right? 21 A. Not just NAT. 22 Q. But including NAT, you would agree? 23 A. Yes. 24 Q. And during that period of time, Henry Lai was one of the 25 engineers under your charge; correct?</p>
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<p>1 or work that would have an interface element, that they 2 would have to go back over the minutes of interface 3 meetings to draw from those minutes all relevant 4 information concerning the construction of the stitch 5 joints? 6 A. That's right, yes. 7 CHAIRMAN: They were told that? 8 A. They need to do that. 9 CHAIRMAN: No, no. A different question. Not they need to 10 do it. Were they, unambiguously and clearly, as fairly 11 junior, young engineers, instructed that whenever they 12 had this type of work which had an interface element, 13 that they should go back over the relevant minutes in 14 order to try to draw from the minutes whatever they 15 needed to do their work? 16 A. I don't think so, no. 17 MR PENNICOTT: So let's retrace our steps slightly, Mr Tam. 18 How do you say Henry Lai ought to have been informed 19 that the GKJV were using Lenton couplers? 20 A. Well, looking at the minutes, the MTRC notified 21 everybody. I mean MTRC made available the information 22 to us. When I look at the correspondence, there are one 23 or two people had the information; I think that's why 24 there was a missing link there. 25 Now, INCITE would circulate everything relevant to</p>	<p>1 A. Yes. 2 Q. But after July 2017 you were transferred to another 3 project; is that right? 4 A. Correct. 5 Q. We've heard evidence from Mr Jonathan Kitching who told 6 us that when he learnt of the defects at the NAT stitch 7 joints and the shunt neck joint area, he reached out to 8 speak to you. Do you recall having this conversation 9 with him? 10 A. I remember that, yes. 11 Q. Was that the first occasion on which you learned of the 12 fact that there were defects in the works of the stitch 13 joints and the shunt neck joint? 14 A. You mean when Jon asked me about that, that was the 15 first time? 16 Q. Yes. 17 A. Yes. 18 Q. Do you recall approximately when this conversation took 19 place? 20 A. I don't remember. 21 Q. In terms of months? Year? 22 A. I don't remember. 23 Q. If I suggest to you that the conversation took place in 24 or around February 2018, would you agree? 25 A. I think it was about that time, yes.</p>

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<p>1 Q. So do you remember what he asked you during this 2 conversation? 3 A. I don't remember. 4 Q. No? Nothing at all? 5 A. I don't remember. 6 Q. Did he for example ask you why the rebar was not 7 properly connected to the couplers at the stitch joints 8 and the shunt neck joint? 9 A. I don't remember specifically what he asked me. Maybe 10 a question like this was put to me. But I don't 11 remember exactly; it was such a long time ago. 12 Q. So if that was the first occasion you learned of the 13 improper or inadequate connection at the stitch joint or 14 shunt neck joint area, presumably you would have been 15 shocked? 16 A. Yes, I was. 17 Q. So suppose that Jonathan Kitching did ask you why the 18 rebars were not properly connected -- do you recall what 19 did you say in reply? 20 A. I don't remember how I replied, no. 21 Q. Can I ask you to please turn to CC page 86. That's your 22 third witness statement. Paragraph 25. 23 Sorry, not that witness statement. The first 24 witness statement of Jonathan Kitching. Page CC6488, at 25 paragraph 10.</p>	<p>1 Lai was the person directly responsible for the initial 2 construction of those joints? 3 A. Yes. 4 Q. Well, did you then, in that conversation with 5 Mr Kitching, refer him to Henry Lai, the person being 6 directly responsible for that part of the construction? 7 A. I think he did approach Henry Lai. 8 Q. I see. Have you, after that conversation, thereafter 9 had any other conversations with Mr Kitching on this 10 issue, on the defects in the construction joints -- 11 shunt neck joint and the stitch joints? 12 A. I don't think so. 13 Q. So that was the only conversation you've had with 14 Mr Kitching? 15 A. I suppose so. 16 Q. Now can I please ask you to look at page EE271. This is 17 a letter sent by ... 18 A. Yes. 19 Q. This is a letter sent by Leighton to Wing & Kwong, the 20 rebar fixing sub-contractor, dated 12 February 2018. If 21 you read the body of the letter, it says Leighton has 22 noticed that there are "significant water leaks and 23 structural cracking at the reinforced concrete stitch 24 joints at the NAT NSL and EWL Tunnel and trough 25 structure respectively".</p>
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<p>1 You would see at paragraph 10 that it says: 2 "Around the same time, I spoke to Mr Joe Tam, who 3 was the construction manager for the NAT at the time 4 that the NAT stitch joints and the shunt neck joint were 5 constructed. Joe was Henry's supervisor at that time. 6 I asked Joe the same type of questions that I asked 7 Henry. I cannot recall the exact words of the 8 conversation but the gist of Joe's response was that he 9 was not personally involved in supervising the works at 10 the NAT stitch joints and the shunt neck joint and he 11 did not know anything about the issues." 12 Having looked at Kitching's statement, would you 13 agree that this is -- this was what you responded at the 14 time? 15 A. I think there were some problems with supervising. 16 I was there at the time. I was involved. The short 17 answer is I don't agree. 18 Q. So you were saying you were personally involved in 19 supervising the works? 20 A. Let me have a look. Bear with me. Let me have a look 21 at the paragraph. 22 I don't quite remember. 23 Q. So assuming you were also personally involved in the 24 supervision of the NAT stitch joints and shunt neck 25 joint area, you would agree, would you not, that Henry</p>	<p>1 They said that investigations are underway and they 2 told Wing & Kwong that should the cause as ascertained 3 be due to Wing & Kwong's defective work, then they would 4 seek to recover all costs incurred in accordance with 5 the terms of the sub-contract. 6 Do you see that? 7 A. Yes, I am reading it now. 8 Q. Have you previously seen this letter? 9 A. I don't think so. 10 Q. Now can we move on to page EE291. Sorry, 290 first. 11 This is a letter dated 26 February 2018, sent by Wing 12 & Kwong to Leighton. 13 If you cast your eye to the bottom of the page, 14 three lines from the bottom, it says: 15 "To make sure the connection is either coupler with 16 parallel threads or with taper-cut threads so as to 17 prepare the relevant materials to carry out the work at 18 all time, our Chun has inquired your Henry in February 19 2017. We received a reply from Henry that he did not 20 know the details of contract no. 1111." 21 If we then skip to the next paragraph, it says: 22 "The captioned work was launched in July 2017. 23 After the concrete surface had been hacked off ... the 24 connection was found to be coupler with taper-cut 25 threads. Our Chun stated right away that the rebar we</p>

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<p>1 prepared according to Leighton's information which could 2 not tighten into the coupler completely. However, 3 according to the verbal instruction given by Leighton, 4 there was not enough time to rethread the rebar and your 5 company urged our side to try our best to tighten the 6 rebar which are parallel threads into those couplers." 7 In that letter, the instruction that was said to be 8 given was said to be given by Henry Lai. Have you -- 9 CHAIRMAN: Sorry, bear with me just a second. I'm not sure 10 if that needs to be translated, does it? 11 Has it been translated? It has. Sorry. 12 MS LAU: Presumably you haven't seen this letter previously 13 either? 14 A. Yes. 15 Q. You haven't seen it? 16 A. (In English) Haven't seen it. 17 Q. Moving on -- sorry, let me just check. 18 So Jonathan Kitching did not show you this letter 19 during the conversation? 20 A. I don't think so. 21 Q. But you would agree that if this was an allegation made 22 against Henry Lai, it was a very serious allegation? 23 A. Yes, from the letter, yes. 24 Q. An allegation that goes directly to his professional 25 integrity as an engineer; would you agree?</p>	<p>1 Q. But your conversation -- 2 COMMISSIONER HANSFORD: We need to leave gaps, otherwise 3 it's not going to be captured on the transcript. 4 MS LAU: Sorry, yes, I'm aware of that. 5 Right. So your conversation with Mr Kitching, 6 that's the first occasion on which you learned of the 7 defects at the stitch joints and the shunt neck joint 8 area, is that not? 9 A. The first time? Well, yes. I'm not sure whether it 10 was -- whether he was the only one, but then at that 11 time that was the time I found out. 12 Q. So around that period of time, when you had that 13 conversation with Mr Kitching, you've also spoken to 14 Henry Lai? 15 A. Yes. 16 Q. What did you say to him? 17 A. Sorry, I'd like to clarify something first, because 18 there were many such conversations at that time and 19 I can't recall who I said what to, and then of course 20 I discussed with Henry something, but I'm not sure 21 whether I talked to him why there were defects. Maybe 22 not about defects. 23 Q. So you've now clarified that you have spoken to Henry 24 Lai around that time; is that right? 25 A. Yes, I had conversations with Henry Lai, but whether</p>
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<p>1 A. Yes, according to the letter, yes. 2 Q. So presumably you would have expected Jonathan Kitching 3 or anyone within Leighton's senior management to 4 properly investigate into the matter, would you not? 5 A. Yes. 6 Q. Okay. Moving on to the next topic. I'd like to ask 7 you, during the initial construction of the stitch 8 joints and the shunt neck joint, has Henry Lai ever 9 raised with you the issue that he's seen some Lenton, 10 which is tapered threaded couplers, as opposed to BOSA 11 couplers on site? Has he ever told you that? 12 A. No, he didn't. 13 Q. So, having had that conversation with Mr Kitching, which 14 we have just gone through, in February 2018, have you 15 then tried to clarify the situation with Henry Lai? 16 A. I don't recall. What do you mean by clarifying with 17 Henry Lai? 18 Q. Have you gone back to Henry Lai and asked him why did 19 the defects in the stitch joints or the shunt neck joint 20 occur? 21 A. Well, I think I should have mentioned it, but I don't 22 the exact details and how I put the question to him. 23 Q. So that was after your conversation with Mr Kitching? 24 A. I don't know when but -- well, it should not have been 25 immediately after the conversation.</p>	<p>1 I talked to him about the defects, I don't recall 2 whether I talked about that with him and asked him why. 3 We of course have talked, but then as to the exact 4 details I don't remember whether I asked him about 5 those. 6 Q. I understand that given the elapse of time, you could 7 not recall what exactly you have asked him, but broadly 8 what were those conversations about? Were they about 9 the stitch joints, for example? 10 A. Sorry, I really can't say. 11 Q. I ask you this because Henry Lai told us during his 12 evidence that he's never spoken to you during that 13 period of time, since Jonathan Kitching has spoken to 14 him about that issue. But is there anything else that 15 you want to tell us about what Henry Lai has said to you 16 after the event? 17 A. No, nothing. 18 MS LAU: I understand. Thank you very much, Mr Tam. That's 19 all I wish to ask. 20 MR BOULDING: Sir, I have a few questions for Mr Tam. Do 21 you want me to start now? 22 CHAIRMAN: Yes, I think so. Thank you very much, 23 Mr Boulding. 24 MR BOULDING: No problem. 25 Cross-examination by MR BOULDING</p>

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<p>1 Q. Good afternoon, Mr Tam. I'd like to ask you one or two 2 questions, if I may, about RISC forms, and in particular 3 RISC form submissions. Do you remember discussing that 4 with Mr Pennicott earlier today? 5 A. (Nodded head). 6 Q. Unless you speak up, Mr Tam, we're not going to get -- 7 A. Yes, yes, I understand that. Sorry. 8 Q. I wonder if we can look at your fourth witness 9 statement. That's at CC3784. If we could look at 10 paragraph 4. Here you say: 11 "I became aware on or around 24 March 2017 that 12 formal joint inspections by Leighton and MTRCL had been 13 completed, while some of the relevant RISC forms were 14 still outstanding, when I was copied in an email dated 15 24 March 2017 from Kenneth Kong (senior inspector of 16 works) of MTRCL to Leighton ..." 17 Do you remember being asked about that particular 18 paragraph, once again, by Mr Pennicott? 19 A. Yes, I remember. 20 Q. The transcript records that you told him that this was 21 the first time you were told about the problem with RISC 22 forms. Do you remember giving that answer? 23 A. Yes. 24 Q. Do you know Mr Kit Chan of MTR? 25 A. I know him.</p>	<p>1 Kevin Harman to look into the matter." 2 Is that something you're aware of? 3 A. No. 4 Q. And he says: 5 "The foregoing is documented in a series of 6 documents prepared by Leighton titled 'MTR outstanding 7 submission responses 5-week rolling view' and in 8 particular the section titled 'Kit Chan special request 9 process control register'. 10 Now, is that a document you've ever seen before, 11 Mr Tam? 12 A. I wasn't aware of it. 13 Q. Let's just see how far we can go, please. If we look at 14 BB5712 -- and that document needs to be blown up -- do 15 you see the title, "MTR Kit Chan special request process 16 control register"; do you see that? 17 A. (Nodded head). 18 Q. And we can see, can we not, if we look at the top 19 left-hand corner, that it's got a cut-off date of 13 May 20 2015; right? 21 A. Yes. 22 Q. And, very approximately, that's something, what, two 23 years before you say you were first aware of a problem 24 in 2017; correct? 25 A. Yes.</p>
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<p>1 Q. He's coming along to give evidence next week, I think. 2 I wonder if we can just see what he's going to tell the 3 learned Commissioners. 4 If we could go, please, to BB5197. Splendid. In 5 paragraph 36, Mr Kit Chan tells us -- do you have that 6 in front of you now, Mr Tam? 7 A. Yes, I have it. 8 Q. If you need it translating, it will be. Mr Kit Chan 9 says: 10 "Leighton's performance in RISC form submissions was 11 persistently poor, as its RISC form submissions were 12 either late or not being made at all. Indeed, I have 13 refreshed my memory with the aid of various documents 14 (as set out below) and I recall that this aspect of 15 Leighton's poor performance was a subject matter of 16 constant reminders to Leighton and I had specifically 17 raised the issue to Leighton's Kevin Harman." 18 Did Mr Kevin Harman ever raise this matter with you, 19 Mr Tam, at this time? 20 A. You mean before March 2017? 21 Q. Yes. 22 A. (In English) No. 23 Q. Then in paragraph 37 we can see: 24 "Leighton was aware of MTRCL's dissatisfaction with 25 its RISC form submissions and assigned a group led by</p>	<p>1 Q. Then if we were to look down at the foot of the page, we 2 see a note. Do you see that the objective of this 3 Leighton document, objective of this register, is "to 4 make sure we delivery quick and effective service to our 5 customer Mr Kit Chan"; do you see that? 6 A. Yes, I see that. 7 Q. And I assume that you would agree with me that that is 8 indeed an admirable objective on the part of Leightons? 9 A. Yes. 10 Q. Then if you can go to the next page of the document, 11 please. We've got another little note there: 12 "If problems are ever encountered in carrying out 13 Kit Chan requested action, immediately notify 14 Mr Kit Chan either in person or by phone ..." 15 Then we've got the telephone number. Do you see 16 that? 17 A. Yes. 18 Q. So it's clear, is it not, that there was, to say the 19 least, a degree of urgency associated with the actions 20 set out in this document; correct? Is that the way you 21 understand it? 22 A. Yes. Yes. 23 Q. Then if we can look, please, at BB5710, and we've got 24 the cut-off date of 13 May, and if you'd be kind enough 25 to go across the top of the list, the top of the</p>

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1 document, do we see that the first column is headed,
2 "Count"; do you see that? The top left-hand corner,
3 "Count"?
4 A. Yes.
5 Q. Then if you come down to number 4.
6 "Active tasks (still in process and recorded in the
7 5 week rolling summary)", that's helpfully highlighted
8 in yellow; do you see that?
9 Do you see that, Mr Tam?
10 A. Yes.
11 Q. Then come down to the number 4, if you would be so kind,
12 and we've got first of all a KCR number and then
13 "Received date and time"; "Mode", email and phone; and
14 then you can see, under the column headed "Request
15 description":
16 "Leightons are making (1) late RISC submissions and
17 (2) omitting RISC records submissions."
18 Do you see that there?
19 A. Yes.
20 Q. Then if you look at the entry immediately below that,
21 you can see that active number 5 is "Leightons are not
22 submitting RISC records inspection requests."
23 Do you see that?
24 A. Yes.
25 Q. Perhaps we can go to the right of the document, so if

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1 the controller can shift it to the left -- thank you
2 very much -- and we've got our headings helpfully set
3 out across the top, and do you see the heading, "Actions
4 taken"? Do you see "Actions taken"?
5 A. Yes.
6 Q. Then next to that, do you see, "LCAL action champions"?
7 A. Yes.
8 Q. Then if we look down, against number 4, do we see,
9 Mr Joe Tam, that you are indeed identified as
10 a champion? Is that correct?
11 A. Yes.
12 Q. You are not just a champion once, are you? Because if
13 you look in the next column, we see Mr Joe Tam
14 identified as a champion again, do we not?
15 A. Yes.
16 Q. Just to show you that I'm not being selective with the
17 documentation, perhaps we could move on to BB5738. If
18 I can take this perhaps slightly more quickly because we
19 are all getting the hang of it, you will see, under
20 count number 2 -- do you see count number 2? Count
21 number 2, "Request description":
22 "LCAL are not submitting RISC records inspection
23 requests."
24 Do you see that? Do you see that?
25 A. Yes.

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1 Q. Just to pick up where we are in terms of the date -- the
2 controller has just obliterated that for me -- if you
3 look at the top left-hand corner, you see that we've
4 moved a bit and the cut-off date for this is 20 August
5 2015; do you see that?
6 A. Yes.
7 Q. If we go across the top again -- we are getting quite
8 familiar with this now -- do you see the heading,
9 "Actions taken"? Do you see that column?
10 A. Yes.
11 Q. And next to that, "LCAL action champions"?
12 A. Yes.
13 Q. Then if we go down, against item 2, count 2, which we
14 looked at before:
15 "LCAL are not submitting RISC records inspection
16 requests."
17 And once again you are identified, are you not, as
18 one of Leighton's champions?
19 A. Yes.
20 Q. In those circumstances, what I have to suggest to you,
21 Mr Tam, contrary to your witness statement, is that the
22 problems recorded in these forms, LCAL not submitting
23 RISC forms and the like, was indeed drawn to your
24 attention well, well before the email of 24 March 2017,
25 which my learned friend Mr Pennicott took you to.

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1 That's correct, isn't it?
2 A. I didn't notice these documents. Yes, seeing these
3 documents, I know that they were sent to me. But in
4 answer to Mr Pennicott, I didn't notice these documents.
5 I didn't notice them.
6 Q. So you didn't notice these documents, but presumably,
7 now I've reminded you of their contents, you would
8 accept, would you not, that as one of Leighton's
9 champions, the matters associated with the RISC forms,
10 or perhaps more accurately the lack of them, were drawn
11 to your attention for action back in 2015, were they
12 not?
13 A. I suppose so.
14 MR BOULDING: Thank you, Mr Tam.
15 CHAIRMAN: Are you going to ask further questions, I'm not
16 suggesting now but tomorrow morning?
17 MR BOULDING: I think my learned junior doesn't think I've
18 earned my brief.
19 CHAIRMAN: Thank you.
20 MR BOULDING: Perhaps I can just reserve my position.
21 CHAIRMAN: Yes, certainly.
22 Mr Khaw, are you likely to be --
23 MR CHOW: Sir, we do have a few questions for Mr Tam, I'm
24 afraid.
25 CHAIRMAN: Thank you very much.

1 Mr Tam, we are adjourning for the evening now, so
2 regrettably we have to ask you to come back tomorrow
3 morning at -- Mr Pennicott, 10.00? It's not that I'm
4 unaware of the times. It's just that you have a better
5 idea of whether we are being pressed for time or whether
6 things are still okay.

7 MR PENNICOTT: We are okay, sir.

8 CHAIRMAN: Fine. 10 am tomorrow morning.

9 And again, because you are still in the process of
10 giving your evidence, you are not permitted to discuss
11 it with anybody else; okay?

12 Thank you very much. 10 am tomorrow morning. Thank
13 you.

14 (5.06 pm)

15 (The hearing adjourned until 10.00 am the following day)

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