

1 Thursday, 6 June 2019

2 (10.02 am)

3 MR TAM CHI MING, JOE (on former affirmation in Cantonese)

4 Cross-examination by MR BOULDING (continued)

5 MR BOULDING: Good morning, sir. Good morning, Professor.

6 There is just one matter that I'd like to take up  
7 with Mr Tam.

8 Good morning, Mr Tam.

9 A. 早晨。

10 Q. It in fact arises out of a question that Prof Hansford  
11 put to the witness yesterday.

12 Mr Tam, you will remember, won't you, that you were  
13 taken to Leighton's RFI 1510 yesterday. That's at  
14 CC3333.

15 Do you remember being taken to this yesterday,  
16 Mr Tam?

17 A. 係。

18 Q. We can see, can we not, that it's a request for  
19 information, and if we look at the bottom left-hand  
20 corner, it was indeed reviewed by you, was it not?

21 A. 係。

22 Q. You recall, do you not, drawing the Commissioners'  
23 attention to item number 3, about halfway down the  
24 document? Do you see item number 3 there:

25 "If the stitch joint detail is similar to SCL1111  
26 drawing, we found below queries ..."

1 And number 3 for present purposes:

2 "Please provide RC detail for the stitch joint."

3 Do you see that?

4 A. (Nodded head).

5 Q. And that's a query you raised, is it not?

6 A. 睇到，睇到，睇到。

7 Q. You were then taken to MTR's reply to that, and perhaps

8 we can turn that up because it's not a memory test:

9 CC3341.

10 Do you remember being asked about this document  
11 yesterday, Mr Tam?

12 A. 記得。

13 Q. Is that a yes?

14 A. Yes.

15 Q. If we look at it, we can see, can we not, that it's the

16 reply, and it's from Ms Kappa Kang --

17 A. 小姐。

18 Q. -- to Mr Joe Tam, and it's dated 6 June 2016; do you see

19 that? Do you see that?

20 A. Yes.

21 Q. And it goes to Mr Ian Rawsthorne, just to the left of

22 the date?

23 A. (Witness nodded).

24 Q. Then if we look at the message, do you see the message

25 there:

26 "For item 1, 2" -- and it's 3 I'm particularly

1 interested in -- "3, 6, please refer to advanced DAmS  
2 sketches of DAmS 390 for construction. Formal DAmS will  
3 be issued to you shortly."

4 Then if we go down to the bottom of the document,  
5 please, we can see that there was an attachment. Do you  
6 see that, Mr Tam?

7 A. 見到。

8 Q. And the attachment was the advanced DAmS 390; correct?

9 A. 見到。

10 Q. Thank you.

11 Then, just to make it clear where the learned  
12 professor comes in, perhaps we could have the transcript  
13 for yesterday put on the screen, please, and then if we  
14 could go to page 159. Thank you.

15 If we could look, please -- I think we can pick it  
16 up at about line 23, and you are asked:

17 "Do you see that? So that's the answer you got for,  
18 amongst others, number 3 ...?"

19 So here you are being asked about the answer 3, are  
20 you not, that we just looked at in the MTR response to  
21 the RFI; correct?

22 A. 喎。

23 Q. So, just reading on, if we can -- you say "Yes" and then  
24 the question is put:

25 "And then presumably you looked at the DAmS, the  
26 drawings?"

1           And you nodded at that point, and then the question  
2 continues:

3           "And did they satisfy you that you -- sorry, were  
4 you satisfied that you had been given the information  
5 that you asked for?

6           Answer: I saw what rebars we received, but then  
7 they drew the same symbol for the other size, so  
8 I thought both were the same and we could use them.

9           Question: Okay. So that was the conclusion that  
10 you drew?

11          Answer: Yes.

12          Commissioner Hansford: Does it show the bar  
13 diameter?

14          Mr Pennicott: Well ...

15          Could you look at the drawings, Mr -- could you tell  
16 us, Mr Tam, what you looked at in order to derive that  
17 conclusion?"

18          Then the Chairman chips in but you interrupt and  
19 say:

20          "There are more drawings to DAmS 390", then there's  
21 a bit of Chinese.

22          "Mr Pennicott: They are there not? Okay."

23          Then Commissioner Hansford says:

24          "Just while we are pondering that, it's interesting  
25 to see ..."

26          Then things move on.

1           It's slightly unclear, but am I right in thinking  
2           that you suggested, in response to Commissioner  
3           Hansford's question, that the DAmS drawings did not show  
4           the bar diameter? Is that what you were suggesting?

5       A.   Sorry, 可唔可以再重複多一次?

6       Q.   Yes, of course. I've taken you to the transcript of  
7           your evidence yesterday. We've read that together. And  
8           what I said is whilst it's not entirely clear, it  
9           appears to me that you suggested, in response to  
10          Commissioner Hansford's question, whether the DAmS  
11          drawings show the bar diameter, you said they did not.  
12          They did not. Is that the answer you gave the professor  
13          yesterday?

14      A.   係, 冇清楚顯示, 係。

15      Q.   Well, thank you for that clarification.

16                 In the light of that, perhaps we can have a look at  
17                 DAmS 390 which you were not in fact taken to.

18                 If you would be kind enough to go to CC3343, and if  
19                 that could be blown up.

20                 There we see in the top right-hand corner, do we  
21                 not, "DAmS/1112/C/0390; do you see that reference there?

22      A.   見到。

23      Q.   Then if you would be kind enough to go on to CC3349,  
24           which is a part of this document, and if the drawing in  
25           the bottom right-hand corner could possibly be blown up,  
26           that would be useful. Do we see, in red, that we are

1 looking at DAmS 390? For example, there's a little  
2 triangle to the left of the title; do you see that?

3 A. 睇到。

4 Q. Then, to pick up the title, so we know exactly what  
5 we're looking at:

6 "Reinforcement details of double track tunnel  
7 expanded section due to stitch joint at NSL uptrack  
8 chainage 100+463.789 to chainage 100+465.289 before  
9 casting stitch joint".

10 Do you see that title, Mr Tam? Do you see that  
11 title?

12 A. 睇到，睇到。

13 Q. It tells us, does it not, that we are looking at the  
14 drawing for the location at those chainages; correct?

15 A. 係。

16 Q. Now, what else does this drawing show us? If we look at  
17 the drawing, do you see the black dotted line, for  
18 example, going across the top; do you see that?

19 A. 見到。

20 Q. I'd be right in thinking, would I not, that they are the  
21 longitudinal rebars that require connections to the  
22 couplers; that's correct, isn't it?

23 A. 係。

24 Q. Now, to cut to the quick, if we were to look at the  
25 left-hand side of the drawing, and do you see a little X

1           about halfway up? Do you see an X? And then  
2           immediately to the right of that, once you've found the  
3           X, I trust you will see the reference "T32-150 EF"; do  
4           you see that?

5           A. 見到。

6           Q. Thank you very much. That's very kind.

7                     If we were to look at the top of the drawing, we can  
8           find another little X, can we not, and we go down, and  
9           again we see "T32-150 EF"; do you see that?

10          A. 係。

11          Q. I could go on, but what I suggest to you is that this  
12          drawing shows that the longitudinal bars for the stitch  
13          joints were T32s. That's what the drawing shows, does  
14          it not?

15          A. 係。

16          MR BOULDING: Thank you.

17                     Just for the record, Commissioners, you'll probably  
18          recall that counsel for the government, in his opening,  
19          took you to another drawing of the same location -- that  
20          was bundle reference BB481; transcript Day 2, page 6,  
21          line 20 -- to demonstrate very much the same fact.  
22          I hope that's helpful.

23                     Thank you very much indeed, Mr Tam.

24          MR CHOW: Good morning, Mr Chairman. Good morning,

25          Professor. I have a few questions for Mr Tam.

26                     Sorry, Mr Chairman. In the light of my learned

1 friend Mr Boulding has just pointed out to the  
2 Commission and the fact that the drawing DAmS 390 has  
3 been shown to Mr Tam, I think I need to also point out  
4 that if we look at -- just now, I have compared  
5 immediately the drawings that I have taken an earlier  
6 witness to, showing similar reinforcing details, and  
7 I have compared the chainage. Actually, these two  
8 sections show the reinforcing details at the same  
9 chainage range. I recall one of the questions raised by  
10 Prof Hansford is whether this drawing shows the  
11 reinforcing details on contract 1111 side. Then  
12 I recall at that point I have checked the chainage of  
13 the interface.

14 The chainage of the interface is actually shown at  
15 drawing BB484. According to that -- if we can quickly  
16 turn up that drawing -- if we focus on the lower part --  
17 yes, this is the elevation plan view, and the vertical  
18 dotted line in the middle shows the location of the  
19 interface, and if we follow the line downward, we see  
20 that the chainage is at about +466.289. In other words,  
21 the section that we have just looked at actually shows  
22 the reinforcing details within contract 1112. It  
23 doesn't show the reinforcement details on contract 1111.  
24 In other words, the diameter of the reinforcement shown  
25 at that location may or may not represent the same  
26 diameter of the bar used by Gammon.

1 I think this is really to assist the Commission.

2 I think it is fair to at least point this out to Mr Tam.

3 Of course I don't know what MTR is going to do with that

4 drawing, but this is the point -- since it is related to

5 another drawing that I have shown to another witness,

6 I think it is appropriate for me to point this out as

7 well.

8 COMMISSIONER HANSFORD: Thank you, Mr Chow. I'm not sure if

9 this is a question to the witness.

10 MR CHOW: No.

11 COMMISSIONER HANSFORD: But, nevertheless, what Mr Boulding

12 took us to was the response to the RFI.

13 MR CHOW: Yes, I know. I appreciate that.

14 COMMISSIONER HANSFORD: And the RFI related to the steel --

15 the interface, didn't it?

16 MR CHOW: Yes.

17 COMMISSIONER HANSFORD: Thank you.

18 MR CHOW: Yes, I appreciate that.

19 Cross-examination by MR CHOW

20 Q. Good morning, Mr Tam. I represent the government and

21 I have a few questions for you.

22 To begin with, I would like to refer you back to  
23 paragraphs 11 and 12 of your witness statement, please.

24 In paragraph 11 of your statement, you said:

25 "The type of the coupler and rebar to be used at the  
26 three stitch joints was not specified in the working

1 drawings prepared by MTRC ..."

2 Then you go on in paragraph 12 to mention about  
3 construction drawings.

4 My first question is: what is the difference between  
5 working drawings and construction drawings?

6 A. Sorry, 你意思係講緊--sorry, 我想睇睇先。

7 Q. Paragraph 11 at CC83.

8 A. 係, 你嘅問題係construction drawing同埋working drawing有咩嘢  
9 分別, 係咪呀?

10 Q. That's correct.

11 A. 但係呢度淨係寫construction drawing, 係。

12 Q. In paragraph 11 you said:

13 "The type of the coupler and rebar to be used at the  
14 three stitch joints was not specified in the working  
15 drawings prepared by MTRCL ..."

16 A. 我諗我係講緊同一樣嘢。

17 Q. So the construction drawings referred to in paragraph 12  
18 were also prepared by MTRCL as well?

19 A. 唔。

20 Q. You highlight this fact in paragraphs 11 and 12. You  
21 are not suggesting that the use of Lenton couplers ought  
22 to have been shown on those drawings, are you?

23 A. 我係想咁講嘅其實。

24 Q. All right.

25 A. 最好--呢個最好嘅行為就係寫晒所有重要嘅事項喺個圖紙度。

1 Q. Okay. Now, we have seen a lot of drawings for  
2 contract 1112 as well.

3 A. Mmm.

4 Q. And as far as I can see, the use of BOSA couplers --  
5 BOSA couplers -- were not mentioned in any of those  
6 contract 1112 drawings either, and you have no problem  
7 with that; is that correct?

8 A. Sorry, 你正話講話喺我啲圖度冇寫BOSA係冇問題, 正唔正確, 係咪?

9 Q. Yes.

10 A. 我諗要考慮番有少少背景因素呢個, 正話即係講到--我諗之前講到話  
11 interface meeting係我哋駁佢咁, 係, 如果呢啲重要資料嘅, 係咪  
12 應該--即係我諗一個好好--一個好嘅系統, 而家講緊好嘅系統, 係應該  
13 所有嘢、重要嘅嘢應該喺一份文件裏面多過係左搵右搵、左搵右搵呢個  
14 行為, 係咪? 如果係我哋駁佢嘅, 係咪應該理論上係有啲嘢寫咗喺度或者  
15 一啲reminder喺度要點樣、點樣去做呢? 呢個就係我--佢哋駁我哋嘅,  
16 就--佢哋唔係駁我哋咁, 所以佢哋知唔知其實冇乜太大直接所謂嘅, 我  
17 相信, 但係如果on the other way round嘅, 係咪應該會係好啲呢?  
18 呢個就係我嘅諗法。

19 Q. Mr Tam, I would imagine that you have been working in  
20 the construction industry for quite some time; is that  
21 correct?

22 A. 係。

23 Q. It is rare for the designer or the employer to specify  
24 the brand of the materials to be used by the contractor;

1 is that correct?

2 A. 我諗都會有啲情況都會出現嘅，如果係特別嘅嘢，唔係話一定會冇囉。

3 CHAIRMAN: My understanding seems to be that perhaps what's  
4 being implied is that the brand of the coupler, being  
5 Lenton, would dictate the diameter of the rebar, and if  
6 that's the case then there should be some indication or  
7 may be some indication of the brand of the coupler,  
8 because ipso facto you would know the diameter size of  
9 the rebars.

10 MR CHOW: Yes.

11 CHAIRMAN: Have I misunderstood that?

12 MR CHOW: No, not at all. It is also my understanding as to  
13 what Mr Tam is saying. But at the same time, Mr Tam  
14 seems to make a complaint against the MTR for failing to  
15 indicate on the drawing as to the brand of couplers used  
16 in Gammon, so I would like to explore with him what is  
17 the practice in the construction industry, whether it is  
18 a fair complaint against MTR.

19 Mr --

20 A. 首先，我唔係講投訴，我唔係做任何投訴，我只不過係一個如果好的嘅  
21 系統，如果可以知道，所謂好的嘅系統，呢個係一個進步，即係正如琴日  
22 Mr Pennicott問我咁樣，如果一個junior帶--一個senior帶個  
23 junior睇會唔會係好啲，相對同一個問題嘅啫，如果有呢啲咁嘅系統，  
24 呢個就令嗰件事更加好。

25 Q. Right. In the case of contract -- in the case of your

1 company's own contract, contract 1112, you were aware at  
2 the time that the use of a particular brand of couplers  
3 was not imposed by MTRC, it was up to Leighton to  
4 propose whatever brand of couplers they would like to  
5 use; is that correct?

6 A. 即係你意思係我哋建議金門用咩嘢螺絲帽定建議自己用咩嘢螺絲帽呀?

7 Q. I said it is for Leighton to propose to MTRC as to which  
8 brand of couplers to be used in Leighton's works.

9 A. 係。

10 Q. So that -- you also told us yesterday that, at that  
11 time, you were aware of Lenton couplers.

12 Do you recall that?

13 A. 係。

14 Q. Am I right in thinking that by knowing this particular  
15 brand of coupler, Lenton, you were also aware that the  
16 profile of the thread are different from the profile of  
17 the thread for BOSA couplers?

18 A. 係。

19 Q. Now, that being the case, it seems to me that, at that  
20 point, you had no basis to assume that Gammon would use  
21 the same couplers that Leighton used, ie BOSA?

22 CHAIRMAN: Sorry, is that meant to follow on from the  
23 earlier question, Mr Chow, or is this a separate,  
24 independent question?

25 MR CHOW: It follows on from my earlier question, because

1 Mr Tam at that time was aware of the existence of  
2 Lenton, he was aware of the fact that the profile of the  
3 thread would be different from the profile of BOSA  
4 couplers, and that's why I continued to follow up on  
5 that and suggested to him that, at that stage, he would  
6 have no basis to assume Gammon would have used the same  
7 couplers on Gammon's side of the contract, of the works.

8 A. 都仲會有機會㗎，仲會有BOSA螺絲帽，佢唔係全部用Lenton咁嘛，你話喺  
9 嗰時知時咁嘛，因為仲有兩款size㗎嘛，好似係大過某一個size，就係用  
10 BOSA㗎嘛。

11 Q. So you admitted that, at that stage, you were aware that  
12 it is possible, because of a different size of the  
13 reinforcing bar being used, different types of couplers  
14 may be used by Gammon?

15 A. 係。

16 Q. So it follows that, as a responsible construction  
17 manager, at least you would have checked with Gammon?

18 A. 所以我哋咪問咗RFI。

19 Q. Mr Tam, if you were in Henry Lai's position, seeing that  
20 the colour of the cap was yellow as opposed to the red  
21 and blue that BOSA used, would you have taken out the  
22 yellow couplers and checked what kind of couplers were  
23 being used by Gammon? My question is --

24 CHAIRMAN: Sorry, I'm sounding argumentative this morning;  
25 I don't mean to be. I don't know that that necessarily

1           assists us to say "if you were in Henry Lai's position",  
2           because of course Mr Tam can't really put himself in  
3           Henry Lai's position. He's got very long years of  
4           experience.

5       MR CHOW: I will rephrase.

6       CHAIRMAN: I think that's more of a question of submission,  
7           in fact, for the Commission.

8       MR CHOW: Perhaps I will rephrase my question, Mr Chairman.

9           Mr Tam, if you see that the cap used by Gammon for  
10          the couplers was yellow as opposed to red and blue,  
11          would it occur to you that you would have to get closer,  
12          to take a closer look at the couplers cast by Gammon?

13       A. 如果行過見到，可能會，如果我自己。

14       Q. So would you expect Henry Lai to do that?

15       A. 咁要--好老實講，要問番佢先知會唔會咁樣做，因為depends on佢有幾多  
16          時間喺度，嗰剎那。

17       Q. Mr Henry Lai told the Commission that at that point he  
18          has no experience and he received no training from  
19          Leighton as to how supervision of coupler assembly  
20          should be done and how he should inspect the coupler  
21          assembly. This is evidence from Henry Lai; right?

22               Were you aware of his deficiency at that time?

23       A. 唔知。

24       Q. I would like to move on to ...

25       CHAIRMAN: Sorry, Mr Chow, just for my reference, did

1 Mr Henry Lai say that he had received no training at all  
2 or no supervision at all? I'm not rejecting what you  
3 say in any way. I'm just querying it.

4 MR CHOW: Sir, according to my recollection, he did give  
5 evidence to that effect. Perhaps those instructing me  
6 can start looking up the transcript to identify that.

7 CHAIRMAN: I'm not suggesting you are wrong in any way  
8 whatsoever. My impression, without going to the black  
9 and white of each word, was that there was some sort of  
10 introduction to what he had to do, but the level of the  
11 training was left somewhat vague in his answer.

12 MR PENNICOTT: Yes. I think Mr Chow's question was  
13 specifically referable to coupler assemblies, as I  
14 understand it.

15 CHAIRMAN: Yes.

16 MR CHOW: Yes.

17 MR PENNICOTT: I think Mr Chow might be right specifically  
18 in relation to coupler assemblies.

19 CHAIRMAN: Good. Perhaps we could be assisted at some later  
20 stage, because it's actually quite important. If part  
21 of your job is to make sure that the connections are  
22 done correctly, you would expect there to be some form  
23 of training.

24 On that subject, in part 1, if I can call it that,  
25 of this Inquiry, there was a fair amount of emphasis on  
26 the fact that people went to BOSA and learnt all about

1           what the couplers were and how they should properly be  
2           engaged with reinforcing bars, but we don't seem to have  
3           heard anything -- in fact, I think a couple of people  
4           have said they haven't gone to BOSA.

5       MR PENNICOTT:  Sir, as you will perhaps remember, I have  
6           asked I think two or three witnesses that very  
7           question --

8       CHAIRMAN:  Yes.

9       MR PENNICOTT:  -- simply because of what we heard in part 1  
10           of the Inquiry, but we got a negative answer to the two  
11           or three witnesses I put that point to.

12       CHAIRMAN:  Yes.  I'm sorry to raise that, but it is quite  
13           important and it refreshes memory as to the fact that  
14           the evidence so far here, in this Inquiry, is nobody  
15           went to BOSA.  So any lack of actual second-hand  
16           training, if I can put it that way, would also be  
17           relevant.

18                 Yes, thank you, Mr Chow.  I'm sorry to have  
19           interrupted you.

20       MR CHOW:  Not at all, sir.

21                 Mr Tam --

22       A.  Sorry.

23       Q.  No problem.  I would now like to go to paragraph 6 of  
24           your fifth witness statement at page CC6536, please.  In  
25           this section, I believe that the purpose of your  
26           evidence is to support your assertion that to chip off

1 the covering concrete of Gammon's couplers was supposed  
2 to be the work of Gammon, not Leighton. Is that  
3 correct?

4 A. 係。

5 Q. And you specifically referred to a particular provision  
6 in the specification. If we turn over the page, under  
7 paragraph or 6.2, you said:

8 "to carry out joint inspection of the waterproofing  
9 system, couplers and protection measures to couplers  
10 provided at the interface work, and make good any damage  
11 identified during inspection ..."

12 Do you see that?

13 A. 係，呢個spec嘅requirement。

14 Q. Yesterday you told us that you are not sure whether the  
15 joint inspection has actually taken place. Do you  
16 recall that?

17 A. 係，我話我唔知佢點樣form個joint inspection，因為佢哋有好多  
18 一齊去--一齊見面嘅機會，咁佢可能--即係我唔知佢幾時、幾月、邊日  
19 點樣去做嘢，其實係。

20 Q. I see. All right. In other words, you are confident  
21 that the joint inspection referred to in this particular  
22 provision has taken place, it's just that you don't know  
23 when, by whom; is that correct? Is that what you are  
24 trying to say?

25 A. 我相信佢哋有檢查，但係點樣form個聯合檢查，呢個就要問番當事人。

1 Q. From what is stated in this particular provision, the  
2 purpose of that joint inspection is to confirm that the  
3 couplers installed by Gammon were not in any way  
4 damaged; do you agree that was one of the purposes?

5 A. 係。

6 Q. So would you agree with me, to confirm that, whoever  
7 attended on behalf of Leighton this joint inspection  
8 would have looked at -- would have perhaps removed the  
9 yellow caps to look at the condition inside the  
10 couplers?

11 A. 我可以話就算你--我諗你都聽過或者你知道就咁憑肉眼睇，其實睇唔到  
12 有冇壞嘅其實，要當真係個紮鐵師傅去扭入去先知嘅其實，我諗通常慣常  
13 嘅做法都會係睇下個附近個環境，周圍打好晒啲石屎未、做好咗CJ未、  
14 有咩嘢明顯嘅爛咗喺側邊個度，就唔會話專登要搵開一啲嘢，搵開--我相--  
15 正常做法，我唔敢代表去真正點樣去form呢一個inspection，就唔需要話  
16 搵開，要check番裏面，因為其實你睇嚟都有用，你check唔到，基本上。

17 Q. All right. Now, during the first part of this Inquiry,  
18 we have received evidence from various witnesses about  
19 how couplers were exposed and what sort of problems one  
20 may encounter after exposing these couplers. What  
21 I gather from those evidence is sometimes debris or  
22 cement paste might have got inside the couplers, and  
23 because of that the threaded bar cannot be properly  
24 screwed into the couplers.

25 Would you agree that that may be one of the problems

1 with couplers?

2 A. 啱。

3 Q. So would it be reasonable for someone who carries out  
4 joint inspection, of which the purpose is to ensure that  
5 the couplers were in proper order, to enable screwing of  
6 the threaded bar, one would have at least opened the  
7 yellow cap and looked inside the couplers to ensure that  
8 at least there was no cement paste, for example, that  
9 had accidentally got into the inside of the couplers?

10 A. 我嘅經驗話畀我聽如果個蓋係愛嚟保護佢啲嘢唔好入去，同埋仲有  
11 塊protection board嘅基本上，基本上入嘅機會，仲要搵開個蓋--  
12 sorry，有個蓋喺度仲會入嘢嘅機會其實微乎其微，呢個行為，你話  
13 冇咗個蓋嘅，啲啲就另當別論。

14 Q. I would like to move on to --

15 COMMISSIONER HANSFORD: Sorry, before you move on, Mr Chow,  
16 could I just ask one question --

17 MR CHOW: Sure.

18 COMMISSIONER HANSFORD: -- in relation to the point that you  
19 have just taken us to.

20 Mr Tam, in this paragraph in your fifth witness  
21 statement, paragraph 6, you say that "the main  
22 contractor for SCL1111 [should]", and then you list some  
23 things he should do, and in 6.2 you are saying:

24 "... the main contractor for SCL1111 to carry out  
25 joint inspection ..."

1           Is that right? That's what you are saying?

2           A. (Nodded head).

3           COMMISSIONER HANSFORD: But if it's a joint inspection,  
4           presumably it's not just the contractor for 1111, it's  
5           also the contractor for 1112, isn't it? Otherwise, it's  
6           hardly a joint inspection. Is that right?

7           A. 係。

8           COMMISSIONER HANSFORD: So this joint inspection is  
9           a responsibility of both contractors; is that correct?

10          A. 係。

11          COMMISSIONER HANSFORD: Thank you.

12          MR CHOW: Thank you, Professor.

13                 Mr Tam, I would like to refer you to paragraph 14 of  
14                 your third statement, at page CC84, please. In  
15                 paragraph 14, you refer to minutes of the interface  
16                 meeting held on 2 September 2016, in which -- well, you  
17                 also set out the attendees, and then you also confirm  
18                 that the use of T40 rebar and the Lenton couplers was  
19                 mentioned during that interface meeting. Do you see  
20                 that?

21          A. 係，係。

22          Q. Then you go on to say that this matter was reported to  
23                 you at the time. Can you tell us who reported the  
24                 details of the interface meeting to you?

25          A. Jim Wong. Jim Wong.

26          Q. We now know that this important message somehow was not

1           communicated to the frontline engineer responsible for  
2           the interface work. What I would like to ask you is  
3           whether there is a system of internal communication  
4           on site to ensure that important information like this  
5           thing would be passed on to the relevant person  
6           responsible for the work.

7           A. 正常有。

8           Q. So, at that time, there was a system of internal  
9           communication on site to enable that to be achieved; is  
10          that right?

11          A. 係。

12          Q. But for whatever reason it didn't work on this  
13          particular instance; is that what you are saying?

14          A. 係。

15          Q. Yesterday, you mentioned about the INCITE system. Is  
16          that the internal communication system that you have in  
17          mind?

18          A. 係。

19          Q. You also mentioned yesterday that you would expect the  
20          engineers to log onto the system and check for  
21          themselves the documents uploaded onto the system?

22          A. 我諗唔係自己去搵，唔係喺個系統度搵，個系統係一個circular system，  
23          所有嘅meeting minute或者所有correspondence，我哋老闆收到，就  
24          會入咗個system度，佢就會去assign邊啲人或者邊一team人去負責，嗰  
25          team人就會見到呢一個--呢一件嘢，去做呢個circulation，所有嘅

1 team member responsible for呢件事嗰啲人就會見到，就唔係話要去  
2 個system要click呢個、click呢個去搵呢樣，唔係，兩樣嘢唔同嘅嘢嚟嘅。

3 Q. You mention your boss. For this particular matter, the  
4 information received at the interface meeting, recorded  
5 in minutes, who was this boss who was supposed to assign  
6 who should read what?

7 A. Sorry, 我想--當然係我哋個地盤個負責人佢會assign一啲嘢畀--即係  
8 所有correspondence收到，佢都會話--佢都會邊啲action、邊啲人去做  
9 reference呢樣嘢，我諗所有公司都係做緊同一樣嘢，但係好不幸地呢個  
10 meeting minute就係唔係話喺正常嘅system裏面出現，係就係through  
11 個email某啲人去收到，就變咗係一個deficiency嘅發生，呢個我想講嘅係。

12 COMMISSIONER HANSFORD: Sorry, are you saying that the  
13 interface minutes were not on INCITE?

14 A. 我認知，就係喇，呢一份。

15 COMMISSIONER HANSFORD: Because I think Ms Regina Wong told  
16 us they were all on INCITE.

17 A. 係Regina寫嗰啲，因為我哋嗰面做法--I'm sorry, 應該咁講，我諗  
18 Regina佢講係講兩樣嘢，第一樣嘢就係個--我哋會attend嗰個  
19 interface meeting會，同埋寫嗰個會議紀錄就係會輪流1111同埋1112  
20 去寫嘅。有--我哋嗰個--我認知就係我哋send嗰啲，我哋就上咗INCITE  
21 人畀佢哋，跟住就做circulation，但係喺呢一份，particular呢一份  
22 就我就搵唔到，即係隨後搵番，就係咁樣。你明我...

23 COMMISSIONER HANSFORD: I understand what you are telling  
24 me, but I also understand that we've been previously

1 told that by putting in some keywords, all of these  
2 minutes of these interface meetings would be easily --  
3 I think the word "easily" was used -- retrieved. But  
4 perhaps we should try it for ourselves.

5 CHAIRMAN: Sorry, you have said just now that normally the  
6 minutes were uplifted to INCITE, but you couldn't find  
7 these particular minutes, and "afterwards", to quote  
8 you, "we found it", that is the minutes. Are you saying  
9 you found the minutes on INCITE or that you found the  
10 minutes by looking somewhere else?

11 A. 我諗喺個證供度講，我當時收唔到email--收唔到呢份嘢，呢份嘢係由個  
12 email發出嘅其實，我都係問番同事，同事畀番我睇嘅啫隨後，我喺個系統  
13 度搵唔到呢樣嘢，我成個意思就係咁樣，由頭至尾都搵唔到呢一份，我想  
14 描述嗰份喇當然係。

15 COMMISSIONER HANSFORD: So Henry Lai wouldn't have been able  
16 to find it either, then?

17 A. 我相信係。

18 CHAIRMAN: In fact, Henry Lai had a double handicap because  
19 there was evidence earlier -- it may have come from  
20 yourself -- that you yourself had no knowledge that  
21 Henry Lai had even been told that he should go directly  
22 to INCITE and he would find everything he needed in  
23 circulation there.

24 A. 唔係，sorry，唔係好...

25 COMMISSIONER HANSFORD: I think I'm right in saying that --

1 MR SHIEH: I think Mr Chairman was referring to his question  
2 raised yesterday at page 166.

3 CHAIRMAN: Yes.

4 MR SHIEH: When you asked "were they", meaning the  
5 engineers, "unambiguously and clearly, as fairly young  
6 junior, young engineers, instructed that whenever they  
7 had this type of work which had an interface element,  
8 that they should go back over the relevant minutes in  
9 order to try to draw from the minutes whatever they  
10 needed to do their work?", and the witness said,  
11 "I don't think so, no."

12 I thought that was that little exchange.

13 CHAIRMAN: I think that was it, yes. Thank you. That's  
14 helped a lot.

15 COMMISSIONER HANSFORD: But before we leave the point, in  
16 order to do that, the engineer would have to know that  
17 those minutes existed, and I think Henry Lai told us he  
18 didn't know there were interface meetings.

19 MR PENNICOTT: That's right.

20 COMMISSIONER HANSFORD: Did you know, Mr Tam, that Henry Lai  
21 was unaware of interface meetings?

22 A. 我唔知佢唔知。

23 MR CHOW: Mr Tam, now, looking back, do you think Henry Lai  
24 or an engineer responsible for the interfacing work  
25 ought to have been invited to attend the interface  
26 meeting?

1 A. 我諗睇件事嘅性質，因為interface meeting會有好多唔同嘅嘢討論，  
2 通常慣常嘅做法就--因為有好多唔同嘅工程師負責好多嘢其實，未必需要  
3 直接負責嗰個人--直接做嗰個人去參與，通常都會係有一啲同事去參與咗  
4 之後發放嘅訊息，或者會有跟番啲circulation去做番。

5 Q. Now I would like to move on to another topic, regarding  
6 rebar testing.

7 We know now that 7 per cent of the rebars ordered  
8 and delivered to site have not been sampled and tested.  
9 You are aware of that; right?

10 A. 聽過。

11 Q. Right. You can take it from me that this is the  
12 position, at least this is what the Commission has been  
13 told by other witnesses in your organisation. What  
14 I would like to ask you is: is there any requirement in  
15 Leighton's project management procedure to ensure that  
16 all the rebars delivered to site are properly sampled  
17 and tested before these rebars are being used in the  
18 works?

19 A. 有，有呢個系統，有呢個系統。

20 Q. Can you describe how this works?

21 A. 你話個系統係點樣處理啲送咗嚟嘅鐵，係咪？

22 Q. (Nodded head).

23 A. 通常送咗啲鐵跟住就送咗去地盤，跟住我哋就會噴唔同嘅顏色嘅其實，用  
24 唔同嘅colour code去代表佢唔同嘅status嘅，例如嚟到之後，我哋一  
25 開始會噴某一種顏色，例如白色，就會去話佢要做--準備做testing，叫啲

1 engineer去做sampling, once個sampling pass咗之後, 就會噴另外  
2 一種顏色, 個system 會gen. 啲code出嚟嘅其實, 噴另外一種顏色, 就話  
3 畀你聽呢個pass與否, pass就繼續用, 如果--係囉, 就個個系統就會係咁。

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. 當然係。

8 Q. Now this has happened, has Leighton reviewed its system  
9 to ensure that it will not happen in future?

10 A. 絕對有喇, 當然。

11 Q. What was done by Leighton to improve that?

12 A. 我認知到而家其實我哋會將啲未檢測完嘅鐵就會擺埋一面, 圍封得比較  
13 好少少, 因為舊時可能個制度就係兩個會擺喺好近嘅地方, 好close  
14 proximity嘅地方, 變咗會容易就擺啲未驗到啲, 而家會擺喺一個  
15 比較isolate嘅地方, 變咗呢個機會就會少咗好多。

16 Q. Right. I would like to move on to site diary.  
17 Yesterday, Mr Speed was shown one of the site diaries,  
18 and he told the Commission that the site diary was  
19 prepared by MTRC and was confirmed by Leighton.

20 Can I perhaps take you to the site diaries that we  
21 have looked at yesterday, at CC443, please.

22 Mr Tam, this is the kind of document that you have  
23 looked at before; right? You were aware of the  
24 existence of these diaries?

25 A. 係。

1 Q. You see that some of the information contained in the  
2 site diary are quite detailed, for example the number of  
3 workers working on a particular location and the type of  
4 workers being deployed; do you see that on the  
5 right-hand side?

6 A. 見到。

7 Q. Am I right in thinking that these -- such detailed  
8 information were actually provided by Leighton to MTRC?

9 A. 唔知喎，禮頓向港鐵提供，即係意思係呢份嘢係禮頓做定係港鐵做，定係  
10 裏面嘅資料係...

11 Q. I'm referring to the information contained in the diary.

12 A. Mmm.

13 Q. I'm suggesting to you that such detailed information was  
14 actually provided by Leighton to MTRC. Do you agree  
15 with me?

16 A. 我諗並不一定囉，因為我諗相信大家都會--even though禮頓同埋港鐵都  
17 好，自己都會係咩嘢--on site level，佢哋都會夾一夾做過啲乜嘢嘢，  
18 大家會有啲資料，就唔係話單方面就話我哋講咗去講畀佢聽，寫乜嘢佢就寫  
19 乜嘢，你明我講咩嘢嘛？

20 Q. Perhaps I will ask you this: has Leighton ever provided  
21 to MTRC details of their labour deployment on site on  
22 a daily basis?

23 A. 有。

24 Q. Because this is one of the requirements in the General  
25 Specification of the contract between Leighton and MTRC;

1 is that correct? Or you want me to refer you to the  
2 particular provision of the General Specification?  
3 Bundle C3, page 2068, please.

4 Can we scroll down a little bit? I'm not sure  
5 that -- yes. Clause G4.15.1 requires Leighton to  
6 "submit to the Engineer on a daily and weekly basis, or  
7 at such other times as may be requested, concise returns  
8 of all vehicles, Contractor's Equipment and labour  
9 on Site categorised respectively by vehicle type,  
10 equipment type and trade and identifying each individual  
11 operative's name and his direct employer."

12 Do you see that?

13 A. 見到。

14 Q. And under clause G4.15.2 -- well, perhaps before that,  
15 "the Engineer" referred to under provision G4.15.1, to  
16 your understanding, is MTRC?

17 A. 4.15.2, 係咪呀? 你講...

18 Q. 4.15.1. You see in the first line --

19 A. 係。

20 Q. "The Engineer" refers to MTRC; right?

21 A. 係。

22 Q. So under clause G4.15.2, Leighton is further required to  
23 "supply a weekly report detailing quantities of major  
24 items of work completed on a daily basis."

25 Do you see that?

1 A. 係，係。

2 Q. Right. Then can I assume that Leighton has complied  
3 with this requirement, that is to report to MTRC details  
4 of the works performed during the week?

5 A. 有。

6 Q. So, in the case of the construction of the original  
7 stitch joint at the interface, Leighton has reported to  
8 MTRC about the construction work, the concreting work,  
9 the steel reinforcement work. Can you confirm that?

10 A. 我哋有。

11 Q. Just to complete the picture, can I refer you to  
12 bundle BB11, page 7648.4873, please. Yes.

13 This is one of the documents disclosed by MTRC. It  
14 is one of the site diaries. The part which is clouded  
15 shows that -- it's an entry recording the casting of  
16 concrete for stitch joint wall between bay 7 and 1111 of  
17 NSL Tunnel. Do you see that?

18 A. 見到，見到。

19 Q. Can I assume that if there was no hold-point inspection  
20 for this particular part of the work, MTRC would have  
21 realised that?

22 A. 冇做過，係。

23 Q. And if Leighton has proceeded to concreting without  
24 prior approval from MTRC, MTRC no doubt would have  
25 realised that as well?

1 A. 啱。

2 MR CHOW: I have no more questions for Mr Tam.

3 Thank you, Mr Tam. Thank you very much.

4 MR PENNICOTT: Sir, just for the record, in the transcript,  
5 the date of that last site diary entry was 28 July 2017.

6 CHAIRMAN: Thank you.

7 Pypun?

8 MR LAU: No questions.

9 CHAIRMAN: Thank you.

10 Re-examination by MR SHIEH

11 MR SHIEH: One short matter to follow up in re-examination.

12 Mr Tam, can I ask you to look at CC6, page 3333.

13 That is the RFI that we have looked at. Do you remember  
14 seeing it, the RFI?

15 A. (Nodded head).

16 Q. It should be actually on the screen in front of you.

17 A. Yes.

18 Q. We have looked at this RFI before; remember?

19 Can you look at item number 4. It says:

20 "Please also advise the following,

21 4. Please advise the 60 millimetre differential  
22 vertical movement ... and confirm no horizontal movement  
23 require."

24 Can you look at the answer at page 3341 in the same  
25 bundle. Yes. It says in the middle:

26 "For item 4, no horizontal movement is required for

1 stitch joint. If the [plus or minus] 30 millimetre can  
2 allow 60 millimetre differential movement ... it would  
3 be acceptable."

4 Can I just ask you to clarify whether or not to your  
5 understanding that question and that answer related to  
6 the Omega seal or to the structures?

7 A. 係，Omega seal。

8 MR SHIEH: Thank you very much. I have no further  
9 questions.

10 CHAIRMAN: Thank you very much indeed, Mr Tam. Your  
11 evidence is completed now. Thank you for your  
12 assistance.

13 (The witness was released)

14 MR CHANG: Mr Chairman and Professor, the next two witnesses  
15 Leighton engineers doing inspection work in the SAT EWL.  
16 The first one is Mr Sean Wong.

17 Whilst we are waiting for Mr Wong, perhaps we can  
18 call up the corporate chart to put Mr Wong on site.  
19 That will be in the part 1 bundles, bundle C7,  
20 page 5531. We should be able to identify Mr Joe Tam  
21 towards the right, that's where the Chairman's hand is,  
22 and if we go down "SAT", then the third entry from the  
23 bottom is Sean Wong.

24 Mr Wong, good morning.

25 MR WONG YUEN SHING, SEAN (affirmed in Cantonese)

26 Q. Mr Wong, you have prepared a witness statement for the



1 with Leighton.

2 First of all, you were initially engaged by Leighton  
3 in 2011, and up to October 2014 you were employed, as  
4 I understand it, on other Leighton projects. Is that  
5 right?

6 A. 正確。

7 Q. In November 2014, you started working on the project  
8 that we are concerned with?

9 A. 冇錯。

10 Q. You worked on the project up until December 2016?

11 A. 冇錯。

12 Q. And throughout that time, from November 2014 to December  
13 2016, you were working on the S-A-T, the SAT as we call  
14 it, EWL area; is that correct?

15 A. 中間有一個月我就借咗去engineering team嗰邊嘅，其餘時間都係SAT  
16 嗰面嘅。

17 Q. Can you remember which month it was?

18 A. 我唔記得，但係我記得係當時EWL打緊紮板，但係月份唔記得。

19 Q. All right. It probably doesn't matter. Could we --  
20 because this is the first time we have really looked in  
21 any detail at what happened on the SAT -- can I ask,  
22 first of all -- could you be shown BB8/5227.

23 Something is going to flash up on the screen now,  
24 Mr Wong. There's probably no need to look at the hard  
25 copy for the purpose of these questions.

1           This is just an appendix to one of the MTR witness  
2           statements, actually Mr Fu's supplementary statement.  
3           We can see at the top a drawing of the whole project  
4           area, or most of it. The red box then indicates the SAT  
5           area, the green being the EWL and the blue being the  
6           NSL. Do you see that, Mr Wong?

7           A. 我睇到。

8           Q. Then if we could go next, please, to page 5230, so three  
9           pages on, please. We see the SAT EWL track level broken  
10          down, on this diagram, into its various bays. Do you  
11          see that, Mr Wong?

12          A. 我睇到。

13          Q. Can I ask you, were you responsible for any particular  
14          bays, or did your responsibilities encompass all of the  
15          bays?

16          A. 我當時嘅責任係覆蓋全部呢啲倉嘅，不過我記得好似去到第7定第8倉左右  
17          我就離開禮頓，就可能7、8倉就有睇到。

18          Q. Right. So they would have been done post-December 2016,  
19          in general terms?

20          A. Slab嚟講，係，牆身就好似去到bay 5，我記得，都未做嘅，就如果slab  
21          嘅話，就去到bay 7、bay 8未做，牆身我就唔係好記得。

22          Q. Okay. We will see in a moment that -- and we are  
23          hearing from him after you -- a Mr Saky Chan was also  
24          an engineer in this area. Is that right?

25          A. 係呀。

1 Q. So was he also responsible for all of these areas; you  
2 didn't split your duties up between the different bays?  
3 How did it work between you and Mr Chan?

4 A. 基本上都係一齊做嘅，因為SAT嘅範圍唔係淨係得EWL嘅，可能附近會有啲  
5 utilities做緊，可能陳生就會去幫手，有時可能我亦都會負責同現有西鐵  
6 接駁軌嗰個工程嘅，可能有時夜晚我開工，朝早唔喺度，陳生就會幫我負責  
7 EWL嘅工程，所以我哋兩個係大家一齊做，邊個唔得閒就幫手頂上咁樣。

8 Q. I understand that. That's very helpful. Thank you very  
9 much.

10 Could I ask you, please, to go to paragraph 13 of  
11 your witness statement, on page CC3801. Mr Wong, there  
12 you are saying:

13 "In these informal inspections [and I'll come back  
14 to those in a moment] ... we would check coupler  
15 connections, arrangement of the rebar, condition of the  
16 formwork and falsework and other miscellaneous items  
17 prior to concreting. When checking the connections  
18 between rebar and couplers, I looked to ensure that  
19 every rebar was fully screwed in or only a few threads  
20 were showing out of the coupler. I understand that it  
21 was impossible to fully screw every rebar into the  
22 couplers. Sometimes, despite the best efforts of the  
23 sub-contractor's workers, a few threads could not be  
24 screwed into the coupler."

25 Mr Wong, did you regard it as acceptable if a few

1 threads of the rebar were showing outside the coupler?

2 A. 以我記得，最差情況我見過有一至兩條牙係冇扭入去嘅，而我--以我記得，  
3 我informal inspection嘅時候就見到有一至兩個嘅啫，我覺得係可以  
4 接受嘅。

5 Q. Why -- on what basis did you find that acceptable?

6 A. 因為我覺得個數量少，同埋之後地鐵亦都有個joint inspection，可以  
7 到時再同地鐵去商量。

8 Q. Were the couplers, so far as you can recall, that were  
9 being used in the SAT, BOSA couplers?

10 A. 係。

11 Q. Did you ever receive any instructions, attend any  
12 courses, run by BOSA personnel?

13 A. 我有。

14 Q. Did you have occasion to read any leaflets/documents  
15 prepared by BOSA about their couplers?

16 A. 我睇過BOSA嘅catalogue。

17 Q. Right. Did you read BOSA's catalogue before you started  
18 working on the SAT area?

19 A. 喺買BOSA嘅螺絲帽之前就睇過一次，跟住之後就有睇喇。

20 Q. Okay. So you did at least read it once, and so you had  
21 some general idea of the BOSA couplers?

22 A. 即係睇過囉，睇過，有基本認識。

23 Q. That was supplied to you by somebody else at Leightons  
24 or by BOSA themselves?

1 A. 因為我知道自己將會使用螺絲帽，我就上去INCITE嗰度搵下禮頓自己內部  
2 有冇有用過BOSA嘅文件嗰度，自己擺出嚟睇嘅。

3 Q. Very good. Right.

4 COMMISSIONER HANSFORD: Was it easy to find on INCITE?

5 A. 要睇下你對嗰樣嘢嘅認識，因為有時嗰個keyword就show唔到你睇緊嗰樣嘢  
6 嘅，例如如果BOSA就比較容易搵到啲嘅，因為嗰個名個個都會入落去，但係  
7 如果你可能搵緊一啲有好多個名嘅嘢，可能例如你搵「拉爆」，可能有啲人  
8 就會入"Hilti"，有啲人就會入"shear stud"--唔係，"stud anchor"，  
9 有啲人就會入"anchor"一個字，可能你要搵一樣嘢，你要試好多唔同嘅  
10 keyword，先可以搵得晒要搵到--相關嘅嘢。

11 COMMISSIONER HANSFORD: Yes. Thank you.

12 MR PENNICOTT: So you need to know the right question or the  
13 right word.

14 In paragraph 12 of your witness statement,  
15 Mr Wong -- and I said I would come back to it -- you  
16 say:

17 "I would often undertake informal inspections  
18 together with MTR's construction engineers/inspectors of  
19 works. This would happen if we met each other on site  
20 or arranged to look at the works before the formal  
21 inspections."

22 Then you also, in paragraph 16 of your witness  
23 statement, say:

24 "I was responsible for a number of the formal joint  
25 inspections for rebar fixing and pre-pour checks at the

1 SAT EWL area. I would typically perform these  
2 inspections when none of the junior engineers were  
3 available."

4 So, first point: you were involved in both the  
5 informal, routine inspections, and also some of the  
6 formal inspections, that is both?

7 A. 如果喺紮鐵工序嚟講，我唔記得。

8 Q. What can you not recall?

9 A. 因為我有參與過joint inspection，我亦都有參與過紮鐵嘅joint  
10 inspection，但係如果for SAT EWL area嘅紮鐵工序嘅joint  
11 inspection 嘅話，我唔記得我有冇參與過。

12 Q. Are you talking about the formal inspections, so that is  
13 the hold-point inspections with MTR's engineers?

14 A. 冇錯。

15 Q. Right. So you do recollect carrying out informal  
16 inspections for rebar in the SAT EWL area, but you are  
17 not sure about the formal inspections for rebar?

18 A. 係，冇錯。

19 Q. Right. We will come back to that point in a moment,  
20 Mr Wong.

21 In paragraph 14 of your witness statement, you set  
22 out, under the heading "Formal joint inspections", the  
23 formalities associated with that type of inspection, and  
24 you say at subparagraph (c) in paragraph 14:

25 "Prior to or around the time of a formal joint

1 inspection, Leighton's engineer would notify MTR (by  
2 issuing a [RISC] form)", as we call them for short; do  
3 you see that, Mr Wong?

4 A. 我睇到。

5 Q. And at subparagraph (h) you say:

6 "It was standard practice for work to proceed after  
7 verbal approval was obtained from MTR following a formal  
8 joint inspection. This allowed works to continue  
9 without delay. Thereafter, MTR's construction  
10 engineer/inspector of works would complete the RISC form  
11 to record their approval and return it to Leighton  
12 later."

13 So it seems there that what you are suggesting,  
14 Mr Wong, is that Leighton issue the RISC form; that  
15 triggers the inspection taking place; and then the MTR  
16 would fill in -- you would expect the MTR to fill in the  
17 RISC form after that inspection, but you would proceed  
18 on the basis of verbal approval and not wait for the  
19 RISC form to come back to you?

20 A. 冇錯。

21 Q. However -- and we'll discuss this in a moment,  
22 Mr Wong -- there were times or occasions when you, that  
23 is Leighton, would not have issued the RISC form before  
24 a hold-point or a formal inspection; that's correct, is  
25 it not, Mr Wong?

26 A. 有時會發生。

1 Q. Yes. And when that happened, or when the RISC form was  
2 not issued, how would you, in those circumstances, set  
3 up the hold-point inspection with MTR?

4 A. 一般嚟講，都係我哋 junior engineer 或者我會直接打電話去港鐵嘅  
5 工程師度，邀約佢去檢查嘅。

6 Q. So by telephone?

7 A. 係，冇錯。

8 Q. On the SAT area, were there any WhatsApp groups set up  
9 for the purpose of, amongst other things perhaps,  
10 setting up hold-point inspections?

11 A. 我哋有一個 WhatsApp 群組，但係就主要係處理一啲日常嘅工作，例如溝通  
12 下每個區域嘅人手安排或者係工程其他--即係日常會遇到嘅問題，需要同港  
13 鐵溝通嘅問題，但係如果約檢查，我哋就唔會經過 WhatsApp group 度約嘅。

14 Q. Okay.

15 CHAIRMAN: Assuming that you don't set up an inspection by  
16 way of a RISC form, how would you do it?

17 A. 冇--一般嚟講，就係當日就約嗰個負責嘅工程師落嚟，睇完之後，佢話  
18 okay，通常我哋之後就會補番嗰個表格嘅，我唔係好肯定會唔會有嘅唔記  
19 得咗補，但係一般情況下，會喺未來嘅一、兩日會補番張表格畀佢簽番嘅。

20 CHAIRMAN: So you just make an appointment, just a telephone  
21 call or something like that, not necessarily through any  
22 formalised WhatsApp network?

23 A. 一般都係電話多嘅，我哋好少用 WhatsApp 去處理呢啲 appointment 嘅問題。

24 MR PENNICOTT: Paragraph 16, back to paragraph 16 of your  
25 witness statement, Mr Wong, which I read out a moment

1           ago.

2           CHAIRMAN: Sorry, I'm just looking at the time.

3           MR PENNICOTT: Can I just deal with this point and then

4           break?

5           CHAIRMAN: You can, absolutely.

6           MR PENNICOTT: In paragraph 16 there, the second sentence,

7           you say:

8                     "I would typically perform these inspections ..."

9                     And I know you've qualified that now, Mr Wong,  
10           because we're talking about the formal inspections.

11                    "... when none of the junior engineers were  
12           available."

13                    I understand from the documents I've looked at that  
14           one of the junior engineers was a gentleman called --  
15           was it Carl Pat; is that right? Does that ring a bell  
16           with you?

17           A. 係，冇錯。

18           Q. And Wilson Wong?

19           A. 冇錯，係。

20           Q. So, as I understand it, your approach to the formal  
21           inspections is that you having carried out perhaps  
22           routine informal inspections, by and large the formal  
23           inspections were carried out by the junior engineers; is  
24           that right?

25           A. 係，通常都係。

26           MR PENNICOTT: Right.

1 Sir, that would be an appropriate moment now.

2 CHAIRMAN: Thank you. 15 minutes. Thank you.

3 Excuse me, Mr Wong, we are about to have the morning  
4 break. 15 minutes. Because you are in the middle of  
5 your evidence, you are not entitled to discuss your  
6 evidence with anybody else at this moment in time.

7 Okay?

8 WITNESS: I understand.

9 CHAIRMAN: When you have completed your evidence, then you  
10 can discuss it with whoever you like, but not until  
11 then.

12 WITNESS: I understand.

13 MR PENNICOTT: Sir, before you disappear, can I just hand in  
14 these two documents -- well, it's one document each --  
15 oh, you've perhaps already got them, I'm told.

16 COMMISSIONER HANSFORD: Have we?

17 MR PENNICOTT: You are aware, of course, that we've got the  
18 NAT summary table, just on one sheet --

19 CHAIRMAN: And a SAT summary table.

20 MR PENNICOTT: You've now got the SAT summary table as well.

21 (Handed).

22 CHAIRMAN: Thank you.

23 15 minutes.

24 (11.34 am)

25 (A short adjournment)

26 (11.55 am)

1 MR PENNICOTT: Mr Wong, what I'd like to do now is look with  
2 you at a document that you refer to in paragraph 18 of  
3 your witness statement. If you could just look at that.  
4 You say:

5 "Leighton has disclosed a table summarising the  
6 records of the formal joint inspections for rebar fixing  
7 and pre-pour checks for the SAT EWL area ... I have not  
8 confirmed the accuracy of this table."

9 Now, Mr Wong, first of all, can I ask you this.  
10 Since your witness statement, which was provided to us  
11 on 17 May 2019, have you had time to look at and  
12 consider that table?

13 A. 我有再睇番，但係我都confirm唔到。

14 Q. Okay. At least you've had another look at it. That  
15 might be helpful.

16 Can we have a look at it, and you've been given,  
17 I hope, an A3 copy of it because it's an awful lot  
18 easier than it is looking at it on the screen. You'll  
19 obviously understand the categories of information that  
20 are set out on the summary table.

21 The first thing to note, can I suggest, Mr Wong, is  
22 this: that in the SAT EWL area, whilst we see the  
23 numbers 1 to 24 going down the left-hand side ...

24 Sorry, perhaps others need to see it on the screen.  
25 I'm sorry about that. CC4397.

26 There were in fact, because there are a number of As

1 and Bs that you can see there, 29 pours in total; do you  
2 see that, Mr Wong?

3 A. 睇到。

4 Q. And seven of those pours -- and this ties in with  
5 something you mentioned to us earlier -- were done in  
6 January and February 2017, after you had left the  
7 project; do you see that?

8 A. 睇到。

9 Q. And so, as a matter of arithmetic, 22 pours were done  
10 during your time on the site, at the SAT area?

11 A. 睇呢個表，係。

12 Q. And in relation to those 22 pours, Mr Wong, looking at  
13 the column headed "Responsible engineer", you appear to  
14 have been the responsible engineer in relation to seven  
15 of those pours. And I'm taking the ones -- the two at  
16 the top, where we just see your name on its own, as it  
17 were, and I'm taking the five where you are listed  
18 together with Mr Saky Chan. Do you see that?

19 A. 我睇到。

20 Q. Right. My understanding is that in relation to the RISC  
21 forms that were issued, only RISC form 10170, at lines  
22 or numbers 2 and 3, only in relation to that RISC form  
23 were you the responsible engineer. All the others,  
24 there was no RISC form issued. Is that correct?

25 A. 正確。

1 Q. Can you explain why five of the entries, it says both  
2 your name and Mr Saky Chan? Why is that? Why are you  
3 both said to be the responsible engineer for those areas  
4 or bays?

5 A. 其實呢個表唔係我製作嘅，我都唔知點解放咗我個名落去，同埋因為我  
6 離開咗禮頓都一段時間，我攞唔番我以前出過嘅email或者所有嘅文件  
7 我都睇唔番，所以我唔記得嗰個specific嘅area係嗰陣時邊個負責，  
8 所以我confirm唔到呢個表入面嘅內容。

9 Q. I see. All right. Because it seems to us that there  
10 are two possibilities. Either you and Mr Saky Chan were  
11 jointly responsible for the particular area concerned,  
12 or the compiler of the table was not sure -- one or the  
13 other -- was uncertain.

14 A. 我答唔到呢個問題，我唔知呢個表點整出嚟嘅。

15 Q. All right.

16 Now, in paragraph 16 of your witness statement --  
17 don't lose the table; we're going to need it -- and you  
18 did, I accept, qualify this earlier, Mr Wong -- you say,  
19 insofar as the formal inspections are concerned:

20 "I would typically perform these inspections when  
21 none of the junior engineers were available."

22 As we saw earlier. We will look at it in a moment,  
23 but you did not inspect at the hold point in relation to  
24 RISC form 10170. Take it from me; we'll look at it in  
25 a moment.

1           Then what we have is all the other areas where your  
2           name appears, there's no RISC form.

3           Now, do you remember inspecting, formally inspecting  
4           at the hold points, any of the other areas where your  
5           name appears, or is your evidence, as I think you  
6           indicated to us before the break, that you don't recall  
7           carrying out any formal inspections?

8           A.  如果就於紮鐵工序嚟講，我唔記得。

9           Q.  Okay.

10           In paragraph 17 of your witness statement you say:

11           "For the formal joint inspections that  
12           I conducted" -- so you've qualified that now -- "I would  
13           usually issue RISC forms around the time of the  
14           inspection or in the days thereafter."

15           Now, so far as the rebar is concerned, rebar fixing  
16           is concerned, Mr Wong, we have not been able to find any  
17           RISC form that you issued. Does that accord with your  
18           recollection, in relation to the rebar?

19           A.  可唔可以重申一次問題？

20           Q.  Yes. In relation to the rebar formal inspections, in  
21           respect of which RISC forms ought to have been issued,  
22           we have not found any RISC form that you personally  
23           issued. Does that accord with your recollection of the  
24           position?

25           A.  我唔記得嗰個檢查係邊個人做，所以我唔係好記得。

26           Q.  All right. Let's just look at a couple of the RISC

1 forms.

2 CHAIRMAN: Sorry, just --

3 MR PENNICOTT: Not at all.

4 CHAIRMAN: -- paragraph 18 says:

5 "I did not submit a RISC form for five out of the  
6 seven rebar fixing ..."

7 MR PENNICOTT: Yes.

8 CHAIRMAN: Which tends to suggest he did it for the others.

9 Whereas what seems to be the evidence now is there  
10 aren't any at all.

11 MR PENNICOTT: Correct. When we finish the exercise, I was  
12 going to come to this.

13 CHAIRMAN: Sorry.

14 MR PENNICOTT: Not at all, sir. It's fine. I don't think  
15 it's too difficult to work out what the witness is  
16 saying, and perhaps he can confirm it now.

17 Mr Wong, if you look at paragraph 18 of your witness  
18 statement, and you look at (a) -- you say:

19 "I did not submit a RISC form for five out of the  
20 seven rebar fixing inspections ..."

21 Do you see that?

22 A. 係，但係呢個係就住嗰個表咁樣indicate，我都話我唔confirm個  
23 accuracy of the table，因為我完成唔記得幾多次，因為咁多年前。  
24 即係我上面係講咗嗰個"[the] table indicates that I did not  
25 submit RISC forms"，跟住就同一個表度計出嚟嘅咋，我自己

1 confirm唔到。

2 Q. Yes, because your name appears seven times and against  
3 five of them we've got "N/A", then we have the RISC form  
4 10170 at the top, which is the same RISC form twice, and  
5 that's how you've got your five and your seven?

6 CHAIRMAN: Yes, but the Commission legal team has not been  
7 able to find one signed.

8 MR PENNICOTT: No, that's right, sir, because we are now  
9 going to look at the one where it might be implied that  
10 Mr Wong has signed it, but as we will see, he didn't.

11 So could we look at BB13/9219.11, please. If we  
12 could just blow up the top right-hand corner, just to  
13 make sure we've got the right RISC form.

14 So this is the one that's referred to at numbers 2  
15 and 3 on the summary table, 010170, and we can see that  
16 this time -- it's signed, or the name of the Leighton  
17 person who initiated the form at part A is the person  
18 I mentioned before the break, Carl Pat. Do you see  
19 that?

20 A. 我見到。

21 Q. Who was one of your assistant engineers?

22 A. 係，冇錯。

23 Q. Then if we scroll down, we see that the form went to  
24 Mr Kobe Wong, who appears to have given it to Kappa  
25 Kang, a ConE II, who has indicated that the inspection  
26 was carried out on 21 March 2016.

1           Then if we go towards the bottom, we can see it  
2           there, Carl Pat has signed that off; do you see that?

3       A.   我見到。

4       Q.   After Carl Pat has signed that form at the bottom there,  
5           do you know what is supposed to happen to the various --  
6           I think the blue, white and yellow copies of this RISC  
7           form? What's supposed to happen next, Mr Wong; do you  
8           know?

9       A.   我當時知，我而家唔記得咗，但係我記得簽完呢份嘢之後，就會放咗上  
10       INCITE嘅，就會喺INCITE度搵到呢一份嘢嘅。

11      Q.   Right.

12           Sir, I'm not going to take you to it, but we've  
13           looked in the MTR RISC register and we've got another  
14           example here that we had with Mr Jeff Lii, where whilst  
15           the RISC form is referred to and the description is  
16           given, the boxes to the right are simply left blank  
17           again. So the RISC register does not record the fact  
18           that Kappa Kang apparently did the inspection on the  
19           21st, but we at least have the RISC form.

20           Now, Mr Wong, at paragraph 19 of your witness  
21           statement, you say:

22           "The reason why I did not submit those RISC forms is  
23           that I was constantly busy supervising the works,  
24           completing inspections and attending to other necessary  
25           tasks. I did not have time to review all of the RISC  
26           forms that I had issued in order to consider if I had

1 missed any and simply forgot to issue the ones that are  
2 outstanding. MTR's construction engineers/inspectors of  
3 works did not demand that RISC forms be submitted prior  
4 to formal joint inspections."

5 And so forth.

6 Mr Wong, I don't want to be unfair to you, but you  
7 seem to be painting a picture there that you were all  
8 too busy to issue the RISC forms. But, if this table is  
9 anywhere near accurate and reliable, you were only  
10 responsible, during the course of about 14 months, for  
11 issuing -- so far as the rebar is concerned -- six or  
12 seven RISC forms, as a maximum. Do you agree?

13 A. 我唔係淨係負責EWL嘅construction，我仲有好多其他工程做緊㗎嘛。

14 Q. I appreciate that, Mr Wong, but if one looks at the  
15 dates where we have no RISC form, where you are  
16 described as the responsible engineer, there's one in  
17 March 2016, one in May 2016. I accept there are three  
18 in June 2016. And then there's one in October 2016. It  
19 just doesn't seem to me, with respect, Mr Wong, to be  
20 justified when you say that you were simply too busy to  
21 issue this relatively modest number of RISC forms. Do  
22 you agree?

23 A. 我唔覺得你可以將其中--我嘅工作嘅其中一個工程拆其中紮鐵嘅部分，我要  
24 喺紮鐵嘅部分需要issue RISC form好少而覺得嗰個數量就叫少。即係  
25 就算一個落石屎嘅工程，你仲有pre-pour check，你仲有好多其他嘢要

1 出RISCform，同埋我做井，SAT有好多個井，同埋可能我又喺地鐵駁連接  
2 通道嘅時候有好多TW4，亦都有好多模板嘅工作要做，唔係純粹淨係話紮鐵  
3 你就要--你嘅責任就係issue好少form而就係我工作好少。

4 Q. So far as the pre-pour RISC forms -- and I'm not going  
5 to spend much time on this -- the number is similar, if  
6 not the same. I mean, again, on the chart, broadly  
7 speaking, the responsible engineer for the pre-pour  
8 check is the same as the responsible engineer in  
9 relation to the rebar fixing. Do you see that? So,  
10 again, the number of RISC forms is virtually the same;  
11 do you see?

12 A. 我睇到，但係我想講喺現場工作嘅時候，你個個人去做呢個紮鐵嘅  
13 inspection唔等如同一個工程師去睇嗰個pre-pour check嘅，所以  
14 我再次講呢個表點樣做出嚟同埋嗰個準確性我係唔同意嘅。

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. 冇錯。

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

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. 我睇到。

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. 通常佢哋會有一個師傅負責拆圖嘅，即係有個experience少少嘅師傅，  
15 通常就會畀啲圖紙佢，佢會同我一齊去現場度尺，同埋講一講嗰個  
16 general notes嘅要求，例如嗰個bar size diameter大咗幾多、  
17 要lap length有幾長，嗰啲傾好晒之後，佢就會返去開料，然後我就  
18 話畀佢聽邊度斬CJ，即係頭先嗰幅圖，唔同bay嗰幅圖，我就話畀佢聽  
19 現場斬CJ嗰個位大概喺邊度，我通常會叫測量幫我哋開埋出嚟嘅，就叫  
20 佢係由--例如由A呢個位去到B呢個位，就會現場指畀佢睇，佢就會自己  
21 度尺去睇下點樣開啲花鐵，點樣開料、點樣bend。

22 Q. Thank you very much. Can I just ask you: when would  
23 this meeting take place in relation to the commencement  
24 of the rebar works itself?

25 A. 一般--咁講，話應該係我哋落完嗰個blinding之後，落完blinding，

1 我會叫的測量去開有啲--即係啲extend去到邊度，開完個extend之後，我就  
2 會叫個判頭落去睇。

3 COMMISSIONER HANSFORD: Sorry to interrupt you, Mr Tsoi, but  
4 not everybody in this room might understand what the  
5 word "binding" means. Do you mean "blinding" or  
6 "binding"?

7 A. Blinding, concrete blinding.

8 COMMISSIONER HANSFORD: You mean blinding, don't you? Could  
9 you just explain blinding, because it's not a word that  
10 we've used much, if at all, in this Commission so far?  
11 What is the blinding?

12 A. 喺我哋--因為本身EWL trough係比個原本嘅地平面低嘅，我哋會做一啲挖  
13 掘工作，去到呢一個要求嘅工--嗰個平面嘅時候，為咗紮鐵嘅需求同埋圖都  
14 有寫嘅，我哋會落一層50mm嘅石屎面就鋪平，鋪平第二時會做結構嘅地方，  
15 之後再喺上面做防水同埋紮鐵嘅，嗰個50mm嘅面就叫做blinding。

16 COMMISSIONER HANSFORD: Thank you. That's very helpful.  
17 So, after this thin layer of concrete had been put in  
18 place, then you would have the meeting with the steel  
19 fixing sub-contractor's representative; is that correct?

20 A. 係，冇錯。

21 COMMISSIONER HANSFORD: Thank you.

22 MR TSOI: I'm sorry, it's perhaps my fault. Can I just be  
23 slightly more accurate. So this meeting, would this be  
24 the day before the rebar fixing work or two days before,  
25 a week before? Can you inform us as to the time

1 duration between the meeting and the rebar fixing work?

2 A. 我諗大約係一個星期，因為開完呢個會之後，我會再做防水嘅，因為我會等  
3 防水做完之後，先至正式做紮鐵嘅，咁大約一個星期前嘅。

4 Q. After this meeting but before the rebar fixing work is  
5 to commence, would you go and inspect the location again  
6 where the rebar fixing work is supposed to commence?

7 A. 我唔係好理解，點樣視察呀？

8 Q. We know that at a certain time the rebar fixing work at  
9 a certain location has to commence; right?

10 A. 係，係。

11 Q. Now, you said that a week before that, there would be  
12 a meeting with the representative of the rebar fixing  
13 sub-contractor?

14 A. 係。

15 Q. In that week, would you go to that location again to  
16 look at the site, to check if everything is okay or  
17 anything like that?

18 A. 會，因為我都要去睇防水做得好唔好㗎嘛。

19 Q. Okay. Would that be a day before the rebar fixing work  
20 commences, or two days or ...?

21 A. 一般嚟講，做紮鐵之前一日都會有一個waterproofing嘅joint  
22 inspection嘅，所以都--我唔知我當時喺唔喺度，但係就一般嚟講都會  
23 有個inspection喺度嘅。

24 Q. So it's that inspection I'm interested in. So, in that  
25 inspection, the inspection that takes place one or two

1 days before the commencement of the rebar works, so  
2 either you or one of your junior engineers would attend  
3 that inspection?

4 A. 冇錯。

5 Q. Together with a representative from the rebar fixing  
6 sub-contractor?

7 A. 唔係嘅，通常同防水公司做嘅，紮鐵通常一個禮拜前同佢講完之後，佢可能  
8 大約--我差唔多完嘅時候，通常打個電話畀佢同佢講話可能兩日後埋位，就  
9 唔會再有inspection喇喇。

10 Q. Exactly. So the rebar fixing sub-contractor would  
11 probably send an individual to that location one or two  
12 days before they are due to commence the rebar fixing  
13 work, to just check on the location; is that right?

14 A. 我有見過佢，但係佢唔會inform我。

15 Q. If that rebar fixer representative who went to that  
16 location saw any problem, such as a broken coupler or  
17 things like that, would you expect him to inform one of  
18 your junior engineers or inform yourself?

19 A. 會。

20 Q. Am I correct to say that because they -- for example,  
21 let's take the example of the broken coupler. They have  
22 no power, they can't change the coupler, so they have to  
23 inform one of your junior engineers?

24 A. 或者我預期佢有工程有問題，而唔可以跟張圖紙做嘅話，我會預期佢會通知我。

25 Q. Yes.

1 A. 當然你話佢通知邊個，或者佢會唔會咁做，我就唔肯定。

2 MR TSOI: That's all I want to ask. Thank you very much,  
3 Mr Wong.

4 MR BOULDING: We have no questions for this witness. Thank  
5 you, sir.

6 CHAIRMAN: Thank you.

7 Cross-examination by MR KHAW

8 MR KHAW: Mr Wong, I represent the government. There are  
9 just a few points relating to perhaps just two  
10 paragraphs of your witness statement that I wish to  
11 discuss with you.

12 If we can take you back to paragraph 13 of your  
13 witness statement. I understand that Mr Pennicott has  
14 already asked you some questions in relation to this  
15 paragraph. Maybe you can have a look again, then I will  
16 ask you some questions.

17 A. 係，睇咗。

18 Q. After you were referred to this paragraph, Mr Pennicott  
19 asked you, "Did you regard it as acceptable if a few  
20 threads of rebar were showing outside the coupler?"

21 Remember that?

22 A. 記得。

23 Q. Now, here in your statement, you told us that, first of  
24 all -- you said:

25 "I understand that it was impossible to fully screw  
26 every rebar into the couplers."

1           Can I ask you on what basis did you have that  
2           understanding?

3       A.   因為我唔相信全部嘢可以咁perfect，我覺得只要嗰個--即係個數量同埋  
4           望--即係同埋嗰個牙凸出嚟嗰個數量唔係一個好--點講？唔係dominant  
5           或者唔係一個好大嘅數字，另外我亦都--我自己親身亦都嘗試過同埋叫啲  
6           工人儘量去扭，睇下可唔可以扭唔扭到嗰兩條牙落去，因為我講緊我見到嘅  
7           可能有兩粒或者三粒冇扭入去嘅話，喺成個百分比入面可能都係講緊一、兩  
8           個per cent，我覺得個影響唔係好大。

9       Q.   I'm not sure whether I understand you correctly. So you  
10           yourself have actually tried the BOSA couplers and also  
11           the connecting rebars, did you not? You tried to see  
12           whether it could be completely screwed in; did you try  
13           that?

14      A.   我有試過，因為其實呢次係我自己親自第一次接觸呢個coupler嘅，我自己  
15           都有啲興趣，所以我就自--我自己informal inspection嘅時候，我自己  
16           都有試過去擰下嗰啲螺絲係咪全部扭實嘅。

17      Q.   So, according to your inspections, most of them were  
18           fully screwed in?

19      A.   係，絕大部分都--即係好少部分扭唔到，即係得兩、三個扭唔到，全部  
20           都扭晒。

21      Q.   But am I correct in saying that, according to what you  
22           said in your statement, for the purpose of inspection,  
23           you would allow some threads of the rebars to be  
24           exposed? You would give that allowance, is that

1 correct, for the purpose of inspection?

2 A. 我諗要睇下嗰個多少數嗰個問題，對於我嚟講，因為如果你話知道扭唔到  
3 嘅，我就會覺得係一個好大概問題，我就會inform地鐵或者senior，  
4 如果好單獨獨立一、兩個扭唔到嘅話，我自己覺得問題唔大，我會容許。

5 Q. I'm sorry, Mr Wong, maybe I'm a bit pedantic here, but  
6 I understand your answer regarding quantity. If you are  
7 not talking about a big quantity of not-fully-screwed-in  
8 rebars, you think that that's acceptable. I see where  
9 you are coming from. But in terms of each coupler  
10 connection, I would like to know, because you were  
11 responsible for doing the inspection -- I would like to  
12 know, from your point of view, for the purpose of  
13 inspection, in respect of each coupler connection, would  
14 you agree that you would allow a few threads to be  
15 exposed?

16 A. 如果你話個別咁嚟講，我唔容許嘅。

17 Q. Thank you.

18 CHAIRMAN: I think -- sorry, my understanding is -- Mr Wong,  
19 would you correct me if I'm wrong here -- that when you  
20 made the formal inspection, the vast majority, to use  
21 your phrase, of couplers were fully screwed in, so that  
22 no threads were showing, but there would be a very small  
23 number -- you used the expression "two or three" --  
24 where perhaps one or two threads were showing, and in  
25 the overall context you would be prepared to accept

1 those one or two threads?

2 A. 係。

3 MR KHAW: Further, in answer to Mr Pennicott's question, you  
4 told us why you regarded that as acceptable. You told  
5 us about the small quantity and also only one or two  
6 threads were showing at that time. Do you remember  
7 that?

8 A. 記得。

9 Q. In your answer, you also told us that you regarded that  
10 as acceptable because there would be formal inspection  
11 with MTR. Do you remember that?

12 A. 記得。

13 Q. So, during the formal inspection with MTR, did you ever  
14 raise this issue that you discovered some couplers, some  
15 rebars, not completely screwed in? Did you further  
16 discuss that issue with the MTR representatives during  
17 the formal inspections?

18 A. 我唔記得我喺唔喺個formal inspection入面，但係我應該有提及過。

19 Q. The next paragraph of your witness statement that I wish  
20 to very briefly discuss with you is paragraph 25, where  
21 you try to explain the reason why couplers were used in  
22 place of lapped bars at certain construction joints. Do  
23 you see that?

24 A. 係，冇錯。

25 Q. You have told us that it's for practical reason, because

1 couplers would need to be used in place of lapped bars  
2 in order to maintain access to different areas of the  
3 site. That's what you told us; right?

4 A. 係，正確。

5 Q. You have highlighted this particular point. Do I take  
6 it that you were aware that the use of couplers instead  
7 of rebars at those construction joints is considered  
8 a deviation from the original drawings?

9 A. 係，所以我哋做之前有同地鐵嘅工程師溝通過嘅。

10 Q. That's a point that I wish to explore with you a bit  
11 further, that is on a site, obviously, as an engineer  
12 you have to deal with different scenarios happening at  
13 different times, and you may need to come up with  
14 a particular method which may not be wholly consistent  
15 with what you can see from the drawings.

16 What I would like to know is when you come across  
17 a situation where there is a use of materials which is  
18 not completely consistent with the accepted drawings,  
19 what would be the protocol from Leighton as to what the  
20 engineers should do in such circumstances?

21 A. 如果公司內部程序，我就唔係好肯定，我哋--通常我就會做一個plan嘅，  
22 例如如果要留嚟做通告，咁點解要喺嗰個位度做留coupler，點解要係嗰個  
23 level、點解嗰個位，我會畫晒成個plan出嚟，首先，就擺咗我嘅site  
24 agent同埋construction manager嘅approval，然後就會send個  
25 email畀地鐵嗰邊嘅工程師，通常佢哋會--我哋會join埋一齊喺個會議度



1 signature?

2 A. 係。

3 Q. You confirm this to be your witness statement; correct?

4 A. 係。

5 Q. And you confirm the contents of this statement to be  
6 true and accurate?

7 A. 正確。

8 Q. And you wish the Commission to accept this as part of  
9 your evidence?

10 A. 可以。

11 MR CHANG: Can you please remain seated. There will be  
12 questions from others in this room, starting with the  
13 gentleman in front of me, Mr Pennicott, who acts for the  
14 Commission.

15 Examination by MR PENNICOTT

16 MR PENNICOTT: Mr Chan, as has been indicated, my name is  
17 Ian Pennicott, I act for the Commission; I've got a few  
18 questions for you.

19 Sir, I'm afraid there's going to be a bit of  
20 an "action replay" on some of this, but I'm only going  
21 to raise what I regard as maybe two or three important  
22 points with Mr Chan.

23 Mr Chan, thank you very much for coming to give  
24 evidence to the Commission today.

25 Now, you started on the project in April 2015; is

1           that right?

2       A.   係。

3       Q.   At that time, you were an assistant engineer, but very  
4           quickly, the following month, in May 2015, you were  
5           promoted to engineer; is that right?

6       A.   係，冇錯。

7       Q.   And you worked on the project up until November 2016,  
8           when you left the project?

9       A.   係，冇錯。

10      Q.   We've just heard from Mr Wong, your former colleague,  
11          Mr Sean Wong. He left in December 2016, you left in  
12          November 2016. Have you any recollection as to who may  
13          have taken over from you and Mr Wong, after both of you  
14          had left?

15      A.   有同事叫做Raymond Tsoi，就唔係話特別接替嘅，佢就係加入咗我哋  
16          team，佢就有話特別hand over我嘅工作，但係就佢冇人咗我哋嗰一  
17          team度繼續做落去，我唔知佢哋之後嘅工作分布係點樣。

18      Q.   Thank you. I think we're hearing from Mr Tsoi next  
19          week; is that right?

20                 That's fine and helpful. Thank you very much.

21                 We've heard from Mr Wong that, as we know, the SAT  
22                 area, EWL area, is divided into a number of bays, and  
23                 he's told us that you worked together, there was nobody  
24                 responsible for any particular bay, but you had joint  
25                 responsibility for the whole area. Do you agree with

1           that?

2           A.   同意。

3           Q.   Can I ask you to look at paragraph 13 of your witness  
4           statement, please, where we will see some words that  
5           look familiar. You say at paragraph 13 -- that's at  
6           3840 -- that, and this is by reference to informal  
7           inspections:

8                     "... we would check briefly the coupler connections,  
9           arrangement of the rebar, condition of the formwork and  
10          falsework and other miscellaneous items prior to  
11          concreting. When checking the connections between rebar  
12          and couplers, I looked generally to ensure that the  
13          rebar was fully screwed in or only a few threads were  
14          showing out of the coupler. I understand that it was  
15          impossible to fully screw every rebar into the couplers.  
16          Sometimes, despite the best efforts of the  
17          sub-contractor's workers, a few threads could not be  
18          screwed into the coupler."

19                    If a few threads were showing, Mr Chan, did you  
20          regard that as acceptable?

21          A.    喺我嘅立場係我覺得可以接受嘅，但係以我嘅記憶，我有見過有絞牙凸咗  
22          出嚟，同埋頭先所講嘅formal或者唔係formal嘅inspection，我都有  
23          去檢查佢嘅數量，因為我都會喺呢啲inspection裏面或者我平時嘅工作  
24          去巡視個地盤或者安排工作嘅時候，都會見到--都要睇下佢哋做工作嘅  
25          狀況係點樣，我亦都會拎啲圖紙落去，就算係自己睇或者係formal嘅

1 inspection, 對點算螺絲嘅數量, 我亦都會係確保一定足夠。

2 Q. I understand that, but in paragraph 13 you are talking  
3 about whether or not the rebar was fully screwed into  
4 the couplers or only a few threads were showing out of  
5 the couplers. Is it your evidence that -- and then you  
6 say:

7 "I understand that it was impossible to fully screw  
8 every rebar into the couplers."

9 I mean, did you or did you not see examples of where  
10 the rebar was not fully screwed into the couplers?

11 A. 我有--喺我嘅記憶, 係有, 但係我有冇mistake或者記錯, 我唔肯定,  
12 因為太耐, 但係如果你問番我而家嘅記憶, 我有印象有呢個事情發生過。

13 Q. Okay.

14 Mr Chan, the couplers that were used were BOSA  
15 couplers, we understand. Is that your recollection?

16 A. 係。

17 Q. And did you receive any information/attend any courses  
18 run by BOSA?

19 A. 有, 我有參與過課程, 但係我有收過資料--唔係, 我有睇過資料, 我有  
20 收過, 但係我有睇過, 啲資料都係喺INCITE度搵番嚟或者喺--定喺網上  
21 搵番嚟, 但係我肯定我有睇過佢嘅catalogue。

22 Q. Okay. And you read the catalogue before the works --  
23 before the rebar fixing works started?

24 A. 一定。

25 Q. As I understand it from your evidence, your witness

1 statement, you were involved in both informal routine  
2 inspections, as you mention in paragraph 12, and also  
3 the formal joint inspections?

4 A. 係，但係你所講嘅非正式聯合檢查係指乜嘢？即係我指嘅非正式，我所講  
5 嘅就係平時若果行地盤，我哋會有同啲幫辦或者inspector一齊行，呢啲  
6 就係一齊非正式嘅聯合檢查，但係正式嘅時候，我哋就會入番--入正form  
7 畀佢哋去inspection，呢個就係正式嘅例行檢查，所以我唔明白--即係  
8 我唔敢肯定你所講嘅「非正式」係咩嘢意思。

9 Q. Let's just focus on the informal joint inspections with  
10 the inspectors of works. As you are doing your site  
11 walks -- when you say inspectors of works, you mean  
12 representatives of the MTR; is that right?

13 A. 冇錯。

14 Q. All right. And those were inspections that were not  
15 documented, they weren't triggered by RISC forms or  
16 anything like that; they just happened on an informal,  
17 routine basis?

18 A. 係，冇錯。

19 Q. Mr Chan, in your witness statement, at paragraph 18, you  
20 make reference to a table summarising the records of the  
21 formal joint inspections. You say you have not  
22 confirmed the accuracy of this table, which we are going  
23 to look at shortly.

24 Can I ask you this. Since 17 May of this year,  
25 2019, when you signed your witness statement, have you

1 had an opportunity to look at the table again and review  
2 it and check its accuracy?

3 A. 我有再睇過，但係準確性方面我都唔肯定，因為實在過咗太長嘅時間，  
4 我亦都唔敢肯定我所有記憶係咪100%同佢一樣。

5 Q. All right. And when you were doing that review, when  
6 you read it again, did you look at any of the documents  
7 that are referred to in the table, such as the RISC  
8 forms? Did you look at them?

9 A. 你指我有冇再睇過個表嘅紙巴定係個實物呀？

10 Q. The actual copy. Did you actually look at the document  
11 itself, the RISC form itself?

12 A. 冇呀，冇呀，我有機會再見過，我純粹係淨係望--即係繼續check個表，  
13 睇下有冇啲我可以肯定佢錯嘅嘢或者肯定佢有mistake嘅嘢，或者肯定係  
14 我有寫嘅嘢。

15 Q. All right. So your checking exercise was just -- the  
16 objective of your checking exercise was to make sure  
17 there were no obvious mistakes in the table?

18 A. 冇錯。

19 Q. All right. If we could look at the table, please. It's  
20 in front of you there in A3 size.

21 Mr Chan, we can see from the table that so far as  
22 the rebar fixing inspections are concerned, you issued  
23 five, as you say in paragraph 18(a) of your witness  
24 statement, five such RISC forms, and those are the ones  
25 where you are said to be the sole responsible engineer.

1 Do you see that?

2 A. 喺邊度?

3 Q. Well, that's a good question. I should have pointed you  
4 in the right direction. If you look at this table, you  
5 will see the column shaded brown at the top, the last  
6 one is headed "Responsible engineer"; do you see that,  
7 Mr Chan?

8 A. 係,睇到。

9 Q. Now, as I read this table, you issued RISC form 9790 at  
10 the top; do you see that?

11 A. 係,冇錯。

12 Q. Then you issued RISC form 10633, which seems to  
13 encompass three different areas or bays; do you see  
14 that?

15 A. 10633覆蓋咗三個,哦,係,係,冇錯。

16 Q. And then issued three further ones, 10635, 9161 and  
17 9363; do you see that? Or at least you are said to be  
18 the responsible engineer for those?

19 A. 係,冇錯。

20 Q. Then also further down, there's 9364. I actually make  
21 that six, Mr Chan, but don't worry about that.

22 A. 係,我見到。

23 Q. The ones that haven't been issued, where it's got "N/A"  
24 in the column to the left of "Responsible engineer" are  
25 those where both you and Mr Wong together are said to be

1 the responsible engineer; do you see that?

2 A. 我見到佢咁顯示。

3 Q. Yes. What's your understanding of those items where  
4 both you and Mr Wong are said to be the responsible  
5 engineer? Do you know what that means? Why is it both  
6 of you appear there and not just one of you?

7 A. 因為呢個表係其後禮頓畀我哋睇嘅，所以我都唔敢肯定點解佢會咁樣寫。

8 Q. All right.

9 A. 呢個亦都係我見到--即係翻check嘅時候見到有嘅問題。

10 Q. Okay.

11 Could I just ask you to look at one RISC form,  
12 please. That is RISC form 9364. BB13/9219.859.

13 This is the RISC form 9364, Mr Chan. It seems to  
14 bear your name; do you agree?

15 A. 同意，同意。

16 Q. It appears to have been passed to Kobe Wong, who was one  
17 of the senior inspectors of works at MTR; do you agree?

18 A. 同意。

19 Q. And -- I pause -- possibly an inspection was taken, was  
20 carried out by Kappa Kang, one of the MTR's ConE IIs; do  
21 you see that?

22 A. 睇到。

23 Q. The reason I pause is because there's no date inserted  
24 as to when that inspection took place; do you see that,  
25 Mr Chan?

1 A. 可唔可以拉番上啲？

2 Q. Of course.

3 A. 如果正常嘅情況下，應該係12月19號去做inspection嘅，正常人form  
4 嘅時候。

5 Q. Yes.

6 A. 但係我唔肯定當時有冇啲咩問題會遲咗入或者係補番張form，即係之前  
7 已經係大家都agree係已經有睇過嘅，但係張form就遲咗冇入，所以就去  
8 報番畀佢咁樣。

9 Q. Yes. Well, I'll get the opportunity of asking Ms Kang  
10 at some stage. She can explain why no inspection date  
11 is on this form, which I think is necessary.

12 But, in any event, the fact is you have issued the  
13 RISC form and it does -- the RISC form does appear to  
14 have ended up back with you, Mr Chan. If we look at the  
15 bottom, you've countersigned it, albeit in March, some  
16 three months later; yes?

17 A. 係，冇錯。

18 Q. Once you had signed that off, Mr Chan, what would you  
19 have done with the form?

20 A. 以我所知，嗰三個--而家呢個moment，我唔係好肯定嗰張表，但係應該  
21 呢張表我肯定嘅一樣嘢就係會畀INCITE度見得番，但係你話呢張表我之後  
22 要畀邊個，應該係畀document controller，但係就而佢咁點樣做個程  
23 序我唔清楚，但係去到最後，我會畀個INCITE度搵得番呢一張嘢，呢個係  
24 我而家記得同埋我知道嘅嘢。

1 Q. Okay.

2 CHAIRMAN: Sorry, was INCITE also a site to which MTR had  
3 full access?

4 A. 呢個我唔清楚。

5 MR PENNICOTT: Okay.

6 This is not for you, Mr Chan. It's just a point.  
7 It's not perhaps a big point.

8 Sir, the other RISC form I was going to look at with  
9 Mr Chan is the RISC form at item 13(b), 10635. But  
10 despite the best efforts of my team, we have been unable  
11 to locate it, either in the Leightons disclosure or the  
12 MTR's disclosure. Normally, we are successful if we  
13 look in the WSP material, because of course they have  
14 been reviewing all of this material on behalf of the  
15 MTR, but on this occasion we've drawn a complete blank  
16 on both sources, so I can't look at it.

17 Can I then just ask you this, Mr Chan, finally. In  
18 paragraph 19 of your witness statement, you say:

19 "The reason why I did not submit those RISC forms is  
20 that I was constantly busy supervising the works,  
21 completing inspections and attending to other necessary  
22 tasks. I did not have time to review all of the RISC  
23 forms that I had issued in order to consider if I had  
24 missed any and simply forgot to issue the ones that are  
25 outstanding."

26 Mr Chan, would you agree that if one looks at the

1 number of RISC forms that needed to be issued in  
2 relation to the rebar fixing, they are not great in  
3 number?

4 A. 可唔可以問多一次？

5 Q. Yes. The number of RISC forms that needed to be or  
6 should have been issued in relation to rebar fixing is  
7 not a big number?

8 A. 有一定嘅數量，大同小就唔可以個人去衡量。

9 Q. All right. But just looking at the table, Mr Chan, as  
10 you say, you've managed to issue six out of 12 or 13  
11 rebar fixing RISC forms.

12 A. 係。

13 Q. So we're only missing half a dozen or so, six or seven  
14 forms. It's not a huge number, is it, Mr Chan?

15 A. 係，係，係。

16 Q. So are you still maintaining that the reason that they  
17 were not issued was because you were too busy  
18 supervising the works and dealing with other matters?

19 A. 因為嗰六至七份，即係遺漏嗰六至七份，我都喺呢一刻我都唔可以肯定係咪  
20 當時應該係我需--我負責或者係我有叫人入或者係其他嘅mistake令到有咗，  
21 或者係我入咗而份嘢唔見咗，而呢啲係我唔能夠肯定嘅嘢，但係我同意數量  
22 唔算多嘅。

23 Q. Okay.

24 A. 同埋喺我同一時間嘅時候，我都唔係淨係睇SAT EWL嘅，我都負責晒成個  
25 SAT嘅其他utility同仲有其他嘢--其他部分嘅工作。

1 MR PENNICOTT: Thank you, Mr Chan.

2 Sir, I have finished. I see it's 1.06. I don't  
3 know how long my learned friends are going to be, or  
4 indeed whether they have many questions for Mr Chan. If  
5 the indication is that it's going to be very short, then  
6 I would propose that we continue, if it's just going to  
7 be 10 or 15 minutes. If it's going to be longer than  
8 that, obviously we should break.

9 The point being that we have Mr Sebastian Kong next  
10 from the MTR, and whilst we can probably let him wait  
11 for a bit after lunch, we have got to finish him today,  
12 although I have to say we don't think we will be that  
13 long with Mr Sebastian Kong. So I'm really in everybody  
14 else's hands as to how they want to deal with it.

15 MR TSOI: We have no questions for Mr Chan.

16 MR BOULDING: We have no questions either, sir.

17 MR CHOW: Sir, I have just one or two questions. It will  
18 take about five minutes.

19 CHAIRMAN: All right. Just continue then. Thank you very  
20 much. I'm taking a wild guess but I don't think Pypun  
21 are going to have too many.

22 MR CHOW: I can have Pypun's five more minutes then.

23 Cross-examination by MR CHOW

24 Q. Good afternoon, Mr Chan. Earlier, you confirmed to --  
25 when you were being asked by Mr Pennicott in relation to  
26 the summary table -- you still recall that? -- in which

1           it sets out the details of various RISC forms and it  
2           indicates a number of the RISC forms that you have not  
3           issued -- do you recall that table?

4       A.   係。

5       Q.   You also confirmed that you had a chance to look at the  
6           table again, but you still cannot confirm the accuracy  
7           of the table?

8       A.   冇錯。

9       Q.   Because you are not sure whether your memory serves you  
10          well; do you recall that?

11      A.   係。

12      Q.   That being the case, I would like to know -- in  
13          paragraph 20 of your statement, at page 3844, where you  
14          refer to those incidents that you were alleged to have  
15          forgotten to issue the RISC form -- for those incidents,  
16          you however confirm that MTRC's construction engineer  
17          was contacted with each hold point was reached, and the  
18          MTRC construction engineer/inspector of works conducted  
19          the formal joint inspection, and under subparagraph (c)  
20          you further confirmed that verbal approval from MTRC's  
21          construction engineer/inspector of works was always  
22          obtained before work was allowed to proceed or concrete  
23          to be poured.

24                 Given that you are not sure of the accuracy of your  
25          memory, on what basis do you make these confirmations?

1 A. 因為我覺得--因為喺我--平時我做嘢嘅，我會得到佢哋嘅批准，即係就算  
2 佢哋唔能夠即時formal出email或者簽番份RISC form畀我咩嘢都好，  
3 但係我一定會等到inspector或者佢哋嘅工程師嚟到睇咗，confirm  
4 1可以繼續做，我先會繼續做，若果唔係嘅，我會停咗佢。

5 Q. All right. Can he move on to paragraph 26 of your  
6 statement. You say:

7 "MTRCL's staff was well aware of, and agreed ..."

8 This is a paragraph where you talk about the change  
9 of lapped bars to couplers; right? Where you said:

10 "MTRC's staff was well aware of, and agreed with,  
11 the use of couplers at the construction joints instead  
12 of continuous lapped bars."

13 Then the last sentence of your paragraph, you say:

14 "They would also have inspected such couplers during  
15 the formal joint inspections for the construction  
16 joints."

17 Are you suggesting that you are actually not certain  
18 but you believe they would have checked during the  
19 formal inspection?

20 A. 我都好肯定有同佢哋去做過inspection，去睇啲螺絲帽嘅，因為我好有  
21 記憶喺檢查螺絲帽嘅時候，我有拎住張圖同埋拎住一支白粉筆，去--因為  
22 我哋會因應--因為我哋去收鐵咩嘛，喺封板或者落石屎之前，就我有去拎  
23 支白粉筆，去跟番個section，掃番我應該要有幾多條鐵喺裏面，掃咗我  
24 留咗幾多條鐵，有幾多個coupler，就劃一下就代表一條，就點夠數，先至  
25 去做下一個動作，亦都係呢一個--我都好肯定係formal inspection嚟嘅。

1 MR CHOW: I have no more questions.

2 MR CHANG: No re-examination.

3 CHAIRMAN: Good. Thank you.

4 MR SHIEH: In case it assists -- because a number of  
5 questions have been raised about the routine of  
6 submitting RISC forms and the operation of INCITE --  
7 I think previously it had been mentioned that the  
8 operation of INCITE and the procedure for submitting  
9 RISC forms, especially how the quadruplicate set works,  
10 there is actually a police statement by a Leighton  
11 witness in English which sets out the process step by  
12 step. I'm not going to read it now but in case the  
13 Commission wishes to have a feel as to how it actually  
14 operates on the shop floor, can I give the bundle  
15 reference?

16 CHAIRMAN: Yes, of course.

17 MR SHIEH: It is bundle CC10, page 6212. It is a police  
18 statement by a Leighton engineer by the name of Wong  
19 Ho Lam, where he sets out step by step how the RISC  
20 forms are generated and what buttons are pressed, how  
21 many copies are generated, who signs what, and then  
22 physically it went to where and how it comes back and  
23 how it's scanned.

24 CHAIRMAN: Good. Thank you very much. That could be of  
25 great assistance. Thank you, Mr Shieh.

26 Good, Mr Chan. Thank you very much. Your evidence

1 is completed and you may now go. Thank you for your  
2 assistance.

3 (The witness was released)

4 Following the normal routine, Mr Pennicott, what  
5 time should we --

6 MR PENNICOTT: Can we say 2.30, since it's 1.15, or nearly  
7 1.15?

8 CHAIRMAN: Certainly. Return at 2.30 this afternoon. Thank  
9 you.

10 (1.14 pm)

11 (The luncheon adjournment)

12 (2.32 pm)

13 MR BOULDING: Good afternoon, sir.

14 CHAIRMAN: Yes.

15 MR BOULDING: I am now calling the first of the MTR  
16 witnesses, a Mr Sebastian Kong. He is very grateful to  
17 the Commissioners for accommodating him because he is  
18 off to do charity work in Jordan, building houses for  
19 the underprivileged.

20 With that introduction, perhaps, Mr Kong, you can  
21 take either the oath or the affirmation.

22 MR KONG SAI KIT, SEBASTIAN (affirmed in Cantonese)

23 Examination-in-chief by MR BOULDING

24 Q. Thank you, Mr Kong. Please could you give your full  
25 name to the Commissioners?

26 A. 江世傑。

1 Q. Are you going to give your evidence in English or  
2 Chinese, in which case I need to put my headphones on?

3 A. 中文，唔該，Chinese。

4 Q. We know that you've produced a witness statement for the  
5 Commissioners' assistance, and if we go to  
6 bundle BB8/5242, I trust we see, do we not, the first  
7 page of that statement. Is that correct, Mr Kong?

8 A. 係，冇錯。

9 Q. If the operator could kindly scroll down to  
10 page BB8/5247.

11 Do we there see your signature, Mr Kong?

12 A. 係，冇錯。

13 Q. Are the contents of that statement true to the best of  
14 your knowledge and belief?

15 A. 係，冇錯。

16 Q. Is that the evidence that you'd like to place before the  
17 Commissioners in this Inquiry?

18 A. 係，同意。

19 Q. I wonder if we can go back to page BB5242 and look at  
20 paragraph 2. You tell us you graduated from Imperial  
21 College, London with a master's degree in civil  
22 engineering in June 2013, you returned to Hong Kong and  
23 you joined MTR in August 2013 as a graduate engineer on  
24 a three-year graduate scheme.

25 Then in paragraph 3 you tell us what you did during

1 the period 2014 to around July 2015, and looking at 3(a)  
2 you say:

3 "For the period from August 2014 to January 2015  
4 [you worked] under Ms Carman Fu (acting senior  
5 construction engineer) ..."

6 Now, it's become the convention, Mr Wong, to flash  
7 up on the screen an organisation chart to see exactly  
8 where you were at or about that time. Perhaps we could  
9 go to B2/565.

10 If we look at that screen, if we can just lift it up  
11 a little bit, please, do we there see you, Mr Kong,  
12 almost in the middle of the page?

13 A. 係，冇錯。

14 Q. And we can see the reporting line goes up to Carman Fu,  
15 acting senior construction engineer; correct?

16 A. 係，冇錯。

17 Q. If we go to the top of the screen, left-hand side, we  
18 see that was the organisation chart as at 4 November  
19 2014. Do you see that?

20 A. 係，見到。

21 Q. Then you tell us, in your paragraph 3(b), that:

22 "For the period from January 2015 to July 2015,  
23 I worked under Mr Joe Tsang Wing Wai ... and Mr Ben Chan  
24 ... mainly for the work at the Hung Hom Stabling  
25 Sidings."

26 Do you see that?

1 A. 係，冇錯。

2 Q. Just to fix your position by reference to the  
3 organisation chart, could we go to B566, please. If we  
4 could just expand that a little bit, do we there see  
5 your smiling face immediately above the letters  
6 "HHS/NFA"?

7 A. 係，冇錯。

8 Q. We can see, can we not, that the line of reporting goes  
9 up first to Ben Chan; correct?

10 A. 係。

11 Q. And then immediately above him we've got Joe Tsang;  
12 correct?

13 A. 係，冇錯。

14 MR BOULDING: Thank you very much, Mr Kong. That's all  
15 I want to ask you for the time being.

16 The procedure now will be that you're going to be  
17 asked questions by Mr Calvin Cheuk, who is counsel for  
18 the Commission of Inquiry. Various other lawyers in the  
19 room will then have the opportunity of asking you  
20 questions. The learned Commissioners can ask you  
21 questions at any time they want. Then it may well be,  
22 at the end of the process, that I will ask you a few  
23 questions in closing. Do you understand that?

24 WITNESS: 明白。

25 MR BOULDING: Please sit there, Mr Kong. Thank you.

1 Examination by MR CHEUK

2 MR CHEUK: Mr Kong, thank you for coming here to assist us.

3 I am one of the counsel for the Commission and I just  
4 have a few questions for you.

5 We have just seen you reported to two MTRC seniors.  
6 One, the first one, is Carman Fu, I believe?

7 A. 係,冇錯。

8 Q. That's during the period from August 2014 to January  
9 2015?

10 A. 係。

11 Q. And that's in relation to diaphragm wall and not NAT,  
12 SAT or HHS; correct?

13 A. 係,冇錯。

14 Q. Then afterwards, from January 2015 to July 2015, you  
15 worked under, as shown here, Ben Chan?

16 A. 係,冇錯。

17 Q. And your work was mainly concerned with HHS; correct?

18 A. 係,冇錯, HHS。

19 Q. Because in your witness statement you say "mainly".

20 I was just wondering what about -- is there anything  
21 else? Because under this corporate chart, it also  
22 includes NFA. Did you do anything in relation to NFA?

23 A. 係有其他嘢做,但係就唔包括NFA嘅arear嘅。

24 Q. When you say there was other work, what was that in  
25 relation to, in terms of geographical area?

1 A. 其實係除咗HHS之外，就幫成個地盤睇下嗰啲monitoring同埋  
2 instrumentation。

3 Q. I see. Thank you.

4 Now can we turn to CC9/5254. Mr Kong, I'm sure you  
5 are familiar with the geographical demarcation of HHS,  
6 but I wonder if you can help us, because HHS is a vast  
7 area, I wonder if you can help us by telling us: did you  
8 focus on a particular area or you covered the whole HHS?

9 A. 我覺得我當時嘅工作就係包括成個HHS area，但係根據番我喺1112嗰個  
10 時間，就其實當時做緊嘅工程就主要包括accommodation block嘅工程  
11 中間都有少少track slab，即係見到綠色shade咗嘅area同埋少少  
12 嘅，underpass嘅，即係under個track slab嗰度。

13 Q. So mainly the yellow part?

14 A. 係。

15 Q. And a little bit the green part?

16 A. 係，冇錯。

17 Q. And that covers the whole HHS, including -- can we turn  
18 to the next page -- this 5255?

19 A. 係，冇錯。

20 Q. Then your involvement with contract 1112 stopped after  
21 July 2015; correct?

22 A. 係，冇錯。

23 Q. And you became involved again in November 2018?

24 A. 係，冇錯。

1 Q. But that's mainly to help out with the preparation for  
2 the first part of this Inquiry?

3 A. 係，冇錯。

4 Q. And until recently, in March 2019, you were not involved  
5 in the actual construction works of contract 1112?

6 A. 係，冇錯，冇involve到。

7 Q. And from March 2019 you became involved in the actual  
8 site work again?

9 A. 主要係負責啲開鑿opening up嘅工程，係。

10 Q. The above sums up your involvement with HHS and  
11 contract 1112?

12 A. 同意。

13 Q. Therefore our focus is actually between January and July  
14 2015?

15 A. 同意，係呀。

16 Q. Now let's go back to BB8/5244, your witness statement.  
17 Here, you explain, when you started your posting with  
18 Ben Chan, he showed you how to conduct a rebar  
19 hold-point inspection; correct?

20 A. 係，冇錯。

21 Q. Then you say you followed that practice when you  
22 subsequently conducted hold-point inspection on your  
23 own; correct?

24 A. 冇錯。

25 Q. Can I ask you, how many times did Ben Chan show you how

1 to conduct the hold-point inspection, roughly?

2 A. 實際就唔係--唔記得喇個實際數字，但係印象中都至少有三至五次嘅至少。

3 Q. Let's call it that this is a demo period; okay? Did you  
4 ever see Ben Chan fill in a RISC form before or soon  
5 after the hold-point inspection?

6 A. 因為佢fill in個RISC form嘅時候，就喺office fill in嘅，就我就  
7 冇留意到佢當時fill in個RISC form--即係我哋做完個inspection  
8 RISC form係咩嘢時候。

9 Q. But for yourself, you did not see him actually fill in  
10 any RISC form during that period?

11 A. 見過佢fill in，但係我有留意佢fill in嗰啲description或者個detail。

12 Q. And he did not, presumably, following from your answer,  
13 explain to you how to fill in a RISC form?

14 A. 佢有同我解釋過個RISC form大概係點填嘅係。

15 Q. But he did not take you through the process, like  
16 demonstrate to you, "This is a RISC form and therefore  
17 I fill in, in front of you, so that you would know how  
18 to do it next time"?

19 A. 佢show畀我睇嗰時就唔係真係做完嗰個--即係同我做嗰個demo嘅site  
20 inspection之後再填番相應嘅嗰張RISC form，佢係--我唔記得係之前  
21 定之後，總之佢係擺過張--第二張RISC form就同我講點樣填啫，但係佢  
22 冇示範真係填落去個過程。

23 Q. So you are saying, after the demo period, he did show  
24 you, explain to you, how to fill in a RISC form, but  
25 although he didn't actually fill in that form, because

1 that's just to show you, for explanation purpose?

2 A. 係，冇錯。

3 Q. Did he explain to you the purpose of RISC form?

4 A. 唔係好explicitly咁講，但係佢--我都明白到個RISC form嘅重要性同埋  
5 嗰個用途喺邊，主要用途。

6 Q. Can you tell us, how do you understand the purpose of  
7 the RISC form?

8 A. RISC form就係用嚟--即係據我理解，就係用嚟記錄番當時我哋做嗰啲  
9 hold-point inspection個日子、時間同埋嗰個result嘅。

10 Q. Apart from following Ben Chan's demonstration, did you  
11 attend any other training such as, say, BOSA's training  
12 on couplers? Did you do any of those?

13 A. 冇。

14 Q. After the demo period, when you started to do it on your  
15 own, were you confident that you were able to do the job  
16 properly?

17 A. 有信心。

18 Q. How would you describe your relationship with Ben Chan?  
19 Would you regard him as a boss or something else, like  
20 a mentor or friend? How would you describe the  
21 relationship?

22 A. 都係算一個導師，即係一個mentor，係。

23 Q. And you worked with him most of the time; correct?

24 A. 係，冇錯。

25 Q. How about Joe Tsang: did you work with him, talk to him

1 often?

2 A. 比較少嘅，佢通常直接話同Ben去傾任何有關工程上嘅嘢，係。

3 Q. So far as you know, did Joe Tsang also carry out  
4 hold-point inspections, or just you and Ben?

5 A. 據我認知，Joe就有做過hold-point inspection，即係據我嗰陣時所認知。

6 Q. And, in your witness statement, you describe you  
7 encountered the problems of lack of RISC forms; correct?

8 A. 係，冇錯。

9 Q. Was that very frequent?

10 A. 呢個就好--我覺得有啲主觀性嘅，但係都有咁嘅情況發生，個事實就係，  
11 我諗具體啲咁講，可能有三分一至到一半嘅情況有發生，即係據我記憶。

12 Q. What I can tell you is that from the evidence we have  
13 collected so far, I think more -- around only 30 per  
14 cent to 40 per cent of RISC forms were filled in. Does  
15 that accord with your own experience, in terms of  
16 filling in the RISC forms?

17 A. 我都係根據我自己嘅記憶，就其實我印象中就嗰陣時有咁差嘅，我喺嗰度  
18 嘅時候係，即係未去到得番30%嘅RISC form。

19 Q. So your evidence is that, in your own experience, you  
20 filled in more than 40 per cent of RISC forms in your  
21 own hold-point inspections; is that correct?

22 A. 差唔多，係。

23 Q. When you first encountered the problem of lack of RISC  
24 forms, did you talk to Ben or Joe Tsang?

25 A. 其實嗰陣時我都--我諗阿Ben同埋其他同事都知道呢個問題，即係唔係淨係

1 HHS嘅，所以我一join到個team嘅時候，其實我都有同--即係口頭上同  
2 佢哋--同阿Ben講過呢個問題，都有。

3 Q. And what was his response?

4 A. 佢就話--我唔記得個exact conversation對話係點樣，但係佢都係叫我  
5 繼續提住佢嚟追，佢儘量就--可能佢同--佢就會take further action  
6 咁樣，即係佢take note of呢樣嘢。

7 Q. How would you describe Ben Chan's attitude towards the  
8 problem? Do you think he took the issue seriously, when  
9 you talked with him, raised the issue?

10 A. 我覺得佢都認真嘅。

11 Q. And of course, now you know that, you can take it from  
12 me, there's a high percentage, right, more than  
13 60 per cent or around 60 per cent RISC form in HHS area  
14 is missing. Do you still maintain that opinion, that  
15 Ben Chan was serious in terms of dealing with the RISC  
16 form problem?

17 A. 我同佢講--即係我只可以咁講，我喺度嘅時候，我同佢反映過呢個問題--  
18 而佢嗰陣時同我對話嘅態度都係認真嘅。

19 Q. If we go to your witness statement, paragraph 10, 5245,  
20 the fourth line from the bottom, at the end, you say:

21 "Mr Ben Chan and I kept each other informed as to  
22 any issues identified at the site and which areas had or  
23 had not been inspected."

24 Okay, just focus on the second part. I want to ask  
25 you questions how you two kept each other -- which areas

1 had or had not been inspected; okay? First of all, did  
2 you or Ben Chan keep any note or record for the area  
3 that you inspected?

4 A. 其實最主要就同佢去溝通邊啲位置睇咗嘅時候，係--即係我哋每日嘅  
5 daily conversation嘍嘅，就同埋我哋最主要就係每個禮拜都會有個  
6 weekly progress meeting嘅，喺個progress meeting入面其實  
7 我哋都會知道邊個位置係落咗石屎，所以其實我哋都會傾下例如呢個位  
8 落石屎，我哋update個progress chart，咁我哋睇咗未。

9 Q. Not written record as such, but you are talking about  
10 discussion --

11 A. 係，冇錯。

12 Q. -- frequent discussion?

13 A. 冇錯，冇錯。

14 COMMISSIONER HANSFORD: Sorry to interrupt, but you  
15 mentioned a progress chart. Was this a marked-up  
16 drawing?

17 A. 係，冇錯。

18 COMMISSIONER HANSFORD: Do we know what's happened to that  
19 now? Was that drawing kept in the system somewhere?

20 A. 應該有嘅，嗰個weekly meeting，喺個server度。但係sorry，想  
21 clarify一點，就係嗰個drawing冇講到係有冇inspect到，只不過係  
22 我哋--因為嗰個chart我哋有份幫手整嘅，所以我哋知道佢係有落石屎，  
23 而我哋都係--即係大家都會知道邊個位係有做過inspection，會傾埋。

24 MR CHEUK: Just to follow up -- I hope I don't understand

1           incorrectly -- that progress chart you mentioned did not  
2           record which area you or Ben Chan had completed the  
3           formal inspection; correct?

4           A.   唔係explicitly咁寫嘅，係。

5           Q.   It's more a record in terms of progress?

6           A.   係，冇錯。

7           Q.   General progress?

8           A.   係，冇錯。

9           Q.   Then my question is this. We know that, we see that,  
10          HHS is a vast area. I just wonder, was it possible  
11          that, say, Leighton might have missed out some areas  
12          without any rebar hold-point inspections and you and  
13          Ben Chan did not know?

14          A.   唔會，因為嗰個會就係我哋同禮頓一齊開嘅，就喺個會度我哋就會傾嚟緊  
15          呢一個--幾個月，佢forecast佢有邊幾倉石屎會落嘅，其實我哋就會知道  
16          --即係如果佢落咗--而我哋亦都會有routine inspection，所以我哋落  
17          到現場，見到佢落咗，就一定會同佢追究番「點解你落咗？我哋未睇」，同  
18          埋我哋都有幫辦會同我哋匯報，即係成件事係冇乜可能會發生，即係如果佢  
19          哋落石屎，我哋又未睇。

20          Q.   So you are saying through routine inspections and  
21          through site discussions or meetings, you are confident  
22          Ben Chan and you will know the progress of each pour of  
23          concrete?

24          A.   係，當時--即係喺我哋site嗰個時間，係。

25          Q.   In this -- get back to your paragraph 10, the last bit,

1 last sentence -- you say:

2 "I wish to also point out that while rebar fixing  
3 hold-point inspections were usually carried out by the  
4 ConEs, Mr Victor Tung Hiu Yeung (senior inspector of  
5 works ...) also at times provided assistance on request  
6 and carried out hold-point inspections for relatively  
7 simple rebar fixing works, especially during periods  
8 when the ConE team had a large number of other daily  
9 tasks to attend to -- for example, the review of  
10 Leighton's submissions (including but not limited to  
11 material submissions, RFIs and submission of  
12 construction records) and attendance at various site  
13 meetings."

14 Let me ask you this. According to your  
15 understanding, hold-point rebar inspections should be  
16 conducted by engineers rather than IOWs; is that  
17 correct?

18 A. 係，最好嘅情況下，係。

19 Q. So --

20 CHAIRMAN: Sorry, just help me, remind me, "IOW"? I have  
21 a mental blank.

22 MR CHEUK: Inspector of works.

23 CHAIRMAN: Thank you.

24 MR CHEUK: And the reason is that IOWs or senior IOWs, they  
25 usually do not hold a university degree in civil  
26 engineering; is that correct?

1 A. 可以咁理解，係。

2 Q. And the engineering side will be like you. After  
3 university graduation, you joined the engineering side  
4 and started to work from there. That's a totally  
5 different stream; is that correct?

6 A. 係，冇錯。

7 Q. So was that a concern of you or Ben Chan that  
8 a departure from the norm was carried out at the site,  
9 ie the hold-point inspection was not conducted by the  
10 engineering stream but the inspector of works stream?

11 A. 因為我哋當時盡量都係如果真係去--未有時間抽空去到做啲hold-point  
12 inspection嘅時候，通常啲位置都係比較簡單嘅紮鐵，其實當中可能  
13 講緊係啲column嘅鐵，就其實比較簡單，又唔需要運用更--即係比較多  
14 嘅engineering judgement去睇，係喇，啲圖都relatively容易  
15 啲去明白嘅。我相信幫辦通常就比較多，尤其是Victor，好資深嘅幫辦，  
16 佢哋都係--我都係make sure佢明白啲圖，我先會放心畀佢去check嘅。

17 Q. So, from your evidence, you seem to suggest it's your  
18 decision to ask Victor Tung to do the rebar hold-point  
19 inspection. Is that correct?

20 A. 其實所有嘅hold-point inspection，即係HHS嗰面主要都係Ben Chan  
21 去--即係佢去--禮頓去約Ben Chan去收嘅，一開始係。就睇下我同--即係  
22 我嘅availability，可能佢自己忙嘅時候，佢就會delegate畀我，如果  
23 我都忙嘅時候，我就會可能同佢講會唔會搵Victor去收，你都可以話係我--  
24 即係唔係我delegate畀佢但係。

1 Q. You suggested it but the final decision rested with  
2 Ben Chan?

3 A. 係，係。

4 Q. Thank you. Let's move on to a slightly different topic.  
5 Did you encounter the use of couplers at HHS?

6 A. 我嗰時冇。

7 Q. I see. That's why, if we go back to 5245,  
8 paragraph 9(ii) of your witness statement -- here, you  
9 talk about how Ben Chan demonstrated to you how to  
10 conduct a rebar hold-point inspection, and does not  
11 include the inspection of couplers?

12 A. 係，冇錯。

13 MR CHEUK: I have no further questions. Thank you.

14 MR TSOI: We have no questions for Mr Kong. Thank you.

15 MR SHIEH: No questions from Leighton.

16 Cross-examination by MS PANG

17 MS PANG: I'm very grateful to my learned friend Mr Cheuk  
18 because he has basically covered all the questions that  
19 I intended to ask. I believe I only have one or two  
20 follow-up questions to ask.

21 Mr Kong, in your witness statement, you spoke about  
22 the issue of late submission or non-submission of RISC  
23 form on the part of Leighton, so I would like to ask you  
24 a few questions on this topic.

25 At paragraph 15 of your witness statement -- perhaps  
26 you can take a look at that, in BB5247 -- here you

1           mention -- I only need to ask you to look at the last  
2           bit. Here you mention that you have chased the Leighton  
3           inspectors for the response and, as far as you can  
4           recall, they submitted some but not all of them. So  
5           am I right in understanding that some RISC forms would  
6           be submitted to you retrospectively?

7           A. 係，冇錯。

8           Q. I'm just curious: how would you deal with these  
9           retrospectively submitted RISC forms? Would you still  
10          have a record of when inspection was carried out,  
11          et cetera?

12          A. 因為我每次去做個hold-point inspection嗰時就會影一至兩張，或  
13          者幾張嗰啲general condition photo嘅，如果佢retrospectively  
14          入番張RISC form，我都可以根據自己--我諗自己電話個紀錄同埋最主要  
15          都係自己電話紀錄同埋可能喺server嘅一啲資料，可能係其他inspector  
16          影嘅相去recall番嗰個inspection嘅過程。

17          Q. So in short, you would fill in those retrospective RISC  
18          forms based on your own photo records; is that correct?

19          A. 係，主要係。

20          Q. Thank you. That's helpful.

21                 Then in the next paragraph you mention that you were  
22                 not involved in follow-up action taken because back then  
23                 you were a graduate engineer. I would just like to  
24                 clarify with you: did you in fact know, at that point of  
25                 time, I believe it's probably 2015, if any follow-up

1 action has been taken on the part of MTR on the missing  
2 RISC forms?

3 A. 以我所知，嗰陣時就--或者我唔知，嗰陣時係冇--以我所知，就應該冇  
4 formal嘅action，即係可能verbal或者係開會嘅時候講咗，就都有  
5 機會有嘅。

6 MS PANG: Thank you. I believe that's all I need to ask  
7 you.

8 MR LAU: No questions.

9 MR BOULDING: Thank you, Mr Kong. I have no questions.

10 Sir, I don't know whether you do.

11 CHAIRMAN: No. Thank you very much.

12 MR BOULDING: Could he be released, please?

13 CHAIRMAN: Yes. Thank you so much for coming in. I wish  
14 you all the best in Jordan.

15 MR BOULDING: Good luck! Thank you.

16 (The witness was released)

17 MR SHIEH: Next, we have Mr Jim Wong from Leighton. I think  
18 he is now being located.

19 MR JIM WONG FUI YU (affirmed in Cantonese)

20 Examination-in-chief by MR SHIEH

21 Q. Good afternoon, Mr Wong. Welcome to this Commission of  
22 Inquiry and thank you for coming to assist us.

23 You have made a witness statement for the purpose of  
24 this Inquiry. Can I ask you to look at bundle CC10 at  
25 page 6514.

1 A. 係。

2 Q. You can see this is the witness statement of Jim Wong;  
3 do you see that?

4 A. 係。

5 Q. If you turn to page 6517, at the bottom you can see your  
6 Chinese signature?

7 A. 係。

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

10 A. 係。

11 Q. Can I ask you to look at an organisation chart, at CC2,  
12 page 526.

13 This is an organisation chart as of May 2017; do you  
14 see that?

15 A. 係。

16 Q. If you look at the top of the page, you can see the blue  
17 "MTR" box; you can see that?

18 A. 見到。

19 Q. Now, around 8 o'clock, around 8 o'clock to that blue  
20 box, are you able to locate your name?

21 A. 係，我搵到。

22 Q. So does that represent an accurate description of your  
23 position in the organisational structure?

24 A. 嗰陣呢個係17年吖嘛？

25 Q. Yes.

1 A. 係，啱。

2 MR SHIEH: Can you remain seated. I don't know which  
3 gentleman in front of me is going to ask you questions,  
4 but counsel for the Commission will be asking you some  
5 questions, counsel for other parties may also ask you  
6 questions, and so may the question and Mr Commissioner.  
7 After all that, I may have some follow-up questions to  
8 ask you. So please be seated and answer all these  
9 questions.

10 Thank you very much.

11 Examination by MR PENNICOTT

12 MR PENNICOTT: After a brief respite, it's me.

13 Mr Wong, good afternoon, and thank you very much for  
14 coming along to give evidence to the Commission. My  
15 name is Ian Pennicott, I'm one of the counsel to the  
16 Commission, and I've got a few questions for you.

17 Mr Shieh took us to an organisation chart in May  
18 2017. My understanding is that at that point in time  
19 you had been promoted to construction manager for the  
20 concourse, and you remain the construction manager for  
21 the project as at this date. Is that right?

22 A. 啱。

23 Q. With regard to the period of time that we're primarily  
24 concerned with, as I understand it, you were the senior  
25 site agent responsible for the North Approach Tunnels,  
26 and that was in the period October 2014 to November

1 2016. Is that correct?

2 A. 喺。

3 Q. Can I ask you, did that -- sorry, did your  
4 responsibilities extend to the shunt neck?

5 A. Sorry?

6 Q. We know you were the senior site agent for the North  
7 Approach Tunnels area. I was asking whether that  
8 extended to the shunt neck area at all or not.

9 A. 我係喺NAT同NFA嘅位置嘅，所以我唔係咁清楚你問嘅係咪去到HHS，  
10 嗰度就唔關我事嘅，我唔係咁清楚你嘅問題，sorry。

11 Q. I'm sorry. The area, the North Approach Tunnel areas  
12 that we are talking about, are the track slab areas, the  
13 HHS, the NFA, and the accommodation blocks. You  
14 understand?

15 A. 明白。

16 Q. Now, just above the NFA is an area called the shunt  
17 neck.

18 A. 係。

19 Q. I just wondered whether your responsibilities extended  
20 to that shunt neck area or not. If they didn't, tell  
21 me.

22 A. 係早期嘅工作包嘅，因為最遲嘅工作已經係我離開咗嗰個區嘅，我仲喺  
23 嗰個區嗰陣時就係包嘅。

24 Q. All right. Can you remember over what period of time  
25 the shunt neck was included in your area of

1 responsibility?

2 A. 喺應該係16年尾，係喇，16年尾嗰陣時開始嘅，但係就未去到1111嗰個位置。

3 Q. Right. Understood.

4 The reason I'm just asking that question, Mr Wong,  
5 is simply this: that we know that you were designated to  
6 attend a series of interface meetings with the  
7 Gammon-Kaden Joint Venture, the contractor next door.  
8 You will no doubt recall those meetings.

9 A. 係。

10 Q. What I was wondering was why it was you that was  
11 designated by Leighton to attend those meetings. Can  
12 you explain why you were chosen to attend the interface  
13 meetings?

14 A. 因為當時我嘅work area喺嗰個位置嚟嘅，係會同佢哋1111係有  
15 interface嘅工作，所以我就係被指派去做呢個interface嘅會議。

16 Q. Can you tell us briefly what interface matters that you  
17 were primarily concerned with?

18 A. 其實嗰度係有好多不同嘅，好似啲有渠，有啲utility，係我喺嗰度做嗰陣  
19 時就發生緊嘅，同理當然，你仲有個隧道嗰啲waterproofing嗰啲位置，  
20 我哋都要處理㗎嘛，即係有啲相關嘅事項，即係有幾樣嘢嘅。

21 Q. All right. And they all fell within your  
22 responsibility, and so it made sense for you to be one  
23 of the people who attended those meetings?

24 A. 可以咁講。

25 Q. Right. Now, we know that in addition to you, Ms Regina

1 Wong also attended many of the meetings, and she tells  
2 us that you asked her to attend with you, and I assume  
3 you agree with that?

4 A. 係，冇錯。

5 Q. And she explained why that was and I'm not going to go  
6 over that.

7 She also explained to us that the way in which the  
8 preparation of the minutes of the meetings worked was  
9 you would take it in turns with the Gammon-Kaden Joint  
10 Venture to prepare the minutes, and when it was your  
11 turn or Leighton's turn, she would prepare a draft of  
12 the minutes for your approval and comment.

13 Do you agree with all of that?

14 A. 係呀，我哋係輪流做呢個會議紀錄嘅。

15 Q. Right. And she prepared a draft for your comment and  
16 approval, when it was Leighton's turn?

17 A. 係。

18 Q. Could I ask you, please, to turn to paragraph 7 of your  
19 witness statement, at CC10/6515. You say there,

20 Mr Wong:

21 "According to my record, the following team members  
22 of Leighton have received the minutes of the interface  
23 meetings, but I cannot locate records showing that the  
24 minutes to the interface meeting no. 19 were sent to  
25 other team members ..."

26 Then you helpfully tell us, in the box, who were the

1 email recipients.

2 Then, at paragraph 8 of your witness statement, you  
3 say:

4 "Apart from email distribution, I note from the  
5 letter dated 9 April 2015 from GKJV that the minutes to  
6 the interface meetings held on 5 December 2014 and  
7 6 February 2015 were enclosed with the letter ...", and  
8 so forth.

9 So that's emails to those people in paragraph 7; two  
10 minutes of meeting sent under cover of a letter; and  
11 then at paragraph 9 you say:

12 "I understand that the minutes to the interface  
13 meetings might also have been circulated via the  
14 contractor submission form early on ..."

15 Now, that's a Leighton system, is it, the contractor  
16 submission form?

17 A. 係，係禮頓嘅一個系統，應該--但係呢個係submit畀MTR，呢啲係我  
18 formal嘅一個submission嚟㗎嘛。

19 Q. Right. So that's a contractor submission form going  
20 from Leighton to MTR, sending a copy of the minutes; is  
21 that right?

22 A. 係。

23 Q. When you say "early on", what do you mean by that?

24 A. 應該係話--因為我其實係唔記得清楚呢啲紀錄嘅，我就因為我就吵番有啲  
25 紀錄，我見到之前有啲係前少少嘅會議嗰陣時有呢啲紀錄send過過去嘅，

1 "early on"係呢個意思啫，係前一啲嘅會議。

2 Q. Do you mean before you became involved in attending the  
3 meetings?

4 A. 我唔記得，我唔記得，因為我都係早排啲番嘅，啲番，我唔記得咗我之後  
5 有冇再入，好似都有嘅，但係我唔sure，係喇。

6 Q. Okay. Then you say, going back to paragraph 9 of your  
7 witness statement:

8 "... or through MTR's ePMS system ..."

9 And that is your understanding but you don't have  
10 direct knowledge of that; is that right, Mr Wong? You  
11 don't know whether they were in fact put on the MTR's  
12 ePMS system?

13 A. 我係啲有啲紀錄，我見到有啲CSF嘅紀錄，所以我知道有呢啲文件咁樣存過，  
14 但係因為我唔記得咗我之前係有冇收過或者submit，我嘅呢個意思係咁嘅。

15 Q. All right.

16 CHAIRMAN: Sorry, can I just ask here -- you are saying, as  
17 I understand it, that the minutes, as far as general  
18 circulation is concerned, went through MTR's ePMS  
19 system. Are you able to say anything about the INCITE  
20 system?

21 A. INCITE 呢個系統其實我唔係咁清楚，所以我唔想解釋，因為我驚講錯  
22 咗，因為我唔係咁清楚，我淨係知道我哋係要入啲CSF，去through呢個  
23 INCITE，再過去MTR。

24 CHAIRMAN: The CSF is --

25 MR PENNICOTT: Contractor submission form.

1 CHAIRMAN: Okay. But the actual minutes, you are not sure?

2 A. 會議紀錄有部分我見到，有部分係用咗CSF，入咗，submit咗嘅，其他有啲  
3 我有見到，因為我冇唔到。

4 CHAIRMAN: The only reason I ask is because -- and I'm open  
5 to correction here -- my memory suggests that certain  
6 earlier witnesses spoke of perhaps INCITE being the  
7 portal that might carry these minutes and would  
8 therefore be open to everybody to look at.

9 A. 如果係入咗，有submit到嘅，就個個人都可以閱讀，但係唔係--未必係  
10 所有嘅會議紀錄用咗呢個系統，尤其係金門嗰面佢哋入過嚟，唔會入咗  
11 我哋呢個系統，未必--唔係唔會，係未必，我唔知佢點樣入到嚟。

12 CHAIRMAN: Yes. I'm not talking about other contractors.  
13 I'm talking about everybody working within Leighton.

14 A. 我有見到所有嘅minute係經過咗呢個系統，我可以咁講，係。

15 CHAIRMAN: All right. This is not a criticism, it's  
16 an observation, and we haven't heard a lot of the  
17 evidence yet --

18 A. Yes.

19 CHAIRMAN: -- but what we seem to have at the moment is  
20 a lack of definition as to what actually happened to the  
21 minutes so that everybody who might have a requirement  
22 to take note of those minutes could track them down.  
23 Are you able to make any comment in that regard? Are  
24 you able to disabuse me of that impression?

25 A. 啲會議紀錄係都有跟email send咗畀MTR 1111嗰面，如果係1111嗰面嘅

1 會議紀錄都會係by email send咗過嚟嘅，之後正常嚟講，應該就係可能  
2 要入番落去個CSF，可能有時會漏咗，因為我喺紀錄度見唔到，我唔sure係  
3 漏咗定點，即係有部分唔見。

4 COMMISSIONER HANSFORD: I think, Mr Wong, the question is  
5 not whether the minutes were available to MTR or to  
6 contractor 1111. The question is whether the minutes  
7 were available to Leighton staff. So the question is:  
8 were the minutes available or accessible for Leighton  
9 staff to see?

10 A. 喺個INCITE裏面嗰啲minute就可以畀禮頓員工閱讀到嘅。

11 COMMISSIONER HANSFORD: Are you telling us some of the  
12 minutes would be on INCITE but some may not be on  
13 INCITE? Is that what you are telling us?

14 A. 唔係咁sure嘅嘢。

15 MR PENNICOTT: Let me just have one last go.

16 At some point, Mr Wong, whether the minutes had been  
17 prepared by Leighton or whether the minutes had been  
18 prepared by the Gammon-Kaden Joint Venture, they became  
19 finalised. When they were agreed between Leighton,  
20 Gammon-Kaden and the MTR, they were finalised; yes?

21 A. 係。

22 Q. And the question is, so far as Leighton is concerned,  
23 was there a set procedure as to where those finalised  
24 minutes should end up?

25 A. 應該要係喺個INCITE度，應該係through番INCITE人番。

1 Q. So the procedure was they should be inputted, if that's  
2 the right word, onto the INCITE system; that's what  
3 should have happened?

4 A. Yes.

5 Q. And your evidence, and your answers to both the Chairman  
6 and Prof Hansford, was that, on occasions, that  
7 procedure perhaps was not followed and it didn't happen,  
8 on occasion?

9 A. 可能係喇，呢個。

10 Q. Right.

11 Can I ask you please, Mr Wong, to go to  
12 paragraphs 12 and 13 of your witness statement, where  
13 you make reference to the minutes of the interface  
14 meeting held on 5 December 2014. That's meeting  
15 number 8, which you did not attend. And you set out  
16 part of what is recorded in those minutes. And you say  
17 in paragraph 13:

18 "At the time" -- and I'll come back to that in  
19 a moment -- "I was aware of the possibility that  
20 couplers other than BOSA brand couplers might be  
21 necessary for the stitch joint interface, as GKJV might  
22 have used another brand of couplers. However, it was  
23 not brought to my attention that GKJV set out in their  
24 contractor's materials related submission form ... that  
25 Lenton brand couplers were proposed to be used in the  
26 construction of SCL1111's section of the tunnel.

1 I therefore did not know that Lenton brand couplers  
2 would be used at the stitch joint interface."

3 Now, as I understand it, Mr Wong, you are saying  
4 that in the context of the position as at December 2014;  
5 is that right?

6 A. 係。

7 Q. Because the first meeting, interface meeting, that you  
8 attended was on 9 January 2015.

9 Could we please look at those. That's at CC2/772.  
10 You will see, Mr Wong, your name recorded there as  
11 attending this meeting; do you see?

12 A. 見到。

13 Q. Along with Regina Wong and five other colleagues from  
14 Leighton?

15 A. 見到。

16 Q. And Ms Wong explained to us that the reason that there  
17 were so many people there at that particular meeting,  
18 which was quite unusual, was because there was  
19 an important discussion about a cofferdam. Do you  
20 recall that?

21 A. 應該係，係。

22 Q. Okay. When you attended this meeting on 9 January 2015,  
23 Mr Wong, did you have occasion to look back at the  
24 minutes, and more importantly the annexures to the  
25 minutes, of the previous meeting that had taken place

1 about a month before?

2 A. 唔記得咗，太耐。

3 Q. All right. I'm not going to press you further on that.

4 Moving on significantly in time and going to  
5 paragraph 14 of your witness statement, Mr Wong -- as  
6 I understand it, you accept that by the interface  
7 meeting held on 18 January 2016, that's number 19, you  
8 knew -- this is the last couple of lines of  
9 paragraph 14 -- that Lenton brand couplers would be used  
10 in the construction of the GKJV section at the stitch  
11 joint. Do you accept that?

12 A. 同意，因為係我哋問佢，叫佢clarify，係呀，所以同意佢clarify咗。

13 Q. Right. So whatever the position may have been earlier,  
14 at least by January 2016, you were aware that Lenton  
15 brand couplers would be used by the GKJV?

16 A. 知道。

17 Q. Would this also be right, that you knew -- and we can  
18 look at the minutes if necessary -- that somebody, I'll  
19 put it openly to start with, had to check the  
20 compatibility of those couplers with the materials that  
21 Leighton would be using at the stitch joints?

22 A. 同意。

23 Q. Who did you believe at the time would be responsible for  
24 doing that compatibility check?

25 A. 其實兩隻係唔同嘅牌子，已經寫得好清楚係唔同嘅，所以我知道係唔同嘅，

1 所以喺個moment冇即時走去檢查。

2 Q. I appreciate there was no check at that time, Mr Wong,  
3 but at that time, January 2016, did you have any  
4 appreciation, in your own mind, as to who would need to  
5 do that compatibility check?

6 CHAIRMAN: Sorry, do you mean as an individual?

7 MR PENNICOTT: As an individual, yes, I'm sorry.

8 An individual or -- as an individual, let's start with  
9 that and move away if necessary.

10 A. 喺個moment, 未定。

11 Q. But presumably, a matter of common sense, the person who  
12 would need to at least do the compatibility check was  
13 somebody who was going to be involved in the  
14 construction of the stitch joints?

15 A. 你嘅問題, 可唔可以問多一次? Sorry。

16 Q. Of course, yes. As a matter of common sense, a person  
17 or persons who would carry out the compatibility check  
18 would be somebody who was involved in the construction  
19 of the stitch joints?

20 A. 係。

21 Q. For example, an engineer who was going to be ordering  
22 the materials for the stitch joint, and in particular  
23 the rebar -- they would need to know, wouldn't they?

24 A. 應該就連埋個--應該係鋼筋嘅承辦商再check, check完咗之後, 大家再  
25 討論, 同埋應該都係要搵埋1111個面一齊睇嘅。

1 Q. Mr Wong, if one accepts the point that a compatibility  
2 check needed to be done, and that's what's recorded in  
3 the minutes, how did you expect the necessity for that  
4 check to be communicated to those in Leighton who needed  
5 to know about it?

6 A. 喺個moment未有需要做呢個動作。

7 Q. But presumably you would accept there would come a time  
8 when it needed to be done, and when that time arrived,  
9 how would the necessity for the compatibility check be  
10 communicated to those people, relevant people, within  
11 Leighton?

12 A. 通知佢哋應該有meeting。

13 Q. Sorry, what sort of meetings are you referring to,  
14 Mr Wong?

15 A. 即係如果你話要喺--但係我喺個moment係冇--仲係未有--未需要做  
16 呢個動作吓嘛。

17 Q. Yes. The last meeting that you attended, Mr Wong, was  
18 on 9 September 2016?

19 A. 係。

20 Q. Meeting 21.

21 A. 係，21次嘅會議嘅，冇錯。

22 Q. When you -- and then after that, shortly after that,  
23 I think in November, you went off to another project or  
24 to do other responsibilities?

25 A. 係。

1 Q. By the time you left in September 2016 -- sorry, by the  
2 time of the last meeting that you attended in September  
3 2016, were you still of the view that it was still too  
4 early to do the compatibility check?

5 A. 喺嗰個moment仲係未有需要，同埋之後仲有會會開㗎嘛。

6 Q. You mean other interface meetings?

7 A. 係。

8 Q. There was one more meeting after you left, and that was  
9 on 6 January 2017, and that was it, no more.

10 A. 其實我唔知道會有幾多嘅，之後冇講過係會停㗎嘛。

11 Q. All right. Do you recall telling anybody else at  
12 Leighton about the fact that the GKJV were going to be  
13 using Lenton couplers? Forget about the minutes of the  
14 meeting. Did you actually inform anybody, and in  
15 particular do you recall telling Mr Tam, Joe Tam?

16 A. 因為其實太耐，我真係唔記得。

17 Q. Right. Could I ask you, please, to be shown the RFI,  
18 request for information, at CC6/3333.

19 Mr Wong, I don't know --

20 A. Yes.

21 Q. -- if you just look at the RFI itself on the first page,  
22 so that I can ask you this: is this a document you've  
23 seen before?

24 A. 之前見過。

25 Q. Did you see it -- sorry, it was issued in May, I think,

1 2016. Did you see it at the time, back in May 2016?

2 A. 應該有。

3 Q. Right. Do you recall being consulted about information  
4 and details that were required by Leighton in respect of  
5 the stitch joint and that detail being required from the  
6 GKJV? Do you remember being consulted about that?

7 A. 你話金門基利有冇查詢番我哋? 係咪個問題係咁呀? Sorry, 我聽唔清楚。

8 Q. Let me start again. It's my fault.

9 This is a request for information going from  
10 Leighton to the Gammon-Kaden Joint Venture. Leighton --  
11 it's going to MTR, but it's going to end up -- the MTR  
12 are being asked to provide information about the  
13 Gammon-Kaden details of the stitch joint; all right?

14 A. 係呀, 因為我哋問就係要經港鐵1112問嘅, 所以我哋出呢個RFI畀港鐵。

15 Q. Right. And so Leighton are making a request for this  
16 information, and my question to you was: were you  
17 consulted about what information needed to be obtained?

18 A. 係要攞嗰度嗰啲鐵嘅資料, 要點樣紮鐵。

19 Q. We know you need that information, Mr Wong.

20 A. Sorry?

21 Q. But my question is, were you consulted by the people  
22 that prepared this RFI about the information that was  
23 needed? Do you recall?

24 A. 唔係咁記得。

25 Q. Can we just go down to the foot of the page, please.

1 The RFI, you can see, was prepared by Billy Ng. It was  
2 reviewed by Joe Tam and also reviewed by Mr Plummer. Do  
3 you see all that, Mr Wong?

4 A. 見到。

5 Q. Now, thinking back to May 2016, do you recall having any  
6 conversations with any of the three gentlemen listed  
7 there about information required from the GKJV?

8 A. 有機會係同個Billy伍，因為其實呢啲咁嘅簽名，Malcolm Plummer就  
9 未必要同佢傾嘅，因為只不過佢係最尾簽番呢啲文件啫，Joe Tam都未必  
10 會detail咁睇嘅，就Billy伍有機會問過，但係我唔記得。

11 MR PENNICOTT: All right.

12 Sir, I see the time and I apologise to everybody for  
13 going on so long. I see it's nearly 3.50. I think I'm  
14 finished, but can we have the tea break now just in case  
15 there's anything else I think I need to ask?

16 CHAIRMAN: Yes, of course.

17 MR PENNICOTT: Ten minutes will be fine.

18 CHAIRMAN: Ten minutes. Thank you.

19 COMMISSIONER HANSFORD: The warning.

20 CHAIRMAN: Yes, thank you.

21 Mr Wong --

22 WITNESS: Yes.

23 CHAIRMAN: -- we are having a brief adjournment now, just  
24 ten minutes.

25 WITNESS: 係。

1 CHAIRMAN: But while you are giving your evidence here in  
2 the tribunal, you are not entitled to discuss your  
3 evidence with anybody else outside. Okay? That  
4 includes any lawyers you may have dealt with or anybody  
5 else. All right?

6 WITNESS: 明白，但係可唔可以去洗手間？

7 CHAIRMAN: Yes. Just don't get into a discussion with  
8 lawyers there. All right?

9 (3.50 pm)

10 (A short adjournment)

11 (4.05 pm)

12 MR PENNICOTT: Sir, thank you for that. I indeed do not  
13 have any further questions.

14 CHAIRMAN: Thank you.

15 Cross-examination by MR TSOI

16 MR TSOI: Mr Wong, I act for Wing & Kwong, the rebar fixers  
17 in the NAT.

18 Can I go back to the interface meeting minutes with  
19 you at BB1786. We see your name there. This is the  
20 last interface meeting you attended, on 2 September  
21 2016; is that right?

22 A. Yes.

23 Q. Now go down. If you turn the page over to item 19.3.3,  
24 you see the heading "Interface materials"; right?

25 A. Yes.

26 Q. If you read the contents there:

1           "The following material submissions ... would be  
2           used at 1111/1112 interface boundary advised by GKJV in  
3           previous interface meeting", and there's a list there;  
4           do you see that?

5       A. 見到。

6       Q. At the end, after the list, you see:

7           "LCAL will check with their supplier regarding  
8           compatibility in later stage."

9           Do you see that?

10      A. 見到。

11      Q. If you go to the right, you see "LCAL/MTRC1112" were to  
12      take action; do you see that?

13      A. 見到。

14      Q. At this point, you have agreed that LCAL will check with  
15      their supplier regarding compatibility in a later stage;  
16      yes?

17      A. 係，同意，喺較後嘅階段。

18      Q. Yes, so you agree, at that stage. Is that right? That  
19      this will happen later?

20      A. 係。

21      Q. So, when you agreed this is the action to be taken, who  
22      did you have in mind would check the compatibility?

23      A. 喺嗰個moment，仲未諗到，因為未會咁早發生嘅。

24      Q. No, but you must have a person of rank in mind. Is it  
25      going to be a senior site agent like yourself, a site

1 agent, a senior engineer, an engineer; what rank of  
2 person?

3 A. 喺嗰個moment，我哋會同意檢查所有嘅物料，嗰度係其實你見到係有五隻  
4 物料嘅，有前有後，我哋嘅做法有啲會先做，有啲遲做，喺嗰個moment，  
5 仲未有需要有人即時去處理。

6 Q. Thank you for that but please answer the question. When  
7 you say compatibility, what rank of individual did you  
8 have in mind would do the compatibility check: senior  
9 site agent, site agent, senior engineer, engineer; who?

10 A. 喺嗰個moment未定，未定。

11 Q. Yes, I know it's undecided, but who did you have in  
12 mind? It's not decided, I know, because it's going to  
13 happen later, but who did you have in mind? Because  
14 it's part of the action.

15 A. 睇下乜嘢嘅材料，如果係coupling，就一定會搵埋紮鐵嘅代表嚟做呢個--  
16 呢樣嘢嘅，因為要佢哋畀意見嘅，即係唔會話淨係搵個--喺嗰個moment，  
17 我哋未定係邊啲人去做，因為未需要去做呢個動作。

18 Q. Let's not be too eager to pull in the rebar fixers. I'm  
19 asking you, from Leighton, who from Leighton, which  
20 rank, what type of individual would be doing the  
21 compatibility check, from Leighton? Forget about the  
22 rebar fixers. Who from Leighton?

23 A. 我都講咗，係嗰個moment我未定係邊個去做咯，呢個係個答案吖嘛。

24 Q. Mr Wong, answer the question. I know it's undecided.  
25 Who did you have in mind, what rank of person: senior

1 site agent, site agent, engineer; what rank of person?

2 Who did you anticipate -- not decided -- anticipate,

3 from Leighton? Don't pull in the rebar fixers yet.

4 From Leighton.

5 A. 如果禮頓呢面，就可能去了解嘅就係工程師或者site agent。

6 Q. Thank you. It would be a site agent or an engineer

7 working at the interface; is that right?

8 A. 可唔可以再講一次你個問題？

9 Q. It would be a site agent or an engineer of Leighton who  
10 is to work at the interface; is that correct?

11 A. 係。

12 Q. In these meeting minutes, there's no mention of having  
13 Leighton meetings with the rebar fixers. Do you agree  
14 with that or not? Well, it's not there. You can read  
15 it. Yes?

16 A. 我想問清楚你個問題啫，即係聽唔清楚你問乜。

17 Q. In none of the minutes, of the interface meeting  
18 minutes, has there ever been mentioned there would be  
19 an interface meeting inspection with the rebar fixers.  
20 Do you agree or not?

21 A. 喺呢個會議，係同1111，所以係冇搵埋紮鐵公司喺度嘅，將來會唔會有另外  
22 一個interface meeting--一個meeting同埋紮鐵公司呢，我唔知道。

23 Q. Yes. So are you ready to answer the question: in none  
24 of the interface meeting minutes has there ever been  
25 mention there will be future meetings with rebar fixers

1 about the interface; "yes" or "no"?

2 A. 係。

3 Q. And, as you know, the rebar fixers were never invited to  
4 attend these interface meetings; correct?

5 A. 我唔知道。

6 Q. Well, you attended most of them.

7 A. No, no, no.

8 Q. You attended most of them. Did you ever see a rebar  
9 fixer there?

10 A. 大部分，大部分有參與啲啲有，即係未完嘍嘛，我個會，呢個會，我走咗，  
11 佢未完嘍嘛，所以我唔知。

12 Q. Let's look at a document called the interfacing  
13 requirements specification with civil contracts. We can  
14 find that at BB420.

15 Have you seen that document before?

16 A. 有見過。

17 Q. Let's go to page BB425.

18 1.7, I think.

19 A. 係。

20 Q. Do you see two rows, one is said "By 1111 contractor"  
21 and one is said, "By 1112 contractor", the heading at  
22 the top?

23 A. 見到，見到。

24 Q. So you are the 1112 contractor; right?

25 A. 係。

1 Q. And it says this:

2 "Provide access and attendance to 1111 Contractor  
3 for joint inspection of the waterproofing system,  
4 couplers and protection measures to couplers provided at  
5 the interface work."

6 Do you see that?

7 A. 見到。

8 Q. And do you see:

9 "Accept and maintain the waterproofing system,  
10 couplers and protection measures to couplers provided at  
11 the interface work."

12 Do you see that?

13 A. 見到。

14 Q. So there was to be a joint inspection with the 1111  
15 contractor, which is GKJV; right?

16 A. 呢個文件係咁講。

17 Q. Yes. Right. So nothing mentioned about joint  
18 inspection with the rebar fixers; do you agree or not?

19 Do you agree or not?

20 A. 呢個interface meeting嘅--interface嘅PS有講過。

21 Q. Yes.

22 A. 但係唔代表我哋嘅subcontract有講咩嘛。

23 Q. Where in the sub-contract does it say there has to be  
24 an interface meeting?

25 A. 我唔知道，我唔知。

1 CHAIRMAN: Sorry --

2 A. 所以我唔清楚呢樣嘢，但係呢個PS冇講。

3 CHAIRMAN: -- just bear with me a second. The interface  
4 meetings between the contractor for 1111 and the  
5 contractor for 1112, were these interface meetings  
6 between contractors only, or did you have occasion to  
7 have sub-contractors physically present at these  
8 meetings as well?

9 A. 個會議就有，如果係joint inspection嗰陣就可能有。

10 CHAIRMAN: Fine. So in the meetings themselves you wouldn't  
11 have sub-contractors present, but you may, with  
12 consequent inspections, have sub-contractors present?

13 A. 應該係。

14 CHAIRMAN: Okay.

15 Sorry, Mr Tsoi. I just needed to clear it up in my  
16 own mind. Thank you.

17 MR TSOI: Absolutely.

18 Have you ever had a joint inspection with GKJV and  
19 Leighton and the rebar fixers to look at the couplers,  
20 you yourself?

21 A. 我係有同過1111做過巡查，但係唔係--因為你呢個係講interface嘅PS，  
22 有其他嘅部分我係同咗1111有一齊做joint inspection嘅。

23 Q. So the answer is "no"?

24 A. 喺我做嗰段時間因為未需要做呢個coupling嘅巡查，joint inspection，  
25 所以冇。

1 Q. Right.

2 A. 喺我做嘅時間。

3 Q. So, going back to that clause, 1.7, we see there should  
4 be a joint inspection between GKJV and the Leighton  
5 side, right, a joint inspection of the couplers; right?

6 A. 文件上係咁寫。

7 Q. Right, and you've read this before?

8 A. 我睇過呢份文件，冇錯。

9 Q. Right. So who did you anticipate would attend this  
10 joint inspection from the Leighton side?

11 A. 可能係site agent或者係engine，開頭--去到我走嗰個moment仲未定嘅，  
12 所以我唔知最靚係點樣。

13 Q. And it would be a site agent or an engineer working at  
14 the interface with these couplers; right?

15 A. 佢做呢個巡查，未必係佢自己要做㗎嘛，因為呢個巡查咁嘛，佢可能係會  
16 invite所有佢嘅分判商一齊去做呢個巡查㗎嘛。

17 Q. Yes, but answer the question: from Leighton, from  
18 Leighton, would it be a site agent or an engineer  
19 working at the interface who would attend the joint  
20 inspection, from Leighton?

21 A. 我頭先答咗你，...

22 Q. No, you haven't.

23 A. ...我有make到呢個decision咁嘛，因為係未有需要做咁嘛，我走嗰陣時。

24 Q. I'm not talking about the decisions made. I'm talking  
25 about what you anticipated. When you read that clause,

1           you anticipated it was someone from Leighton who was  
2           going to be a site agent or an engineer from Leighton  
3           attending the joint inspection; right? That's what you  
4           said. It's not decided but it's anticipated.

5       A.  如果未決定，就未預計到吓嘛，都未confirm，點預計到呢？

6       Q.  No. You agreed with me that you anticipated someone  
7           from Leighton would attend the joint inspection, and it  
8           would be a site agent or an engineer. You said that  
9           already. So are you retracting that answer?

10      A.  可能我頭先答錯咗你，我係答咗幾次係我未有plan嘅，我未有plan，  
11           真係未有plan。

12      Q.  What plan?

13      A.  因為唔係一個時間喺嗰個moment要定嘅嘢，我就冇plan到，呢個係留番  
14           畀我之後接手嘅人再做planning。

15      Q.  I'm talking about anticipation. Who did you think --  
16           anticipate, not decide; you haven't decided, I know --  
17           at the point, who would be doing it from Leighton's  
18           side? You must have thought of the rank of person;  
19           right? Or you never thought of that?

20      A.  喺嗰個moment，唔係critical嘅item，我未有考慮，未有考慮。

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.  喺嗰個moment未諗。

24      Q.  And you are the only two individuals who attended the  
25           September interface meeting from Leighton?

1 A. 冇錯，但係你個會議未完㗎嘛，仲有會議㗎嘛。

2 MR TSOI: Thank you, Mr Wong.

3 MR BOULDING: No questions from us. Thank you, sir.

4 MS PANG: This is going to be a historical moment because  
5 this is the first time in this part of the Inquiry that  
6 the government has no questions.

7 MR SHIEH: May history repeat itself!

8 MR PENNICOTT: Often! Pypun?

9 MR LAU: No questions.

10 Re-examination by MR SHIEH

11 MR SHIEH: Just by way of very brief re-examination. It's  
12 really to deal with a matter of a gap in time, because  
13 when Mr Pennicott started his questioning, he asked you  
14 about your position in the organisation in 2014 all the  
15 way down to 2016; do you remember, Mr Wong?

16 A. 我喺--如果係講十--即係喺NAT個位置，就係2014年10月到到2016年嘅11月。

17 Q. Thank you. Can I ask you to look at an earlier  
18 organisation chart, which is in bundle C7, in the  
19 earlier part -- the hearing bundles in the earlier part  
20 of these proceedings. Bundle C7, page 5538.

21 Now, you can see this is an organisation chart as of  
22 September 2016, do you see that, on the top left-hand  
23 corner? Do you see that, September 2016?

24 A. 係，睇到，睇到，睇到。

25 Q. So that would be shortly before you left the NAT  
26 project; yes? About two months before that; do you

1 agree?

2 A. 同意。

3 Q. And if you look at the top, "MTRC" blue box -- can you  
4 find that, the "MTRC" blue box on top -- and then if you  
5 look at around 4 o'clock from the blue "MTRC" box, under  
6 "NAT", you can see your name, "Senior site agent  
7 Jim Wong"; do you see that?

8 A. 睇到。

9 Q. So that would represent your position within the  
10 organisational structure as of that time; correct?

11 A. 冇錯。

12 Q. And then look at 5531.

13 COMMISSIONER HANSFORD: Sorry. I'm sorry, Mr Shieh, can we  
14 go back to --

15 MR SHIEH: 5538, yes.

16 COMMISSIONER HANSFORD: Because I just spotted -- so Henry  
17 Lai reported to you, Mr Wong; is that correct?

18 A. 我係Henry Lai嗰組人嘅上司，係，佢唔係直接report畀我嘅，佢係  
19 report畀陳漢新（譯音）嘅。

20 COMMISSIONER HANSFORD: Yes, he reported to you via Mr Chan  
21 Hon Sun?

22 A. 陳漢新。

23 COMMISSIONER HANSFORD: Thank you.

24 MR SHIEH: Then 5531. If you look at the top left-hand  
25 corner, this would be January 2015; do you see that?

1 A. 見到。

2 Q. That would be a couple of months after you joined the  
3 NAT project; yes? Because you joined the NAT project in  
4 late 2014; yes?

5 A. 係。

6 Q. This is January 2015. And to locate you in this  
7 chart -- again, if you look at the top blue "MTRC" box,  
8 and this time you look at about 5 o'clock, further  
9 down -- I'm sorry, 4 o'clock -- you can see -- below  
10 Joe Tam, you see "NAT" and then you see your name?

11 A. 係，見到。

12 Q. And that accurately represents your position within the  
13 hierarchy as of January 2015?

14 A. 係。

15 MR SHIEH: Thank you very much. I have no further  
16 questions.

17 CHAIRMAN: Good. Thank you very much indeed, Mr Wong. Your  
18 evidence is completed now, so you are free to go. Thank  
19 you.

20 WITNESS: 唔該，唔該晒。

21 (The witness was released)

22 MR PENNICOTT: Sir, I think I am pleased to report that that  
23 concludes our business for today, and indeed the week.  
24 We haven't done too badly in terms of timing; it's  
25 nearly 4.30.

1           So the position is, as I understand it, we will  
2           resume on Monday morning. There are three more Leighton  
3           witnesses to be called, and they will be called first  
4           thing, obviously one after the other, on Monday morning.  
5           That's Mr Ronald Leung, Mr Alan Yeung and Mr Raymond  
6           Tsoi. Then, when they are completed, we will obviously  
7           then be returning to the MTRC witnesses.

8   CHAIRMAN: All right. Good.

9           Could you, just for our benefit, give us an estimate  
10          of how we are doing time-wise?

11   MR PENNICOTT: Well, sir, I think we are doing very well.

12          I don't know how everybody else thinks. But I would  
13          anticipate the final three Leighton witnesses not being  
14          particularly long, and we will certainly comfortably  
15          finish them on Monday, and I hope also, with a fair  
16          wind, complete Mr Michael Fu, the next MTR witness, on  
17          Monday as well.

18          Then there are, after that, about six or seven  
19          further MTR witnesses which I would certainly hope to be  
20          able to complete, say, by Thursday, Wednesday/Thursday,  
21          of next week. Then, as we know, we've got three  
22          government witnesses and two from Pypun.

23          So, sir, I think we are doing extremely well and  
24          I certainly don't see any problem in achieving a finish  
25          date of the 19th. Indeed, as I think I may have said on  
26          another occasion, optimistically we may even save

1           ourselves a day and possibly even more. But I certainly  
2           see no problem at all at the moment, unless I am  
3           completely misreading the situation.

4   CHAIRMAN: There's always hiccups.

5   MR PENNICOTT: Yes, there are unexpected events.

6   CHAIRMAN: Even taking those into account, we seem to be  
7           making a fair wind.

8   MR PENNICOTT: I think so, sir, yes.

9   CHAIRMAN: Just one other thing. This morning, you made  
10          mention of a way forward, perhaps, with final  
11          submissions.

12   MR PENNICOTT: Yes, sir.

13   CHAIRMAN: I don't know if you want to mention it now or  
14          not.

15   MR PENNICOTT: It's probably as good a moment as any, since  
16          we've got a bit of time.

17   CHAIRMAN: Yes.

18   MR PENNICOTT: When you say I mentioned it, I mentioned it  
19          to you, sir, not to anybody else.

20   CHAIRMAN: Yes.

21   MR PENNICOTT: Certainly my view is, and I think it's a view  
22          shared by others, that when we do eventually conclude on  
23          or before 19 June, it would be beneficial to the  
24          Commission, and indeed probably beneficial to all  
25          involved parties, including ourselves, to prepare  
26          written closing submissions dealing with all the various

1 matters that this part of the Inquiry is concerned with,  
2 all the factual evidence in relation to the second part  
3 of the Inquiry, and that could be done within a number  
4 of weeks. There doesn't seem to be any great urgency in  
5 getting those submissions in, but if a sensible period,  
6 a reasonable period, is given, it seems to me that would  
7 benefit everybody.

8 We certainly don't, it seems to me, want to be  
9 coming back and writing final submissions on this in  
10 several months' time. I think everybody would benefit  
11 from getting the submissions on paper within, let's say,  
12 perhaps three or four weeks from the close on the 19th.  
13 I haven't got any specific date in mind but obviously we  
14 can look at that.

15 CHAIRMAN: And then positions perhaps reserved in case  
16 anybody feels they want to make oral submissions, or we  
17 feel that we would like to receive oral submissions in  
18 respect of things.

19 MR PENNICOTT: Yes, sir.

20 CHAIRMAN: But meanwhile we've got fresh written submissions  
21 which have concentrated the minds of all the parties.

22 MR PENNICOTT: Yes. Certainly for my part, I would just  
23 want to, while everything is reasonably fresh in the  
24 mind, get on and commit those submissions to writing as  
25 soon as possible, but I recognise, of course, that  
26 people may want a little bit of a break after this

1 hearing, and as I say, there's no great pressure. They  
2 don't have to be in within a week or two weeks. I think  
3 a period of three to four weeks, something of that  
4 order. As I say, I'm pretty flexible myself on that.

5 COMMISSIONER HANSFORD: Just so I understand, do they  
6 therefore constitute part 1 closing submissions --

7 MR PENNICOTT: On the factual material.

8 COMMISSIONER HANSFORD: Because there will subsequently be  
9 experts.

10 MR PENNICOTT: Of course, and one can envisage a situation,  
11 certainly from the Commission's point of view, for  
12 example, we might make our submissions on the factual  
13 evidence, but then sort of have a sentence which says,  
14 "This is likely to be the subject matter of project  
15 management expert evidence", which will be heard in the  
16 next round.

17 CHAIRMAN: In which case, that also points the way as to  
18 what may arise and how to anticipate it.

19 MR PENNICOTT: It does, sir, yes.

20 CHAIRMAN: He would like to emphasise to counsel that I've  
21 mentioned this now because it was Mr Pennicott who  
22 raised the matter as a suggested way forward, no more  
23 than that. Obviously, he was checking with us first.

24 For myself, speaking personally, not having gone  
25 into it in great detail with my co-Commissioner, I think  
26 it's worthy of being considered by counsel, and what

1 I would like to do -- what we would like to do, rather,  
2 is to put it to counsel to liaise with Mr Pennicott, as  
3 counsel for the Commission, and hopefully the way  
4 forward in that limited regard can be agreed by  
5 everybody and we can just be informed.

6 MR PENNICOTT: Yes, sir.

7 CHAIRMAN: So nobody's binding anybody to anything at the  
8 moment, but it seems like a sensible way forward, and we  
9 just put it before you to liaise with Mr Pennicott.

10 Good.

11 COMMISSIONER HANSFORD: Can I just raise one very small  
12 point. I think just before lunch, Mr Pennicott, you  
13 drew our attention to the police statement of Wong  
14 Ho Lam?

15 MR PENNICOTT: No, I didn't draw your attention to that.  
16 Mr Shieh did.

17 COMMISSIONER HANSFORD: Mr Shieh. Will we be hearing from  
18 Wong Ho Lam, or was it just for our information?

19 MR SHIEH: Just for the Commission's information, because  
20 Mr Wong Ho Lam is not on the live witness list. This is  
21 a police interview statement that he had given and it's  
22 part of the materials that have been included in the  
23 hearing bundles, but I don't believe that it is  
24 contemplated that he be called as a live witness.

25 COMMISSIONER HANSFORD: I understand. Thank you.

26 CHAIRMAN: We've got that. Thank you. That's just

1 an assistance to us, in case we need it. Thank you.

2 MR PENNICOTT: That's right. I did mention -- I assume it's  
3 a gentleman -- his name some days ago, that if one looks  
4 at the list of people --

5 COMMISSIONER HANSFORD: Yes, it hadn't registered it was the  
6 same one.

7 MR PENNICOTT: He's one of them. The counterpart, if you  
8 like, at the MTRC, and I also mentioned this, was a lady  
9 by the name of Audrey Fung. Her police statement is in  
10 the bundle. She also explains from the MTRC's point of  
11 view how the register was filled in.

12 So if one puts Mr Wong's police statement together  
13 with Audrey Fung's police statement, one gets a pretty  
14 comprehensive picture of the RISC forms, how it's  
15 suppose to work, and then how the register is supposed  
16 to work. So you put the two together.

17 CHAIRMAN: It sounds excellent.

18 COMMISSIONER HANSFORD: And I imagine that's an area the  
19 project management experts may well wish to look at.

20 MR PENNICOTT: Yes, sir. I don't want to burden you over  
21 the next three days, but if you were to have  
22 an opportunity of reading those two police statements --

23 COMMISSIONER HANSFORD: Yes.

24 MR PENNICOTT: -- and you felt that either or both of those  
25 people -- the Commission would benefit from either or  
26 both of those persons being called as witnesses, then

1 obviously arrangements can be put in train.

2 CHAIRMAN: Yes.

3 MR PENNICOTT: I personally was going to review certainly  
4 Audrey Fung's statement because I am still a little  
5 unsure about certain blanks in the register, and it  
6 wasn't really until, I confess, Mr Shieh mentioned  
7 Mr Wong's police statement at lunchtime that it now  
8 occurs to me perhaps I ought to be looking at that  
9 statement as well. But obviously if you, sir, have any  
10 time over the next three days to look at that, it might  
11 be helpful.

12 COMMISSIONER HANSFORD: Yes.

13 CHAIRMAN: Yes. Thank you.

14 Mr Chow?

15 MR CHOW: Thank you, Mr Chairman. There is one short matter  
16 I would like to finish off before you rise for the day.

17 CHAIRMAN: Yes.

18 MR CHOW: You will recall that this morning, when  
19 I questioned Mr Joe Tam, I mentioned to him that the  
20 evidence that we received in relation to the experience  
21 and knowledge about inspection and supervision of  
22 couplers.

23 CHAIRMAN: Yes.

24 MR CHOW: And you indicated you would like assistance as to  
25 the exact location of the transcript reference.  
26 I managed to locate the transcript reference.

1 CHAIRMAN: Thank you.

2 MR CHOW: If I can quickly provide you the location. It is  
3 in Day 5, page 5, from line 1 to line 7; and also from  
4 page 125, line 23, to page 127, line 9.

5 Unless, Mr Chairman, you want me to take you to take  
6 a look at the transcript, otherwise --

7 CHAIRMAN: No. That's really excellent. Apart from  
8 anything else, thank you for remembering it. There's  
9 been a lot going on. Thank you.

10 Good. I think we are free for the weekend.  
11 Gentlemen, thank you very much indeed, and gentleladies,  
12 of course.

13 (4.38 pm)

14 (The hearing adjourned until 10.00 am  
15 on Monday, 10 June 2019)

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20

21

22

23

24

25

	INDEX	
		PAGE
1		
2		
3		
4	MR TAM CHI MING, JOE (on former affirmation in .....	1
5	Cantonese)	
6		
7	Cross-examination by MR BOULDING (continued) .....	1
8		
9	Cross-examination by MR CHOW .....	9
10		
11	Re-examination by MR SHIEH .....	31
12		
13	(The witness was released) .....	32
14		
15	MR WONG YUEN SHING, SEAN (affirmed in Cantonese) ....	32
16		
17	Examination by MR PENNICOTT .....	33
18		
19	Cross-examination by MR TSOI .....	52
20		
21	Cross-examination by MR KHAW .....	57
22		
23	(The witness was released) .....	62
24		
25	MR CHAN KWOK SING, SAKY (affirmed in Cantonese) ....	62
26		
27	Examination-in-chief by MR CHANG .....	62
28		
29	Examination by MR PENNICOTT .....	63
30		
31	Cross-examination by MR CHOW .....	74
32		
33	(The witness was released) .....	78
34		
35	MR KONG SAI KIT, SEBASTIAN (affirmed in Cantonese) ..	78
36		
37	Examination-in-chief by MR BOULDING .....	78
38		
39	Examination by MR CHEUK .....	81
40		
41	Cross-examination by MS PANG .....	93
42		
43	(The witness was released) .....	95
44		
45	MR JIM WONG FUI YU (affirmed in Cantonese) .....	95
46		
47	Examination-in-chief by MR SHIEH .....	95
48		
49	Examination by MR PENNICOTT .....	97
50		

1	Cross-examination by MR TSOI .....	113
2		
3	Re-examination by MR SHIEH .....	122
4		
5	(The witness was released) .....	124
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		