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<p>1 Thursday, 6 June 2019</p> <p>2 (10.02 am)</p> <p>3 MR TAM CHI MING, JOE (on former affirmation in Cantonese)</p> <p>4 Cross-examination by MR BOULDING (continued)</p> <p>5 MR BOULDING: Good morning, sir. Good morning, Professor.</p> <p>6 There is just one matter that I'd like to take up</p> <p>7 with Mr Tam.</p> <p>8 Good morning, Mr Tam.</p> <p>9 A. Good morning.</p> <p>10 Q. It in fact arises out of a question that Prof Hansford</p> <p>11 put to the witness yesterday.</p> <p>12 Mr Tam, you will remember, won't you, that you were</p> <p>13 taken to Leighton's RFI 1510 yesterday. That's at</p> <p>14 CC3333.</p> <p>15 Do you remember being taken to this yesterday,</p> <p>16 Mr Tam?</p> <p>17 A. Yes.</p> <p>18 Q. We can see, can we not, that it's a request for</p> <p>19 information, and if we look at the bottom left-hand</p> <p>20 corner, it was indeed reviewed by you, was it not?</p> <p>21 A. Yes.</p> <p>22 Q. You recall, do you not, drawing the Commissioners'</p> <p>23 attention to item number 3, about halfway down the</p> <p>24 document? Do you see item number 3 there:</p> <p>25 "If the stitch joint detail is similar to SCL1111</p>	<p>1 there:</p> <p>2 "For item 1, 2" -- and it's 3 I'm particularly</p> <p>3 interested in -- "3, 6, please refer to advanced DAmS</p> <p>4 sketches of DAmS 390 for construction. Formal DAmS will</p> <p>5 be issued to you shortly."</p> <p>6 Then if we go down to the bottom of the document,</p> <p>7 please, we can see that there was an attachment. Do you</p> <p>8 see that, Mr Tam?</p> <p>9 A. Yes, I can see that.</p> <p>10 Q. And the attachment was the advanced DAmS 390; correct?</p> <p>11 A. Yes.</p> <p>12 Q. Thank you.</p> <p>13 Then, just to make it clear where the learned</p> <p>14 professor comes in, perhaps we could have the transcript</p> <p>15 for yesterday put on the screen, please, and then if we</p> <p>16 could go to page 159. Thank you.</p> <p>17 If we could look, please -- I think we can pick it</p> <p>18 up at about line 23, and you are asked:</p> <p>19 "Do you see that? So that's the answer you got for,</p> <p>20 amongst others, number 3 ...?"</p> <p>21 So here you are being asked about the answer 3, are</p> <p>22 you not, that we just looked at in the MTR response to</p> <p>23 the RFI; correct?</p> <p>24 A. Yes.</p> <p>25 Q. So, just reading on, if we can -- you say "Yes" and then</p>
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<p>1 drawing, we found below queries ..."</p> <p>2 And number 3 for present purposes:</p> <p>3 "Please provide RC detail for the stitch joint."</p> <p>4 Do you see that?</p> <p>5 A. (Nodded head).</p> <p>6 Q. And that's a query you raised, is it not?</p> <p>7 A. I can see that.</p> <p>8 Q. You were then taken to MTR's reply to that, and perhaps</p> <p>9 we can turn that up because it's not a memory test:</p> <p>10 CC3341.</p> <p>11 Do you remember being asked about this document</p> <p>12 yesterday, Mr Tam?</p> <p>13 A. I do.</p> <p>14 Q. Is that a yes?</p> <p>15 A. (In English) Yes.</p> <p>16 Q. If we look at it, we can see, can we not, that it's the</p> <p>17 reply, and it's from Ms Kappa Kang --</p> <p>18 A. Ms.</p> <p>19 Q. -- to Mr Joe Tam, and it's dated 6 June 2016; do you see</p> <p>20 that? Do you see that?</p> <p>21 A. (In English) Yes.</p> <p>22 Q. And it goes to Mr Ian Rawsthorne, just to the left of</p> <p>23 the date?</p> <p>24 A. (Witness nodded).</p> <p>25 Q. Then if we look at the message, do you see the message</p>	<p>1 the question is put:</p> <p>2 "And then presumably you looked at the DAmS, the</p> <p>3 drawings?"</p> <p>4 And you nodded at that point, and then the question</p> <p>5 continues:</p> <p>6 "And did they satisfy you that you -- sorry, were</p> <p>7 you satisfied that you had been given the information</p> <p>8 that you asked for?</p> <p>9 Answer: I saw what rebars we received, but then</p> <p>10 they drew the same symbol for the other size, so</p> <p>11 I thought both were the same and we could use them.</p> <p>12 Question: Okay. So that was the conclusion that</p> <p>13 you drew?</p> <p>14 Answer: Yes.</p> <p>15 Commissioner Hansford: Does it show the bar</p> <p>16 diameter?</p> <p>17 Mr Pennicott: Well ...</p> <p>18 Could you look at the drawings, Mr -- could you tell</p> <p>19 us, Mr Tam, what you looked at in order to derive that</p> <p>20 conclusion?"</p> <p>21 Then the Chairman chips in but you interrupt and</p> <p>22 say:</p> <p>23 "There are more drawings to DAmS 390", then there's</p> <p>24 a bit of Chinese.</p> <p>25 "Mr Pennicott: They are there not? Okay."</p>

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<p>1 Then Commissioner Hansford says: 2 "Just while we are pondering that, it's interesting 3 to see ..." 4 Then things move on. 5 It's slightly unclear, but am I right in thinking 6 that you suggested, in response to Commissioner 7 Hansford's question, that the DAmS drawings did not show 8 the bar diameter? Is that what you were suggesting? 9 A. Sorry, could you please repeat your question? 10 Q. Yes, of course. I've taken you to the transcript of 11 your evidence yesterday. We've read that together. And 12 what I said is whilst it's not entirely clear, it 13 appears to me that you suggested, in response to 14 Commissioner Hansford's question, whether the DAmS 15 drawings show the bar diameter, you said they did not. 16 They did not. Is that the answer you gave the professor 17 yesterday? 18 A. Yes, not clearly shown. 19 Q. Well, thank you for that clarification. 20 In the light of that, perhaps we can have a look at 21 DAmS 390 which you were not in fact taken to. 22 If you would be kind enough to go to CC3343, and if 23 that could be blown up. 24 There we see in the top right-hand corner, do we 25 not, "DAmS/1112/C/0390; do you see that reference there?"</p>	<p>1 longitudinal rebars that require connections to the 2 couplers; that's correct, isn't it? 3 A. Yes. 4 Q. Now, to cut to the quick, if we were to look at the 5 left-hand side of the drawing, and do you see a little X 6 about halfway up? Do you see an X? And then 7 immediately to the right of that, once you've found the 8 X, I trust you will see the reference "T32-150 EF"; do 9 you see that? 10 A. Yes. 11 Q. Thank you very much. That's very kind. 12 If we were to look at the top of the drawing, we can 13 find another little X, can we not, and we go down, and 14 again we see "T32-150 EF"; do you see that? 15 A. Yes. 16 Q. I could go on, but what I suggest to you is that this 17 drawing shows that the longitudinal bars for the stitch 18 joints were T32s. That's what the drawing shows, does 19 it not? 20 A. Yes. 21 MR BOULDING: Thank you. 22 Just for the record, Commissioners, you'll probably 23 recall that counsel for the government, in his opening, 24 took you to another drawing of the same location -- that 25 was bundle reference BB481; transcript Day 2, page 6,</p>
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<p>1 A. Yes. 2 Q. Then if you would be kind enough to go on to CC3349, 3 which is a part of this document, and if the drawing in 4 the bottom right-hand corner could possibly be blown up, 5 that would be useful. Do we see, in red, that we are 6 looking at DAmS 390? For example, there's a little 7 triangle to the left of the title; do you see that? 8 A. Yes. 9 Q. Then, to pick up the title, so we know exactly what 10 we're looking at: 11 "Reinforcement details of double track tunnel 12 expanded section due to stitch joint at NSL uptrack 13 chainage 100+463.789 to chainage 100+465.289 before 14 casting stitch joint". 15 Do you see that title, Mr Tam? Do you see that 16 title? 17 A. Yes. 18 Q. It tells us, does it not, that we are looking at the 19 drawing for the location at those chainages; correct? 20 A. Yes. 21 Q. Now, what else does this drawing show us? If we look at 22 the drawing, do you see the black dotted line, for 23 example, going across the top; do you see that? 24 A. Yes. 25 Q. I'd be right in thinking, would I not, that they are the</p>	<p>1 line 20 -- to demonstrate very much the same fact. 2 I hope that's helpful. 3 Thank you very much indeed, Mr Tam. 4 MR CHOW: Good morning, Mr Chairman. Good morning, 5 Professor. I have a few questions for Mr Tam. 6 Sorry, Mr Chairman. In the light of my learned 7 friend Mr Boulding has just pointed out to the 8 Commission and the fact that the drawing DAmS 390 has 9 been shown to Mr Tam, I think I need to also point out 10 that if we look at -- just now, I have compared 11 immediately the drawings that I have taken an earlier 12 witness to, showing similar reinforcing details, and 13 I have compared the chainage. Actually, these two 14 sections show the reinforcing details at the same 15 chainage range. I recall one of the questions raised by 16 Prof Hansford is whether this drawing shows the 17 reinforcing details on contract 1111 side. Then 18 I recall at that point I have checked the chainage of 19 the interface. 20 The chainage of the interface is actually shown at 21 drawing BB484. According to that -- if we can quickly 22 turn up that drawing -- if we focus on the lower part -- 23 yes, this is the elevation plan view, and the vertical 24 dotted line in the middle shows the location of the 25 interface, and if we follow the line downward, we see</p>

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<p>1 that the chainage is at about +466.289. In other words, 2 the section that we have just looked at actually shows 3 the reinforcing details within contract 1112. It 4 doesn't show the reinforcement details on contract 1111. 5 In other words, the diameter of the reinforcement shown 6 at that location may or may not represent the same 7 diameter of the bar used by Gammon. 8 I think this is really to assist the Commission. 9 I think it is fair to at least point this out to Mr Tam. 10 Of course I don't know what MTR is going to do with that 11 drawing, but this is the point -- since it is related to 12 another drawing that I have shown to another witness, 13 I think it is appropriate for me to point this out as 14 well. 15 COMMISSIONER HANSFORD: Thank you, Mr Chow. I'm not sure if 16 this is a question to the witness. 17 MR CHOW: No. 18 COMMISSIONER HANSFORD: But, nevertheless, what Mr Boulding 19 took us to was the response to the RFI. 20 MR CHOW: Yes, I know. I appreciate that. 21 COMMISSIONER HANSFORD: And the RFI related to the steel -- 22 the interface, didn't it? 23 MR CHOW: Yes. 24 COMMISSIONER HANSFORD: Thank you. 25 MR CHOW: Yes, I appreciate that.</p>	<p>1 were also prepared by MTRCL as well? 2 A. Yes. 3 Q. You highlight this fact in paragraphs 11 and 12. You 4 are not suggesting that the use of Lenton couplers ought 5 to have been shown on those drawings, are you? 6 A. Well, yes, I wanted to point that out. 7 Q. All right. 8 A. That would be the best way to do it, and that is all 9 important matters should be shown on the drawings. 10 Q. Okay. Now, we have seen a lot of drawings for 11 contract 1112 as well. 12 A. Mmm. 13 Q. And as far as I can see, the use of BOSA couplers -- 14 BOSA couplers -- were not mentioned in any of those 15 contract 1112 drawings either, and you have no problem 16 with that; is that correct? 17 A. Sorry, you said that on the drawings, you were asking me 18 whether it is correct that I think if there is no 19 mention of BOSA couplers in the drawings that is all 20 right? 21 Q. Yes. 22 A. Well, I think we have to look at the background. I said 23 that there were interface meetings, and if we are 24 talking about a good system, all important matters 25 should be shown in the papers, and people should not</p>
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<p>1 Cross-examination by MR CHOW 2 Q. Good morning, Mr Tam. I represent the government and 3 I have a few questions for you. 4 To begin with, I would like to refer you back to 5 paragraphs 11 and 12 of your witness statement, please. 6 In paragraph 11 of your statement, you said: 7 "The type of the coupler and rebar to be used at the 8 three stitch joints was not specified in the working 9 drawings prepared by MTRC ..." 10 Then you go on in paragraph 12 to mention about 11 construction drawings. 12 My first question is: what is the difference between 13 working drawings and construction drawings? 14 A. Sorry, can I please have a moment to read it? 15 Q. Paragraph 11 at CC83. 16 A. So your question is the difference between working 17 drawings and construction drawings; right? 18 Q. That's correct. 19 A. But here I only used construction drawings. 20 Q. In paragraph 11 you said: 21 "The type of the coupler and rebar to be used at the 22 three stitch joints was not specified in the working 23 drawings prepared by MTRCL ..." 24 A. I think I was talking about the same thing. 25 Q. So the construction drawings referred to in paragraph 12</p>	<p>1 have to look out for them here and there. 2 Theoretically, there should be some reminders; that 3 should be mentioned. They were not talking to us and 4 they thought that that might not be a problem, but then 5 I think it would be better the other way around. That 6 is what I think. 7 Q. Mr Tam, I would imagine that you have been working in 8 the construction industry for quite some time; is that 9 correct? 10 A. Yes. 11 Q. It is rare for the designer or the employer to specify 12 the brand of the materials to be used by the contractor; 13 is that correct? 14 A. Well, sometimes it would happen. It is not that there 15 would absolutely be no mention. 16 CHAIRMAN: My understanding seems to be that perhaps what's 17 being implied is that the brand of the coupler, being 18 Lenton, would dictate the diameter of the rebar, and if 19 that's the case then there should be some indication or 20 may be some indication of the brand of the coupler, 21 because ipso facto you would know the diameter size of 22 the rebars. 23 MR CHOW: Yes. 24 CHAIRMAN: Have I misunderstood that? 25 MR CHOW: No, not at all. It is also my understanding as to</p>

<p style="text-align: right;">Page 13</p> <p>1 what Mr Tam is saying. But at the same time, Mr Tam 2 seems to make a complaint against the MTR for failing to 3 indicate on the drawing as to the brand of couplers used 4 in Gammon, so I would like to explore with him what is 5 the practice in the construction industry, whether it is 6 a fair complaint against MTR. 7 Mr -- 8 A. First, this is not a complaint. I am not making 9 a complaint. I was just saying, in a good system, we 10 should be able to know it. That would represent some 11 kind of improvement or progress. 12 Yesterday, I was asked whether a senior engineer 13 should take a junior engineer to go on the inspection. 14 I would say yes. So, if that is done, it would be some 15 kind of improvement. 16 Q. Right. In the case of contract -- in the case of your 17 company's own contract, contract 1112, you were aware at 18 the time that the use of a particular brand of couplers 19 was not imposed by MTRC, it was up to Leighton to 20 propose whatever brand of couplers they would like to 21 use; is that correct? 22 A. You mean for us to propose what couplers Gammon should 23 use or what couplers we should use? 24 Q. I said it is for Leighton to propose to MTRC as to which 25 brand of couplers to be used in Leighton's works.</p>	<p style="text-align: right;">Page 15</p> <p>1 couplers, because they did not use Lenton couplers 2 exclusively. There are two different types. Two sizes. 3 If the size was bigger than a certain extent, they would 4 use BOSA couplers. 5 Q. So you admitted that, at that stage, you were aware that 6 it is possible, because of a different size of the 7 reinforcing bar being used, different types of couplers 8 may be used by Gammon? 9 A. Yes. 10 Q. So it follows that, as a responsible construction 11 manager, at least you would have checked with Gammon? 12 A. That's why we have the RFI. 13 Q. Mr Tam, if you were in Henry Lai's position, seeing that 14 the colour of the cap was yellow as opposed to the red 15 and blue that BOSA used, would you have taken out the 16 yellow couplers and checked what kind of couplers were 17 being used by Gammon? My question is -- 18 CHAIRMAN: Sorry, I'm sounding argumentative this morning; 19 I don't mean to be. I don't know that that necessarily 20 assists us to say "if you were in Henry Lai's position", 21 because of course Mr Tam can't really put himself in 22 Henry Lai's position. He's got very long years of 23 experience. 24 MR CHOW: I will rephrase. 25 CHAIRMAN: I think that's more of a question of submission,</p>
<p style="text-align: right;">Page 14</p> <p>1 A. Yes. 2 Q. So that -- you also told us yesterday that, at that 3 time, you were aware of Lenton couplers. 4 Do you recall that? 5 A. Yes. 6 Q. Am I right in thinking that by knowing this particular 7 brand of coupler, Lenton, you were also aware that the 8 profile of the thread are different from the profile of 9 the thread for BOSA couplers? 10 A. Yes. 11 Q. Now, that being the case, it seems to me that, at that 12 point, you had no basis to assume that Gammon would use 13 the same couplers that Leighton used, ie BOSA? 14 CHAIRMAN: Sorry, is that meant to follow on from the 15 earlier question, Mr Chow, or is this a separate, 16 independent question? 17 MR CHOW: It follows on from my earlier question, because 18 Mr Tam at that time was aware of the existence of 19 Lenton, he was aware of the fact that the profile of the 20 thread would be different from the profile of BOSA 21 couplers, and that's why I continued to follow up on 22 that and suggested to him that, at that stage, he would 23 have no basis to assume Gammon would have used the same 24 couplers on Gammon's side of the contract, of the works. 25 A. Well, there's the possibility that they would use BOSA</p>	<p style="text-align: right;">Page 16</p> <p>1 in fact, for the Commission. 2 MR CHOW: Perhaps I will rephrase my question, Mr Chairman. 3 Mr Tam, if you see that the cap used by Gammon for 4 the couplers was yellow as opposed to red and blue, 5 would it occur to you that you would have to get closer, 6 to take a closer look at the couplers cast by Gammon? 7 A. If I walk, pass by, then I would have done this. 8 Q. So would you expect Henry Lai to do that? 9 A. Obviously, you would have to ask him whether he would 10 have done it. It would depend on how much time he had 11 spent on this. 12 Q. Mr Henry Lai told the Commission that at that point he 13 has no experience and he received no training from 14 Leighton as to how supervision of coupler assembly 15 should be done and how he should inspect the coupler 16 assembly. This is evidence from Henry Lai; right? 17 Were you aware of his deficiency at that time? 18 A. No. 19 Q. I would like to move on to ... 20 CHAIRMAN: Sorry, Mr Chow, just for my reference, did 21 Mr Henry Lai say that he had received no training at all 22 or no supervision at all? I'm not rejecting what you 23 say in any way. I'm just querying it. 24 MR CHOW: Sir, according to my recollection, he did give 25 evidence to that effect. Perhaps those instructing me</p>

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<p>1 can start looking up the transcript to identify that.</p> <p>2 CHAIRMAN: I'm not suggesting you are wrong in any way</p> <p>3 whatsoever. My impression, without going to the black</p> <p>4 and white of each word, was that there was some sort of</p> <p>5 introduction to what he had to do, but the level of the</p> <p>6 training was left somewhat vague in his answer.</p> <p>7 MR PENNICOTT: Yes. I think Mr Chow's question was</p> <p>8 specifically referable to coupler assemblies, as I</p> <p>9 understand it.</p> <p>10 CHAIRMAN: Yes.</p> <p>11 MR CHOW: Yes.</p> <p>12 MR PENNICOTT: I think Mr Chow might be right specifically</p> <p>13 in relation to coupler assemblies.</p> <p>14 CHAIRMAN: Good. Perhaps we could be assisted at some later</p> <p>15 stage, because it's actually quite important. If part</p> <p>16 of your job is to make sure that the connections are</p> <p>17 done correctly, you would expect there to be some form</p> <p>18 of training.</p> <p>19 On that subject, in part 1, if I can call it that,</p> <p>20 of this Inquiry, there was a fair amount of emphasis on</p> <p>21 the fact that people went to BOSA and learnt all about</p> <p>22 what the couplers were and how they should properly be</p> <p>23 engaged with reinforcing bars, but we don't seem to have</p> <p>24 heard anything -- in fact, I think a couple of people</p> <p>25 have said they haven't gone to BOSA.</p>	<p>1 A. Yes.</p> <p>2 Q. And you specifically referred to a particular provision</p> <p>3 in the specification. If we turn over the page, under</p> <p>4 paragraph or 6.2, you said:</p> <p>5 "to carry out joint inspection of the waterproofing</p> <p>6 system, couplers and protection measures to couplers</p> <p>7 provided at the interface work, and make good any damage</p> <p>8 identified during inspection ..."</p> <p>9 Do you see that?</p> <p>10 A. Yes. That's in the spec requirement.</p> <p>11 Q. Yesterday you told us that you are not sure whether the</p> <p>12 joint inspection has actually taken place. Do you</p> <p>13 recall that?</p> <p>14 A. I said I didn't know how the joint inspection was done.</p> <p>15 They had a lot of opportunities to see one another.</p> <p>16 I don't know on what day, that is when, that was done.</p> <p>17 Q. I see. All right. In other words, you are confident</p> <p>18 that the joint inspection referred to in this particular</p> <p>19 provision has taken place, it's just that you don't know</p> <p>20 when, by whom; is that correct? Is that what you are</p> <p>21 trying to say?</p> <p>22 A. I believe they did inspect that, but how did they form</p> <p>23 the inspection team, you have to ask the people</p> <p>24 concerned.</p> <p>25 Q. From what is stated in this particular provision, the</p>
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<p>1 MR PENNICOTT: Sir, as you will perhaps remember, I have</p> <p>2 asked I think two or three witnesses that very</p> <p>3 question --</p> <p>4 CHAIRMAN: Yes.</p> <p>5 MR PENNICOTT: -- simply because of what we heard in part 1</p> <p>6 of the Inquiry, but we got a negative answer to the two</p> <p>7 or three witnesses I put that point to.</p> <p>8 CHAIRMAN: Yes. I'm sorry to raise that, but it is quite</p> <p>9 important and it refreshes memory as to the fact that</p> <p>10 the evidence so far here, in this Inquiry, is nobody</p> <p>11 went to BOSA. So any lack of actual second-hand</p> <p>12 training, if I can put it that way, would also be</p> <p>13 relevant.</p> <p>14 Yes, thank you, Mr Chow. I'm sorry to have</p> <p>15 interrupted you.</p> <p>16 MR CHOW: Not at all, sir.</p> <p>17 Mr Tam --</p> <p>18 A. (In English) Sorry.</p> <p>19 Q. No problem. I would now like to go to paragraph 6 of</p> <p>20 your fifth witness statement at page CC6536, please. In</p> <p>21 this section, I believe that the purpose of your</p> <p>22 evidence is to support your assertion that to chip off</p> <p>23 the covering concrete of Gammon's couplers was supposed</p> <p>24 to be the work of Gammon, not Leighton. Is that</p> <p>25 correct?</p>	<p>1 purpose of that joint inspection is to confirm that the</p> <p>2 couplers installed by Gammon were not in any way</p> <p>3 damaged; do you agree that was one of the purposes?</p> <p>4 A. Yes.</p> <p>5 Q. So would you agree with me, to confirm that, whoever</p> <p>6 attended on behalf of Leighton this joint inspection</p> <p>7 would have looked at -- would have perhaps removed the</p> <p>8 yellow caps to look at the condition inside the</p> <p>9 couplers?</p> <p>10 A. You might have heard or you may be aware that a visual</p> <p>11 inspection cannot tell you whether it's damaged or not.</p> <p>12 You only find out when the fixer actually screws</p> <p>13 something in. And we will look at the environment,</p> <p>14 whether the concreting had been properly done, whether</p> <p>15 there are obvious defects, whether things are laid on</p> <p>16 the ground somewhere. That's the normal practice. I'm</p> <p>17 not saying that the joint inspection actually do this.</p> <p>18 Because a visual inspection doesn't help you much.</p> <p>19 Q. All right. Now, during the first part of this Inquiry,</p> <p>20 we have received evidence from various witnesses about</p> <p>21 how couplers were exposed and what sort of problems one</p> <p>22 may encounter after exposing these couplers. What</p> <p>23 I gather from those evidence is sometimes debris or</p> <p>24 cement paste might have got inside the couplers, and</p> <p>25 because of that the threaded bar cannot be properly</p>

<p style="text-align: right;">Page 21</p> <p>1 screwed into the couplers. 2 Would you agree that that may be one of the problems 3 with couplers? 4 A. Yes. 5 Q. So would it be reasonable for someone who carries out 6 joint inspection, of which the purpose is to ensure that 7 the couplers were in proper order, to enable screwing of 8 the threaded bar, one would have at least opened the 9 yellow cap and looked inside the couplers to ensure that 10 at least there was no cement paste, for example, that 11 had accidentally got into the inside of the couplers? 12 A. My experience tells me that the cap is there to protect 13 it, so the chance is not high. It's very unlikely 14 something would get in if the cap is on. But of course, 15 if there's no cap, that is a different matter. 16 Q. I would like to move on to -- 17 COMMISSIONER HANSFORD: Sorry, before you move on, Mr Chow, 18 could I just ask one question -- 19 MR CHOW: Sure. 20 COMMISSIONER HANSFORD: -- in relation to the point that you 21 have just taken us to. 22 Mr Tam, in this paragraph in your fifth witness 23 statement, paragraph 6, you say that "the main 24 contractor for SCL1111 [should]", and then you list some 25 things he should do, and in 6.2 you are saying:</p>	<p style="text-align: right;">Page 23</p> <p>1 details of the interface meeting to you? 2 A. Jim Wong. Jim Wong. 3 Q. We now know that this important message somehow was not 4 communicated to the frontline engineer responsible for 5 the interface work. What I would like to ask you is 6 whether there is a system of internal communication 7 on site to ensure that important information like this 8 thing would be passed on to the relevant person 9 responsible for the work. 10 A. Normally, yes. 11 Q. So, at that time, there was a system of internal 12 communication on site to enable that to be achieved; is 13 that right? 14 A. Yes. 15 Q. But for whatever reason it didn't work on this 16 particular instance; is that what you are saying? 17 A. Yes. 18 Q. Yesterday, you mentioned about the INCITE system. Is 19 that the internal communication system that you have in 20 mind? 21 A. Yes. 22 Q. You also mentioned yesterday that you would expect the 23 engineers to log onto the system and check for 24 themselves the documents uploaded onto the system? 25 A. Well, it's not for the engineers to go and look for</p>
<p style="text-align: right;">Page 22</p> <p>1 "... the main contractor for SCL1111 to carry out 2 joint inspection ..." 3 Is that right? That's what you are saying? 4 A. (Nodded head). 5 COMMISSIONER HANSFORD: But if it's a joint inspection, 6 presumably it's not just the contractor for 1111, it's 7 also the contractor for 1112, isn't it? Otherwise, it's 8 hardly a joint inspection. Is that right? 9 A. Correct. 10 COMMISSIONER HANSFORD: So this joint inspection is 11 a responsibility of both contractors; is that correct? 12 A. Yes. 13 COMMISSIONER HANSFORD: Thank you. 14 MR CHOW: Thank you, Professor. 15 Mr Tam, I would like to refer you to paragraph 14 of 16 your third statement, at page CC84, please. In 17 paragraph 14, you refer to minutes of the interface 18 meeting held on 2 September 2016, in which -- well, you 19 also set out the attendees, and then you also confirm 20 that the use of T40 rebar and the Lenton couplers was 21 mentioned during that interface meeting. Do you see 22 that? 23 A. Yes. Yes. 24 Q. Then you go on to say that this matter was reported to 25 you at the time. Can you tell us who reported the</p>	<p style="text-align: right;">Page 24</p> <p>1 documents in the system. The system is a circular 2 system. All the meeting minutes, all the correspondence 3 that were received by our boss would go into the system, 4 and he would assign the work to a person or a team of 5 persons, and that team of persons would see the message 6 and all the team members responsible for that would see 7 it. It is not that you have to click into the system to 8 look for different things. 9 Q. You mention your boss. For this particular matter, the 10 information received at the interface meeting, recorded 11 in minutes, who was this boss who was supposed to assign 12 who should read what? 13 A. Sorry. Well, of course, it's the person responsible for 14 the site who would be assigning things. When the 15 correspondence is received, he would assign who should 16 read what. I think that happens with all the companies. 17 But then, unfortunately, the minutes of the meeting did 18 not appear in the normal system. It was sent out by 19 email to certain people. That is why there is this 20 deficiency. 21 COMMISSIONER HANSFORD: Sorry, are you saying that the 22 interface minutes were not on INCITE? 23 A. Well, that's what I understood it to be, this one. 24 COMMISSIONER HANSFORD: Because I think Ms Regina Wong told 25 us they were all on INCITE.</p>

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<p>1 A. Well, yes, if that was written by Regina. Well, 2 I should put it this way. I think Regina was talking 3 about two things. One, we would attend the interface 4 meetings, and the minutes would be written by 1111 and 5 1112 in rotation. My understanding is that whatever we 6 sent would be uploaded to INCITE and it would be 7 circulated. But then, particularly about this one, 8 I could not find it. Afterwards we found it. That is 9 what happened. Do you understand? 10 COMMISSIONER HANSFORD: I understand what you are telling 11 me, but I also understand that we've been previously 12 told that by putting in some keywords, all of these 13 minutes of these interface meetings would be easily -- 14 I think the word "easily" was used -- retrieved. But 15 perhaps we should try it for ourselves. 16 CHAIRMAN: Sorry, you have said just now that normally the 17 minutes were uplifted to INCITE, but you couldn't find 18 these particular minutes, and "afterwards", to quote 19 you, "we found it", that is the minutes. Are you saying 20 you found the minutes on INCITE or that you found the 21 minutes by looking somewhere else? 22 A. Well, in my witness statement, I said I didn't receive 23 it, and this was actually sent out by email. I asked my 24 colleagues, and my colleagues showed it to me 25 afterwards. I couldn't find it in the system. That was</p>	<p>1 I thought that was that little exchange. 2 CHAIRMAN: I think that was it, yes. Thank you. That's 3 helped a lot. 4 COMMISSIONER HANSFORD: But before we leave the point, in 5 order to do that, the engineer would have to know that 6 those minutes existed, and I think Henry Lai told us he 7 didn't know there were interface meetings. 8 MR PENNICOTT: That's right. 9 COMMISSIONER HANSFORD: Did you know, Mr Tam, that Henry Lai 10 was unaware of interface meetings? 11 A. I didn't know he didn't know. 12 MR CHOW: Mr Tam, now, looking back, do you think Henry Lai 13 or an engineer responsible for the interfacing work 14 ought to have been invited to attend the interface 15 meeting? 16 A. Well, it depends on the nature of the matter, because 17 many things would be discussed at interface meetings, 18 and the normal practice is many different engineers 19 would be responsible for many different things, and the 20 person who is directly responsible may not have to take 21 part. Usually, there would be colleagues taking part in 22 the meeting and then they would send out the message by 23 circulation afterwards. 24 Q. Now I would like to move on to another topic, regarding 25 rebar testing.</p>
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<p>1 what I was trying to say. I couldn't find it ever in 2 the system. This is of course about the minutes I was 3 trying to describe here. 4 COMMISSIONER HANSFORD: So Henry Lai wouldn't have been able 5 to find it either, then? 6 A. I believe so. 7 CHAIRMAN: In fact, Henry Lai had a double handicap because 8 there was evidence earlier -- it may have come from 9 yourself -- that you yourself had no knowledge that 10 Henry Lai had even been told that he should go directly 11 to INCITE and he would find everything he needed in 12 circulation there. 13 A. No. No. 14 COMMISSIONER HANSFORD: I think I'm right in saying that -- 15 MR SHIEH: I think Mr Chairman was referring to his question 16 raised yesterday at page 166. 17 CHAIRMAN: Yes. 18 MR SHIEH: When you asked "were they", meaning the 19 engineers, "unambiguously and clearly, as fairly young 20 junior, young engineers, instructed that whenever they 21 had this type of work which had an interface element, 22 that they should go back over the relevant minutes in 23 order to try to draw from the minutes whatever they 24 needed to do their work?", and the witness said, 25 "I don't think so, no."</p>	<p>1 We know now that 7 per cent of the rebars ordered 2 and delivered to site have not been sampled and tested. 3 You are aware of that; right? 4 A. I heard about it. 5 Q. Right. You can take it from me that this is the 6 position, at least this is what the Commission has been 7 told by other witnesses in your organisation. What 8 I would like to ask you is: is there any requirement in 9 Leighton's project management procedure to ensure that 10 all the rebars delivered to site are properly sampled 11 and tested before these rebars are being used in the 12 works? 13 A. Yes, yes, there is a system for that. There is a system 14 for that. 15 Q. Can you describe how this works? 16 A. You mean the system and how the rebars sent to the site 17 are managed? 18 Q. (Nodded head). 19 A. Usually, the rebars would be sent to the site, and then 20 we would spray-paint them with different colours so that 21 the colour code would dictate their different statuses. 22 For example, once they arrive, we would spray-paint it 23 white, to say that they should be tested by engineers 24 using samples. When the sampling is passed, there would 25 be another colour painted on it, and the system would</p>

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<p>1 generate the codes to dictate whether the test has been 2 passed. If it has passed the test, then they can be 3 used. That is how the system works. 4 Q. So, if this system works, then we would not have got 5 into a situation that 7 per cent of the reinforcement 6 not having been tested but have been used in the works? 7 A. Well, yes. 8 Q. Now this has happened, has Leighton reviewed its system 9 to ensure that it will not happen in future? 10 A. Absolutely, yes. Certainly. 11 Q. What was done by Leighton to improve that? 12 A. From what I understand, the rebars that have not been 13 tested will be put on one side and would be cordoned 14 off, because in the past those two types of rebars would 15 be placed in proximity and it was easy for people to use 16 the untested bars. But now they would be put in 17 an isolated way so there would be a diminished chance of 18 this happening again. 19 Q. Right. I would like to move on to site diary. 20 Yesterday, Mr Speed was shown one of the site diaries, 21 and he told the Commission that the site diary was 22 prepared by MTRC and was confirmed by Leighton. 23 Can I perhaps take you to the site diaries that we 24 have looked at yesterday, at CC443, please. 25 Mr Tam, this is the kind of document that you have</p>	<p>1 a daily basis? 2 A. Yes. 3 Q. Because this is one of the requirements in the General 4 Specification of the contract between Leighton and MTRC; 5 is that correct? Or you want me to refer you to the 6 particular provision of the General Specification? 7 Bundle C3, page 2068, please. 8 Can we scroll down a little bit? I'm not sure 9 that -- yes. Clause G4.15.1 requires Leighton to 10 "submit to the Engineer on a daily and weekly basis, or 11 at such other times as may be requested, concise returns 12 of all vehicles, Contractor's Equipment and labour 13 on Site categorised respectively by vehicle type, 14 equipment type and trade and identifying each individual 15 operative's name and his direct employer." 16 Do you see that? 17 A. Yes. 18 Q. And under clause G4.15.2 -- well, perhaps before that, 19 "the Engineer" referred to under provision G4.15.1, to 20 your understanding, is MTRC? 21 A. 4.15.2? 22 Q. 4.15.1. You see in the first line -- 23 A. Yes. 24 Q. "The Engineer" refers to MTRC; right? 25 A. Yes.</p>
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<p>1 looked at before; right? You were aware of the 2 existence of these diaries? 3 A. Yes. 4 Q. You see that some of the information contained in the 5 site diary are quite detailed, for example the number of 6 workers working on a particular location and the type of 7 workers being deployed; do you see that on the 8 right-hand side? 9 A. Yes. 10 Q. Am I right in thinking that these -- such detailed 11 information were actually provided by Leighton to MTRC? 12 A. I don't know. Provided by Leighton to MTRC? You mean 13 this one was compiled by Leighton, or MTRC, or the 14 information contained therein? 15 Q. I'm referring to the information contained in the diary. 16 A. Mmm. 17 Q. I'm suggesting to you that such detailed information was 18 actually provided by Leighton to MTRC. Do you agree 19 with me? 20 A. Not necessarily. I think, even though -- on the site 21 level, construction site level, they would cross-check 22 information, they wouldn't just write down everything we 23 tell them. 24 Q. Perhaps I will ask you this: has Leighton ever provided 25 to MTRC details of their labour deployment on site on</p>	<p>1 Q. So under clause G4.15.2, Leighton is further required to 2 "supply a weekly report detailing quantities of major 3 items of work completed on a daily basis." 4 Do you see that? 5 A. Yes. 6 Q. Right. Then can I assume that Leighton has complied 7 with this requirement, that is to report to MTRC details 8 of the works performed during the week? 9 A. Yes. 10 Q. So, in the case of the construction of the original 11 stitch joint at the interface, Leighton has reported to 12 MTRC about the construction work, the concreting work, 13 the steel reinforcement work. Can you confirm that? 14 A. We did. 15 Q. Just to complete the picture, can I refer you to 16 bundle BB11, page 7648.4873, please. Yes. 17 This is one of the documents disclosed by MTRC. It 18 is one of the site diaries. The part which is clouded 19 shows that -- it's an entry recording the casting of 20 concrete for stitch joint wall between bay 7 and 1111 of 21 NSL Tunnel. Do you see that? 22 A. Yes. Yes. 23 Q. Can I assume that if there was no hold-point inspection 24 for this particular part of the work, MTRC would have 25 realised that?</p>

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<p>1 A. Yes.</p> <p>2 Q. And if Leighton has proceeded to concreting without</p> <p>3 prior approval from MTRC, MTRC no doubt would have</p> <p>4 realised that as well?</p> <p>5 A. Yes.</p> <p>6 MR CHOW: I have no more questions for Mr Tam.</p> <p>7 Thank you, Mr Tam. Thank you very much.</p> <p>8 MR PENNICOTT: Sir, just for the record, in the transcript,</p> <p>9 the date of that last site diary entry was 28 July 2017.</p> <p>10 CHAIRMAN: Thank you.</p> <p>11 Pypun?</p> <p>12 MR LAU: No questions.</p> <p>13 CHAIRMAN: Thank you.</p> <p>14 Re-examination by MR SHIEH</p> <p>15 MR SHIEH: One short matter to follow up in re-examination.</p> <p>16 Mr Tam, can I ask you to look at CC6, page 3333.</p> <p>17 That is the RFI that we have looked at. Do you remember</p> <p>18 seeing it, the RFI?</p> <p>19 A. (Nodded head).</p> <p>20 Q. It should be actually on the screen in front of you.</p> <p>21 A. (In English) Yes.</p> <p>22 Q. We have looked at this RFI before; remember?</p> <p>23 Can you look at item number 4. It says:</p> <p>24 "Please also advise the following,</p> <p>25 4. Please advise the 60 millimetre differential</p>	<p>1 towards the right, that's where the Chairman's hand is,</p> <p>2 and if we go down "SAT", then the third entry from the</p> <p>3 bottom is Sean Wong.</p> <p>4 Mr Wong, good morning.</p> <p>5 MR WONG YUEN SHING, SEAN (affirmed in Cantonese)</p> <p>6 (All answers given via simultaneous interpreter</p> <p>7 except where otherwise specified)</p> <p>8 Q. Mr Wong, you have prepared a witness statement for the</p> <p>9 purpose of this enquiry. If I can refer you to</p> <p>10 bundle CC6, page 3799. This is a document titled,</p> <p>11 "Witness statement of Sean Wong", and if we go all the</p> <p>12 way to page 3808, we can see a signature. Can you</p> <p>13 confirm that to be your signature?</p> <p>14 A. Correct.</p> <p>15 Q. Do you confirm the contents of this statement to be true</p> <p>16 and accurate?</p> <p>17 A. Yes, I can do that.</p> <p>18 Q. Do you wish to put forward this statement to the</p> <p>19 Commission as part of your evidence?</p> <p>20 A. Yes.</p> <p>21 MR CHANG: Let me explain what's going to happen. Questions</p> <p>22 will be coming from different barristers across the</p> <p>23 floor, starting with the gentleman in front of me,</p> <p>24 Mr Pennicott, who acts for the Commission. There might</p> <p>25 also be questions from other lawyers, and also from the</p>
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<p>1 vertical movement ... and confirm no horizontal movement</p> <p>2 require."</p> <p>3 Can you look at the answer at page 3341 in the same</p> <p>4 bundle. Yes. It says in the middle:</p> <p>5 "For item 4, no horizontal movement is required for</p> <p>6 stitch joint. If the [plus or minus] 30 millimetre can</p> <p>7 allow 60 millimetre differential movement ... it would</p> <p>8 be acceptable."</p> <p>9 Can I just ask you to clarify whether or not to your</p> <p>10 understanding that question and that answer related to</p> <p>11 the Omega seal or to the structures?</p> <p>12 A. Yes, it's about Omega seal.</p> <p>13 MR SHIEH: Thank you very much. I have no further</p> <p>14 questions.</p> <p>15 CHAIRMAN: Thank you very much indeed, Mr Tam. Your</p> <p>16 evidence is completed now. Thank you for your</p> <p>17 assistance.</p> <p>18 (The witness was released)</p> <p>19 MR CHANG: Mr Chairman and Professor, the next two witnesses</p> <p>20 Leighton engineers doing inspection work in the SAT EWL.</p> <p>21 The first one is Mr Sean Wong.</p> <p>22 Whilst we are waiting for Mr Wong, perhaps we can</p> <p>23 call up the corporate chart to put Mr Wong on site.</p> <p>24 That will be in the part 1 bundles, bundle C7,</p> <p>25 page 5531. We should be able to identify Mr Joe Tam</p>	<p>1 Commission itself. So please be seated.</p> <p>2 Examination by MR PENNICOTT</p> <p>3 MR PENNICOTT: Good morning, Mr Wong, and thank you very</p> <p>4 much for coming along to give evidence to the Commission</p> <p>5 this morning. I appreciate you are no longer working</p> <p>6 for Leighton.</p> <p>7 Mr Wong, as always, can I just, for everybody's</p> <p>8 benefit, give a bit of history to your involvement with</p> <p>9 the project, as I understand it, and indeed your history</p> <p>10 with Leighton.</p> <p>11 First of all, you were initially engaged by Leighton</p> <p>12 in 2011, and up to October 2014 you were employed, as</p> <p>13 I understand it, on other Leighton projects. Is that</p> <p>14 right?</p> <p>15 A. Correct.</p> <p>16 Q. In November 2014, you started working on the project</p> <p>17 that we are concerned with?</p> <p>18 A. Correct.</p> <p>19 Q. You worked on the project up until December 2016?</p> <p>20 A. That's correct.</p> <p>21 Q. And throughout that time, from November 2014 to December</p> <p>22 2016, you were working on the S-A-T, the SAT as we call</p> <p>23 it, EWL area; is that correct?</p> <p>24 A. For one month in that period I was seconded to the</p> <p>25 engineering team. For the rest of the time, I was</p>

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<p>1 working on SAT.</p> <p>2 Q. Can you remember which month it was?</p> <p>3 A. I cannot recall, but at that point they were doing some</p> <p>4 boarding work at EWL. I cannot remember the month.</p> <p>5 Q. All right. It probably doesn't matter. Could we --</p> <p>6 because this is the first time we have really looked in</p> <p>7 any detail at what happened on the SAT -- can I ask,</p> <p>8 first of all -- could you be shown BB8/5227.</p> <p>9 Something is going to flash up on the screen now,</p> <p>10 Mr Wong. There's probably no need to look at the hard</p> <p>11 copy for the purpose of these questions.</p> <p>12 This is just an appendix to one of the MTR witness</p> <p>13 statements, actually Mr Fu's supplementary statement.</p> <p>14 We can see at the top a drawing of the whole project</p> <p>15 area, or most of it. The red box then indicates the SAT</p> <p>16 area, the green being the EWL and the blue being the</p> <p>17 NSL. Do you see that, Mr Wong?</p> <p>18 A. Yes, I can see that.</p> <p>19 Q. Then if we could go next, please, to page 5230, so three</p> <p>20 pages on, please. We see the SAT EWL track level broken</p> <p>21 down, on this diagram, into its various bays. Do you</p> <p>22 see that, Mr Wong?</p> <p>23 A. Yes, I can see that.</p> <p>24 Q. Can I ask you, were you responsible for any particular</p> <p>25 bays, or did your responsibilities encompass all of the</p>	<p>1 Q. I understand that. That's very helpful. Thank you very</p> <p>2 much.</p> <p>3 Could I ask you, please, to go to paragraph 13 of</p> <p>4 your witness statement, on page CC3801. Mr Wong, there</p> <p>5 you are saying:</p> <p>6 "In these informal inspections [and I'll come back</p> <p>7 to those in a moment] ... we would check coupler</p> <p>8 connections, arrangement of the rebar, condition of the</p> <p>9 formwork and falsework and other miscellaneous items</p> <p>10 prior to concreting. When checking the connections</p> <p>11 between rebar and couplers, I looked to ensure that</p> <p>12 every rebar was fully screwed in or only a few threads</p> <p>13 were showing out of the coupler. I understand that it</p> <p>14 was impossible to fully screw every rebar into the</p> <p>15 couplers. Sometimes, despite the best efforts of the</p> <p>16 sub-contractor's workers, a few threads could not be</p> <p>17 screwed into the coupler."</p> <p>18 Mr Wong, did you regard it as acceptable if a few</p> <p>19 threads of the rebar were showing outside the coupler?</p> <p>20 A. From what I can recall, I have seen in the worst</p> <p>21 scenario one or two threads showing. From what I recall</p> <p>22 from the informal inspections, I could only see one or</p> <p>23 two threads showing and I found that acceptable.</p> <p>24 Q. Why -- on what basis did you find that acceptable?</p> <p>25 A. Because the threads showing were of a small number, and</p>
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<p>1 bays?</p> <p>2 A. At that time, my responsibility covered all these bays,</p> <p>3 but then I left Leighton when we came to bay 7 or bay 8</p> <p>4 and I did not really look at bay 7 or bay 8.</p> <p>5 Q. Right. So they would have been done post-December 2016,</p> <p>6 in general terms?</p> <p>7 A. Well, for slabs, yes, but for walls, I think it was up</p> <p>8 to bay 5. They were not completed for bay 5. So slabs,</p> <p>9 bay 7 and bay 8, but for the walls, I can't recall</p> <p>10 exactly.</p> <p>11 Q. Okay. We will see in a moment that -- and we are</p> <p>12 hearing from him after you -- a Mr Saky Chan was also</p> <p>13 an engineer in this area. Is that right?</p> <p>14 A. Yes, that's correct.</p> <p>15 Q. So was he also responsible for all of these areas; you</p> <p>16 didn't split your duties up between the different bays?</p> <p>17 How did it work between you and Mr Chan?</p> <p>18 A. Basically, we worked together, because the SAT area does</p> <p>19 not only cover EWL. There may be other utilities being</p> <p>20 done nearby, and Mr Chan would help out, and I would be</p> <p>21 responsible for the works connecting to the existing</p> <p>22 West Rail, and if I worked at night I would not be in</p> <p>23 the morning and Mr Chan would cover me in those times.</p> <p>24 So we were working together and we would be covering for</p> <p>25 each other at different times.</p>	<p>1 then there would also be a joint inspection later on</p> <p>2 with MTR and then we could discuss that with MTR at</p> <p>3 a later stage.</p> <p>4 Q. Were the couplers, so far as you can recall, that were</p> <p>5 being used in the SAT, BOSA couplers?</p> <p>6 A. Yes.</p> <p>7 Q. Did you ever receive any instructions, attend any</p> <p>8 courses, run by BOSA personnel?</p> <p>9 A. I did not.</p> <p>10 Q. Did you have occasion to read any leaflets/documents</p> <p>11 prepared by BOSA about their couplers?</p> <p>12 A. I read BOSA's catalogue.</p> <p>13 Q. Right. Did you read BOSA's catalogue before you started</p> <p>14 working on the SAT area?</p> <p>15 A. Before we purchased BOSA couplers, I read it once and</p> <p>16 then I did not read it again.</p> <p>17 Q. Okay. So you did at least read it once, and so you had</p> <p>18 some general idea of the BOSA couplers?</p> <p>19 A. Yes, I read it. I have basic understanding.</p> <p>20 Q. That was supplied to you by somebody else at Leightons</p> <p>21 or by BOSA themselves?</p> <p>22 A. I knew I was going to use couplers, so I went to INCITE</p> <p>23 to look for whether there were BOSA documents from</p> <p>24 Leighton. So I looked it up myself.</p> <p>25 Q. Very good. Right.</p>

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<p>1 COMMISSIONER HANSFORD: Was it easy to find on INCITE?</p> <p>2 A. It depends how much you know about it, because sometimes</p> <p>3 the keyword doesn't show the document you are looking</p> <p>4 for. It's easier if it is BOSA, because everyone would</p> <p>5 use the same name, but if you were looking for things</p> <p>6 with different names, some people would use "stud</p> <p>7 anchor" or "anchor" for certain things, and sometimes</p> <p>8 you would need to use different keywords before you</p> <p>9 could look up what you were looking up for.</p> <p>10 COMMISSIONER HANSFORD: Yes. Thank you.</p> <p>11 MR PENNICOTT: So you need to know the right question or the</p> <p>12 right word.</p> <p>13 In paragraph 12 of your witness statement,</p> <p>14 Mr Wong -- and I said I would come back to it -- you</p> <p>15 say:</p> <p>16 "I would often undertake informal inspections</p> <p>17 together with MTR's construction engineers/inspectors of</p> <p>18 works. This would happen if we met each other on site</p> <p>19 or arranged to look at the works before the formal</p> <p>20 inspections."</p> <p>21 Then you also, in paragraph 16 of your witness</p> <p>22 statement, say:</p> <p>23 "I was responsible for a number of the formal joint</p> <p>24 inspections for rebar fixing and pre-pour checks at the</p> <p>25 SAT EWL area. I would typically perform these</p>	<p>1 inspection, Leighton's engineer would notify MTR (by</p> <p>2 issuing a [RISC] form)", as we call them for short; do</p> <p>3 you see that, Mr Wong?</p> <p>4 A. Yes, I can see that.</p> <p>5 Q. And at subparagraph (h) you say:</p> <p>6 "It was standard practice for work to proceed after</p> <p>7 verbal approval was obtained from MTR following a formal</p> <p>8 joint inspection. This allowed works to continue</p> <p>9 without delay. Thereafter, MTR's construction</p> <p>10 engineer/inspector of works would complete the RISC form</p> <p>11 to record their approval and return it to Leighton</p> <p>12 later."</p> <p>13 So it seems there that what you are suggesting,</p> <p>14 Mr Wong, is that Leighton issue the RISC form; that</p> <p>15 triggers the inspection taking place; and then the MTR</p> <p>16 would fill in -- you would expect the MTR to fill in the</p> <p>17 RISC form after that inspection, but you would proceed</p> <p>18 on the basis of verbal approval and not wait for the</p> <p>19 RISC form to come back to you?</p> <p>20 A. That's correct.</p> <p>21 Q. However -- and we'll discuss this in a moment,</p> <p>22 Mr Wong -- there were times or occasions when you, that</p> <p>23 is Leighton, would not have issued the RISC form before</p> <p>24 a hold-point or a formal inspection; that's correct, is</p> <p>25 it not, Mr Wong?</p>
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<p>1 inspections when none of the junior engineers were</p> <p>2 available."</p> <p>3 So, first point: you were involved in both the</p> <p>4 informal, routine inspections, and also some of the</p> <p>5 formal inspections, that is both?</p> <p>6 A. With regard to rebar fixing, I cannot recall.</p> <p>7 Q. What can you not recall?</p> <p>8 A. I took part in joint inspections. I also took part in</p> <p>9 joint inspections for rebar fixing. But with regard to</p> <p>10 SAT EWL area rebar fixing joint inspections, I cannot</p> <p>11 recall whether I took part in them.</p> <p>12 Q. Are you talking about the formal inspections, so that is</p> <p>13 the hold-point inspections with MTR's engineers?</p> <p>14 A. Yes.</p> <p>15 Q. Right. So you do recollect carrying out informal</p> <p>16 inspections for rebar in the SAT EWL area, but you are</p> <p>17 not sure about the formal inspections for rebar?</p> <p>18 A. That's correct.</p> <p>19 Q. Right. We will come back to that point in a moment,</p> <p>20 Mr Wong.</p> <p>21 In paragraph 14 of your witness statement, you set</p> <p>22 out, under the heading "Formal joint inspections", the</p> <p>23 formalities associated with that type of inspection, and</p> <p>24 you say at subparagraph (c) in paragraph 14:</p> <p>25 "Prior to or around the time of a formal joint</p>	<p>1 A. Sometimes this happens, yes.</p> <p>2 Q. Yes. And when that happened, or when the RISC form was</p> <p>3 not issued, how would you, in those circumstances, set</p> <p>4 up the hold-point inspection with MTR?</p> <p>5 A. Generally speaking, junior engineers or I myself would</p> <p>6 directly call up MTR engineers to request an inspection.</p> <p>7 Q. So by telephone?</p> <p>8 A. Yes, that's correct.</p> <p>9 Q. On the SAT area, were there any WhatsApp groups set up</p> <p>10 for the purpose of, amongst other things perhaps,</p> <p>11 setting up hold-point inspections?</p> <p>12 A. We did have a WhatsApp group, but that was for tackling</p> <p>13 daily work, like communicating about manpower</p> <p>14 arrangement for different areas, or other matters that</p> <p>15 we might have to communicate with MTR on a daily basis.</p> <p>16 But we won't use WhatsApp group to set up inspections.</p> <p>17 Q. Okay.</p> <p>18 CHAIRMAN: Assuming that you don't set up an inspection by</p> <p>19 way of a RISC form, how would you do it?</p> <p>20 A. Generally speaking, on that very day, we would make</p> <p>21 an appointment with the engineer in charge. If he said</p> <p>22 okay, then we would send a RISC form later, in one or</p> <p>23 two days, and then they would sign the form and return</p> <p>24 it.</p> <p>25 CHAIRMAN: So you just make an appointment, just a telephone</p>

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<p>1 call or something like that, not necessarily through any 2 formalised WhatsApp network? 3 A. Generally, we will phone the person. We wouldn't use 4 the WhatsApp group to make appointments. 5 MR PENNICOTT: Paragraph 16, back to paragraph 16 of your 6 witness statement, Mr Wong, which I read out a moment 7 ago. 8 CHAIRMAN: Sorry, I'm just looking at the time. 9 MR PENNICOTT: Can I just deal with this point and then 10 break? 11 CHAIRMAN: You can, absolutely. 12 MR PENNICOTT: In paragraph 16 there, the second sentence, 13 you say: 14 "I would typically perform these inspections ..." 15 And I know you've qualified that now, Mr Wong, 16 because we're talking about the formal inspections. 17 "... when none of the junior engineers were 18 available." 19 I understand from the documents I've looked at that 20 one of the junior engineers was a gentleman called -- 21 was it Carl Pat; is that right? Does that ring a bell 22 with you? 23 A. Correct. 24 Q. And Wilson Wong? 25 A. Correct.</p>	<p>1 CHAIRMAN: And a SAT summary table. 2 MR PENNICOTT: You've now got the SAT summary table as well. 3 (Handed). 4 CHAIRMAN: Thank you. 5 15 minutes. 6 (11.34 am) 7 (A short adjournment) 8 (11.55 am) 9 MR PENNICOTT: Mr Wong, what I'd like to do now is look with 10 you at a document that you refer to in paragraph 18 of 11 your witness statement. If you could just look at that. 12 You say: 13 "Leighton has disclosed a table summarising the 14 records of the formal joint inspections for rebar fixing 15 and pre-pour checks for the SAT EWL area ... I have not 16 confirmed the accuracy of this table." 17 Now, Mr Wong, first of all, can I ask you this. 18 Since your witness statement, which was provided to us 19 on 17 May 2019, have you had time to look at and 20 consider that table? 21 A. I did look at it again but still I cannot confirm the 22 accuracy. 23 Q. Okay. At least you've had another look at it. That 24 might be helpful. 25 Can we have a look at it, and you've been given,</p>
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<p>1 Q. So, as I understand it, your approach to the formal 2 inspections is that you having carried out perhaps 3 routine informal inspections, by and large the formal 4 inspections were carried out by the junior engineers; is 5 that right? 6 A. Yes, generally, yes. 7 MR PENNICOTT: Right. 8 Sir, that would be an appropriate moment now. 9 CHAIRMAN: Thank you. 15 minutes. Thank you. 10 Excuse me, Mr Wong, we are about to have the morning 11 break. 15 minutes. Because you are in the middle of 12 your evidence, you are not entitled to discuss your 13 evidence with anybody else at this moment in time. 14 Okay? 15 WITNESS: (In English) I understand. 16 CHAIRMAN: When you have completed your evidence, then you 17 can discuss it with whoever you like, but not until 18 then. 19 WITNESS: (In English) I understand. 20 MR PENNICOTT: Sir, before you disappear, can I just hand in 21 these two documents -- well, it's one document each -- 22 oh, you've perhaps already got them, I'm told. 23 COMMISSIONER HANSFORD: Have we? 24 MR PENNICOTT: You are aware, of course, that we've got the 25 NAT summary table, just on one sheet --</p>	<p>1 I hope, an A3 copy of it because it's an awful lot 2 easier than it is looking at it on the screen. You'll 3 obviously understand the categories of information that 4 are set out on the summary table. 5 The first thing to note, can I suggest, Mr Wong, is 6 this: that in the SAT EWL area, whilst we see the 7 numbers 1 to 24 going down the left-hand side ... 8 Sorry, perhaps others need to see it on the screen. 9 I'm sorry about that. CC4397. 10 There were in fact, because there are a number of As 11 and Bs that you can see there, 29 pours in total; do you 12 see that, Mr Wong? 13 A. Yes. 14 Q. And seven of those pours -- and this ties in with 15 something you mentioned to us earlier -- were done in 16 January and February 2017, after you had left the 17 project; do you see that? 18 A. Yes, I can see that. 19 Q. And so, as a matter of arithmetic, 22 pours were done 20 during your time on the site, at the SAT area? 21 A. From this table, yes. 22 Q. And in relation to those 22 pours, Mr Wong, looking at 23 the column headed "Responsible engineer", you appear to 24 have been the responsible engineer in relation to seven 25 of those pours. And I'm taking the ones -- the two at</p>

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<p>1 the top, where we just see your name on its own, as it 2 were, and I'm taking the five where you are listed 3 together with Mr Saky Chan. Do you see that? 4 A. Yes, I can see that. 5 Q. Right. My understanding is that in relation to the RISC 6 forms that were issued, only RISC form 10170, at lines 7 or numbers 2 and 3, only in relation to that RISC form 8 were you the responsible engineer. All the others, 9 there was no RISC form issued. Is that correct? 10 A. Correct. 11 Q. Can you explain why five of the entries, it says both 12 your name and Mr Saky Chan? Why is that? Why are you 13 both said to be the responsible engineer for those areas 14 or bays? 15 A. I didn't compile this table. I don't know. I have left 16 Leighton for some time now. I am not able to retrieve 17 my previous emails or documents. I cannot really recall 18 the specific areas and who would be responsible for that 19 area. I cannot confirm the accuracy of this table. 20 Q. I see. All right. Because it seems to us that there 21 are two possibilities. Either you and Mr Saky Chan were 22 jointly responsible for the particular area concerned, 23 or the compiler of the table was not sure -- one or the 24 other -- was uncertain. 25 A. I really cannot answer this question. I don't know how</p>	<p>1 usually issue RISC forms around the time of the 2 inspection or in the days thereafter." 3 Now, so far as the rebar is concerned, rebar fixing 4 is concerned, Mr Wong, we have not been able to find any 5 RISC form that you issued. Does that accord with your 6 recollection, in relation to the rebar? 7 A. Would you please repeat your question? 8 Q. Yes. In relation to the rebar formal inspections, in 9 respect of which RISC forms ought to have been issued, 10 we have not found any RISC form that you personally 11 issued. Does that accord with your recollection of the 12 position? 13 A. I cannot recall who did the inspection. I really cannot 14 recall. 15 Q. All right. Let's just look at a couple of the RISC 16 forms. 17 CHAIRMAN: Sorry, just -- 18 MR PENNICOTT: Not at all. 19 CHAIRMAN: -- paragraph 18 says: 20 "I did not submit a RISC form for five out of the 21 seven rebar fixing ..." 22 MR PENNICOTT: Yes. 23 CHAIRMAN: Which tends to suggest he did it for the others. 24 Whereas what seems to be the evidence now is there 25 aren't any at all.</p>
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<p>1 this table came about. 2 Q. All right. 3 Now, in paragraph 16 of your witness statement -- 4 don't lose the table; we're going to need it -- and you 5 did, I accept, qualify this earlier, Mr Wong -- you say, 6 insofar as the formal inspections are concerned: 7 "I would typically perform these inspections when 8 none of the junior engineers were available." 9 As we saw earlier. We will look at it in a moment, 10 but you did not inspect at the hold point in relation to 11 RISC form 10170. Take it from me; we'll look at it in 12 a moment. 13 Then what we have is all the other areas where your 14 name appears, there's no RISC form. 15 Now, do you remember inspecting, formally inspecting 16 at the hold points, any of the other areas where your 17 name appears, or is your evidence, as I think you 18 indicated to us before the break, that you don't recall 19 carrying out any formal inspections? 20 A. In respect of rebar fixing, I think the answer is 21 I cannot recall. 22 Q. Okay. 23 In paragraph 17 of your witness statement you say: 24 "For the formal joint inspections that 25 I conducted" -- so you've qualified that now -- "I would</p>	<p>1 MR PENNICOTT: Correct. When we finish the exercise, I was 2 going to come to this. 3 CHAIRMAN: Sorry. 4 MR PENNICOTT: Not at all, sir. It's fine. I don't think 5 it's too difficult to work out what the witness is 6 saying, and perhaps he can confirm it now. 7 Mr Wong, if you look at paragraph 18 of your witness 8 statement, and you look at (a) -- you say: 9 "I did not submit a RISC form for five out of the 10 seven rebar fixing inspections ..." 11 Do you see that? 12 A. Yes. I was talking about what has been indicated in the 13 table, and as I've said I cannot confirm the accuracy of 14 the table. I cannot really recall the number of times. 15 It happened so long ago. I said "(In English) [the] 16 table indicates that I did not submit RISC forms", and 17 then I calculate the numbers from that table. 18 Q. Yes, because your name appears seven times and against 19 five of them we've got "N/A", then we have the RISC form 20 10170 at the top, which is the same RISC form twice, and 21 that's how you've got your five and your seven? 22 CHAIRMAN: Yes, but the Commission legal team has not been 23 able to find one signed. 24 MR PENNICOTT: No, that's right, sir, because we are now 25 going to look at the one where it might be implied that</p>

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<p>1 Mr Wong has signed it, but as we will see, he didn't. 2 So could we look at BB13/9219.11, please. If we 3 could just blow up the top right-hand corner, just to 4 make sure we've got the right RISC form. 5 So this is the one that's referred to at numbers 2 6 and 3 on the summary table, 010170, and we can see that 7 this time -- it's signed, or the name of the Leighton 8 person who initiated the form at part A is the person 9 I mentioned before the break, Carl Pat. Do you see 10 that? 11 A. I can see that. 12 Q. Who was one of your assistant engineers? 13 A. That's correct. 14 Q. Then if we scroll down, we see that the form went to 15 Mr Kobe Wong, who appears to have given it to Kappa 16 Kang, a ConE II, who has indicated that the inspection 17 was carried out on 21 March 2016. 18 Then if we go towards the bottom, we can see it 19 there, Carl Pat has signed that off; do you see that? 20 A. Yes, I can see that. 21 Q. After Carl Pat has signed that form at the bottom there, 22 do you know what is supposed to happen to the various -- 23 I think the blue, white and yellow copies of this RISC 24 form? What's supposed to happen next, Mr Wong; do you 25 know?</p>	<p>1 seem to be painting a picture there that you were all 2 too busy to issue the RISC forms. But, if this table is 3 anywhere near accurate and reliable, you were only 4 responsible, during the course of about 14 months, for 5 issuing -- so far as the rebar is concerned -- six or 6 seven RISC forms, as a maximum. Do you agree? 7 A. I was not only responsible for EWL construction. There 8 were other works ongoing. 9 Q. I appreciate that, Mr Wong, but if one looks at the 10 dates where we have no RISC form, where you are 11 described as the responsible engineer, there's one in 12 March 2016, one in May 2016. I accept there are three 13 in June 2016. And then there's one in October 2016. It 14 just doesn't seem to me, with respect, Mr Wong, to be 15 justified when you say that you were simply too busy to 16 issue this relatively modest number of RISC forms. Do 17 you agree? 18 A. I don't think you can just look at one of the works that 19 I was responsible for and say that there were only a few 20 RISC forms required therefore I would be responsible for 21 a few RISC forms. There were pre-pour checks and other 22 things for which RISC forms would be required -- there 23 are a number of weld structures, and also TW4 form was 24 required; you cannot say I was only responsible for 25 a few RISC forms in respect of bar fixing and therefore</p>
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<p>1 A. I knew at that time but I cannot recall. I believe it 2 would be loaded to INCITE. It would be available at 3 INCITE. 4 Q. Right. 5 Sir, I'm not going to take you to it, but we've 6 looked in the MTR RISC register and we've got another 7 example here that we had with Mr Jeff Lii, where whilst 8 the RISC form is referred to and the description is 9 given, the boxes to the right are simply left blank 10 again. So the RISC register does not record the fact 11 that Kappa Kang apparently did the inspection on the 12 21st, but we at least have the RISC form. 13 Now, Mr Wong, at paragraph 19 of your witness 14 statement, you say: 15 "The reason why I did not submit those RISC forms is 16 that I was constantly busy supervising the works, 17 completing inspections and attending to other necessary 18 tasks. I did not have time to review all of the RISC 19 forms that I had issued in order to consider if I had 20 missed any and simply forgot to issue the ones that are 21 outstanding. MTR's construction engineers/inspectors of 22 works did not demand that RISC forms be submitted prior 23 to formal joint inspections." 24 And so forth. 25 Mr Wong, I don't want to be unfair to you, but you</p>	<p>1 I was responsible for only a few RISC forms. 2 Q. So far as the pre-pour RISC forms -- and I'm not going 3 to spend much time on this -- the number is similar, if 4 not the same. I mean, again, on the chart, broadly 5 speaking, the responsible engineer for the pre-pour 6 check is the same as the responsible engineer in 7 relation to the rebar fixing. Do you see that? So, 8 again, the number of RISC forms is virtually the same; 9 do you see? 10 A. Yes, I can see that, but I want to say that when we 11 worked on site, the one inspecting rebar fixing may not 12 be the same one doing the pre-pour check. So how this 13 table was put together -- I really cannot comment on the 14 accuracy of this table. 15 MR PENNICOTT: All right. Thank you very much, Mr Wong. 16 Sir, I have no further questions. 17 Cross-examination by MR TSOI 18 MR TSOI: Good afternoon, Mr Wong. I act for Wing & Kwong, 19 who were the rebar fixers for the NAT. I know that you 20 worked in the SAT, so the rebar fixers there was 21 a company called Fang Sheung. 22 A. That's correct. 23 Q. In your witness statement, you have very helpfully set 24 out your work, and if I can take you to paragraph 4 of 25 your statement. I think it accurately summarises the</p>

<p style="text-align: right;">Page 57</p> <p>1 work explained therein. You say this: 2 "My usual working hours on the project were from 3 8 am to 6 pm. My main work responsibilities include 4 resolving any issues arising out of the construction 5 drawings, coordinate with and supervise the 6 sub-contractors, conduct both routine and formal joint 7 inspections with MTRCL ...", et cetera, et cetera. 8 Do you see that? 9 A. Yes, I can see that. 10 Q. There is one particular topic I would like to explore 11 with you, which is before the rebar fixing work 12 commences, your interaction with the rebar fixing 13 sub-contractor. 14 A. Usually, there would be an experienced person who would 15 be given the drawings, and he would go and take 16 measurements with me on site and would discuss the 17 requirements of the general notes. Say, for example, 18 the diameter of the bar size and also the lapping 19 length. Then he would go back and prepare the 20 materials. It's just like the drawing showing the bays. 21 I would tell him about the materials that would be 22 required, and from A to B I would point out these 23 locations to him and he would take the measurements 24 on site, to see how the materials should be prepared and 25 the rebars bent.</p>	<p style="text-align: right;">Page 59</p> <p>1 fixing sub-contractor's representative; is that correct? 2 A. Yes, correct. 3 COMMISSIONER HANSFORD: Thank you. 4 MR TSOI: I'm sorry, it's perhaps my fault. Can I just be 5 slightly more accurate. So this meeting, would this be 6 the day before the rebar fixing work or two days before, 7 a week before? Can you inform us as to the time 8 duration between the meeting and the rebar fixing work? 9 A. I think roughly a week, because after that meeting 10 I would have to do waterproofing. I would have to wait 11 for waterproofing to be completed before rebar fixing 12 can take place. So it's about a week before. 13 Q. After this meeting but before the rebar fixing work is 14 to commence, would you go and inspect the location again 15 where the rebar fixing work is supposed to commence? 16 A. I don't really understand what you mean by inspecting 17 the location. 18 Q. We know that at a certain time the rebar fixing work at 19 a certain location has to commence; right? 20 A. Yes. 21 Q. Now, you said that a week before that, there would be 22 a meeting with the representative of the rebar fixing 23 sub-contractor? 24 A. Yes. 25 Q. In that week, would you go to that location again to</p>
<p style="text-align: right;">Page 58</p> <p>1 Q. Thank you very much. Can I just ask you: when would 2 this meeting take place in relation to the commencement 3 of the rebar works itself? 4 A. Well, after doing the blinding, I would ask the relevant 5 people to look at the extent, and then I would ask the 6 sub-contractor to go and look at it. 7 COMMISSIONER HANSFORD: Sorry to interrupt you, Mr Tsoi, but 8 not everybody in this room might understand what the 9 word "binding" means. Do you mean "blinding" or 10 "binding"? 11 A. (In English) Blinding, concrete blinding. 12 COMMISSIONER HANSFORD: You mean blinding, don't you? Could 13 you just explain blinding, because it's not a word that 14 we've used much, if at all, in this Commission so far? 15 What is the blinding? 16 A. At the EWL trough -- well, it is lower than the ground 17 level -- we have to do some digging work. Then, when we 18 come to the required depth or level, for the sake of 19 rebar fixing, we would have to put a 50mm concrete layer 20 in order to make it level. Then, on top of it, we can 21 do rebar fixing and also waterproofing. This 50mm level 22 is called blinding. 23 COMMISSIONER HANSFORD: Thank you. That's very helpful. 24 So, after this thin layer of concrete had been put in 25 place, then you would have the meeting with the steel</p>	<p style="text-align: right;">Page 60</p> <p>1 look at the site, to check if everything is okay or 2 anything like that? 3 A. I would. I would have to go and check the waterproofing 4 work. 5 Q. Okay. Would that be a day before the rebar fixing work 6 commences, or two days or ...? 7 A. Generally speaking, one day before rebar fixing works 8 started, there would be the waterproofing check. 9 I would not be sure whether I was there, but usually 10 there would be this inspection. 11 Q. So it's that inspection I'm interested in. So, in that 12 inspection, the inspection that takes place one or two 13 days before the commencement of the rebar works, so 14 either you or one of your junior engineers would attend 15 that inspection? 16 A. That's correct. 17 Q. Together with a representative from the rebar fixing 18 sub-contractor? 19 A. No. Usually, we went together with the waterproofing 20 company. We would have talked to the rebar fixing 21 sub-contractor one week before, and then, when we were 22 almost ready, I would call him up to say he could come 23 in, and then he would not do any more inspections. 24 Q. Exactly. So the rebar fixing sub-contractor would 25 probably send an individual to that location one or two</p>

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<p>1 days before they are due to commence the rebar fixing 2 work, to just check on the location; is that right? 3 A. I did see someone but they would not inform me. 4 Q. If that rebar fixer representative who went to that 5 location saw any problem, such as a broken coupler or 6 things like that, would you expect him to inform one of 7 your junior engineers or inform yourself? 8 A. Yes. 9 Q. Am I correct to say that because they -- for example, 10 let's take the example of the broken coupler. They have 11 no power, they can't change the coupler, so they have to 12 inform one of your junior engineers? 13 A. Well, if there was any problem with the works and he 14 could not follow the drawings, I would expect him to 15 inform me. 16 Q. Yes. 17 A. But as to who he would actually inform and whether he 18 would do it, I'm not sure. 19 MR TSOI: That's all I want to ask. Thank you very much, 20 Mr Wong. 21 MR BOULDING: We have no questions for this witness. Thank 22 you, sir. 23 CHAIRMAN: Thank you. 24 Cross-examination by MR KHAW 25 MR KHAW: Mr Wong, I represent the government. There are</p>	<p>1 see two or three threads showing, and percentage-wise it 2 is just 1 or 2 per cent and I don't think it would be 3 a big impact. 4 Q. I'm not sure whether I understand you correctly. So you 5 yourself have actually tried the BOSA couplers and also 6 the connecting rebars, did you not? You tried to see 7 whether it could be completely screwed in; did you try 8 that? 9 A. I did try. This was the first time I have come into 10 contact with couplers, and I was quite interested. 11 During informal inspections, I tried to screw in the 12 rebars to see whether everything could go in. 13 Q. So, according to your inspections, most of them were 14 fully screwed in? 15 A. Yes, the vast majority, but only two or three could not 16 be fully screwed in. 17 Q. But am I correct in saying that, according to what you 18 said in your statement, for the purpose of inspection, 19 you would allow some threads of the rebars to be 20 exposed? You would give that allowance, is that 21 correct, for the purpose of inspection? 22 A. It depends on the number involved. If it happens to 23 every bar, it would be a problem. I would inform MTRC 24 or my senior. If it's an isolated issue of one or two, 25 then I would say it's acceptable.</p>
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<p>1 just a few points relating to perhaps just two 2 paragraphs of your witness statement that I wish to 3 discuss with you. 4 If we can take you back to paragraph 13 of your 5 witness statement. I understand that Mr Pennicott has 6 already asked you some questions in relation to this 7 paragraph. Maybe you can have a look again, then I will 8 ask you some questions. 9 A. I have read it. 10 Q. After you were referred to this paragraph, Mr Pennicott 11 asked you, "Did you regard it as acceptable if a few 12 threads of rebar were showing outside the coupler?" 13 Remember that? 14 A. Yes, I remember that. 15 Q. Now, here in your statement, you told us that, first of 16 all -- you said: 17 "I understand that it was impossible to fully screw 18 every rebar into the couplers." 19 Can I ask you on what basis did you have that 20 understanding? 21 A. Because I don't believe everything can be perfect. As 22 long as the number of threads showing -- well, how 23 should I put it -- was not dominant or was of a big 24 number, then I myself tried it and I asked workers to 25 try to screw those one or two threads in. Maybe I could</p>	<p>1 Q. I'm sorry, Mr Wong, maybe I'm a bit pedantic here, but 2 I understand your answer regarding quantity. If you are 3 not talking about a big quantity of not-fully-screwed-in 4 rebars, you think that that's acceptable. I see where 5 you are coming from. But in terms of each coupler 6 connection, I would like to know, because you were 7 responsible for doing the inspection -- I would like to 8 know, from your point of view, for the purpose of 9 inspection, in respect of each coupler connection, would 10 you agree that you would allow a few threads to be 11 exposed? 12 A. If we look at individual ones, I don't think so. 13 Q. Thank you. 14 CHAIRMAN: I think -- sorry, my understanding is -- Mr Wong 15 would you correct me if I'm wrong here -- that when you 16 made the formal inspection, the vast majority, to use 17 your phrase, of couplers were fully screwed in, so that 18 no threads were showing, but there would be a very small 19 number -- you used the expression "two or three" -- 20 where perhaps one or two threads were showing, and in 21 the overall context you would be prepared to accept 22 those one or two threads? 23 A. Yes. 24 MR KHAW: Further, in answer to Mr Pennicott's question, you 25 told us why you regarded that as acceptable. You told</p>

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<p>1 us about the small quantity and also only one or two 2 threads were showing at that time. Do you remember 3 that? 4 A. Yes, I can recall that. 5 Q. In your answer, you also told us that you regarded that 6 as acceptable because there would be formal inspection 7 with MTR. Do you remember that? 8 A. Yes. 9 Q. So, during the formal inspection with MTR, did you ever 10 raise this issue that you discovered some couplers, some 11 rebars, not completely screwed in? Did you further 12 discuss that issue with the MTR representatives during 13 the formal inspections? 14 A. I cannot remember whether I did any formal inspection, 15 but I shouldn't have mentioned that. 16 Q. The next paragraph of your witness statement that I wish 17 to very briefly discuss with you is paragraph 25, where 18 you try to explain the reason why couplers were used in 19 place of lapped bars at certain construction joints. Do 20 you see that? 21 A. Yes. 22 Q. You have told us that it's for practical reason, because 23 couplers would need to be used in place of lapped bars 24 in order to maintain access to different areas of the 25 site. That's what you told us; right?</p>	<p>1 discussion on site and look at the feasibility. We 2 would only proceed when they say it's okay. 3 MR KHAW: Thank you. That's very helpful. Thank you very 4 much. I have no further questions. 5 MR LAU: No questions from Pypun. 6 MR CHANG: No re-examination. 7 CHAIRMAN: Good. Thank you very much indeed, Mr Wong. Your 8 evidence is now completed, so you can go now. 9 WITNESS: (In English) Thank you. 10 (The witness was released) 11 MR CHANG: The next Leighton witness is Mr Saky Chan. You 12 have seen his name appearing in the SAT pour summary. 13 The corporate chart, if we can call up part 1 14 bundle C7, page 5533. Again, we can see Joe Tam. At 15 the end of the SAT limb, that's Saky Chan as the 16 assistant engineer. And if we can go to 5535. Again, 17 Joe Tam, SAT, and down the line, "Engineer Saky Chan". 18 By then, he was promoted to become the engineer. That's 19 May 2015. 20 MR CHAN KWOK SING, SAKY (affirmed in Cantonese) 21 (All answers given via simultaneous interpreter 22 except where otherwise specified) 23 Examination-in-chief by MR CHANG 24 MR CHANG: Mr Chan, you have prepared a witness statement 25 for the purpose of this Inquiry. Can you be shown</p>
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<p>1 A. Right. 2 Q. You have highlighted this particular point. Do I take 3 it that you were aware that the use of couplers instead 4 of rebars at those construction joints is considered 5 a deviation from the original drawings? 6 A. Yes. That's why, before we did it, we communicated with 7 MTR's engineers. 8 Q. That's a point that I wish to explore with you a bit 9 further, that is on a site, obviously, as an engineer 10 you have to deal with different scenarios happening at 11 different times, and you may need to come up with 12 a particular method which may not be wholly consistent 13 with what you can see from the drawings. 14 What I would like to know is when you come across 15 a situation where there is a use of materials which is 16 not completely consistent with the accepted drawings, 17 what would be the protocol from Leighton as to what the 18 engineers should do in such circumstances? 19 A. For the company's protocol, I cannot say anything for 20 sure, but normally I would come up with a plan. For 21 example, we need to provide a space for passageway, then 22 I would draw the entire plan, why we should use couplers 23 at certain locations, and I would get the approval of my 24 site agent and my superior, and I would send an email to 25 the MTR, the engineer, and then we would have some</p>	<p>1 C6/3838. This is a document titled, "Witness statement 2 of Saky Chan". If you go all the way to CC6/3846, there 3 is a signature. Can you confirm that to be your 4 signature? 5 A. Yes. 6 Q. You confirm this to be your witness statement; correct? 7 A. Yes. 8 Q. And you confirm the contents of this statement to be 9 true and accurate? 10 A. Yes. 11 Q. And you wish the Commission to accept this as part of 12 your evidence? 13 A. Yes. 14 MR CHANG: Can you please remain seated. There will be 15 questions from others in this room, starting with the 16 gentleman in front of me, Mr Pennicott, who acts for the 17 Commission. 18 Examination by MR PENNICOTT 19 MR PENNICOTT: Mr Chan, as has been indicated, my name is 20 Ian Pennicott, I act for the Commission; I've got a few 21 questions for you. 22 Sir, I'm afraid there's going to be a bit of 23 an "action replay" on some of this, but I'm only going 24 to raise what I regard as maybe two or three important 25 points with Mr Chan.</p>

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<p>1 Mr Chan, thank you very much for coming to give 2 evidence to the Commission today. 3 Now, you started on the project in April 2015; is 4 that right? 5 A. Yes. 6 Q. At that time, you were an assistant engineer, but very 7 quickly, the following month, in May 2015, you were 8 promoted to engineer; is that right? 9 A. Yes, correct. 10 Q. And you worked on the project up until November 2016, 11 when you left the project? 12 A. Correct. 13 Q. We've just heard from Mr Wong, your former colleague, 14 Mr Sean Wong. He left in December 2016, you left in 15 November 2016. Have you any recollection as to who may 16 have taken over from you and Mr Wong, after both of you 17 had left? 18 A. A colleague called Raymond Tsoi. Not exactly taking 19 over. He joined the team, that is. There was no 20 handover of my duties. He joined the team and the 21 project continued. I have no idea how the distribution 22 of work was arranged afterwards. 23 Q. Thank you. I think we're hearing from Mr Tsoi next 24 week; is that right? 25 That's fine and helpful. Thank you very much.</p>	<p>1 A. Well, my position is it is acceptable, but from my 2 memory I haven't seen any threads showing, and whether 3 it was formal or informal inspection, I would check the 4 numbers, because at these inspections, and when I did my 5 site works and assigned work, I would have to check the 6 conditions of work, and I would take drawings with me 7 for my own viewing, and then at formal inspections we 8 would have to count the number of couplers and I would 9 have to make sure that there were adequate couplers. 10 Q. I understand that, but in paragraph 13 you are talking 11 about whether or not the rebar was fully screwed into 12 the couplers or only a few threads were showing out of 13 the couplers. Is it your evidence that -- and then you 14 say: 15 "I understand that it was impossible to fully screw 16 every rebar into the couplers." 17 I mean, did you or did you not see examples of where 18 the rebar was not fully screwed into the couplers? 19 A. From my memory, I didn't see any, but whether my memory 20 was accurate, I cannot say, because it was a long time 21 ago. And if you ask me now, I cannot recall that that 22 happened. 23 Q. Okay. 24 Mr Chan, the couplers that were used were BOSA 25 couplers, we understand. Is that your recollection?</p>
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<p>1 We've heard from Mr Wong that, as we know, the SAT 2 area, EWL area, is divided into a number of bays, and 3 he's told us that you worked together, there was nobody 4 responsible for any particular bay, but you had joint 5 responsibility for the whole area. Do you agree with 6 that? 7 A. Agree. 8 Q. Can I ask you to look at paragraph 13 of your witness 9 statement, please, where we will see some words that 10 look familiar. You say at paragraph 13 -- that's at 11 3840 -- that, and this is by reference to informal 12 inspections: 13 "... we would check briefly the coupler connections, 14 arrangement of the rebar, condition of the formwork and 15 falsework and other miscellaneous items prior to 16 concreting. When checking the connections between rebar 17 and couplers, I looked generally to ensure that the 18 rebar was fully screwed in or only a few threads were 19 showing out of the coupler. I understand that it was 20 impossible to fully screw every rebar into the couplers. 21 Sometimes, despite the best efforts of the 22 sub-contractor's workers, a few threads could not be 23 screwed into the coupler." 24 If a few threads were showing, Mr Chan, did you 25 regard that as acceptable?</p>	<p>1 A. Yes. 2 Q. And did you receive any information/attend any courses 3 run by BOSA? 4 A. No. No, I did not take part in any courses, but 5 I received some information, or I read some information. 6 I did not receive it but I read it. The information was 7 on INCITE or on the internet. I am sure I read the 8 catalogue. 9 Q. Okay. And you read the catalogue before the works -- 10 before the rebar fixing works started? 11 A. Certainly, yes. 12 Q. As I understand it from your evidence, your witness 13 statement, you were involved in both informal routine 14 inspections, as you mention in paragraph 12, and also 15 the formal joint inspections? 16 A. Yes, but with regard to informal inspections, what do 17 you mean? When I talked about informal inspections, 18 I meant that during our site walks, we would do it 19 together with the inspectors of works, and these were 20 called informal joint inspections. But if they were 21 formal inspections, we would have to submit forms for 22 the formal inspections, and these would be formal 23 routine inspections. So I'm not sure what you meant by 24 "informal inspections". 25 Q. Let's just focus on the informal joint inspections with</p>

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<p>1 the inspectors of works. As you are doing your site 2 walks -- when you say inspectors of works, you mean 3 representatives of the MTR; is that right? 4 A. That's correct. 5 Q. All right. And those were inspections that were not 6 documented, they weren't triggered by RISC forms or 7 anything like that; they just happened on an informal, 8 routine basis? 9 A. Correct, yes. 10 Q. Mr Chan, in your witness statement, at paragraph 18, you 11 make reference to a table summarising the records of the 12 formal joint inspections. You say you have not 13 confirmed the accuracy of this table, which we are going 14 to look at shortly. 15 Can I ask you this. Since 17 May of this year, 16 2019, when you signed your witness statement, have you 17 had an opportunity to look at the table again and review 18 it and check its accuracy? 19 A. Yes, I did read the table again, but I am still not sure 20 about its accuracy. Because it was really a long time 21 ago, I'm not sure whether my memory would be as what the 22 table showed. 23 Q. All right. And when you were doing that review, when 24 you read it again, did you look at any of the documents 25 that are referred to in the table, such as the RISC</p>	<p>1 one is headed "Responsible engineer"; do you see that, 2 Mr Chan? 3 A. Yes, I see that. 4 Q. Now, as I read this table, you issued RISC form 9790 at 5 the top; do you see that? 6 A. That's correct. 7 Q. Then you issued RISC form 10633, which seems to 8 encompass three different areas or bays; do you see 9 that? 10 A. 10633, covering three? Oh, yes, yes, yes. Right. 11 Q. And then issued three further ones, 10635, 9161 and 12 9363; do you see that? Or at least you are said to be 13 the responsible engineer for those? 14 A. That's correct. 15 Q. Then also further down, there's 9364. I actually make 16 that six, Mr Chan, but don't worry about that. 17 A. Yes, I see that. 18 Q. The ones that haven't been issued, where it's got "N/A" 19 in the column to the left of "Responsible engineer" are 20 those where both you and Mr Wong together are said to be 21 the responsible engineer; do you see that? 22 A. Well, I think that is shown on the table; that is what 23 is shown on the table. 24 Q. Yes. What's your understanding of those items where 25 both you and Mr Wong are said to be the responsible</p>
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<p>1 forms? Did you look at them? 2 A. You mean whether I reviewed the actual copy of the RISC 3 form or just the number? 4 Q. The actual copy. Did you actually look at the document 5 itself, the RISC form itself? 6 A. No, no, no. I didn't have the opportunity to. I just 7 checked the table, to see whether there was any mistake 8 that I was sure of and whether I did write anything as 9 shown in the table. 10 Q. All right. So your checking exercise was just -- the 11 objective of your checking exercise was to make sure 12 there were no obvious mistakes in the table? 13 A. That's correct. 14 Q. All right. If we could look at the table, please. It's 15 in front of you there in A3 size. 16 Mr Chan, we can see from the table that so far as 17 the rebar fixing inspections are concerned, you issued 18 five, as you say in paragraph 18(a) of your witness 19 statement, five such RISC forms, and those are the ones 20 where you are said to be the sole responsible engineer. 21 Do you see that? 22 A. Where? 23 Q. Well, that's a good question. I should have pointed you 24 in the right direction. If you look at this table, you 25 will see the column shaded brown at the top, the last</p>	<p>1 engineer? Do you know what that means? Why is it both 2 of you appear there and not just one of you? 3 A. This table was given to us afterwards by Leighton. I am 4 not sure why they wrote it this way. 5 Q. All right. 6 A. This is also a problem that I identified. 7 Q. Okay. 8 Could I just ask you to look at one RISC form, 9 please. That is RISC form 9364. BB13/9219.859. 10 This is the RISC form 9364, Mr Chan. It seems to 11 bear your name; do you agree? 12 A. I agree. I agree. 13 Q. It appears to have been passed to Kobe Wong, who was one 14 of the senior inspectors of works at MTR; do you agree? 15 A. Agree. 16 Q. And -- I pause -- possibly an inspection was taken, was 17 carried out by Kappa Kang, one of the MTR's ConE IIs; do 18 you see that? 19 A. I see that. 20 Q. The reason I pause is because there's no date inserted 21 as to when that inspection took place; do you see that, 22 Mr Chan? 23 A. Can we scroll up a little bit? 24 Q. Of course. 25 A. Well, in the normal circumstance, it should have been on</p>

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<p>1 19 December.</p> <p>2 Q. Yes.</p> <p>3 A. Well, if the form was submitted in normal circumstance.</p> <p>4 But I'm not sure whether anything occurred so that the</p> <p>5 form was submitted late. Maybe we agreed that there was</p> <p>6 the inspection but then the form was not submitted in</p> <p>7 time and it was submitted late.</p> <p>8 Q. Yes. Well, I'll get the opportunity of asking Ms Kang</p> <p>9 at some stage. She can explain why no inspection date</p> <p>10 is on this form, which I think is necessary.</p> <p>11 But, in any event, the fact is you have issued the</p> <p>12 RISC form and it does -- the RISC form does appear to</p> <p>13 have ended up back with you, Mr Chan. If we look at the</p> <p>14 bottom, you've countersigned it, albeit in March, some</p> <p>15 three months later; yes?</p> <p>16 A. Yes, correct.</p> <p>17 Q. Once you had signed that off, Mr Chan, what would you</p> <p>18 have done with the form?</p> <p>19 A. As far as I -- I'm not very sure at this moment, but I'm</p> <p>20 sure that this form would be accessible through INCITE.</p> <p>21 As to whom I should give the form to, I would say</p> <p>22 document controller but I don't know their procedure.</p> <p>23 But it would be available at INCITE. I remember this;</p> <p>24 I know this.</p> <p>25 Q. Okay.</p>	<p>1 number of RISC forms that needed to be issued in</p> <p>2 relation to the rebar fixing, they are not great in</p> <p>3 number?</p> <p>4 A. Could you please repeat your question?</p> <p>5 Q. Yes. The number of RISC forms that needed to be or</p> <p>6 should have been issued in relation to rebar fixing is</p> <p>7 not a big number?</p> <p>8 A. So it's substantial, a big number? A certain number of</p> <p>9 forms would be required; I'm not in a position to assess</p> <p>10 whether it's big or not big.</p> <p>11 Q. All right. But just looking at the table, Mr Chan, as</p> <p>12 you say, you've managed to issue six out of 12 or 13</p> <p>13 rebar fixing RISC forms.</p> <p>14 A. Yes.</p> <p>15 Q. So we're only missing half a dozen or so, six or seven</p> <p>16 forms. It's not a huge number, is it, Mr Chan?</p> <p>17 A. Yes, yes.</p> <p>18 Q. So are you still maintaining that the reason that they</p> <p>19 were not issued was because you were too busy</p> <p>20 supervising the works and dealing with other matters?</p> <p>21 A. The missing six or seven -- well, I'm not sure at this</p> <p>22 moment whether I would be the person responsible for</p> <p>23 that or I didn't got it submitted, or whether they went</p> <p>24 missing. I'm not sure about any of this.</p> <p>25 But I agree, the number is not big.</p>
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<p>1 CHAIRMAN: Sorry, was INCITE also a site to which MTR had</p> <p>2 full access?</p> <p>3 A. I'm not sure.</p> <p>4 MR PENNICOTT: Okay.</p> <p>5 This is not for you, Mr Chan. It's just a point.</p> <p>6 It's not perhaps a big point.</p> <p>7 Sir, the other RISC form I was going to look at with</p> <p>8 Mr Chan is the RISC form at item 13(b), 10635. But</p> <p>9 despite the best efforts of my team, we have been unable</p> <p>10 to locate it, either in the Leightons disclosure or the</p> <p>11 MTR's disclosure. Normally, we are successful if we</p> <p>12 look in the WSP material, because of course they have</p> <p>13 been reviewing all of this material on behalf of the</p> <p>14 MTR, but on this occasion we've drawn a complete blank</p> <p>15 on both sources, so I can't look at it.</p> <p>16 Can I then just ask you this, Mr Chan, finally. In</p> <p>17 paragraph 19 of your witness statement, you say:</p> <p>18 "The reason why I did not submit those RISC forms is</p> <p>19 that I was constantly busy supervising the works,</p> <p>20 completing inspections and attending to other necessary</p> <p>21 tasks. I did not have time to review all of the RISC</p> <p>22 forms that I had issued in order to consider if I had</p> <p>23 missed any and simply forgot to issue the ones that are</p> <p>24 outstanding."</p> <p>25 Mr Chan, would you agree that if one looks at the</p>	<p>1 Q. Okay.</p> <p>2 A. And at that time, I was not just responsible for SAT</p> <p>3 EWL. I was also responsible for utilities and other</p> <p>4 things -- of SAT and other jobs as well.</p> <p>5 MR PENNICOTT: Thank you, Mr Chan.</p> <p>6 Sir, I have finished. I see it's 1.06. I don't</p> <p>7 know how long my learned friends are going to be, or</p> <p>8 indeed whether they have many questions for Mr Chan. If</p> <p>9 the indication is that it's going to be very short, then</p> <p>10 I would propose that we continue, if it's just going to</p> <p>11 be 10 or 15 minutes. If it's going to be longer than</p> <p>12 that, obviously we should break.</p> <p>13 The point being that we have Mr Sebastian Kong next</p> <p>14 from the MTR, and whilst we can probably let him wait</p> <p>15 for a bit after lunch, we have got to finish him today,</p> <p>16 although I have to say we don't think we will be that</p> <p>17 long with Mr Sebastian Kong. So I'm really in everybody</p> <p>18 else's hands as to how they want to deal with it.</p> <p>19 MR TSOI: We have no questions for Mr Chan.</p> <p>20 MR BOULDING: We have no questions either, sir.</p> <p>21 MR CHOW: Sir, I have just one or two questions. It will</p> <p>22 take about five minutes.</p> <p>23 CHAIRMAN: All right. Just continue then. Thank you very</p> <p>24 much. I'm taking a wild guess but I don't think Pypun</p> <p>25 are going to have too many.</p>

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1 MR CHOW: I can have Pypun's five more minutes then.
 2 Cross-examination by MR CHOW
 3 Q. Good afternoon, Mr Chan. Earlier, you confirmed to --
 4 when you were being asked by Mr Pennicott in relation to
 5 the summary table -- you still recall that? -- in which
 6 it sets out the details of various RISC forms and it
 7 indicates a number of the RISC forms that you have not
 8 issued -- do you recall that table?
 9 A. Yes.
 10 Q. You also confirmed that you had a chance to look at the
 11 table again, but you still cannot confirm the accuracy
 12 of the table?
 13 A. That's correct.
 14 Q. Because you are not sure whether your memory serves you
 15 well; do you recall that?
 16 A. Yes.
 17 Q. That being the case, I would like to know -- in
 18 paragraph 20 of your statement, at page 3844, where you
 19 refer to those incidents that you were alleged to have
 20 forgotten to issue the RISC form -- for those incidents,
 21 you however confirm that MTRC's construction engineer
 22 was contacted with each hold point was reached, and the
 23 MTRC construction engineer/inspector of works conducted
 24 the formal joint inspection, and under subparagraph (c)
 25 you further confirmed that verbal approval from MTRC's

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1 construction engineer/inspector of works was always
 2 obtained before work was allowed to proceed or concrete
 3 to be poured.
 4 Given that you are not sure of the accuracy of your
 5 memory, on what basis do you make these confirmations?
 6 A. That's the normal practice. We would obtain approval.
 7 Although there would be no signed RISC form returned to
 8 me or formal email, but I would wait until the inspector
 9 or the engineer had confirmed and checked, and confirmed
 10 that we could proceed, then I would proceed. Otherwise,
 11 I would just pause.
 12 Q. All right. Can he move on to paragraph 26 of your
 13 statement. You say:
 14 "MTRCL's staff was well aware of, and agreed ..."
 15 This is a paragraph where you talk about the change
 16 of lapped bars to couplers; right? Where you said:
 17 "MTRC's staff was well aware of, and agreed with,
 18 the use of couplers at the construction joints instead
 19 of continuous lapped bars."
 20 Then the last sentence of your paragraph, you say:
 21 "They would also have inspected such couplers during
 22 the formal joint inspections for the construction
 23 joints."
 24 Are you suggesting that you are actually not certain
 25 but you believe they would have checked during the

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1 formal inspection?
 2 A. I'm quite sure. I was involved in the joint inspection
 3 in respect of the couplers. I remember I was holding
 4 a drawing and a chop when the inspection was done,
 5 because we were there to close up the concreting, the
 6 bar formation, I counted with the white chalk the number
 7 of couplers -- I counted the number of couplers before
 8 the next step followed. That's a formal inspection.
 9 I'm quite sure about that.
 10 MR CHOW: I have no more questions.
 11 MR CHANG: No re-examination.
 12 CHAIRMAN: Good. Thank you.
 13 MR SHIEH: In case it assists -- because a number of
 14 questions have been raised about the routine of
 15 submitting RISC forms and the operation of INCITE --
 16 I think previously it had been mentioned that the
 17 operation of INCITE and the procedure for submitting
 18 RISC forms, especially how the quadruplicate set works,
 19 there is actually a police statement by a Leighton
 20 witness in English which sets out the process step by
 21 step. I'm not going to read it now but in case the
 22 Commission wishes to have a feel as to how it actually
 23 operates on the shop floor, can I give the bundle
 24 reference?
 25 CHAIRMAN: Yes, of course.

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1 MR SHIEH: It is bundle CC10, page 6212. It is a police
 2 statement by a Leighton engineer by the name of Wong
 3 Ho Lam, where he sets out step by step how the RISC
 4 forms are generated and what buttons are pressed, how
 5 many copies are generated, who signs what, and then
 6 physically it went to where and how it comes back and
 7 how it's scanned.
 8 CHAIRMAN: Good. Thank you very much. That could be of
 9 great assistance. Thank you, Mr Shieh.
 10 Good, Mr Chan. Thank you very much. Your evidence
 11 is completed and you may now go. Thank you for your
 12 assistance.
 13 (The witness was released)
 14 Following the normal routine, Mr Pennicott, what
 15 time should we --
 16 MR PENNICOTT: Can we say 2.30, since it's 1.15, or nearly
 17 1.15?
 18 CHAIRMAN: Certainly. Return at 2.30 this afternoon. Thank
 19 you.
 20 (1.14 pm)
 21 (The luncheon adjournment)
 22 (2.32 pm)
 23 MR BOULDING: Good afternoon, sir.
 24 CHAIRMAN: Yes.
 25 MR BOULDING: I am now calling the first of the MTR

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<p>1 witnesses, a Mr Sebastian Kong. He is very grateful to 2 the Commissioners for accommodating him because he is 3 off to do charity work in Jordan, building houses for 4 the underprivileged. 5 With that introduction, perhaps, Mr Kong, you can 6 take either the oath or the affirmation. 7 MR KONG SAI KIT, SEBASTIAN (affirmed in Cantonese) 8 (All answers given via simultaneous interpreter 9 except where otherwise specified) 10 Examination-in-chief by MR BOULDING 11 Q. Thank you, Mr Kong. Please could you give your full 12 name to the Commissioners? 13 A. Kong Sai Kit. 14 Q. Are you going to give your evidence in English or 15 Chinese, in which case I need to put my headphones on? 16 A. In Chinese. 17 Q. We know that you've produced a witness statement for the 18 Commissioners' assistance, and if we go to 19 bundle BB8/5242, I trust we see, do we not, the first 20 page of that statement. Is that correct, Mr Kong? 21 A. Yes. 22 Q. If the operator could kindly scroll down to 23 page BB8/5247. 24 Do we there see your signature, Mr Kong? 25 A. Yes, that's correct.</p>	<p>1 A. That's right. 2 Q. And we can see the reporting line goes up to Carman Fu, 3 acting senior construction engineer; correct? 4 A. Yes. 5 Q. If we go to the top of the screen, left-hand side, we 6 see that was the organisation chart as at 4 November 7 2014. Do you see that? 8 A. Yes. 9 Q. Then you tell us, in your paragraph 3(b), that: 10 "For the period from January 2015 to July 2015, 11 I worked under Mr Joe Tsang Wing Wai ... and Mr Ben Chan 12 ... mainly for the work at the Hung Hom Stabling 13 Sidings." 14 Do you see that? 15 A. That's right. 16 Q. Just to fix your position by reference to the 17 organisation chart, could we go to B566, please. If we 18 could just expand that a little bit, do we there see 19 your smiling face immediately above the letters 20 "HHS/NFA"? 21 A. Right. 22 Q. We can see, can we not, that the line of reporting goes 23 up first to Ben Chan; correct? 24 A. Yes. 25 Q. And then immediately above him we've got Joe Tsang;</p>
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<p>1 Q. Are the contents of that statement true to the best of 2 your knowledge and belief? 3 A. That's right. 4 Q. Is that the evidence that you'd like to place before the 5 Commissioners in this Inquiry? 6 A. I agree. 7 Q. I wonder if we can go back to page BB5242 and look at 8 paragraph 2. You tell us you graduated from Imperial 9 College, London with a master's degree in civil 10 engineering in June 2013, you returned to Hong Kong and 11 you joined MTR in August 2013 as a graduate engineer on 12 a three-year graduate scheme. 13 Then in paragraph 3 you tell us what you did during 14 the period 2014 to around July 2015, and looking at 3(a) 15 you say: 16 "For the period from August 2014 to January 2015 17 [you worked] under Ms Carman Fu (acting senior 18 construction engineer) ..." 19 Now, it's become the convention, Mr Wong, to flash 20 up on the screen an organisation chart to see exactly 21 where you were at or about that time. Perhaps we could 22 go to B2/565. 23 If we look at that screen, if we can just lift it up 24 a little bit, please, do we there see you, Mr Kong, 25 almost in the middle of the page?</p>	<p>1 correct? 2 A. Yes. 3 MR BOULDING: Thank you very much, Mr Kong. That's all 4 I want to ask you for the time being. 5 The procedure now will be that you're going to be 6 asked questions by Mr Calvin Cheuk, who is counsel for 7 the Commission of Inquiry. Various other lawyers in the 8 room will then have the opportunity of asking you 9 questions. The learned Commissioners can ask you 10 questions at any time they want. Then it may well be, 11 at the end of the process, that I will ask you a few 12 questions in closing. Do you understand that? 13 WITNESS: Yes. 14 MR BOULDING: Please sit there, Mr Kong. Thank you. 15 Examination by MR CHEUK 16 MR CHEUK: Mr Kong, thank you for coming here to assist us 17 I am one of the counsel for the Commission and I just 18 have a few questions for you. 19 We have just seen you reported to two MTRC seniors. 20 One, the first one, is Carman Fu, I believe? 21 A. Right. 22 Q. That's during the period from August 2014 to January 23 2015? 24 A. Right. 25 Q. And that's in relation to diaphragm wall and not NAT,</p>

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<p>1 SAT or HHS; correct?</p> <p>2 A. Right.</p> <p>3 Q. Then afterwards, from January 2015 to July 2015, you</p> <p>4 worked under, as shown here, Ben Chan?</p> <p>5 A. Right.</p> <p>6 Q. And your work was mainly concerned with HHS; correct?</p> <p>7 A. Right.</p> <p>8 Q. Because in your witness statement you say "mainly".</p> <p>9 I was just wondering what about -- is there anything</p> <p>10 else? Because under this corporate chart, it also</p> <p>11 includes NFA. Did you do anything in relation to NFA?</p> <p>12 A. Yes. There was other work but it did not include NFA.</p> <p>13 Q. When you say there was other work, what was that in</p> <p>14 relation to, in terms of geographical area?</p> <p>15 A. Apart from HHS, there was also monitoring and</p> <p>16 instrumentation for the entire site.</p> <p>17 Q. I see. Thank you.</p> <p>18 Now can we turn to CC9/5254. Mr Kong, I'm sure you</p> <p>19 are familiar with the geographical demarcation of HHS,</p> <p>20 but I wonder if you can help us, because HHS is a vast</p> <p>21 area, I wonder if you can help us by telling us: did you</p> <p>22 focus on a particular area or you covered the whole HHS?</p> <p>23 A. I think that my work was the entire HHS area, but</p> <p>24 according to 1112, at that time I was responsible for</p> <p>25 works of the accommodation blocks. There were some</p>	<p>1 A. Agree.</p> <p>2 Q. Therefore our focus is actually between January and July</p> <p>3 2015?</p> <p>4 A. Right.</p> <p>5 Q. Now let's go back to BB8/5244, your witness statement.</p> <p>6 Here, you explain, when you started your posting with</p> <p>7 Ben Chan, he showed you how to conduct a rebar</p> <p>8 hold-point inspection; correct?</p> <p>9 A. Yes.</p> <p>10 Q. Then you say you followed that practice when you</p> <p>11 subsequently conducted hold-point inspection on your</p> <p>12 own; correct?</p> <p>13 A. Right.</p> <p>14 Q. Can I ask you, how many times did Ben Chan show you how</p> <p>15 to conduct the hold-point inspection, roughly?</p> <p>16 A. I can't remember the exact number, but from my</p> <p>17 recollection at least three to five times.</p> <p>18 Q. Let's call it that this is a demo period; okay? Did you</p> <p>19 ever see Ben Chan fill in a RISC form before or soon</p> <p>20 after the hold-point inspection?</p> <p>21 A. When he was filling in the RISC form, he was doing it in</p> <p>22 the office, so I did not pay attention to the time when</p> <p>23 he was filling in the RISC form after the inspections.</p> <p>24 Q. But for yourself, you did not see him actually fill in</p> <p>25 any RISC form during that period?</p>
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<p>1 track slabs indicated in green shaded area and a small</p> <p>2 part of the underpass area under those tracks.</p> <p>3 Q. So mainly the yellow part?</p> <p>4 A. Yes.</p> <p>5 Q. And a little bit the green part?</p> <p>6 A. Right.</p> <p>7 Q. And that covers the whole HHS, including -- can we turn</p> <p>8 to the next page -- this 5255?</p> <p>9 A. Right.</p> <p>10 Q. Then your involvement with contract 1112 stopped after</p> <p>11 July 2015; correct?</p> <p>12 A. Right.</p> <p>13 Q. And you became involved again in November 2018?</p> <p>14 A. Right.</p> <p>15 Q. But that's mainly to help out with the preparation for</p> <p>16 the first part of this Inquiry?</p> <p>17 A. Right.</p> <p>18 Q. And until recently, in March 2019, you were not involved</p> <p>19 in the actual construction works of contract 1112?</p> <p>20 A. Right. Right. I wasn't involved.</p> <p>21 Q. And from March 2019 you became involved in the actual</p> <p>22 site work again?</p> <p>23 A. Mainly responsible for opening-up works.</p> <p>24 Q. The above sums up your involvement with HHS and</p> <p>25 contract 1112?</p>	<p>1 A. I saw him fill in but I didn't pay attention to the</p> <p>2 details.</p> <p>3 Q. And he did not, presumably, following from your answer,</p> <p>4 explain to you how to fill in a RISC form?</p> <p>5 A. He did explain to me roughly how to fill in the RISC</p> <p>6 form.</p> <p>7 Q. But he did not take you through the process, like</p> <p>8 demonstrate to you, "This is a RISC form and therefore</p> <p>9 I fill in, in front of you, so that you would know how</p> <p>10 to do it next time"?</p> <p>11 A. He showed me once, but it wasn't after the demo</p> <p>12 inspection and the relevant RISC form. I forget whether</p> <p>13 it was before or after. But he took another RISC form</p> <p>14 and showed me how to fill it in, but he didn't</p> <p>15 demonstrate how to actually fill it out.</p> <p>16 Q. So you are saying, after the demo period, he did show</p> <p>17 you, explain to you, how to fill in a RISC form, but</p> <p>18 although he didn't actually fill in that form, because</p> <p>19 that's just to show you, for explanation purpose?</p> <p>20 A. That is correct.</p> <p>21 Q. Did he explain to you the purpose of RISC form?</p> <p>22 A. He didn't say so explicitly but I understood the</p> <p>23 importance of the RISC form and its function, its main</p> <p>24 function.</p> <p>25 Q. Can you tell us, how do you understand the purpose of</p>

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<p>1 the RISC form?</p> <p>2 A. The RISC form, as I understand it, is to record the</p> <p>3 hold-point inspections, the date, the time and the</p> <p>4 result.</p> <p>5 Q. Apart from following Ben Chan's demonstration, did you</p> <p>6 attend any other training such as, say, BOSA's training</p> <p>7 on couplers? Did you do any of those?</p> <p>8 A. No.</p> <p>9 Q. After the demo period, when you started to do it on your</p> <p>10 own, were you confident that you were able to do the job</p> <p>11 properly?</p> <p>12 A. Yes, I was confident.</p> <p>13 Q. How would you describe your relationship with Ben Chan?</p> <p>14 Would you regard him as a boss or something else, like</p> <p>15 a mentor or friend? How would you describe the</p> <p>16 relationship?</p> <p>17 A. Well, he was like a mentor to me.</p> <p>18 Q. And you worked with him most of the time; correct?</p> <p>19 A. Yes.</p> <p>20 Q. How about Joe Tsang: did you work with him, talk to him</p> <p>21 often?</p> <p>22 A. Not so frequently. He would typically talk to Ben</p> <p>23 regarding engineering issues.</p> <p>24 Q. So far as you know, did Joe Tsang also carry out</p> <p>25 hold-point inspections, or just you and Ben?</p>	<p>1 verbally, orally.</p> <p>2 Q. And what was his response?</p> <p>3 A. He said -- I don't recall the exact conversation, but he</p> <p>4 told me to continue to follow up and he would take</p> <p>5 further action; he would take note of the issue.</p> <p>6 Q. How would you describe Ben Chan's attitude towards the</p> <p>7 problem? Do you think he took the issue seriously, when</p> <p>8 you talked with him, raised the issue?</p> <p>9 A. I thought he was serious.</p> <p>10 Q. And of course, now you know that, you can take it from</p> <p>11 me, there's a high percentage, right, more than</p> <p>12 60 per cent or around 60 per cent RISC form in HHS area</p> <p>13 is missing. Do you still maintain that opinion, that</p> <p>14 Ben Chan was serious in terms of dealing with the RISC</p> <p>15 form problem?</p> <p>16 A. I can only say that I had reflected the issue to him and</p> <p>17 at the time his dialogue with me was serious.</p> <p>18 Q. If we go to your witness statement, paragraph 10, 5245,</p> <p>19 the fourth line from the bottom, at the end, you say:</p> <p>20 "Mr Ben Chan and I kept each other informed as to</p> <p>21 any issues identified at the site and which areas had or</p> <p>22 had not been inspected."</p> <p>23 Okay, just focus on the second part. I want to ask</p> <p>24 you questions how you two kept each other -- which areas</p> <p>25 had or had not been inspected; okay? First of all, did</p>
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<p>1 A. As far as I know, Joe didn't do hold-point inspections.</p> <p>2 Q. And, in your witness statement, you describe you</p> <p>3 encountered the problems of lack of RISC forms; correct?</p> <p>4 A. Yes.</p> <p>5 Q. Was that very frequent?</p> <p>6 A. Well, that is subjective, but it did occur. I think --</p> <p>7 you have to be specific -- a third to maybe 50 per cent</p> <p>8 of the time, as far as I remember, we wouldn't find it.</p> <p>9 Q. What I can tell you is that from the evidence we have</p> <p>10 collected so far, I think more -- around only 30 per</p> <p>11 cent to 40 per cent of RISC forms were filled in. Does</p> <p>12 that accord with your own experience, in terms of</p> <p>13 filling in the RISC forms?</p> <p>14 A. I'm speaking from my recollection. In my recollection,</p> <p>15 it wasn't that bad. It wasn't to that 30 per cent</p> <p>16 extent.</p> <p>17 Q. So your evidence is that, in your own experience, you</p> <p>18 filled in more than 40 per cent of RISC forms in your</p> <p>19 own hold-point inspections; is that correct?</p> <p>20 A. That's more or less.</p> <p>21 Q. When you first encountered the problem of lack of RISC</p> <p>22 forms, did you talk to Ben or Joe Tsang?</p> <p>23 A. Well, actually, at the time, Ben and other colleagues</p> <p>24 were aware of the problem. It wasn't just limited to</p> <p>25 HHS. So, when I joined the team, I did raise this issue</p>	<p>1 you or Ben Chan keep any note or record for the area</p> <p>2 that you inspected?</p> <p>3 A. Actually, when I communicated with him which areas were</p> <p>4 inspected, it was our daily conversation and every week</p> <p>5 we would have a weekly progress meeting, and in the</p> <p>6 progress meeting we would be aware which areas had</p> <p>7 poured concrete and we would talk about -- we would have</p> <p>8 a progress chart, an updated progress chart, and we</p> <p>9 would understand the situation.</p> <p>10 Q. Not written record as such, but you are talking about</p> <p>11 discussion --</p> <p>12 A. Yes.</p> <p>13 Q. -- frequent discussion?</p> <p>14 A. That is correct. That is correct.</p> <p>15 COMMISSIONER HANSFORD: Sorry to interrupt, but you</p> <p>16 mentioned a progress chart. Was this a marked-up</p> <p>17 drawing?</p> <p>18 A. That is correct.</p> <p>19 COMMISSIONER HANSFORD: Do we know what's happened to that</p> <p>20 now? Was that drawing kept in the system somewhere?</p> <p>21 A. There should be records of the weekly meeting in the</p> <p>22 server.</p> <p>23 But I just want to clarify one point. The drawing</p> <p>24 does not describe whether it was inspected, because we</p> <p>25 worked on the chart, so we knew that the concrete had</p>

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<p>1 been poured; everybody would know which areas had been 2 inspected and it was discussed. 3 MR CHEUK: Just to follow up -- I hope I don't understand 4 incorrectly -- that progress chart you mentioned did not 5 record which area you or Ben Chan had completed the 6 formal inspection; correct? 7 A. Not explicitly. 8 Q. It's more a record in terms of progress? 9 A. Yes, that's correct. 10 Q. General progress? 11 A. That's correct. 12 Q. Then my question is this. We know that, we see that, 13 HHS is a vast area. I just wonder, was it possible 14 that, say, Leighton might have missed out some areas 15 without any rebar hold-point inspections and you and 16 Ben Chan did not know? 17 A. No, because the meeting, it was held with Leighton, and 18 within the meeting we would talk about the upcoming 19 months and which bays would have concrete poured. 20 So if it was poured, we'd have routine inspections 21 and we could see whether it had been poured and we would 22 definitely follow up if they had poured it, and why 23 wouldn't they mention it? We also had inspectors, so it 24 would not be very likely that the concrete had been 25 poured and we had not inspected.</p>	<p>1 CHAIRMAN: Sorry, just help me, remind me, "IOW"? I have 2 a mental blank. 3 MR CHEUK: Inspector of works. 4 CHAIRMAN: Thank you. 5 MR CHEUK: And the reason is that IOWs or senior IOWs, they 6 usually do not hold a university degree in civil 7 engineering; is that correct? 8 A. Yes, you can put it that way. 9 Q. And the engineering side will be like you. After 10 university graduation, you joined the engineering side 11 and started to work from there. That's a totally 12 different stream; is that correct? 13 A. That is correct. 14 Q. So was that a concern of you or Ben Chan that 15 a departure from the norm was carried out at the site, 16 ie the hold-point inspection was not conducted by the 17 engineering stream but the inspector of works stream? 18 A. At that time, when there was no time to conduct 19 hold-point inspections -- well, they were locations with 20 a simple bar fixing work. Perhaps they were just column 21 rebars. The works were simple. There was no need to 22 exercise engineering judgment. The drawings or plans 23 were easy to understand. I believe that the inspectors, 24 especially Victor who is a very experienced inspector, 25 I make sure that he understood the plans or drawings</p>
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<p>1 Q. So you are saying through routine inspections and 2 through site discussions or meetings, you are confident 3 Ben Chan and you will know the progress of each pour of 4 concrete? 5 A. Yes. When I was on the site, yes. 6 Q. In this -- get back to your paragraph 10, the last bit, 7 last sentence -- you say: 8 "I wish to also point out that while rebar fixing 9 hold-point inspections were usually carried out by the 10 ConEs, Mr Victor Tung Hiu Yeung (senior inspector of 11 works ...) also at times provided assistance on request 12 and carried out hold-point inspections for relatively 13 simple rebar fixing works, especially during periods 14 when the ConE team had a large number of other daily 15 tasks to attend to -- for example, the review of 16 Leighton's submissions (including but not limited to 17 material submissions, RFIs and submission of 18 construction records) and attendance at various site 19 meetings." 20 Let me ask you this. According to your 21 understanding, hold-point rebar inspections should be 22 conducted by engineers rather than IOWs; is that 23 correct? 24 A. Yes, in ideal situations. 25 Q. So --</p>	<p>1 before I would let him do it. 2 Q. So, from your evidence, you seem to suggest it's your 3 decision to ask Victor Tung to do the rebar hold-point 4 inspection. Is that correct? 5 A. In relation to all HHS hold-point inspections, it was 6 Ben Chan; that is, Leighton would arrange with Ben Chan 7 for acceptance of works. Well, if he was busy, he might 8 delegate it to me. If I was busy, I might say to him, 9 "Perhaps we could get Victor to accept the works", so 10 you could say that is me. 11 Q. You suggested it but the final decision rested with 12 Ben Chan? 13 A. Right. 14 Q. Thank you. Let's move on to a slightly different topic. 15 Did you encounter the use of couplers at HHS? 16 A. Not at that time. 17 Q. I see. That's why, if we go back to 5245, 18 paragraph 9(ii) of your witness statement -- here, you 19 talk about how Ben Chan demonstrated to you how to 20 conduct a rebar hold-point inspection, and does not 21 include the inspection of couplers? 22 A. Right. 23 MR CHEUK: I have no further questions. Thank you. 24 MR TSOI: We have no questions for Mr Kong. Thank you. 25 MR SHIEH: No questions from Leighton.</p>

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<p>1 Cross-examination by MS PANG</p> <p>2 MS PANG: I'm very grateful to my learned friend Mr Cheuk</p> <p>3 because he has basically covered all the questions that</p> <p>4 I intended to ask. I believe I only have one or two</p> <p>5 follow-up questions to ask.</p> <p>6 Mr Kong, in your witness statement, you spoke about</p> <p>7 the issue of late submission or non-submission of RISC</p> <p>8 form on the part of Leighton, so I would like to ask you</p> <p>9 a few questions on this topic.</p> <p>10 At paragraph 15 of your witness statement -- perhaps</p> <p>11 you can take a look at that, in BB5247 -- here you</p> <p>12 mention -- I only need to ask you to look at the last</p> <p>13 bit. Here you mention that you have chased the Leighton</p> <p>14 inspectors for the response and, as far as you can</p> <p>15 recall, they submitted some but not all of them. So</p> <p>16 am I right in understanding that some RISC forms would</p> <p>17 be submitted to you retrospectively?</p> <p>18 A. That's right.</p> <p>19 Q. I'm just curious: how would you deal with these</p> <p>20 retrospectively submitted RISC forms? Would you still</p> <p>21 have a record of when inspection was carried out,</p> <p>22 et cetera?</p> <p>23 A. At that time, every time I did hold-point inspections,</p> <p>24 I would take a couple of general condition photos. If</p> <p>25 it was submitted retrospectively, I could use the record</p>	<p>1 you all the best in Jordan.</p> <p>2 MR BOULDING: Good luck! Thank you.</p> <p>3 (The witness was released)</p> <p>4 MR SHIEH: Next, we have Mr Jim Wong from Leighton. I think</p> <p>5 he is now being located.</p> <p>6 MR JIM WONG FUI YU (affirmed in Cantonese)</p> <p>7 (All answers given via simultaneous interpreter</p> <p>8 except where otherwise specified)</p> <p>9 Examination-in-chief by MR SHIEH</p> <p>10 Q. Good afternoon, Mr Wong. Welcome to this Commission of</p> <p>11 Inquiry and thank you for coming to assist us.</p> <p>12 You have made a witness statement for the purpose of</p> <p>13 this Inquiry. Can I ask you to look at bundle CC10 at</p> <p>14 page 6514.</p> <p>15 A. Yes.</p> <p>16 Q. You can see this is the witness statement of Jim Wong;</p> <p>17 do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. If you turn to page 6517, at the bottom you can see your</p> <p>20 Chinese signature?</p> <p>21 A. Yes.</p> <p>22 Q. Do you put the contents of this witness statement</p> <p>23 forward as your evidence in this Commission of Inquiry?</p> <p>24 A. Yes.</p> <p>25 Q. Can I ask you to look at an organisation chart, at CC2,</p>
<p>Page 102</p> <p>1 on my phone. Well, it's mainly the record on my phone</p> <p>2 or information on the server or photos taken by other</p> <p>3 inspectors to record the inspection.</p> <p>4 Q. So in short, you would fill in those retrospective RISC</p> <p>5 forms based on your own photo records; is that correct?</p> <p>6 A. Yes, that's mainly the case.</p> <p>7 Q. Thank you. That's helpful.</p> <p>8 Then in the next paragraph you mention that you were</p> <p>9 not involved in follow-up action taken because back then</p> <p>10 you were a graduate engineer. I would just like to</p> <p>11 clarify with you: did you in fact know, at that point of</p> <p>12 time, I believe it's probably 2015, if any follow-up</p> <p>13 action has been taken on the part of MTR on the missing</p> <p>14 RISC forms?</p> <p>15 A. As far as I know -- perhaps I did not know, but as far</p> <p>16 as I did, there was no formal action taken. It might be</p> <p>17 verbal instructions or it was mentioned in meeting.</p> <p>18 MS PANG: Thank you. I believe that's all I need to ask</p> <p>19 you.</p> <p>20 MR LAU: No questions.</p> <p>21 MR BOULDING: Thank you, Mr Kong. I have no questions.</p> <p>22 Sir, I don't know whether you do.</p> <p>23 CHAIRMAN: No. Thank you very much.</p> <p>24 MR BOULDING: Could he be released, please?</p> <p>25 CHAIRMAN: Yes. Thank you so much for coming in. I wish</p>	<p>Page 104</p> <p>1 page 526.</p> <p>2 This is an organisation chart as of May 2017; do you</p> <p>3 see that?</p> <p>4 A. Yes.</p> <p>5 Q. If you look at the top of the page, you can see the blue</p> <p>6 "MTR" box; you can see that?</p> <p>7 A. Yes.</p> <p>8 Q. Now, around 8 o'clock, around 8 o'clock to that blue</p> <p>9 box, are you able to locate your name?</p> <p>10 A. Yes.</p> <p>11 Q. So does that represent an accurate description of your</p> <p>12 position in the organisational structure?</p> <p>13 A. That was 2017?</p> <p>14 Q. Yes.</p> <p>15 A. Yes, that's correct.</p> <p>16 MR SHIEH: Can you remain seated. I don't know which</p> <p>17 gentleman in front of me is going to ask you questions,</p> <p>18 but counsel for the Commission will be asking you some</p> <p>19 questions, counsel for other parties may also ask you</p> <p>20 questions, and so may the question and Mr Commissioner.</p> <p>21 After all that, I may have some follow-up questions to</p> <p>22 ask you. So please be seated and answer all these</p> <p>23 questions.</p> <p>24 Thank you very much.</p> <p>25 Examination by MR PENNICOTT</p>

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<p>1 MR PENNICOTT: After a brief respite, it's me. 2 Mr Wong, good afternoon, and thank you very much for 3 coming along to give evidence to the Commission. My 4 name is Ian Pennicott, I'm one of the counsel to the 5 Commission, and I've got a few questions for you. 6 Mr Shieh took us to an organisation chart in May 7 2017. My understanding is that at that point in time 8 you had been promoted to construction manager for the 9 concourse, and you remain the construction manager for 10 the project as at this date. Is that right? 11 A. Right. 12 Q. With regard to the period of time that we're primarily 13 concerned with, as I understand it, you were the senior 14 site agent responsible for the North Approach Tunnels, 15 and that was in the period October 2014 to November 16 2016. Is that correct? 17 A. Right. 18 Q. Can I ask you, did that -- sorry, did your 19 responsibilities extend to the shunt neck? 20 A. (In English) Sorry? 21 Q. We know you were the senior site agent for the North 22 Approach Tunnels area. I was asking whether that 23 extended to the shunt neck area at all or not. 24 A. It was NAT and NFA, so I am not clear as to whether it 25 goes to HHS, whether it was something to do with me.</p>	<p>1 You will no doubt recall those meetings. 2 A. Right. 3 Q. What I was wondering was why it was you that was 4 designated by Leighton to attend those meetings. Can 5 you explain why you were chosen to attend the interface 6 meetings? 7 A. Because, at that time, my work area was over there. 8 There was interface work with 1111. That's why I was 9 designated to attend interface meetings. 10 Q. Can you tell us briefly what interface matters that you 11 were primarily concerned with? 12 A. Well, actually, there are many different works. There's 13 drains, utilities, and when I was responsible for that 14 area a lot of things were going on. There are also the 15 waterproofing of the tunnels and we had to deal with all 16 these matters. So the relevant items, there were quite 17 a few of them. 18 Q. All right. And they all fell within your 19 responsibility, and so it made sense for you to be one 20 of the people who attended those meetings? 21 A. Yes, you can say so. 22 Q. Right. Now, we know that in addition to you, Ms Regina 23 Wong also attended many of the meetings, and she tells 24 us that you asked her to attend with you, and I assume 25 you agree with that?</p>
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<p>1 I am not very clear about your question, sorry. 2 Q. I'm sorry. The area, the North Approach Tunnel areas 3 that we are talking about, are the track slab areas, the 4 HHS, the NFA, and the accommodation blocks. You 5 understand? 6 A. Yes. 7 Q. Now, just above the NFA is an area called the shunt 8 neck. 9 A. Yes. 10 Q. I just wondered whether your responsibilities extended 11 to that shunt neck area or not. If they didn't, tell 12 me. 13 A. It was included at an earlier part of my work. Towards 14 the end, I have already left that area. When I was in 15 that area, it was included. 16 Q. All right. Can you remember over what period of time 17 the shunt neck was included in your area of 18 responsibility? 19 A. I think it was 2016, at the end. It started then, but 20 it hasn't reached the area 1111. 21 Q. Right. Understood. 22 The reason I'm just asking that question, Mr Wong, 23 is simply this: that we know that you were designated to 24 attend a series of interface meetings with the 25 Gammon-Kaden Joint Venture, the contractor next door.</p>	<p>1 A. That is correct. 2 Q. And she explained why that was and I'm not going to go 3 over that. 4 She also explained to us that the way in which the 5 preparation of the minutes of the meetings worked was 6 you would take it in turns with the Gammon-Kaden Joint 7 Venture to prepare the minutes, and when it was your 8 turn or Leighton's turn, she would prepare a draft of 9 the minutes for your approval and comment. 10 Do you agree with all of that? 11 A. Yes. We took turn to do minutes of meetings. 12 Q. Right. And she prepared a draft for your comment and 13 approval, when it was Leighton's turn? 14 A. Yes. 15 Q. Could I ask you, please, to turn to paragraph 7 of your 16 witness statement, at CC10/6515. You say there, 17 Mr Wong: 18 "According to my record, the following team members 19 of Leighton have received the minutes of the interface 20 meetings, but I cannot locate records showing that the 21 minutes to the interface meeting no. 19 were sent to 22 other team members ..." 23 Then you helpfully tell us, in the box, who were the 24 email recipients. 25 Then, at paragraph 8 of your witness statement, you</p>

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<p>1 say:</p> <p>2 "Apart from email distribution, I note from the</p> <p>3 letter dated 9 April 2015 from GKJV that the minutes to</p> <p>4 the interface meetings held on 5 December 2014 and</p> <p>5 6 February 2015 were enclosed with the letter ...", and</p> <p>6 so forth.</p> <p>7 So that's emails to those people in paragraph 7; two</p> <p>8 minutes of meeting sent under cover of a letter; and</p> <p>9 then at paragraph 9 you say:</p> <p>10 "I understand that the minutes to the interface</p> <p>11 meetings might also have been circulated via the</p> <p>12 contractor submission form early on ..."</p> <p>13 Now, that's a Leighton system, is it, the contractor</p> <p>14 submission form?</p> <p>15 A. That is correct. It is a Leighton system. But that</p> <p>16 would be submitted to the MTR. That is a formal</p> <p>17 submission.</p> <p>18 Q. Right. So that's a contractor submission form going</p> <p>19 from Leighton to MTR, sending a copy of the minutes; is</p> <p>20 that right?</p> <p>21 A. Yes.</p> <p>22 Q. When you say "early on", what do you mean by that?</p> <p>23 A. That means -- actually, I don't really recall, but the</p> <p>24 record, the minutes, I had to search for the records and</p> <p>25 I saw some of them were early meetings and they had been</p>	<p>1 not familiar. I'm only aware that we have to input the</p> <p>2 CSF through INCITE and it would be forwarded to MTR.</p> <p>3 CHAIRMAN: The CSF is --</p> <p>4 MR PENNICOTT: Contractor submission form.</p> <p>5 CHAIRMAN: Okay. But the actual minutes, you are not sure?</p> <p>6 A. I see some of the minutes of meetings were submitted</p> <p>7 through the CSF. Some of the other documents, I was not</p> <p>8 able to review them because I couldn't find them.</p> <p>9 CHAIRMAN: The only reason I ask is because -- and I'm open</p> <p>10 to correction here -- my memory suggests that certain</p> <p>11 earlier witnesses spoke of perhaps INCITE being the</p> <p>12 portal that might carry these minutes and would</p> <p>13 therefore be open to everybody to look at.</p> <p>14 A. If it were submitted and input, then everybody would be</p> <p>15 able to read them. But not all the minutes might have</p> <p>16 used this system, especially the Gammon side, they</p> <p>17 wouldn't be using our system. They might not -- I'm not</p> <p>18 sure how they input it. They might not be able to use</p> <p>19 our system.</p> <p>20 CHAIRMAN: Yes. I'm not talking about other contractors.</p> <p>21 I'm talking about everybody working within Leighton.</p> <p>22 A. I didn't see all of the minutes going through the</p> <p>23 system. That's all I can say.</p> <p>24 CHAIRMAN: All right. This is not a criticism, it's</p> <p>25 an observation, and we haven't heard a lot of the</p>
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<p>1 sent over. So that's what I mean by "early on". They</p> <p>2 were prior meetings.</p> <p>3 Q. Do you mean before you became involved in attending the</p> <p>4 meetings?</p> <p>5 A. I cannot recall, because I only found that recently.</p> <p>6 I think there were some records, but I'm not sure.</p> <p>7 Q. Okay. Then you say, going back to paragraph 9 of your</p> <p>8 witness statement:</p> <p>9 "... or through MTR's ePMS system ..."</p> <p>10 And that is your understanding but you don't have</p> <p>11 direct knowledge of that; is that right, Mr Wong? You</p> <p>12 don't know whether they were in fact put on the MTR's</p> <p>13 ePMS system?</p> <p>14 A. I found some records and I saw some records indicating</p> <p>15 CSF, so I'm aware of these documents that have been</p> <p>16 submitted, but I don't recall whether I had received</p> <p>17 them or submitted them. That's what I mean.</p> <p>18 Q. All right.</p> <p>19 CHAIRMAN: Sorry, can I just ask here -- you are saying, as</p> <p>20 I understand it, that the minutes, as far as general</p> <p>21 circulation is concerned, went through MTR's ePMS</p> <p>22 system. Are you able to say anything about the INCITE</p> <p>23 system?</p> <p>24 A. The INCITE system, I'm not familiar, so I don't want to</p> <p>25 comment on it because I'm afraid I might be wrong. I'm</p>	<p>1 evidence yet --</p> <p>2 A. (In English) Yes.</p> <p>3 CHAIRMAN: -- but what we seem to have at the moment is</p> <p>4 a lack of definition as to what actually happened to the</p> <p>5 minutes so that everybody who might have a requirement</p> <p>6 to take note of those minutes could track them down.</p> <p>7 Are you able to make any comment in that regard? Are</p> <p>8 you able to disabuse me of that impression?</p> <p>9 A. Well, the minutes of meetings, they were sent to MTR by</p> <p>10 email, they were also sent to 1111. 1111, their minutes</p> <p>11 of meetings were also sent by email to us, and</p> <p>12 subsequently, normally, it might have to be input into</p> <p>13 CSF. Sometimes, it might have been omitted, because</p> <p>14 I don't see it in the records; I'm not sure whether it</p> <p>15 was omitted or ...</p> <p>16 COMMISSIONER HANSFORD: I think, Mr Wong, the question is</p> <p>17 not whether the minutes were available to MTR or to</p> <p>18 contractor 1111. The question is whether the minutes</p> <p>19 were available to Leighton staff. So the question is:</p> <p>20 were the minutes available or accessible for Leighton</p> <p>21 staff to see?</p> <p>22 A. The minutes recorded in INCITE would be available for</p> <p>23 Leighton employees.</p> <p>24 COMMISSIONER HANSFORD: Are you telling us some of the</p> <p>25 minutes would be on INCITE but some may not be on</p>

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<p>1 INCITE? Is that what you are telling us? 2 A. I'm not so sure. 3 MR PENNICOTT: Let me just have one last go. 4 At some point, Mr Wong, whether the minutes had been 5 prepared by Leighton or whether the minutes had been 6 prepared by the Gammon-Kaden Joint Venture, they became 7 finalised. When they were agreed between Leighton, 8 Gammon-Kaden and the MTR, they were finalised; yes? 9 A. Yes. 10 Q. And the question is, so far as Leighton is concerned, 11 was there a set procedure as to where those finalised 12 minutes should end up? 13 A. It should be in INCITE. 14 Q. So the procedure was they should be inputted, if that's 15 the right word, onto the INCITE system; that's what 16 should have happened? 17 A. (In English) Yes. 18 Q. And your evidence, and your answers to both the Chairman 19 and Prof Hansford, was that, on occasions, that 20 procedure perhaps was not followed and it didn't happen, 21 on occasion? 22 A. That might be the case. 23 Q. Right. 24 Can I ask you please, Mr Wong, to go to 25 paragraphs 12 and 13 of your witness statement, where</p>	<p>1 A. Yes. 2 Q. Along with Regina Wong and five other colleagues from 3 Leighton? 4 A. Yes. 5 Q. And Ms Wong explained to us that the reason that there 6 were so many people there at that particular meeting, 7 which was quite unusual, was because there was 8 an important discussion about a cofferdam. Do you 9 recall that? 10 A. I think so, yes. 11 Q. Okay. When you attended this meeting on 9 January 2015, 12 Mr Wong, did you have occasion to look back at the 13 minutes, and more importantly the annexures to the 14 minutes, of the previous meeting that had taken place 15 about a month before? 16 A. I can't remember. It's a long time ago. 17 Q. All right. I'm not going to press you further on that. 18 Moving on significantly in time and going to 19 paragraph 14 of your witness statement, Mr Wong -- as 20 I understand it, you accept that by the interface 21 meeting held on 18 January 2016, that's number 19, you 22 knew -- this is the last couple of lines of 23 paragraph 14 -- that Lenton brand couplers would be used 24 in the construction of the GKJV section at the stitch 25 joint. Do you accept that?</p>
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<p>1 you make reference to the minutes of the interface 2 meeting held on 5 December 2014. That's meeting 3 number 8, which you did not attend. And you set out 4 part of what is recorded in those minutes. And you say 5 in paragraph 13: 6 "At the time" -- and I'll come back to that in 7 a moment -- "I was aware of the possibility that 8 couplers other than BOSA brand couplers might be 9 necessary for the stitch joint interface, as GKJV might 10 have used another brand of couplers. However, it was 11 not brought to my attention that GKJV set out in their 12 contractor's materials related submission form ... that 13 Lenton brand couplers were proposed to be used in the 14 construction of SCL1111's section of the tunnel. 15 I therefore did not know that Lenton brand couplers 16 would be used at the stitch joint interface." 17 Now, as I understand it, Mr Wong, you are saying 18 that in the context of the position as at December 2014; 19 is that right? 20 A. Right. 21 Q. Because the first meeting, interface meeting, that you 22 attended was on 9 January 2015. 23 Could we please look at those. That's at CC2/772. 24 You will see, Mr Wong, your name recorded there as 25 attending this meeting; do you see?</p>	<p>1 A. Yes, I agree with that, because we asked them for 2 clarification and they have clarified. 3 Q. Right. So whatever the position may have been earlier, 4 at least by January 2016, you were aware that Lenton 5 brand couplers would be used by the GKJV? 6 A. Yes. 7 Q. Would this also be right, that you knew -- and we can 8 look at the minutes if necessary -- that somebody, I'll 9 put it openly to start with, had to check the 10 compatibility of those couplers with the materials that 11 Leighton would be using at the stitch joints? 12 A. I agree. 13 Q. Who did you believe at the time would be responsible for 14 doing that compatibility check? 15 A. Well, actually, they were two different brands, that's 16 clearly stated, so I knew that they were different. At 17 that moment, there was no check at that time. 18 Q. I appreciate there was no check at that time, Mr Wong, 19 but at that time, January 2016, did you have any 20 appreciation, in your own mind, as to who would need to 21 do that compatibility check? 22 CHAIRMAN: Sorry, do you mean as an individual? 23 MR PENNICOTT: As an individual, yes, I'm sorry. 24 An individual or -- as an individual, let's start with 25 that and move away if necessary.</p>

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<p>1 A. At that moment, it wasn't decided.</p> <p>2 Q. But presumably, a matter of common sense, the person who</p> <p>3 would need to at least do the compatibility check was</p> <p>4 somebody who was going to be involved in the</p> <p>5 construction of the stitch joints?</p> <p>6 A. Your question was -- could you repeat it, please?</p> <p>7 Q. Of course, yes. As a matter of common sense, a person</p> <p>8 or persons who would carry out the compatibility check</p> <p>9 would be somebody who was involved in the construction</p> <p>10 of the stitch joints?</p> <p>11 A. Yes.</p> <p>12 Q. For example, an engineer who was going to be ordering</p> <p>13 the materials for the stitch joint, and in particular</p> <p>14 the rebar -- they would need to know, wouldn't they?</p> <p>15 A. I think it was the contractor for the rebar, there would</p> <p>16 be a check before another discussion would take place.</p> <p>17 I think we had to engage 1111 to do it together.</p> <p>18 Q. Mr Wong, if one accepts the point that a compatibility</p> <p>19 check needed to be done, and that's what's recorded in</p> <p>20 the minutes, how did you expect the necessity for that</p> <p>21 check to be communicated to those in Leighton who needed</p> <p>22 to know about it?</p> <p>23 A. At that time, there was no need to do that. Not yet.</p> <p>24 Q. But presumably you would accept there would come a time</p> <p>25 when it needed to be done, and when that time arrived,</p>	<p>1 Q. There was one more meeting after you left, and that was</p> <p>2 on 6 January 2017, and that was it, no more.</p> <p>3 A. Well, I did not know how many more there would be,</p> <p>4 because it wasn't said.</p> <p>5 Q. All right. Do you recall telling anybody else at</p> <p>6 Leighton about the fact that the GKJV were going to be</p> <p>7 using Lenton couplers? Forget about the minutes of the</p> <p>8 meeting. Did you actually inform anybody, and in</p> <p>9 particular do you recall telling Mr Tam, Joe Tam?</p> <p>10 A. It was too long ago; I really cannot remember.</p> <p>11 Q. Right. Could I ask you, please, to be shown the RFI,</p> <p>12 request for information, at CC6/3333.</p> <p>13 Mr Wong, I don't know --</p> <p>14 A. Yes.</p> <p>15 Q. -- if you just look at the RFI itself on the first page,</p> <p>16 so that I can ask you this: is this a document you've</p> <p>17 seen before?</p> <p>18 A. Yes, I have.</p> <p>19 Q. Did you see it -- sorry, it was issued in May, I think,</p> <p>20 2016. Did you see it at the time, back in May 2016?</p> <p>21 A. I think so.</p> <p>22 Q. Right. Do you recall being consulted about information</p> <p>23 and details that were required by Leighton in respect of</p> <p>24 the stitch joint and that detail being required from the</p> <p>25 GKJV? Do you remember being consulted about that?</p>
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<p>1 how would the necessity for the compatibility check be</p> <p>2 communicated to those people, relevant people, within</p> <p>3 Leighton?</p> <p>4 A. Well, for the communication, there would be meetings.</p> <p>5 Q. Sorry, what sort of meetings are you referring to,</p> <p>6 Mr Wong?</p> <p>7 A. At that moment, there was not yet the need to do that</p> <p>8 yet.</p> <p>9 Q. Yes. The last meeting that you attended, Mr Wong, was</p> <p>10 on 9 September 2016?</p> <p>11 A. Yes.</p> <p>12 Q. Meeting 21.</p> <p>13 A. Yes, meeting 21.</p> <p>14 Q. When you -- and then after that, shortly after that,</p> <p>15 I think in November, you went off to another project or</p> <p>16 to do other responsibilities?</p> <p>17 A. Right.</p> <p>18 Q. By the time you left in September 2016 -- sorry, by the</p> <p>19 time of the last meeting that you attended in September</p> <p>20 2016, were you still of the view that it was still too</p> <p>21 early to do the compatibility check?</p> <p>22 A. At that moment, there was still no need. And there were</p> <p>23 other meetings afterwards.</p> <p>24 Q. You mean other interface meetings?</p> <p>25 A. Right.</p>	<p>1 A. Are you asking whether Gammon -- GKJV -- are you asking</p> <p>2 whether anybody from that side asked questions about</p> <p>3 this information?</p> <p>4 Q. Let me start again. It's my fault.</p> <p>5 This is a request for information going from</p> <p>6 Leighton to the Gammon-Kaden Joint Venture. Leighton --</p> <p>7 it's going to MTR, but it's going to end up -- the MTR</p> <p>8 are being asked to provide information about the</p> <p>9 Gammon-Kaden details of the stitch joint; all right?</p> <p>10 A. Yes. We have to ask through 1112, MTR. That's why we</p> <p>11 issued the RFI to MTR.</p> <p>12 Q. Right. And so Leighton are making a request for this</p> <p>13 information, and my question to you was: were you</p> <p>14 consulted about what information needed to be obtained?</p> <p>15 A. We need the rebar information, how to conduct the rebar</p> <p>16 works.</p> <p>17 Q. We know you need that information, Mr Wong.</p> <p>18 A. (In English) Sorry?</p> <p>19 Q. But my question is, were you consulted by the people</p> <p>20 that prepared this RFI about the information that was</p> <p>21 needed? Do you recall?</p> <p>22 A. I don't recall.</p> <p>23 Q. Can we just go down to the foot of the page, please.</p> <p>24 The RFI, you can see, was prepared by Billy Ng. It was</p> <p>25 reviewed by Joe Tam and also reviewed by Mr Plummer. Do</p>

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<p>1 you see all that, Mr Wong? 2 A. I see it. 3 Q. Now, thinking back to May 2016, do you recall having any 4 conversations with any of the three gentlemen listed 5 there about information required from the GKJV? 6 A. I might have communicated with Billy Ng, because these 7 signatures such as Malcolm Plummer's, I might not have 8 to communicate with him. He is just the last person 9 signing these documents. Joe Tam, I might not have 10 a detailed conversation with him. But Billy Ng, I might 11 have asked him but I don't recall. 12 MR PENNICOTT: All right. 13 Sir, I see the time and I apologise to everybody for 14 going on so long. I see it's nearly 3.50. I think I'm 15 finished, but can we have the tea break now just in case 16 there's anything else I think I need to ask? 17 CHAIRMAN: Yes, of course. 18 MR PENNICOTT: Ten minutes will be fine. 19 CHAIRMAN: Ten minutes. Thank you. 20 COMMISSIONER HANSFORD: The warning. 21 CHAIRMAN: Yes, thank you. 22 Mr Wong -- 23 WITNESS: (In English) Yes. 24 CHAIRMAN: -- we are having a brief adjournment now, just 25 ten minutes.</p>	<p>1 A. (In English) Yes. 2 Q. If you read the contents there: 3 "The following material submissions ... would be 4 used at 1111/1112 interface boundary advised by GKJV in 5 previous interface meeting", and there's a list there; 6 do you see that? 7 A. Yes. 8 Q. At the end, after the list, you see: 9 "LCAL will check with their supplier regarding 10 compatibility in later stage." 11 Do you see that? 12 A. Yes. 13 Q. If you go to the right, you see "LCAL/MTRC1112" were to 14 take action; do you see that? 15 A. Yes. 16 Q. At this point, you have agreed that LCAL will check with 17 their supplier regarding compatibility in a later stage; 18 yes? 19 A. Yes, I agree, in later stage. 20 Q. Yes, so you agree, at that stage. Is that right? That 21 this will happen later? 22 A. Yes. 23 Q. So, when you agreed this is the action to be taken, who 24 did you have in mind would check the compatibility? 25 A. At that moment, I haven't got anyone yet, because it's</p>
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<p>1 WITNESS: Yes. 2 CHAIRMAN: But while you are giving your evidence here in 3 the tribunal, you are not entitled to discuss your 4 evidence with anybody else outside. Okay? That 5 includes any lawyers you may have dealt with or anybody 6 else. All right? 7 WITNESS: I understand, but can I use the washroom? 8 CHAIRMAN: Yes. Just don't get into a discussion with 9 lawyers there. All right? 10 (3.50 pm) 11 (A short adjournment) 12 (4.05 pm) 13 MR PENNICOTT: Sir, thank you for that. I indeed do not 14 have any further questions. 15 CHAIRMAN: Thank you. 16 Cross-examination by MR TSOI 17 MR TSOI: Mr Wong, I act for Wing & Kwong, the rebar fixers 18 in the NAT. 19 Can I go back to the interface meeting minutes with 20 you at BB1786. We see your name there. This is the 21 last interface meeting you attended, on 2 September 22 2016; is that right? 23 A. (In English) Yes. 24 Q. Now go down. If you turn the page over to item 19.3.3, 25 you see the heading "Interface materials"; right?</p>	<p>1 too soon for that. 2 Q. No, but you must have a person of rank in mind. Is it 3 going to be a senior site agent like yourself, a site 4 agent, a senior engineer, an engineer; what rank of 5 person? 6 A. At that moment, we agreed to checking all the materials, 7 and you can see that there are five materials. For 8 some, we would deal with them earlier, some later. At 9 that moment, there was no need for anyone to take 10 immediate action. 11 Q. Thank you for that but please answer the question. When 12 you say compatibility, what rank of individual did you 13 have in mind would do the compatibility check: senior 14 site agent, site agent, senior engineer, engineer; who? 15 A. At that moment, it wasn't set yet. 16 Q. Yes, I know it's undecided, but who did you have in 17 mind? It's not decided, I know, because it's going to 18 happen later, but who did you have in mind? Because 19 it's part of the action. 20 A. It depends on the material. If it's coupling, then it 21 would definitely be done with a representative of bar 22 fixers to do, because we need their input, and it 23 wouldn't be just -- at that time, it wasn't decided who 24 would be involved because it wasn't necessary to do that 25 yet.</p>

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<p>1 Q. Let's not be too eager to pull in the rebar fixers. I'm 2 asking you, from Leighton, who from Leighton, which 3 rank, what type of individual would be doing the 4 compatibility check, from Leighton? Forget about the 5 rebar fixers. Who from Leighton? 6 A. I have said that, at that moment, it wasn't set as to 7 who would do that. 8 Q. Mr Wong, answer the question. I know it's undecided. 9 Who did you have in mind, what rank of person: senior 10 site agent, site agent, engineer; what rank of person? 11 Who did you anticipate -- not decided -- anticipate, 12 from Leighton? Don't pull in the rebar fixers yet. 13 From Leighton. 14 A. From Leighton -- well, maybe the engineer or site agent. 15 Q. Thank you. It would be a site agent or an engineer 16 working at the interface; is that right? 17 A. Could you please repeat? 18 Q. It would be a site agent or an engineer of Leighton who 19 is to work at the interface; is that correct? 20 A. Right. 21 Q. In these meeting minutes, there's no mention of having 22 Leighton meetings with the rebar fixers. Do you agree 23 with that or not? Well, it's not there. You can read 24 it. Yes? 25 A. I would like to ask you to repeat your question because</p>	<p>1 requirements specification with civil contracts. We can 2 find that at BB420. 3 Have you seen that document before? 4 A. Yes. 5 Q. Let's go to page BB425. 6 1.7, I think. 7 A. Yes. 8 Q. Do you see two rows, one is said "By 1111 contractor" 9 and one is said, "By 1112 contractor", the heading at 10 the top? 11 A. Yes. 12 Q. So you are the 1112 contractor; right? 13 A. Yes. 14 Q. And it says this: 15 "Provide access and attendance to 1111 Contractor 16 for joint inspection of the waterproofing system, 17 couplers and protection measures to couplers provided at 18 the interface work." 19 Do you see that? 20 A. Yes. 21 Q. And do you see: 22 "Accept and maintain the waterproofing system, 23 couplers and protection measures to couplers provided at 24 the interface work." 25 Do you see that?</p>
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<p>1 I can't understand. 2 Q. In none of the minutes, of the interface meeting 3 minutes, has there ever been mentioned there would be 4 an interface meeting inspection with the rebar fixers. 5 Do you agree or not? 6 A. This meeting is with 1111. That's why the bar fixers 7 would not be there. But as to whether in the future 8 there would be another meeting or meetings with bar 9 fixers, I don't know. 10 Q. Yes. So are you ready to answer the question: in none 11 of the interface meeting minutes has there ever been 12 mention there will be future meetings with rebar fixers 13 about the interface; "yes" or "no"? 14 A. Right. Yes. 15 Q. And, as you know, the rebar fixers were never invited to 16 attend these interface meetings; correct? 17 A. I don't know. 18 Q. Well, you attended most of them. 19 A. (In English) No, no, no. 20 Q. You attended most of them. Did you ever see a rebar 21 fixer there? 22 A. Most of them, for those that I have attended, no, I -- 23 those meetings have not finished yet. I have left but 24 there would be more meetings. 25 Q. Let's look at a document called the interfacing</p>	<p>1 A. Yes. 2 Q. So there was to be a joint inspection with the 1111 3 contractor, which is GKJV; right? 4 A. That's what the document says, yes. 5 Q. Yes. Right. So nothing mentioned about joint 6 inspection with the rebar fixers; do you agree or not? 7 Do you agree or not? 8 A. The interface meeting, the interface PS does not mention 9 that. 10 Q. Yes. 11 A. But that doesn't mean it's not said in the 12 sub-contractor contract. 13 Q. Where in the sub-contract does it say there has to be 14 an interface meeting? 15 A. I don't know. I'm not sure. 16 CHAIRMAN: Sorry -- 17 A. But this PS does not say that. 18 CHAIRMAN: -- just bear with me a second. The interface 19 meetings between the contractor for 1111 and the 20 contractor for 1112, were these interface meetings 21 between contractors only, or did you have occasion to 22 have sub-contractors physically present at these 23 meetings as well? 24 A. Not in the meetings, but in the joint inspections, 25 maybe.</p>

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<p>1 CHAIRMAN: Fine. So in the meetings themselves you wouldn't 2 have sub-contractors present, but you may, with 3 consequent inspections, have sub-contractors present? 4 A. Yes. 5 CHAIRMAN: Okay. 6 Sorry, Mr Tsoi. I just needed to clear it up in my 7 own mind. Thank you. 8 MR TSOI: Absolutely. 9 Have you ever had a joint inspection with GKJV and 10 Leighton and the rebar fixers to look at the couplers, 11 you yourself? 12 A. I had done an inspection with the 1111 contractor, but 13 you are talking about the interface Particular 14 Specification. I had done joint inspection with the 15 1111 contractor on other works. 16 Q. So the answer is "no"? 17 A. During my period, we did not need to do coupling 18 inspection or joint inspection. So no. 19 Q. Right. 20 A. During my period. 21 Q. So, going back to that clause, 1.7, we see there should 22 be a joint inspection between GKJV and the Leighton 23 side, right, a joint inspection of the couplers; right? 24 A. That's what the document says. 25 Q. Right, and you've read this before?</p>	<p>1 A. If it was undecided, then I could not anticipate. It 2 was not confirmed. How could I anticipate? 3 Q. No. You agreed with me that you anticipated someone 4 from Leighton would attend the joint inspection, and it 5 would be a site agent or an engineer. You said that 6 already. So are you retracting that answer? 7 A. Maybe I had answered incorrectly. I had answered a few 8 times that I had not made any plans. I did not have 9 a plan. I really didn't have a plan. 10 Q. What plan? 11 A. Because it was not an occasion for me to make such 12 a decision. I would reserve that task to the person who 13 would succeed in my shoes. 14 Q. I'm talking about anticipation. Who did you think -- 15 anticipate, not decide; you haven't decided, I know -- 16 at the point, who would be doing it from Leighton's 17 side? You must have thought of the rank of person; 18 right? Or you never thought of that? 19 A. At that moment, it wasn't a critical item. It wasn't on 20 my mind. I did not consider that. 21 Q. So you never gave thought to who would do that joint 22 inspection from Leighton, not even the rank of persons? 23 A. I had not considered that at the moment. 24 Q. And you are the only two individuals who attended the 25 September interface meeting from Leighton?</p>
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<p>1 A. I have read this document. 2 Q. Right. So who did you anticipate would attend this 3 joint inspection from the Leighton side? 4 A. Maybe the site agent or an engineer. At the point when 5 I departed, it was not decided, so I didn't know 6 ultimately what happened. 7 Q. And it would be a site agent or an engineer working at 8 the interface with these couplers; right? 9 A. During the -- they might not do the inspection 10 personally themselves. They might invite their 11 sub-contractors to do the inspection. 12 Q. Yes, but answer the question: from Leighton, from 13 Leighton, would it be a site agent or an engineer 14 working at the interface who would attend the joint 15 inspection, from Leighton? 16 A. Well, just now I had answered you. 17 Q. No, you haven't. 18 A. I had not made that decision because the point had not 19 arrived -- 20 Q. I'm not talking about the decisions made. I'm talking 21 about what you anticipated. When you read that clause, 22 you anticipated it was someone from Leighton who was 23 going to be a site agent or an engineer from Leighton 24 attending the joint inspection; right? That's what you 25 said. It's not decided but it's anticipated.</p>	<p>1 A. That's correct. But the meetings are still ongoing; 2 there would be other, subsequent meetings. 3 MR TSOI: Thank you, Mr Wong. 4 MR BOULDING: No questions from us. Thank you, sir. 5 MS PANG: This is going to be a historical moment because 6 this is the first time in this part of the Inquiry that 7 the government has no questions. 8 MR SHIEH: May history repeat itself! 9 MR PENNICOTT: Often! Pypun? 10 MR LAU: No questions. 11 Re-examination by MR SHIEH 12 MR SHIEH: Just by way of very brief re-examination. It's 13 really to deal with a matter of a gap in time, because 14 when Mr Pennicott started his questioning, he asked you 15 about your position in the organisation in 2014 all the 16 way down to 2016; do you remember, Mr Wong? 17 A. When I was working in NAT, that was in October 2014 18 until November 2016. 19 Q. Thank you. Can I ask you to look at an earlier 20 organisation chart, which is in bundle C7, in the 21 earlier part -- the hearing bundles in the earlier part 22 of these proceedings. Bundle C7, page 5538. 23 Now, you can see this is an organisation chart as of 24 September 2016, do you see that, on the top left-hand 25 corner? Do you see that, September 2016?</p>

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1 A. Yes.
2 Q. So that would be shortly before you left the NAT
3 project; yes? About two months before that; do you
4 agree?
5 A. I agree.
6 Q. And if you look at the top, "MTRC" blue box -- can you
7 find that, the "MTRC" blue box on top -- and then if you
8 look at around 4 o'clock from the blue "MTRC" box, under
9 "NAT", you can see your name, "Senior site agent
10 Jim Wong"; do you see that?
11 A. Yes.
12 Q. So that would represent your position within the
13 organisational structure as of that time; correct?
14 A. That's correct.
15 Q. And then look at 5531.
16 COMMISSIONER HANSFORD: Sorry. I'm sorry, Mr Shieh, can we
17 go back to --
18 MR SHIEH: 5538, yes.
19 COMMISSIONER HANSFORD: Because I just spotted -- so Henry
20 Lai reported to you, Mr Wong; is that correct?
21 A. Yes, I'm the supervisor of that team. He wasn't
22 reporting directly to me. He reported to Mr Chan
23 Hon Sun.
24 COMMISSIONER HANSFORD: Yes, he reported to you via Mr Chan
25 Hon Sun?

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1 A. Chan Hon Sun.
2 COMMISSIONER HANSFORD: Thank you.
3 MR SHIEH: Then 5531. If you look at the top left-hand
4 corner, this would be January 2015; do you see that?
5 A. Yes.
6 Q. That would be a couple of months after you joined the
7 NAT project; yes? Because you joined the NAT project in
8 late 2014; yes?
9 A. Yes.
10 Q. This is January 2015. And to locate you in this
11 chart -- again, if you look at the top blue "MTRC" box,
12 and this time you look at about 5 o'clock, further
13 down -- I'm sorry, 4 o'clock -- you can see -- below
14 Joe Tam, you see "NAT" and then you see your name?
15 A. Yes.
16 Q. And that accurately represents your position within the
17 hierarchy as of January 2015?
18 A. Yes.
19 MR SHIEH: Thank you very much. I have no further
20 questions.
21 CHAIRMAN: Good. Thank you very much indeed, Mr Wong. Your
22 evidence is completed now, so you are free to go. Thank
23 you.
24 WITNESS: Thank you.
25 (The witness was released)

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1 MR PENNICOTT: Sir, I think I am pleased to report that that
2 concludes our business for today, and indeed the week.
3 We haven't done too badly in terms of timing; it's
4 nearly 4.30.
5 So the position is, as I understand it, we will
6 resume on Monday morning. There are three more Leighton
7 witnesses to be called, and they will be called first
8 thing, obviously one after the other, on Monday morning.
9 That's Mr Ronald Leung, Mr Alan Yeung and Mr Raymond
10 Tsoi. Then, when they are completed, we will obviously
11 then be returning to the MTRC witnesses.
12 CHAIRMAN: All right. Good.
13 Could you, just for our benefit, give us an estimate
14 of how we are doing time-wise?
15 MR PENNICOTT: Well, sir, I think we are doing very well.
16 I don't know how everybody else thinks. But I would
17 anticipate the final three Leighton witnesses not being
18 particularly long, and we will certainly comfortably
19 finish them on Monday, and I hope also, with a fair
20 wind, complete Mr Michael Fu, the next MTR witness, on
21 Monday as well.
22 Then there are, after that, about six or seven
23 further MTR witnesses which I would certainly hope to be
24 able to complete, say, by Thursday, Wednesday/Thursday,
25 of next week. Then, as we know, we've got three

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1 government witnesses and two from Pypun.
2 So, sir, I think we are doing extremely well and
3 I certainly don't see any problem in achieving a finish
4 date of the 19th. Indeed, as I think I may have said on
5 another occasion, optimistically we may even save
6 ourselves a day and possibly even more. But I certainly
7 see no problem at all at the moment, unless I am
8 completely misreading the situation.
9 CHAIRMAN: There's always hiccups.
10 MR PENNICOTT: Yes, there are unexpected events.
11 CHAIRMAN: Even taking those into account, we seem to be
12 making a fair wind.
13 MR PENNICOTT: I think so, sir, yes.
14 CHAIRMAN: Just one other thing. This morning, you made
15 mention of a way forward, perhaps, with final
16 submissions.
17 MR PENNICOTT: Yes, sir.
18 CHAIRMAN: I don't know if you want to mention it now or
19 not.
20 MR PENNICOTT: It's probably as good a moment as any, since
21 we've got a bit of time.
22 CHAIRMAN: Yes.
23 MR PENNICOTT: When you say I mentioned it, I mentioned it
24 to you, sir, not to anybody else.
25 CHAIRMAN: Yes.

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<p>1 MR PENNICOTT: Certainly my view is, and I think it's a view 2 shared by others, that when we do eventually conclude on 3 or before 19 June, it would be beneficial to the 4 Commission, and indeed probably beneficial to all 5 involved parties, including ourselves, to prepare 6 written closing submissions dealing with all the various 7 matters that this part of the Inquiry is concerned with, 8 all the factual evidence in relation to the second part 9 of the Inquiry, and that could be done within a number 10 of weeks. There doesn't seem to be any great urgency in 11 getting those submissions in, but if a sensible period, 12 a reasonable period, is given, it seems to me that would 13 benefit everybody.</p> <p>14 We certainly don't, it seems to me, want to be 15 coming back and writing final submissions on this in 16 several months' time. I think everybody would benefit 17 from getting the submissions on paper within, let's say, 18 perhaps three or four weeks from the close on the 19th. 19 I haven't got any specific date in mind but obviously we 20 can look at that.</p> <p>21 CHAIRMAN: And then positions perhaps reserved in case 22 anybody feels they want to make oral submissions, or we 23 feel that we would like to receive oral submissions in 24 respect of things.</p> <p>25 MR PENNICOTT: Yes, sir.</p>	<p>1 MR PENNICOTT: It does, sir, yes.</p> <p>2 CHAIRMAN: He would like to emphasise to counsel that I've 3 mentioned this now because it was Mr Pennicott who 4 raised the matter as a suggested way forward, no more 5 than that. Obviously, he was checking with us first.</p> <p>6 For myself, speaking personally, not having gone 7 into it in great detail with my co-Commissioner, I think 8 it's worthy of being considered by counsel, and what 9 I would like to do -- what we would like to do, rather, 10 is to put it to counsel to liaise with Mr Pennicott, as 11 counsel for the Commission, and hopefully the way 12 forward in that limited regard can be agreed by 13 everybody and we can just be informed.</p> <p>14 MR PENNICOTT: Yes, sir.</p> <p>15 CHAIRMAN: So nobody's binding anybody to anything at the 16 moment, but it seems like a sensible way forward, and we 17 just put it before you to liaise with Mr Pennicott.</p> <p>18 Good.</p> <p>19 COMMISSIONER HANSFORD: Can I just raise one very small 20 point. I think just before lunch, Mr Pennicott, you 21 drew our attention to the police statement of Wong 22 Ho Lam?</p> <p>23 MR PENNICOTT: No, I didn't draw your attention to that.</p> <p>24 Mr Shieh did.</p> <p>25 COMMISSIONER HANSFORD: Mr Shieh. Will we be hearing from</p>
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<p>1 CHAIRMAN: But meanwhile we've got fresh written submissions 2 which have concentrated the minds of all the parties.</p> <p>3 MR PENNICOTT: Yes. Certainly for my part, I would just 4 want to, while everything is reasonably fresh in the 5 mind, get on and commit those submissions to writing as 6 soon as possible, but I recognise, of course, that 7 people may want a little bit of a break after this 8 hearing, and as I say, there's no great pressure. They 9 don't have to be in within a week or two weeks. I think 10 a period of three to four weeks, something of that 11 order. As I say, I'm pretty flexible myself on that.</p> <p>12 COMMISSIONER HANSFORD: Just so I understand, do they 13 therefore constitute part 1 closing submissions --</p> <p>14 MR PENNICOTT: On the factual material.</p> <p>15 COMMISSIONER HANSFORD: Because there will subsequently be 16 experts.</p> <p>17 MR PENNICOTT: Of course, and one can envisage a situation, 18 certainly from the Commission's point of view, for 19 example, we might make our submissions on the factual 20 evidence, but then sort of have a sentence which says, 21 "This is likely to be the subject matter of project 22 management expert evidence", which will be heard in the 23 next round.</p> <p>24 CHAIRMAN: In which case, that also points the way as to 25 what may arise and how to anticipate it.</p>	<p>1 Wong Ho Lam, or was it just for our information?</p> <p>2 MR SHIEH: Just for the Commission's information, because 3 Mr Wong Ho Lam is not on the live witness list. This is 4 a police interview statement that he had given and it's 5 part of the materials that have been included in the 6 hearing bundles, but I don't believe that it is 7 contemplated that he be called as a live witness.</p> <p>8 COMMISSIONER HANSFORD: I understand. Thank you.</p> <p>9 CHAIRMAN: We've got that. Thank you. That's just 10 an assistance to us, in case we need it. Thank you.</p> <p>11 MR PENNICOTT: That's right. I did mention -- I assume it's 12 a gentleman -- his name some days ago, that if one looks 13 at the list of people --</p> <p>14 COMMISSIONER HANSFORD: Yes, it hadn't registered it was the 15 same one.</p> <p>16 MR PENNICOTT: He's one of them. The counterpart, if you 17 like, at the MTRC, and I also mentioned this, was a lady 18 by the name of Audrey Fung. Her police statement is in 19 the bundle. She also explains from the MTRC's point of 20 view how the register was filled in.</p> <p>21 So if one puts Mr Wong's police statement together 22 with Audrey Fung's police statement, one gets a pretty 23 comprehensive picture of the RISC forms, how it's 24 suppose to work, and then how the register is supposed 25 to work. So you put the two together.</p>

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<p>1 CHAIRMAN: It sounds excellent.</p> <p>2 COMMISSIONER HANSFORD: And I imagine that's an area the</p> <p>3 project management experts may well wish to look at.</p> <p>4 MR PENNICOTT: Yes, sir. I don't want to burden you over</p> <p>5 the next three days, but if you were to have</p> <p>6 an opportunity of reading those two police statements --</p> <p>7 COMMISSIONER HANSFORD: Yes.</p> <p>8 MR PENNICOTT: -- and you felt that either or both of those</p> <p>9 people -- the Commission would benefit from either or</p> <p>10 both of those persons being called as witnesses, then</p> <p>11 obviously arrangements can be put in train.</p> <p>12 CHAIRMAN: Yes.</p> <p>13 MR PENNICOTT: I personally was going to review certainly</p> <p>14 Audrey Fung's statement because I am still a little</p> <p>15 unsure about certain blanks in the register, and it</p> <p>16 wasn't really until, I confess, Mr Shieh mentioned</p> <p>17 Mr Wong's police statement at lunchtime that it now</p> <p>18 occurs to me perhaps I ought to be looking at that</p> <p>19 statement as well. But obviously if you, sir, have any</p> <p>20 time over the next three days to look at that, it might</p> <p>21 be helpful.</p> <p>22 COMMISSIONER HANSFORD: Yes.</p> <p>23 CHAIRMAN: Yes. Thank you.</p> <p>24 Mr Chow?</p> <p>25 MR CHOW: Thank you, Mr Chairman. There is one short matter</p>	<p>1 on Monday, 10 June 2019)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 I would like to finish off before you rise for the day.</p> <p>2 CHAIRMAN: Yes.</p> <p>3 MR CHOW: You will recall that this morning, when</p> <p>4 I questioned Mr Joe Tam, I mentioned to him that the</p> <p>5 evidence that we received in relation to the experience</p> <p>6 and knowledge about inspection and supervision of</p> <p>7 couplers.</p> <p>8 CHAIRMAN: Yes.</p> <p>9 MR CHOW: And you indicated you would like assistance as to</p> <p>10 the exact location of the transcript reference.</p> <p>11 I managed to locate the transcript reference.</p> <p>12 CHAIRMAN: Thank you.</p> <p>13 MR CHOW: If I can quickly provide you the location. It is</p> <p>14 in Day 5, page 5, from line 1 to line 7; and also from</p> <p>15 page 125, line 23, to page 127, line 9.</p> <p>16 Unless, Mr Chairman, you want me to take you to take</p> <p>17 a look at the transcript, otherwise --</p> <p>18 CHAIRMAN: No. That's really excellent. Apart from</p> <p>19 anything else, thank you for remembering it. There's</p> <p>20 been a lot going on. Thank you.</p> <p>21 Good. I think we are free for the weekend.</p> <p>22 Gentlemen, thank you very much indeed, and genteladies,</p> <p>23 of course.</p> <p>24 (4.38 pm)</p> <p>25 (The hearing adjourned until 10.00 am</p>	<p>1 INDEX</p> <p>2 PAGE</p> <p>3 MR TAM CHI MING, JOE (on former affirmation in1</p> <p>4 Cantonese)</p> <p>5 Cross-examination by MR BOULDING (continued)1</p> <p>6 Cross-examination by MR CHOW10</p> <p>7 Re-examination by MR SHIEH33</p> <p>8 (The witness was released)34</p> <p>9 MR WONG YUEN SHING, SEAN (affirmed in Cantonese)35</p> <p>10 Examination by MR PENNICOTT36</p> <p>11 Cross-examination by MR TSOI56</p> <p>12 Cross-examination by MR KHAW61</p> <p>13 (The witness was released)67</p> <p>14 MR CHAN KWOK SING, SAKY (affirmed in Cantonese)67</p> <p>15 Examination-in-chief by MR CHANG67</p> <p>16 Examination by MR PENNICOTT68</p> <p>17 Cross-examination by MR CHOW81</p> <p>18 (The witness was released)84</p> <p>19 MR KONG SAI KIT, SEBASTIAN (affirmed in Cantonese) ..85</p> <p>20 Examination-in-chief by MR BOULDING85</p> <p>21 Examination by MR CHEUK88</p> <p>22 Cross-examination by MS PANG101</p> <p>23 (The witness was released)103</p> <p>24 MR JIM WONG FUI YU (affirmed in Cantonese)103</p> <p>25 Examination-in-chief by MR SHIEH103</p> <p>26 Examination by MR PENNICOTT104</p>

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