Monday, 10 June 2019

(10.01 am)

MR LEUNG CHI YUNG, RONALD (affirmed in Cantonese)

Examination-in-chief by MR SHIEH

MR SHIEH: Good morning, Mr Leung.

A. Good morning.

Q. Welcome to the Commission of Inquiry to assist us.

You have made one witness statement for the purpose of this Inquiry. Can I ask you to turn to bundle CC6, page 3828. This is a document headed, "First witness statement of Ronald Leung"; can you see that?

A. Yes.

Q. Can you turn to page 3835, and you can see what appears to be your signature there?

A. Yes.

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

A. Sorry?

Q. Are you prepared to put forward the contents of this witness statement as your evidence before this Commission of Inquiry? Do you confirm that the contents are true?

A. Yes.

Q. Thank you.

Just to let the Commission have an idea as to your

position in the organisation structure, can I first of all ask you to look at -- for this, we have to look at the old bundle, in part 1 of the Inquiry. It's bundle C7, page 5536, under "HHS", "Senior site agent", you can see Marco Chan, and on the left, "Accommodation Blocks", we can see "Site agent Ronald Leung"; that's you?

A. Yes.

Q. If we turn to the top left-hand corner of this chart, it shows the situation as of late 2015; do you see that?

A. Yes.

Q. Can you confirm that this accurately reflects your position in the organisation structure of the project?

A. Yes.

Q. Can I then ask you to look at bundle CC2, page 526.

Under "East (SAT/HHS/NFA)", we can immediately see your name, "Site agent Ronald Leung"; can you see that?

A. Yes, but not quite agree because I didn't responsible for NFA previously.

Q. Sorry, you said you were not responsible for NFA?

A. Yes.

Q. North Fan Area?

A. No.

Q. You are not responsible for NFA?

A. No.

Q. But you were responsible for SAT and HHS; is that

correct?

A. Yes.

Q. Thank you. And if you look in the top left-hand corner, this is the chart in relation to the situation as of May 2017?

A. Mmm.

Q. Subject to the correction about NFA, you confirm that this accurately reflects your position in the organisation structure?

A. Yes. During that time, yes. Sorry.

Q. Thank you. Can you remain seated in the witness box, because other lawyers, other counsel, would have questions for you, starting with Mr Ian Pennicott in front of me, and then lawyers from the other parties, as well as Mr Chairman and Mr Commissioner. Following their questions, I may have some follow-up questions for you. Do you understand?

A. Okay.

MR SHIEH: Can you remain seated and answer the questions. Thank you.

Examination by MR PENNICOTT

MR PENNICOTT: Good morning, Mr Leung.

A. Good morning.

Q. On behalf of the Commission, thank you for coming along to give evidence this morning.

First of all, can I confirm you are currently

content to give your evidence in English and we don't need to use the interpretation services?

A. Sorry, I'm not. Can I have a translator?

Q. You can. We perhaps should have explained that to you earlier. If you wish to give your evidence in Cantonese, please do, and it will be interpreted to you through the headphones.

(The witness put on the headphones)

So I'm now expecting you to give your answers in Cantonese and they will be interpreted --

A. 係。

Q. -- so we can all understand what's going on.

You were, as we have just seen, for the majority of the time, a site agent on the project?

A. 係。

Q. And you started work on the project at the end of May 2015, and you left in or about June 2018; is that correct?

A. 係。

Q. Then I think you say that you now returned to the project earlier this year, that is 2019; is that right?

A. 係。

Q. And for the whole of the period, that is May 2015 to June 2018, my understanding is that you worked in the HHS area, principally on the accommodation blocks, but

also the track slabs, is that right, but not in the NFA, as you have made clear?

A. 啱。

Q. But also, in the period May 2017 to June 2018, so essentially the last year of your involvement, you also worked on the SAT area; is that right?

A. 係。

Q. And by May 2017, when you started doing some work in the SAT area, presumably most of the rebar and concreting had been completed by that time, is that right, in the SAT area?

A. 係，正確。

Q. So, in the SAT area, just so we clear that out of the way first, what duties or responsibilities did you have in the SAT area from May 2017 to June 2018?

A. 負責執漏同埋有啲少部分minor嘅outstanding works。

Q. Good. Now, in paragraph 8 of your witness statement, if you would be good enough to look at that, please -- that's at page CC6/3829 -- you say:

"My role as site agent in the HHS involved managing Leighton's team of 'frontline' engineers for this area."

Do you see that, Mr Leung?

A. 見到。

Q. And the frontline engineers included the following people, is this right: Jeff Lii?

A. 係。

Q. Matthew Tse?

A. 係。

Q. Alan Yeung?

A. 我記憶中，Alan Yeung冇under過我。

Q. All right. Roger Lai?

A. 都唔係直接under我哋--我嗰條line嘅。

Q. All right. Kelvin Cheung?

A. 都唔係。

Q. WC Lam?

A. 係。

Q. Hugh Harrington?

A. 都係。

Q. And SK Ng? Probably not, he was in the NFA.

A. 唔係。

Q. Right, okay. Right. Mr Leung, who was responsible for ensuring that there were enough engineers in any particular area at any given time? Was that part of your responsibility or somebody else's?

A. 係我上司嘅責任。

Q. And your superior being?

A. Marco Chan.

Q. Okay. But presumably, if any of those frontline engineers that you've identified had a problem, would they come to see you first, before they went to

Mr Marco Chan?

A. 係。

Q. And presumably, if the problem were serious enough, you would then pass it on to Mr Chan; is that right?

A. 當然。

Q. Right. And throughout the course of your works managing the frontline engineers that we've identified in the HHS area, did any of them come to you with any problems concerning being overworked and overstretched, overwhelmed with the amount of work they were required to do?

A. 有，經常都有發生。

Q. Right. What did you do about it?

A. 有時如果係响地盤，即係佢哋太忙，分唔到身，地盤嘅inspection我會幫手。

Q. All right. Let's just break it down a bit. Do you ever recall Mr Jeff Lii coming to you and saying that he felt that he was under too much pressure and overworked? Do you remember Mr Jeff Lii having any such conversation with you?

A. 有提過嘅，但係具體係邊個時段我就唔記得。

Q. Was it just on one occasion or more than one occasion?

A. 超過一次。

Q. Right. Several times?

A. 係。

Q. Right. So what did -- in relation to -- focusing on

Mr Lii, what did you do about that, about his complaints, if that's the right word?

A. 我會睇下佢係邊一方面做唔切，如果係嘅，睇下其他嘅同事幫唔幫到手，我會將--可能將佢部分嘅文件嘅工作會交畀其他嘅engine或者TA負責。

Q. All right. I'll come back to the question of paperwork and RISC forms in a moment, Mr Leung, but before we get there, can I just ask you this. If you look at paragraph 10 of your witness statement, please, you make reference to your site visits, and you say that you would usually see the engineers in your team and MTRC's engineers or IOWs conducting both routine and formal inspections of the works. You say:

"I would also sometimes conduct inspections of the works myself, including to visually inspect the reinforcement that was installed (or in the process of being installed) by the rebar fixing sub-contractor (Wing & Kwong Steel Engineering Co Ltd for the HHS) ..."

Just pausing there, did you have frequent contact with the foreman or supervisor of Wing & Kwong?

A. 可以咁講。

Q. Who was that? Do you remember his name?

A. 阿俊。

Q. Right. So how often would you get to speak to him during the course of a week, Mr Leung; do you recall?

A. 最少都兩次。

Q. Right. If he had any particular problems or issues with the rebar fixing, would he raise them with you?

A. 佢通常會同我哋嘅工程師講咗先嘅，如果有啲係較為嚴重性工程師解決唔到嘅，先會去到我嗰邊。

Q. Right. Did that happen on occasion, that he would make contact with you because there were sufficiently serious issues?

A. 我記憶中冇。

Q. Right. What sort of impression did you form of Mr Ah Chun, of Ah Chun?

A. 勤力，認真。

Q. Right. Conscientious?

A. 係，有嘅。

Q. Right.

In paragraph 15 of your witness statement, Mr Leung, at page 3831, you refer to the formal inspections:

"The formal inspections for rebar fixing usually involved checking the arrangement of the rebar, the size of the rebar, the spacing of the rebar, the lap length of the rebar and the connections between rebar and couplers. I instructed the frontline engineers in my team to perform these tasks."

In terms of the connections between the rebar and the couplers, Mr Leung, were you satisfied that the engineers knew what a properly connected rebar to

coupler looked like?

A. 佢哋應該熟悉嘅。

Q. Did you yourself know what a properly connected rebar to a coupler should look like?

A. 我估係所有嘅螺絲牙扭到入去。

Q. And so that was the primary thing that the engineers and yourself would be looking for, full connection or almost full connection; is that right? That is, no threads or very few threads showing.

A. 係，冇錯。

Q. I said I would turn to the RISC forms. I'm going to. In paragraph 17 of your witness statement, Mr Leung, you say:

"Leighton has disclosed a table summarising the records of the formal inspections for rebar fixing and pre-pour checks for the HHS ... This table shows that Leighton's engineers in the HHS submitted some but not all of the RISC forms for these formal inspections."

First of all, Mr Leung, did you have any involvement in the preparation of that table?

A. 有。

Q. And what involvement was that? What was your role?

A. 我嘅角色就係都係幫手搵番我哋之前入過嘅RISC form同埋啲相關嘅文件，就擺番落個表度。

Q. Right. Did you actually input the information into the

form yourself or was that somebody else's responsibility?

A. 呢個表除咗我，仲有其他同事負責嘅。

Q. Right. Anyway, you had some involvement in it. Have you checked its accuracy?

A. 都有，我對過唔止一次。

Q. Right. Okay. We'll look at one or two entries in a moment.

Was it part of your responsibility, as you saw it, Mr Leung, to ensure that the RISC forms were issued by your team of engineers that you were managing?

A. 係，有。

Q. You say, in paragraph 19 of your witness statement, if I have understood it correctly, that you had at least three conversations with an MTRC senior inspector of works, a Mr Victor Tung, about the non-issuing or non-submission of RISC forms. Is that correct?

A. 係。

Q. And Mr Tung, as I understand it, told you about the lack of RISC forms and, as I understand it, you spoke to your team about that and asked them why they had not completed some of the RISC forms. Is that right?

A. 係。

Q. Now, when did these conversations take place, Mr Leung? I've had some difficulty understanding the time frame

when these conversations took place. Was it during -- I mean, there's a sentence -- the second sentence of paragraph 19 says:

"It was only brought to my attention a few weeks after the construction of the HHS had been completed."

Is that right, that these conversations took place after the HHS completion?

A. 我唔係好記得exactly邊個時段收到呢個訊息，但係應該喺未完成之前，董生都有提過我哋繳交番嗰啲RISC form嘅。

Q. Yes. You see, you say in the first sentence of paragraph 19 -- Mr Leung, I'm genuinely trying to understand this:

"I did not know during the period of construction of the HHS that some of the RISC forms of the formal inspections in the HHS had not been completed by the frontline engineers in my team."

Now, my understanding of some answers you gave to me a little earlier was that you had complaints by somebody such as Mr Jeff Lii that he was overworked, and did you not understand from those conversations that you had with Mr Lii that the paperwork, the RISC forms, weren't being done at that time, during the course of the works?

A. 我都知道。

Q. Right. So you were aware during the course of construction that some of the RISC forms were not being submitted; is that right?

A. 係。

Q. Right. And during the course of the works, Mr Leung, what did you do about the lack of submission of RISC forms?

A. 我會提番我啲工程師儘快繳交番睜啲--即係已經inspection咗、睇咗、落完石屎㗎喇，儘快繳交番嗰啲RISC form。

Q. And they didn't follow your instructions, did they, Mr Leung? Because we know -- we can look at the table in a moment -- we know that there are many, many RISC forms on the HHS that simply were never submitted at all.

A. 當我同我工程師講完之後，我見到佢哋係有補番一沓咁嘅form，但係我唔會知道嗰沓form係咪已經足夠，我就見到佢哋已經有繳交番，提完佢哋之後。

Q. Did you regard the non-submission of the RISC forms as a serious matter?

A. 唔會囉，因為我哋每一個hold point，我哋都會有得到地鐵嗰邊嘅inspector檢收同埋agree咗，我哋先落嘅。

Q. Okay. And you saw that as more important than filling out the paperwork; is that what it comes to, Mr Leung?

A. 唔係好明白，可唔可以問多一次？

Q. Sure. You regarded it as more important that the MTR inspectors inspected the works and gave the go-ahead for the next activity, rather than filling out the RISC forms?

A. 係。

CHAIRMAN: Sorry, could I just ask a couple of questions briefly. You said that you would speak to your people about the failure to submit or, rather, to complete and then submit RISC forms. You saw that they submitted a number of them, but you never checked on how many. Is that right?

A. 係，冇錯。

CHAIRMAN: So did you not sort of sit with each of them and say, "Right, how many RISC forms are you behind? Okay, let's, you know, get together in three days' time or something and we can tick them all off and make sure they are all done", or something like that? I'm just thinking of something a little bit more methodical.

A. 我冇做過呢個動作，因為當時大家都有好多更重要嘅工作要做，所以我都冇話好注意呢一樣所謂唔夠--呢個miss form--RISC form嘅繳交情況。

CHAIRMAN: And, in your statement, you speak about what appears to be a habit on the part of the engineers that because of the pressure of work, they would often get the MTRCL's okay to conduct a formal inspection, a hold-point inspection, on the basis that the RISC form would be supplied later. Is that the case? It became quite common to do that?

A. 係。

CHAIRMAN: And so the immediate concern for you and your engineers was to keep the work going, to make sure that

the inspections took place without delay, and the paperwork would catch up later?

A. 係，冇錯。

CHAIRMAN: Okay. Did you have any particular system for ensuring that the paperwork did catch up later, or was it really a question of just dealing with it as and when somebody raised the issue?

A. 其實我哋啲工程師每--佢知道有啲--有幾多form係要入番嘅，可能佢哋之後可能太忙，都有啲漏咗。

CHAIRMAN: All right. In fact, I think you yourself said -- this is not a criticism, I hasten to add -- but you yourself said you had one RISC form which you were busy and you had forgotten about?

A. 係。

CHAIRMAN: Thank you. Sorry.

MR PENNICOTT: Not at all, sir. Thank you very much.

Just to take up the Chairman's last point, Mr Leung -- if we can take up the table, the HHS summary table, at CC9/5642. If we go to CC5651, we are in the table, or part of the table, that deals with the accommodation blocks; do you see that, Mr Leung?

A. 見到。

Q. And your name appears three times on this particular sheet, at items 31 twice and down at 37; do you see that?

A. 見到。

Q. And in relation to those items, you are described as the responsible engineer?

A. 係。

Q. I imagine that the one RISC form that you didn't submit or issue is the one at number 31, the second item at 31; is that right?

A. 係。

Q. I've looked at the other two RISC forms, Mr Leung, for which you are described as the responsible engineer. That is numbers 8579 and 8306 and in fact your name does not appear on either of them. Were you aware of that?

A. 我知道。

Q. They were filled in by somebody called Yvonne Lai; is that right? Have I got the name right?

A. 係。

Q. She was one of your colleagues?

A. 係，冇錯。

Q. What was her position?

A. 工程師。

Q. Okay. So why is it that on here you're described as the responsible engineer for those matters or for those items?

A. 因為張form就係Yvonne佢issue嘅，而喺個system，即係個INCITE嗰個system嗰度，佢個responsible engineer佢擺咗我個名，因為我估當時

係因為Jeff Lii放緊假或者係唔喺公司，某啲原因，就所以落咗我個名，但係張form gen.出嚟，就唔會有呢個responsible engineer個名喺張form度。

Q. I follow. Thank you very much.

Sir, I'm not going to those two RISC forms, but I'll just, for the purposes of the transcript, since I've mentioned them, just tell everybody where they are. The first one, 8579, is in CC9 at page 5657.10244, and the second one, 8306, is at CC9/5657.10674. But as I say, I'm not going to them.

CHAIRMAN: Okay.

COMMISSIONER HANSFORD: Sorry, just so that I can understand that, Mr Leung, what you've just told us, do I take it that Yvonne -- sorry, what was her surname?

MR PENNICOTT: Yvonne Lai, L-A-I.

COMMISSIONER HANSFORD: Yvonne Lai was not qualified as a responsible engineer in the context of these forms, is that the reason why your name was there?

A. Yvonne Lai佢主要個職責其實係support team嚟嘅，主要佢係喺site office度幫手入下form、做啲文書工作、訂料，對於現場地盤嘅巡查，佢就唔係太清楚，所以佢就擺咗我個名。

COMMISSIONER HANSFORD: Right. But who carried out the inspection? Was it you or was it Yvonne?

A. 應該係我。

COMMISSIONER HANSFORD: Right. Okay. Thank you.

MR PENNICOTT: Sir, would you like to look at one of the forms?

COMMISSIONER HANSFORD: No, that's fine.

MR PENNICOTT: All right.

Lastly from me, Mr Leung, can I just ask you to look at paragraph 26 of your witness statement. That's at page 3834, CC3834. This is under the general heading, "Testing of rebar and couplers", and in paragraph 26, you say:

"During the period of construction, I understood that all of the tests for the batches of rebar ordered by my team had been completed and the results were satisfactory. I have recently learned that some batches of rebar ordered by a member of my team (WC Lam) were not tested after arriving on site."

So, pausing there -- you say "some batches" -- have you identified or been able to identify, Mr Leung, how many batches?

A. 我唔清楚有幾多批。

Q. Right. Are we talking about batches of rebar used in the HHS area?

A. 如果係under WC Lam order嘅，就應該係。

Q. Right. When you say you have "recently learned that some batches of rebar ... were not tested", who has informed you of that, Mr Leung?

A. 係我哋公司嘅QA department。

Q. Right. But having been informed of that by the QA department, you haven't followed up and tried to investigate and establish the number of batches that were not tested; is that right?

A. 我冇數過有幾多批，佢有show過畀我睇嗰個表有幾多係冇做test，我唔係好記得有幾多批。

MR PENNICOTT: Okay. It may be that we will be able to trace that table, but okay. Thank you very much, Mr Leung.

Sir, I have no further questions at this stage.

MR TSOI: We have no questions for Mr Leung.

MR BOULDING: No questions, sir. Thank you.

Cross-examination by MS PANG

MS PANG: Good morning, Mr Leung.

A. 早晨。

Q. I represent the government and I have a couple of questions for you.

Can I start by asking you some questions about paragraph 14 of your witness statement. If we can go to page CC3831, can I ask you to look at subparagraph (e).

By the way, just to put things in context, in this particular paragraph, I think you describe the procedures for the hold-point inspection, so subparagraph (e) is part of the hold-point inspection, and you describe at paragraph (e):

"The practice was to arrange for rebar fixing and

pre-pour work to be completed simultaneously to reduce delay. If that happened, the formal inspection for the pre-pour check could proceed shortly after the formal inspection for the rebar fixing ..."

I'm just wondering if you can elaborate on this paragraph, because I'm wondering how could the rebar fixing work and pre-pour work be -- what does it mean by saying that these two types of work would be completed simultaneously, can you explain that?

A. 因為通常睇鐵就係港鐵嗰邊嘅工程師負責嘅，而收--落石屎之前收一般嘅清潔就係港鐵嗰邊嘅inspector，所以有時可能睇完第一次rebar fixing，睇完之後，有少少minor defect要執好先至得嘅，可能去到最屘階段，臨落石屎前先至執好嘅，呢兩個工序有機會會同時响地盤發生。

CHAIRMAN: Sorry, I need a little bit of help there. Thank you.

My understanding is that you had the rebar fixing which was completed and then you had a hold-point inspection, and then after that, when the hold-point inspection was successfully done, you would then have formwork that needed to be done and you would also have pre-pour work that needed to be done, which would consist of cleaning out the debris and things like that from the rebar area. Is that right? And if so, are you saying that these jobs were then all done together?

A. 我哋個HHS個部分主要係分咗track slab同埋trough wall嘅，track

slab其實佢係一個大嘅area，佢只不過係得兩邊旁板嘅啫，响呢個情形之下，紮鐵--收紮鐵同埋收清潔係可以同時進行嘅。

CHAIRMAN: All right. Thank you.

MS PANG: That clarifies my question.

In that case, I want to move on to a different topic. Can I ask the Secretariat to bring up BB5789.

Mr Leung, you should now have a copy of an email addressed to you in front of you. Can you see on the top of the email, "To: Ronald Leung"; is that you?

A. 係。

Q. And this is an email sent to you by a construction engineer of MTR called Jason Kwok. Do you know him?

A. 認識。

Q. Let's take a look at the contents of the email. Just for the record, the date of this email is 30 June 2017. It says here:

"Dear Ronald,

Please note that the rebar inspection was rejected this pm for the remaining footing at VRV unit, due to incomplete fixing of the coupler, refer to the attached photos. More than half of the coupler at the B1 rebar were not properly fixed. Your engineer did not rectify the defects and decided to cast concrete anyway. It is also note that general cleaning inspection was not arranged with our IOW before pouring concrete. This is

unacceptable."

So this is the content of the email.

Can I just confirm, the general cleaning inspection, that is actually the pre-pour check; is that right?

A. 係。

Q. So, according to this email, the rebar fixing check and the pre-pour check were both not completed before concrete was poured; is that correct?

A. 呢個檢查係有做到嘅，都係Jason Kwok做嘅，只不過佢做完之後有啲defect要我哋執番，我嘅理解就係我哋冇執到。

Q. At that time, were you aware of this incident?

A. 因為嗰一段時間我放緊假，我都係7月2號定3號返番嚟，我先至睇到呢個email。

Q. Right. When you became aware of the incident, what was your reaction? Were you surprised?

A. 我有搵過我嘅工程師問過佢嘅解釋。

Q. And from the record, the engineer responsible for this was WC Lam; is that correct?

A. 係，啱。

Q. So you spoke to him; right?

A. 係，冇錯。

Q. And what did he tell you about the incident?

A. 佢就同我講就佢同Jason睇完鐵之後有個咁樣嘅comment，佢就叫咗我哋負責嘅科文同紮鐵嗰邊溝通，就叫佢執番好佢，佢就同我講就話因為可能

係嗰啲中間嘅溝通有啲錯誤，佢哋就冇執到，就照落咗石屎，呢個就係佢畀我嘅解釋。

Q. So his explanation to you was there was a communication error, essentially; is that correct?

A. 係，冇錯。

Q. And did you accept this explanation?

A. 我接受咗佢呢個解釋嘅。

Q. But we know from the email that not only was the rebar fixing work not rectified; the pre-pour check was also not conducted. Now, given that both the rebar fixing work and the pre-pour check was not completed, do you still find the explanation acceptable?

A. 呢個係佢唯一畀我嘅解釋。

Q. Perhaps we can take a look at the photos attached to this email. That would probably give us a better idea of the situation. Can we turn to the next page, 5790.

CHAIRMAN: Sorry, again I'm interrupting; my apologies. You spoke to the engineer, and I think you said -- and I'm open to correction -- that he explained to you that in fact the rebar fixers had then corrected any problems. Is that right?

A. 唔係，佢同我講係佢同個科文講咗，叫個科文同紮鐵工人聯繫，就應該係呢一度有個溝通上嘅錯誤，應該我哋現場嘅科文就係冇搵到我哋啲紮鐵工人係修補番，然後就繼續落咗石屎。

CHAIRMAN: All right. So what you had was, as I understand

it, you had over 50 per cent, however many rebars that is -- I don't know -- of these rebars were not fully engaged with the couplers, nor had there been any cleaning of the area to make sure that there was no rubbish lying around that might create vacuums in the concrete later, et cetera. All of this was raised by Jason Kwok of MTR, but presumably not on the basis of a written RISC form?

MS PANG: Mr Chairman, I'm actually going to take this witness to the written RISC form.

CHAIRMAN: Are you? Good. Thank you very much. I just wanted to understand.

And you are saying that because of a miscommunication -- we will leave aside the RISC form itself -- the concrete was just poured?

A. 係。

CHAIRMAN: And what did you do?

A. 正如我頭先講，我嗰段時間係放緊假，我之後返嚟，我收到呢個email，我expect港鐵會出番個正式嘅NCR嘅report畀我哋，我先至會--可能會有後續續嘅工作，但係之後都冇收到，可能有另外啲事忙咗，我都冇再跟進呢一樣嘢。

CHAIRMAN: All right. Thank you.

Sorry, my apologies for holding you up.

MS PANG: No problem at all.

Mr Leung, you just mentioned that you did not

receive an NCR from the MTR. Do I understand you correctly, there was no NCR?

A. 冇。

Q. So presumably no rectification work was carried out because there was no NCR?

A. 冇錯，我理解係。

Q. So, basically, nothing was done about this?

A. 係，冇。

Q. Mr Leung, are you aware or do you recall that at or about the time of the incident, that is late June 2017 or early July, MTRC actually -- a RISC form was actually issued and MTRC actually specified their rejection on the RISC form; do you recall that?

Or perhaps we can take a look at the RISC form. That might be easier. BB5796. Sorry, we should probably start at 5794.

We see that the date of this RISC form is actually 30 June 2017, and item (2), the work to be inspected, rebar fixing of footing at VRV room; do you see that?

A. 見到。

Q. And under "Part B", we see the name of Jason Kwok; do you see that?

A. 見到。

Q. And under item number (6), "Notes", it was stated that there was incomplete fixing of coupler; do you see that?

A. 見到。

Q. If we move down to "Part C", "Permission to carry out the proposed work outlined in (4) above is not given"; do you see that?

A. 見到。

Q. So this RISC form recorded that MTRC did not give approval to proceed with the works; is that correct?

A. 係。

Q. Let's take a look at 5796. This is the RISC form for the pre-pour check. So again we see that the date is 30 June 2017, and the work to be inspected is "Check cleanliness and formwork of footing at VRV room". So this is the pre-pour check; correct?

A. 見到。

Q. And under "Notes":

"No invitation for general condition inspection of formwork of footing (rejected)."

And under that, we also see a couple of handwritten notes:

"Leighton please review your ITP system and brief to your front staff, it is totally unacceptable, and please tell me how to prevent the problem occur again."

Do you see that?

A. 見到。

Q. At that time, did you receive a copy or did you have

a look at a copy of these two RISC forms?

A. 冇，呢兩份檢測表格冇直接去到我嗰邊。

Q. So who would have received a copy of the RISC forms?

A. 呢兩份應該係經system return番畀我哋，最先就應該係我哋嘅QA department收到。

Q. Am I correct to understand that no one from the QA department has asked you to follow up with this?

A. 係。

Q. So, as far as you are aware, there was no review of Leighton's ITP system as requested by MTR; is that right?

A. 係，冇錯。

CHAIRMAN: Sorry, again, "ITP"? I'm not good with initials.

MS PANG: Inspection and test plan.

CHAIRMAN: Thank you.

MS PANG: And so far as you are aware, you did not get back to MTR on any proposal on how to prevent the same problem from happening again?

A. 冇。

Q. Mr Leung, just only one last follow-up question I would like to ask you. It's concerning the problem of the non-issuing of -- non-submission of RISC forms.

You recall that during your exchange with my learned friend Mr Pennicott, you agreed that it was your responsibility to ensure that your team issues RISC

forms on time, do you recall that?

A. 係。

Q. And you also told us that you were aware of the issue of non-submission of RISC forms during the construction of the works; do you recall that?

A. 係，記得。

Q. And your evidence was that you did not consider this a serious problem because the focus at that time was to keep the work going. Is that right?

A. 係，冇錯。

Q. I'd just like to ask you to take a look at an email, at CC6208. The email that I would like you to look at is actually at the bottom of this page.

We can see that this is an email from Kenneth Kong of MTR, and the date is 24 March 2017. On the second line under "Cc", do we see there your email address?

A. 見到。

Q. If you turn over the page, you can see the contents of that email. I don't propose to go into details. Do you have any recollection of receiving this email?

A. 冇乜印象。

Q. Right. In that case, then perhaps we should take a look at the first paragraph of this email:

"It is very disappointed for your frontline engineers/agents without submit the request for

inspection form to our inspectors/construction engineers I/II for any black and white notice of works through the RISF for a certain months. This cases were mostly happened at SAT, NAT and HHS respectively. The contractor should adequate notice MTR through the RISF to our construction engineers I/II/inspectors to carry out the individual on-site inspection."

Do you see that?

A. 見到。

Q. So, in essence, this is a complaint from MTRC to Leighton of the problem of non-submission of RISC forms; right?

A. 係。

Q. Were you aware of this complaint at that time, at the time of the email?

A. 唔知。

Q. So you have no recollection at all of having received this email?

A. 冇乜印象，因為係每日太多電郵，所以可能overlook咗。

MS PANG: Thank you, Mr Leung. I have no further questions.

MR LAU: No questions.

Questioning by THE TRIBUNAL

COMMISSIONER HANSFORD: I have one question. Mr Leung, can we have a look at paragraph 24 of your witness statement. In paragraph 24, you are referring to

temporary works inspections and permit to load before concreting. Is that correct?

A. 係。

COMMISSIONER HANSFORD: And you say:

"These TW4 forms [that's the permit to load forms] would be signed and issued by a temporary works coordinator ..."

Yes?

A. 係。

COMMISSIONER HANSFORD: But then in the final sentence, you say:

"These TW4 forms provide further evidence that the engineers in my team were supervising and inspecting the works."

Was the temporary works coordinator one of the engineers in your team?

A. 唔係，呢個係一個另外一個獨立嘅人員，係我哋design engineering department嘅，就唔係under 我哋construction team。

COMMISSIONER HANSFORD: So how do these TW4 forms provide further evidence that the engineers in your team were supervising and inspecting the works? I don't understand what you mean by that sentence.

A. 因為呢個checking係我哋嘅工程師同埋呢個TWC一齊進行嘅，有啲乜嘢--現場有啲乜嘢需要更改或者需要加固，佢都會直接同我哋嘅工程師聯絡，而由我哋嘅工程師同番我哋嘅判頭或者科文講番要點樣執番靚--執番正確，先

至簽到呢張所謂嘅TW4嘅forms。

COMMISSIONER HANSFORD: Thank you. So if the TW4 form was not signed, would it be possible to pour concrete?

A. 以我理解，唔得。

COMMISSIONER HANSFORD: Whereas if a RISC form is not signed, it is possible to pour concrete; is that correct?

A. 個重點係要經過港鐵嘅inspector睇過同approve，張RISC form佢哋都accept我哋可以遲一步交嘅。

CHAIRMAN: I don't think that answers the question, really.

COMMISSIONER HANSFORD: Well, it seems to me that the TW4 forms were treated very seriously because, without them, concrete could not be poured. Is that correct?

A. 係。

COMMISSIONER HANSFORD: But that's not the case with RISC forms; is that correct?

A. 正確嚟講，我哋嘅inspection，我哋係有個--我哋係主要係靠個WhatsApp group，我哋張TW4嘅form sign咗，approve咗之後，我哋會將呢一張form影相，send番去個group度，港鐵inspector睇完有呢一張form，加上佢確認咗佢哋嘅inspection係approve嘅，就可以畀我哋落石屎。

COMMISSIONER HANSFORD: Right. I understand. Thank you.

MR SHIEH: No re-examination.

CHAIRMAN: Thank you very much indeed.

Mr Leung, thank you very much. Your evidence is now completed. Thank you for your assistance.

WITNESS: 好，唔該。

(The witness was released)

MR PENNICOTT: Sir, can I just make one point to try and tie up the point that was put by Ms Pang to the witness. I am grateful to Ms Pang for drawing our attention to the email of 30 June and the photographs that were attached.

If one looks at the sheets we have, one can find it at item 64, and it's quite interesting that it's actually the penultimate pour on the HHS accommodation blocks, right at the end. I think there was one pour that followed it. It's quite interesting just to tie these things together sometimes. It wasn't sort of out of the blue but right at the end.

MR SHIEH: The next is a Leighton witness, Alan Yeung.

MR YEUNG KA LUN, ALAN (affirmed in Cantonese)

Examination-in-chief by MR SHIEH

MR SHIEH: Good morning, Mr Yeung. Welcome to the Commission of Inquiry.

For the purpose of this Inquiry, you have made two witness statements. Can I just take you to them one by one. First of all, can you look at bundle CC6 at page 3818. You can see this is your first witness statement; do you see that?

A. 見到。

Q. If you turn to page 3827, that is your signature on that

page?

A. 見到。

Q. Right. Then you made a further witness statement, in bundle CC10, at page 6492. That is your second witness statement; do you see that?

A. 見到。

Q. If you turn to 6493, we can see your signature there?

A. 見到。

Q. Do you put forward the content of these two witness statements as your evidence in this Commission of Inquiry, by confirming the truth of their contents?

A. 我確認。

Q. I am going to show you two corporate charts which hopefully would help us in putting your position in the organisation structure.

First of all, we would look at the old bundles in the Original Inquiry, bundle C7, page 5531. If you look at below "(Senior) site agent" for HHS, "Marco Chan" -- do you see "Marco Chan"? It is about 4 o'clock to the "MTRC" blue box. If you look down to the right, you can see "Senior Engineer Alan Yeung"; you can see your name there?

A. 見到。

Q. And if you look at the top left-hand corner of this diagram, it shows the position as of January 2015; do

you see that?

A. 見到。

Q. If I can ask you to turn to page 5537. This shows the position as of September 2016 on the top left-hand corner; do you see that?

A. 見到。

Q. Again, if you look at the blue "MTRC" box, around 4 o'clock to the blue "MTRC" box, under "Area A/SAT", if we look down, we can see your name under Andy Chan; can you find that?

A. 係，我見到。

Q. Do these two charts accurately reflect your position in the organisation structure at the relevant time?

A. 可以。

Q. Thank you. Can you remain seated and answer questions which may be put to you by Mr Pennicott for the Commission, in front of me, and other lawyers, as well as the Commissioner and Mr Chairman, following which I may have some follow-up questions for you. Do you understand?

A. 冇問題。

MR SHIEH: Thank you.

Examination by MR PENNICOTT

MR PENNICOTT: Mr Yeung, good morning. As Mr Shieh has indicated, my name is Ian Pennicott, I'm one of the

counsel for the Commission, and I'm going to ask you a few questions. Thank you very much for coming along to give evidence to the Commission this morning.

As usual, let's just get your -- the work responsibilities that you did clear first. Now, my understanding is that from September 2014 to January 2016, Mr Yeung, you were a senior engineer deployed to the HHS area; is that right?

A. 係，冇錯。

Q. And in particular, as I understand it, deployed to be responsible for the track slab areas; is that right?

A. 係。

Q. Then, as we've just seen on that chart, the second chart that Mr Shieh took us to, in January 2016 to January 2017, you transferred, effectively, to the -- or became responsible for the SAT NSL level; is that right?

A. 係。

Q. So we again have to look at both the HHS table and the SAT table so far as it relates to the NSL, and I think it's the first time we've looked at the SAT NSL together, but let's start with the HHS because that's chronologically first.

Before we do that, can I just ask you this, Mr Yeung. In paragraph 7 -- it's becoming rather repetitive -- but you say in paragraph 7 of your first witness statement at page 3819 that the sub-contractor

responsible for rebar fixing was Wing & Kwong.

Just pausing there, your main point of contact, I imagine, was Ah Chun; is that right?

A. 係。

Q. And how often did you see him during the course of a working week, Mr Yeung?

A. 大多數都係每一、兩日就會見一次。

Q. And would you have regular conversations with him?

A. 係，冇錯。

Q. And if he had any problems or difficulties or issues with the works, would he raise them with you?

A. 佢會嘅。

Q. Did that happen very often?

A. 佢都唔會話經常有嘢問嘅，但係都係會間唔中有嘢。

Q. Okay. And presumably you would, if you were able, you would resolve any problem with him, or if there was a problem, you would -- if it was a more serious problem, you would refer it to your superior; is that right?

A. 係，冇錯。

Q. And what sort of impression did you form of Ah Chun?

A. 佢都係勤力喇。

Q. Right. That will do.

Now, Mr Yeung, as I understand it, in your role as senior engineer, you carried out, so far as the rebar is

concerned, both informal and formal inspections of the works, the rebar works; is that correct?

A. 係，冇錯。

Q. And perhaps to be a little bit more specific, was it the case that you would carry out an informal inspection in a particular area and you would also be responsible for carrying out the formal inspection in the same area?

A. 係，冇錯。

Q. Could I ask you, please, to look at paragraph 16(c) of your witness statement. That is under the heading "Formal inspections". You say -- that's at 3821:

"Before or around the time of a formal inspection, Leighton's engineer would issue a request for inspection and survey check ... form to MTR and would let MTR's engineer/IOW know the likely time of the inspection".

Then at paragraph 17(a) of your witness statement on the next page, you say:

"There were in fact two formal inspections of the rebar fixing works. The first was undertaken after the sub-contractor had installed the bottom layer of rebar and, the second inspection was conducted after the installation of the top layer of rebar".

Mr Yeung, so far as that last piece of evidence is concerned, would there be one RISC form that covered both the bottom and the top rebar, or two separate RISC forms?

A. 其實冇一個特定嘅指定規則去做嘅，就以我自己嘅做法，就係一張RISC form就交咗底同面嘅鐵嘅，就呢個我會同地鐵嗰邊嘅幫辦夾，就會大多數都係會睇second layer之前就會入嘅，呢張RISC form。

Q. Right. So one RISC form covering both the bottom and top layer was your practice?

A. 係。

Q. Can I ask you, please, to look at paragraph 21 of your witness statement.

Mr Yeung, this, I understand and appreciate, is a paragraph that you have corrected in your second witness statement. Do you follow?

A. 睇到。

Q. Right. You are dealing there with the table that we're familiar with in relation to the HHS, which you say you have not confirmed or checked the accuracy of. Now, that was what you said back when you signed your witness statement on 17 May. Would I be right in thinking that you have gone back and at least looked at that table, even if you haven't fully checked and confirmed its accuracy?

A. 因為當時律師同我講話要喺一日之內就簽番份嘢出嚟嘅，我就同佢講話我唔會簽呢樣嘢嘅，因為我確認唔到個number，當時就係我同佢講番就我要擺呢段statement落去，就話係我冇去confirm過，因為我--如果我由頭到尾去check一次嘅話，係非常之需時嘅。

Q. All right. But you have, in your second witness

statement, revised some of the numbers that we see in paragraph 21. Let me just now read it out with the corrections. You now say:

"However, according to this table [which we are going to look at in a moment], it shows that I submitted most of the RISC forms for the formal inspections that I was responsible for in the HHS, with the exception that I did not submit forms for [now it reads 27 out of the 66] relevant formal inspections in that area. The details are as follows:

(a) I did not submit a RISC form for [12 out of the 40] rebar fixing inspections ..."

I think that's right now, isn't it, Mr Yeung?

A. 呢個數字係當時律師畀我嘅數字嚟嘅，我亦都記得大約係呢個數嘅。

Q. Okay. And if we look at the table -- it's at CC9/5642 and we will pick up your name, Mr Yeung -- principally, it's at 5647. Do you see the column "Responsible engineer", Mr Yeung?

A. 我見到。

Q. And your name appears on one other sheet of this. I'm not going to go to it, but essentially what I think has happened is you've been identified as the responsible engineer in various areas, and we can see that there are quite a lot of areas where you have certainly issued the RISC form and a number of areas where you haven't, and the numbers of 12 out of 40 comes from just a check of

this column, as I understand it. Is that right, Mr Yeung?

A. 再講番我頭先嗰樣，我係冇好認真去check過呢份嘢嘅，因為當時嗰個時間係好短嘅，因為要我一日之內去check番晒所有嘅嘢，我亦都有其他嘢要做。

Q. Right. I'm just seeing if I can shortcircuit this.

Yes, Mr Yeung. I just want to look at one RISC form. In fact, you will need to go to page 5649 in this table, so go on a couple of pages, please.

You will see, in the "Responsible engineer" column, your name appearing towards the foot of the page, in the last ten or so entries. Do you see that, Mr Yeung?

A. 我見到。

Q. Right. The one RISC form I just wanted to look at briefly is 6122. I think the reference is CC9/5657.8343.

Mr Yeung, can you -- first of all, we can see that that's RISC form 6122. It has a date but no signature. The date is 11 February 2015; do you see that?

A. 我見到呢份form。

Q. Yes. As I say, there's no signature on here, Mr Yeung. If we scroll down, the rest of it is blank, so far as one can see, apart from the standard wording that appears on the form itself.

Do you have any recollection, Mr Yeung, as to what would have happened to this form and why there are

simply no details set out on it?

A. 對於呢份表格，我冇印象，就我睇到個location of works同埋嗰個做嘅嘢，我係知道嘅，但係你話我幾時出過份RISC form，我就冇印象，同埋係咪我自己出嘅，都冇印象。

Q. All right.

Let's then just briefly go to the SAT NSL area, for which purpose we need -- and we know that you started working there in January 2016. And if we go to the equivalent table -- it's at CC4397, in CC8 -- the SAT NSL part of the table is at the bottom of the page; do you see that, Mr Yeung? And it continues over to the second sheet; do you see that?

A. 我見到。

Q. It appears from this table, Mr Yeung, that you had a very high success rate in issuing the RISC forms because, as far as I can tell, so far as the rebar is concerned, it's just the four at the end that are missing. Do you see that?

A. 我見到。

Q. Right. The four missing all have dates on 20 or 21 June, do you see that, 2016?

A. 我見到。

Q. Do you recall, thinking back, Mr Yeung, that there was a particular problem on those days, those two days? It just seems odd that these four RISC forms, two days,

didn't get issued. Was there a particular problem that you recall?

A. 我冇乜印象。

Q. Okay. But, in any event, it appears, although there are -- we've detected a couple of similar blank forms similar to the HHS one we've just looked at -- you were -- you had a very good rate of issuing the RISC forms for the SAT area; is that right? And you didn't encounter any difficulties in issuing those RISC forms; is that correct?

A. 我冇咩嘢困難嘅，就如果係有嘅話，都係可能係唔記得咗。

MR PENNICOTT: Okay.

Then can I please just ask you -- sir, I see that it's 11.38. I have a couple of more points to make --

CHAIRMAN: Yes, certainly.

MR PENNICOTT: -- so perhaps we can break for 15 minutes.

CHAIRMAN: Yes.

We are going to have the morning break now for 15 minutes. You are still giving your evidence, Mr Yeung, and while you are giving evidence, you are not entitled to discuss your evidence with anybody else. Do you understand?

WITNESS: 明白。

CHAIRMAN: Good. 15 minutes.

(11.39 am)

(A short adjournment)

(11.58 am)

MR PENNICOTT: Thank you, sir.

Mr Yeung, I've decided not to go to any particular specific RISC forms with you, but can I just ask you this. Can you go to paragraph 23(a) of your witness statement at CC3824. You say there:

"For those formal inspections where I did not issue a RISC form, I confirm that:

(a) MTRC's engineer (for rebar fixing inspections) or IOW (for pre-pour check inspections) was contacted at or shortly before each 'hold point' and requested to attend a formal inspection".

Focusing, first of all, on the HHS, Mr Yeung, was that contact by telephone?

A. 我會係call inspector去睇嘅，但係我自己就冇話特別用WhatsApp去記錄呢樣嘢。

Q. Right. That was my second question. So far as the SAT is concerned -- so we are now at the SAT, moving on from the HHS -- was that by telephone or by WhatsApp, or perhaps it differed from situation to situation?

A. 我會用電話call佢哋去睇嘅，就但係我自己唔會用WhatsApp去記錄。

Q. Okay. So you weren't on one of the WhatsApp groups; is that right?

A. 我哋有嗰個WhatsApp群組嘅，但係我自己嗰個慣性，我係唔會喺嗰個WhatsApp群組嗰度去record低有冇收貨。

Q. No. I understand about that. But in terms of contacting the MTR to carry out the inspection in the first place, that was either done by telephone or through a WhatsApp group; is that right?

A. 透過電話。

Q. I see. All right.

COMMISSIONER HANSFORD: I suppose the reason for using a phone rather than a WhatsApp group is that if you go into the WhatsApp group, the message goes to everybody, whereas by phone it just goes to a single person. Is that the reason you contacted them by phone?

A. 唔係，我平時習慣打電話嘅原因係我鍾意電話比較快，可以call到嗰個人。

COMMISSIONER HANSFORD: Okay. Thank you.

MR PENNICOTT: All right.

Now, Mr Yeung, I appreciate that you had moved from the HHS to the SAT area in early 2017, but can I ask you this. At any time after early 2017, did Mr Ronald Leung speak to you about submitting outstanding RISC forms; do you recall?

A. 我唔係Ronald Leung嗰一面嘅一條team嘅，佢都唔會同我講嘅。

Q. And did anybody else speak to you about submitting outstanding RISC forms, either in relation to the HHS or the few, the very few, that were missing on the SAT NSL area?

A. 都冇。

Q. Okay.

Do you recall a gentleman by the name of Victor Tung from MTR?

A. 我記得。

Q. I wonder if you could be shown, please, BB14/9429.

A. 係，我見到。

Q. Mr Tung has told us that he set up, I think, a number of WhatsApp groups for the purposes of, amongst other things, setting up formal inspections of the rebar and pre-pour checks.

This is -- I'm not sure of the date, but is the "Alan" -- we see the name "Alan" there -- is that likely to be you, Mr Yeung?

A. 係我。

Q. Right. So would this have been in relation to the SAT NSL area or the HHS?

A. 呢個係HHS嘅位置。

Q. All right.

Sir, can I just have one moment?

I just wanted to check this, Mr Yeung, but this is, as I understand it, a message from Victor Tung to you but actually it's nothing to do with rebar, it's all to do with soil samples; is that right?

A. 冇錯，佢係講緊泥辦嗰樣嘢。

MR PENNICOTT: Okay.

Thank you, Mr Yeung. I have no further questions.

MR TSOI: I have no questions.

MR BOULDING: No questions. Thank you, sir.

MR CHOW: Mr Chairman, I have a few questions for Mr Yeung.

CHAIRMAN: Yes.

Cross-examination by MR CHOW

MR CHOW: Good morning, Mr Yeung. I represent the government and there are two to three areas that I would like to explore with you.

The first area relates to the installation of couplers. Can I ask, have you attended any training or briefing session given by BOSA, as to how to properly install BOSA's couplers?

A. 我冇參與過任何BOSA嘅講座嘅。

Q. At paragraphs 15 and 17 of your first witness statement, you mention about a few threads exposed; do you recall that? And I would like to know, to your knowledge, at that point, how many threads were showing, that you would regard it as acceptable during your inspection?

A. Normal practice就係要全部入晒嘅，就如果真係入唔到嘅話，就allow兩至三道牙。

Q. Two to three threads exposed; right?

A. 係。

Q. I would like to -- we know that Leighton has replaced a number of lapped bars by couplers for the purpose of

providing vehicular access within the construction site; is that right?

A. (Nodded head).

Q. I would like you to focus on those additional couplers that Leighton used to replace the lapped bars. Perhaps I should start by asking whether you have, during your rebar fixing inspection, have you inspected each and every of those additional couplers used by Leighton?

A. 我哋--即係engineer嚟講，係唔可能去全部去睇晒、去檢查嘅，因為我哋嘅duties有好多，但係儘可能我哋都會抽時間去。

Q. From your recollection, approximately how many per cent of those couplers have you inspected?

A. 大約一半。

CHAIRMAN: Sorry, Mr Chow, inspected in what context? Inspected as a unit, standing on its own somewhere, or do you mean as a coupled unit with the rebar into it?

MR CHOW: Yes. Perhaps I can clarify.

CHAIRMAN: Sorry.

MR CHOW: Just to make sure that, Mr Yeung, you have not misunderstood my question, when I asked you how many per cent approximately of those couplers that you have inspected, actually I was referring to -- as a splicing assembly, after rebar, threaded rebar, were screwed into those couplers, when you carry out your hold-point inspection, how many per cent approximately of those couplers' assembly have you inspected?

A. 我個人嚟講，就我覺得呢個唔可以用百分比嚟計嘅，但係如果你話真係要我畀個百分比，我話一半喇。

Q. So, other than yourself, were there any other engineers or inspectors who carried out the remaining portion of those couplers' assemblies?

A. 會有嘅。

Q. Can you briefly describe to us, when you carried out inspection for those assemblies, what did you look for; what have you checked exactly?

A. 如果係淨係講螺絲帽，係咪呀？

Q. Yes, the splicing assembly.

A. 我會睇嗰個絞牙嗰條鐵同個螺絲帽係咪入晒、完全安裝。

Q. So am I right in thinking that, based on your earlier answer, insofar as the exposed threads did not exceed three threads, you would have considered as a proper installation and accepted those couplers' assembly; right?

A. 因為喺我statement裏面都講過話唔可能係一個樓面就全部螺絲帽都係可以入晒牙嘅，就而我亦都喺地盤見到少量嘅螺絲帽係留番兩至三道牙，呢個我認為係可以嘅。

Q. For those couplers' assembly that you have inspected, can you confirm that there exists no documentary record of your inspection?

A. 因為如果文件嚟講，我相信嗰個rebar inspection就已經係包含咗嗰個螺絲帽入牙嗰樣嘢，因為如果幫辦佢唔簽嗰個RISC form嘅話，又何來會

寫嗰張嘢呢，係咪？就我相信係由頭到尾都喺地盤都冇一個RISC form位係去睇呢個螺絲帽嘅，我自己去做嘅，係咁樣。

Q. I would like to move on to another subject. Earlier, you mentioned that when you worked at the SAT area, you did not have real difficulty in issuing RISC form before the hold-point inspections and, occasionally, if you did miss one or two, you simply forgot to do so. Do you recall that part of your evidence?

A. 我記得。

Q. I would like to ask you that in those rare occasions where you forgot to issue a RISC form, was there any complaint from MTRC for such failure?

A. 我亦都冇收過呢樣嘅投訴。

Q. So, on those rare occasions, you simply phoned up MTRC's inspectors or engineers and then they would come and do the hold-point inspection with you, without any complaint; correct?

A. 冇錯。

Q. After that, they also did not chase for the production of the RISC form just to cover the earlier hold-point inspection that had been carried out; correct?

A. 我冇追佢--即係我冇印象佢哋有追過我。

Q. I would like to move on to the last topic that I intend to discuss with you. That's in relation to the rebar testing.

In paragraphs 27 and 28 of your statement, under -- in paragraph 27, you set out the standard steps and procedure for arranging material testing; do you see that?

A. 我見到。

Q. In paragraph 28, you mention, you say:

"I was diligent in arranging for the testing of rebar that I ordered for the HHS and SAT NSL area. I have been informed that I forgot to test two batches of rebar of five different lengths for the SAT NSL area."

Now, my understanding is that the rebars were supplied in bars of either 12 metres length or 15 metres length, and usually it's 12 metres in length. Is that correct?

A. 係，冇錯。

Q. 15 metres length of rebar is considered to be an extra long and you need to place special order for those kind of rebar; is that correct?

A. 我印象之中，我係冇落過order嘅，15米嘅，我通常訂嗰啲係12米嘅。

Q. I don't quite understand. When you say "two batches of rebar of five different lengths", what do you mean? Would you be actually trying to say five different diameters of bar?

A. 我咁睇呢度，SAT同NSL area，佢呢度係有五個order嘅，至於佢嗰個英文

嘅文法點解話different length，我就唔太清楚，但係我嘅--可以解釋，係five different batch。

Q. Okay.

A. 就唔關長度嘅事嘅。

Q. I see. Thank you very much.

For those two batches of rebars that you failed to arrange for material testing -- now, based on the procedure that you explained to us, when the rebars were delivered to site, you would inform MTR's inspector of works. Do you see, under paragraph 27(a), this is the first step you would take; do you see that?

A. 見到。

Q. So, in relation to the two batches of rebar that have not been tested, can you recall whether you have informed MTR's inspector of works when the two batches of reinforcement arrived at site?

A. 冇印象，呢件事。

Q. So am I right in saying that if you had informed MTRC's inspectors, they would at least come and sample it and you would not have overlooked that, is that a fair guess?

A. 唔排除佢哋都有可能唔記得嘅。

Q. Now, according to Mr Holden's evidence, we understand that there was a colour code system used on site to differentiate the successfully tested rebars from those

rebars that have not been tested. Is that in line with your recollection as to the system adopted on site?

A. 我當時係冇留意到呢樣嘢嘅。

Q. All right. So are you saying that, at that time, you actually could not differentiate -- when you, for example, walk around the site and look at the reinforcing bar, you cannot tell whether that particular batch of reinforcing bars has been successfully tested or not?

A. 如果嗰批鐵係有test過嘅，我知；但係如果佢真係喺第二啲區攞咗第二啲鐵過嚟嘅話，係真係分唔出嘅。

Q. So, according to you, it was quite possible for the steel fixers to use bars that have not been tested?

A. 通常都唔會，但係唔完全排除有呢個可能。

Q. Now, earlier, you said you -- if the bar is within your own area, you can actually tell whether those bars have been tested. Now, if there is no colour code system as described by Mr Holden, how could you do that? How can you differentiate bars, the tested bars from bars which have not been tested?

MR SHIEH: I'm sorry, I don't quite understand the question. The question is, "If there is no colour code system as described by Mr Holden". Is my learned friend suggesting that, as a matter of fact, what Mr Holden described to be the colour code system did not exist,

or ...?

Him not paying attention is different from the system not existing.

CHAIRMAN: Yes, perhaps you can clarify. Thank you very much.

MR CHOW: Thank you.

Mr Yeung, earlier you said you did not pay attention to the colour code system apparently adopted on site to differentiate those rebars which have been tested from other rebars which have not been tested. Can you tell us whether, as a matter of fact, do you know or do you not know whether there was such a colour code system on site?

A. 我有聽過，但係我亦都冇去follow 呢樣嘢嘅，因為如果我嗰一batch係test咗嘅話，我就唔會特別去留意呢樣嘢，我自己嚟講。

Q. I see. During the time when you worked on site, have you ever seen the rebar being painted in different colours?

A. 有見過。

Q. At that time, were you aware of the difference between the different colours used on reinforcing bars, what it represents?

A. 我唔會以呢樣嘢嚟作準，因為可能會有人多手噴，因為如果你係齋噴漆嘅話，係唔可以rely呢樣嘢，我覺得。

Q. Right. In that case, I have to go back to my earlier

question to you. For those bars that you ordered yourself, used in the areas that you were responsible for, as you were not aware of the meaning of different colours being used for the reinforcing bar, how could you tell whether a particular piece of rebar has been tested or not?

A. 首先我話喇，頭先我都講，我係唔排除判頭佢係會真係攞咗其他區嘅鐵去用嘅，我呢樣嘢係真係clarify唔到。

MR CHOW: I have no more questions for you. Thank you very much, Mr Yeung.

MR LAU: No questions.

MR SHIEH: I have no re-examination.

CHAIRMAN: Thank you very much.

Mr Yeung, thank you very much. Your evidence is completed. You are free to go now. Thank you.

(The witness was released)

MR SHIEH: The next witness is Mr Raymond Tsoi.

MR TSOI KA CHUN, RAYMOND (affirmed in Cantonese)

Examination-in-chief by MR SHIEH

MR SHIEH: Good morning, Mr Tsoi. Welcome to assist the Commission of Inquiry.

You have made one witness statement for the purpose of this Commission. Can you look at CC6, page 3790. You can see this is your witness statement?

A. 係，睇到。

Q. Can you turn to page 3798. That is your signature?

A. 係。

Q. Do you put forward and confirm the content of this witness statement as your evidence in this Commission of Inquiry?

A. 係，我確認。

Q. Can I show you some organisation charts so that we can put you in the appropriate place in the structure. First of all, C7, at page 5539. That is the chart, if you see the top left-hand corner, as of 15 March 2017. If you look at the dark blue "MTRC" box on top, and if you look at around 4 o'clock, right under "Joe Tam", in the middle, "Area A/SAT + HKC NSL", you can see "Graduate Engineer (II) Raymond Tsoi"; that's yourself?

A. 見到。

Q. Does it accurately present or reflect your position in the organisation at the time?

A. 有啲唔啱嘅。

Q. Can you clarify?

A. 我同我同事Ritter喺嗰個時候應該係分開代表咗唔同嘅負責嘅區域。

Q. Right. Okay. So which area were you responsible for at that time?

A. 我應該係負責SAT嘅，而Ritter係負責area A同Hong Kong C嘅。

Q. So what you are saying is that even though you and Ritter were both grouped under "Area A/SAT + HKC NSL", there should be a finer division and you were really

responsible for SAT?

A. 係。

Q. Then can you look at CC2, page 526.

If you look at the top left-hand corner, this is as of 31 May 2017; do you see that?

A. 係，睇到。

Q. Again, looking at the top dark blue "MTRC" box, around 5 o'clock to that, you can see under "West (NAT/GLJ/HWP)", "Gridline J", we can see your name there?

A. 係，見到。

Q. That one accurately represents your position as of May 2017?

A. 係。

MR SHIEH: Thank you. Other lawyers in this room, starting with Mr Pennicott for the Commission in front of me, and counsel for the other parties, may have some questions for you. Mr Chairman and Mr Commissioner may also ask you questions, and then I may ask you questions by way of follow up, so please remain seated.

Examination by MR PENNICOTT

MR PENNICOTT: Mr Tsoi, good morning. As Mr Shieh has indicated, my name is Ian Pennicott, I'm one of the counsel for the Commission; I've got a few questions for you. Thank you very much for coming along to give

evidence to the Commission today.

I just want to try to make sure I've understood -- although we've looked at the organisation charts, it seems to me that it only tells us a rather partial description of your involvement.

Now, you started with Leighton in 2013, as I understand it, as a graduate engineer; is that right?

A. 係。

Q. You tell us that in October 2015 to September 2016, so a period of one year, you were seconded to a consulting engineering firm called SMEC; is that correct?

A. 係。

Q. Between 2013 and October 2015, were you working on the SCL project?

A. 係。

Q. In what capacity were you working on the SCL project between 2013 and October 2015?

A. 我嗰陣時見習工程師，喺1112呢個項目度做。

Q. And which areas were you working in during that period?

A. NAT.

Q. What were your responsibilities in the NAT during that period?

A. 嗰陣時2013年嘅時候，我哋啱啱project開始咗，我哋做緊一個前期工作，包括site formation同埋一啲utility diversion，然之後我哋就開始進行有一條叫暢運道橋嘅建造工程，做完呢條橋之後冇耐我就second咗。

Q. Okay. I think with that helpful explanation, we can conclude that during that period, you were not carrying out any responsibilities with which this Commission is currently concerned?

A. 同意。

Q. Now, when you returned from your secondment to SMEC, that is in November 2016, I understand that you worked for a five-month period, that is from November 2016 to March 2017, in the SAT EWL area; is that correct?

A. 同意，啱，成立。

Q. Okay. Then, in around about April of 2017, as we can see on the chart that has helpfully been left up on the screen, you then transferred to an area called "West (NAT/GLJ/HWP)"; do you see that?

A. 見到。

Q. Can you confirm again that once we have reached that stage, that is April/May 2017, again you were in an area that doesn't concern the matters with which this Commission is concerned?

A. 唔係，我可唔可以做啲補充，關於呢個...

Q. Please do, yes.

A. 其實嗰陣時候HWP其實都係屬於SAT嘅其中一個area，而嗰陣時因為EWL嘅SAT我哋開始交畀地鐵去進行鋪路軌嘅工程，所以以我嘅認知，係將SAT分咗為西面同東面，因為我哋好難去行--越過個路軌，我哋行唔通，所以我哋啲上司應該係將佢分咗西面同東面，而我當其時仍然係負責緊SAT EWL嘅相關

嘅工序。

Q. Right. But am I right in thinking that by around about March 2017, the civil works -- the rebar, the concreting works -- in the SAT EWL area had essentially finished?

A. 係。

Q. We'll pick that up in a moment when we look at the SAT summary table. All right.

When you commenced working in the SAT EWL area in November 2016, were you given any instructions concerning the issuing of RISC forms?

A. 冇。

Q. When you commenced working in the SAT EWL area in November 2016, did you know what a RISC form was?

A. 知道。

Q. And did you know the purpose of the RISC form, Mr Tsoi?

A. 知道。

Q. What was your understanding as to the purpose of the RISC form back in November 2016?

A. 以我嘅認知，呢啲RISC form係用嚟邀請港鐵嘅人員去進行檢查，喺啲Hold point度進行檢查，如果佢哋檢查完覺得okay，就會簽咗張form同埋return番返嚟作一個紀錄。

Q. Okay. Good.

Mr Tsoi, without wishing to sound overly critical, would you accept that your record in submitting the RISC forms in the five-month period November 2016 to March

2017 was poor?

A. 係。

Q. If we can look at, please, the SAT summary table at CC8/4397, we can see that your name appears as the responsible engineer 12 times; do you see that?

A. 見到。

Q. You appear to have managed to issue three RISC forms, and I'm focusing on the rebar RISC forms, Mr Tsoi, rather than the pre-pour forms, although I think the statistics are the same. Do you see on 28 November, 6 December and 10 December, you issued three RISC forms in relation to three different areas; do you see that?

A. 見到。

Q. And then, for the remainder of your time on site, the rest of December through to -- you say March, but I think the last one here is -- the last pour is in fact 23 February 2017 -- sorry, 27 February 2017 -- no RISC forms were issued?

A. 係。

Q. Why was that, Mr Tsoi?

A. 其實嗰個時間因為工作太忙，因為我啱啱喺second完返嚟冇耐，我睇緊同一個區域嘅三個工程師都相繼辭職，變咗我一個人要去做晒佢哋三個人嘅嘢，我感到係非常之繁忙嘅，嗰陣時工作。

Q. Who was your superior? Who was your boss at that time, between November 2016 and March 2017, Mr Tsoi; do you

recall?

A. Andy Chan.

Q. Did you complain to Mr Chan that you were overworked and doing the job of a number of people?

A. 我哋會有呢啲討論嘅。

Q. And what was the result of those discussions?

A. 唔係好記得，但係個印象都係講都冇辦法喇，我哋都要繼續捱。

Q. Right. Continue with the work without issuing RISC forms; is that right?

A. 唔係好記得exactly講過啲乜。

Q. Well, were you satisfied with the outcome of your discussions with Mr Chan?

A. 我記得就係當時嘅感受係因為見到隔籬區，甚至我啲上司都係同樣咁忙碌嘅，變咗唔係淨係我自己一個suffer，變咗都投訴完都冇用，咁都冇計喇。

Q. All right. Could I just ask you, please, to look with me at one RISC form, because I don't understand, I'm not entirely sure what has happened.

If you look at this sheet, do you see number (6) down the left-hand side?

A. 見到。

Q. And we see, in the "Pour date" column, 15 November 2016; do you see that?

A. 見到。

Q. If we then go to the date of inspection of the rebar fixing, it's 6 December, about three weeks after the

concrete pour; do you see that?

A. 睇到。

Q. So something seems to be wrong, and we'll see what happened, I hope, or perhaps. Can we look at RISC form 11806, which is at BB13/9219.133.

And so, complication after complication. Now, do you see this is 11806?

A. 見到。

Q. Signed by you and apparently dated 22 November 2016; do you see that?

A. 問多一次，唔好意思。

Q. It's signed by you, is that right, in part A?

A. 係，係我簽。

Q. And it has a date next to your signature of 22 November 2016?

A. 係。

Q. And you were asking for, by this RISC form, an inspection or a survey to take place eight days earlier, on 14 November; do you see that?

A. 見到。

Q. So, on any view, this was a late submission, Mr Tsoi; do you agree?

A. 係。

Q. Then if we scroll down -- again, I don't know whether you can help us -- we see, so far as the MTR is

concerned, that the inspection appears to have been carried out by somebody called Kappa Kang. Do you see that, Mr Tsoi?

A. 見到。

Q. Do you remember her?

A. 記得。

Q. And in terms of the various rebar inspections that you carried out, would it be Ms Kang who carried them out with you, so far as the MTR is concerned?

A. 係。

Q. Did Mr Chris Chan ever carry out any inspections of the rebar, formal inspections of the rebar with you, Mr Tsoi?

A. 如果係EWL嘅structure，應該冇。

Q. Right. It was always Ms Kang, was it?

A. EWL嘅structure，係。

Q. All right. You had no involvement on the NSL structure; is that right?

A. 冇。

Q. Okay. Well, we can see -- we can ask her in due course -- but she's written apparently "6 December" there, and that's presumably why "6 December" appears on the sheet, and somebody has put a red circle around that date and a stamp of 14 November 2016 and a question mark above that. I assume you know nothing about what's in

red on this sheet, Mr Tsoi; is that right? You simply don't know who's put that there?

A. 係，我唔知。

Q. Okay.

Then if we scroll down, you have signed this off, this sheet off, Mr Tsoi; is that right?

A. 係。

Q. And is that the -- what's the date on that? 2 February, is it, 2017; is that right?

A. 係。

Q. So two months after the inspection apparently took place; is that correct?

A. 係。

MR PENNICOTT: Okay. Thank you, Mr Tsoi. I have no further questions.

MR TSOI: No questions.

MR BOULDING: No questions. Thank you, sir.

Cross-examination by MS PANG

MS PANG: Mr Tsoi, I only wish to discuss two paragraphs in your witness statement with you, so can I start by taking you to paragraph 15 on CC3792.

You will be able to see from the first sentence that what you are describing in this particular paragraph is the formal joint inspection between MTR and Leighton. So can I ask you to turn over the page and I'd like to

focus on subparagraph (g):

"It was standard practice for the MTRC's construction engineer/inspector of works to verbally approve the inspected works and authorise Leighton to proceed immediately after the formal joint inspections. The only exception would be if MTRCL required rectification work. If the defect was minor, Leighton would ensure that such remedial work was completed immediately by the sub-contractor during the joint inspection."

Pausing here, in order for the works to be rectified immediately, you would need to have the sub-contractor on site stand by while the hold-point inspection was being carried out. Is my understanding correct?

A. 啱。

Q. Are the sub-contractors always present for a hold-point inspection, as far as you are concerned?

A. 唔一定。

Q. So who would decide whether they need to be there when the hold-point inspection was carried out?

A. 如果個倉石屎係好急一定要即時落嘅，我會要求佢哋當時在場，因為in case可能幫辦或者工程師有咩嘢comment，佢哋可以即刻跟進，如果嗰倉石屎唔係咁urgent或者唔係咁急嘅話，當幫辦或者工程師話咗畀我聽有咩嘢defect嘅時候，我哋可以再通知番subcontractor去跟進，可以係take over半日或者一日嘅時間去跟進都冇所謂。

Q. Right. I see.

If we can then continue with that paragraph:

"If more time was required to complete the rectification work, Leighton's staff would check the work later before arranging a further inspection with MTR."

So that's the situation that you've just described: if more time is needed, then you would ask the contractor to come back, carry out the rectification works; correct?

A. 係。

Q. So who would inform the engineer, ie you, when the rectification work is completed? Would that be Leighton's foreman?

A. 判頭或者禮頓嘅科文都會。

Q. In case where rectification work is needed to be carried out, would you follow up with the rectification work? For example, would you check with the foreman or sub-contractor, "How it's going, how's the work progressing"?

A. 如果係啲好簡單、好minor嘅defect，可能分判商會通知我哋禮頓嘅科文，我哋禮頓嘅科文一係經過我，一係佢自己可以搵到幫辦去跟進番呢件事，當得到幫辦嘅口頭通知--口頭同意之下，我哋咪落石屎囉。如果係一啲好難解決嘅問題，可能係一啲rebar fixing detail係有問題嘅，我就要自己親自係出力去睇睇，同埋同判頭去睇下點樣解決番件事。

Q. When you say that the sub-contractor might inform Leighton or the IOW, does the IOW refer to personnel from MTR, so the sub-contractor might also directly contact personnel from MTR; is my understanding correct?

A. 通常會經我哋去聯絡番港鐵嘅幫辦嘅，但係唔排除可能佢哋私底下見面嘅時候，可能會講聲「喂，執好咗喇，阿Sir。」咁樣，有呢啲情況出現嘅，唔排除，但係通常都會由我哋去通知番幫辦。

Q. Right. So where there's a situation where time is needed for rectification work, would the MTRC inspector follow up with you on the progress of the rectification work?

A. 會。

Q. Thank you. I would like to move on to the next topic. Can I ask you to turn to 3797. At paragraph 24, you describe the procedure for testing of rebar.

First of all, I would like to see if you are aware of a so-called spray-paint system that is adopted on site. And according to the evidence that we've heard from Leighton witnesses, a particular colour, for example white, would be sprayed on rebars that are going to be tested, and when the test has been passed, a different colour would be used. That's what we have heard. Are you aware of such a practice on site?

A. 知道。

Q. Can you tell us what colour would be used for rebars

which have not passed the test?

CHAIRMAN: Sorry, could I just clarify that? "Not passed the test" can mean two things.

MS PANG: Yes, before the test was completed.

CHAIRMAN: It can mean it's before the test, or it can mean it took the test and got below 50 per cent.

MS PANG: Yes, I meant before completing the test.

CHAIRMAN: All right.

MS PANG: Perhaps I will ask the question again.

Can you tell us what colour would be used for rebars before the test has been completed?

A. 我唔係好記得，但係我依稀記得係白色，冇記錯嘅話，唔係好記得。

Q. What colour would be used for rebars that have passed the test? Do you recall?

A. 唔記得。

Q. Generally speaking, would you say it is obvious or would it be easy to distinguish rebars which have completed the test and rebars which have not yet completed the test?

A. 唔--明顯嘅，明顯嘅。

INTERPRETER: Sorry, the answer is not clear, whether it is "obvious" or "not obvious".

MS PANG: I think he said "obvious".

A. 係。

COMMISSIONER HANSFORD: Perhaps we can have the question

again with an answer again, and then we know.

MS PANG: Mr Tsoi, I have to ask the question again for the purpose of having a clear record. Would you say it is obvious to distinguish rebars which have completed the test and rebars which have not yet completed the test?

A. 分辨到。

Q. And would it be obvious to everyone on site who could see the rebar, including the sub-contractor themselves and also the inspectors?

A. 分辨到。

Q. So if a sub-contractor is using rebars which have not yet completed the test, presumably it would have been obvious to the inspectors who would observe their work; am I correct?

A. 我指分辨到係講緊佢擺咗喺度，等緊拎去用嗰個階段，如果將一啲鋼筋已經拎咗去紮緊或者in progress，話準備去落石屎，其實係分唔到嘅，好難分到嘅，我應該講清楚啲。

CHAIRMAN: Sorry, let me just try to understand. Rebars arrive on site. You've ordered a whole batch; okay? They are checked under the auspices of the MTRCL; is that correct? You don't do the checking of them; it's done by MTR?

A. 檢查啲咩嘢？

CHAIRMAN: Okay. Checked that they are up to standard and can be used. Don't they take some samples and check

them?

A. 通常個practice係啲鐵送到嚟地盤，我哋會邀請港鐵嘅幫辦去同我哋一齊去揀sample，喺揀sample嘅同時，我哋會present番啲mill cert.同埋delivery note等等嘅。喺嗰個situation，我唔係好相信大家會知道嗰啲rebar嘅quality係點樣，但係當嗰啲rebar揀咗個sample之後，拎咗去testing之後，我哋就知道嗰batch係咪符合到要求。

CHAIRMAN: Right. Then, before they are tested, are they kept on any particular part of the site?

A. 通常都會擺埋喺紮鐵場附近嘅，方便佢哋之後愛嚟開料用嘅。

CHAIRMAN: You mean when they conduct the testing work, or do you mean when they are going to actually install them in -- you see, what I'm trying to understand is this. You've got rebars coming in and you've got rebars that have already passed tests. Are they kept separate? Question number one.

A. 會分開儲存，但係可能嘅儲存嘅空--嘅距離可能係嗰個角落頭去到我呢度，即係我呢面可能係已經test咗，for ready嘅，係喇。

CHAIRMAN: Okay, so some new guy from the rebar fixers may come along with another new guy from the rebar fixers. What's to stop them picking up rebars from the as-yet-untested bundle?

A. 除咗頭先有講呢個colour code嘅system之外，其實有陣時我哋都會擺啲"not yet tested"嘅tag落去嘅，即係有啲牌仔擺落去就話畀人聽呢啲鐵係未驗嘅，但係如果真係有人有心要攞啲鐵去用，而我哋咁啱又冇人監督到，

其實係可以拎到嘅。

CHAIRMAN: I appreciate that. So now we know that once a batch has been tested and found okay, are each and every single rebar in that batch then given a quick squirt with a spray can of paint?

A. 唔會，唔會。

CHAIRMAN: Okay. Is one of them given a quick squirt with a spray can of paint or with a paintbrush?

A. 大部分會噴咗，但係唔係每一支都會噴到。

CHAIRMAN: All right. And it would just be a patch of paint, would it, at one end of the rebar? I mean, I can't imagine painting the whole rebar; you don't need to do that.

A. 係唔會成條噴晒，淨係一筲嘅。

CHAIRMAN: All right. And so you could tell then that rebars had been tested and were okay for use, firstly by where they were positioned, physically positioned, and secondly by the fact, by looking at the bundle of them, a lot of them would have paint sprayed on them?

A. 係。

CHAIRMAN: And that colour might change, but it didn't matter if they had paint sprayed on them?

A. 以我認知，未驗嘅會有獨立嘅顏色；驗咗，fail咗，會有獨立嘅顏色；驗咗，pass，都會有獨立嘅顏色。

CHAIRMAN: All right. You just don't remember the exact

colour? There's no reason why you should.

A. 係，我唔記得。

CHAIRMAN: Thank you.

MS PANG: I just have one follow-up question. Are you aware if the sub-contractors are also familiar with the spray-paint system that you have just described?

A. 佢哋認識。

MS PANG: Thank you. Thank you very much, Mr Tsoi. I have no further questions.

MR LAU: No questions.

MR SHIEH: No re-examination.

CHAIRMAN: Good, Mr Tsoi. Thank you very much indeed. Your evidence is now complete and you can go. Thank you.

(The witness was released)

CHAIRMAN: Sorry, we've kept this on a little bit longer. It's 1.10 now.

MR PENNICOTT: Sir, I was rather hoping we would complete Mr Tsoi, because I think that's the end of -- unless Mr Shieh has some other witness I don't know about, that's the conclusion of the Leighton witnesses.

CHAIRMAN: Excellent.

MR PENNICOTT: We will be switching to the MTRC this afternoon. We've obviously already had Mr Sebastian Kong, but I think the first witness is Mr Michael Fu.

MR BOULDING: That's correct.

CHAIRMAN: Good, so 2.30?

MR PENNICOTT: 2.30, sir, yes, thank you.

CHAIRMAN: Good, thank you very much. 2.30.

(1.12 pm)

(The luncheon adjournment)

(2.34 pm)

MR BOULDING: Good afternoon, sir. Good afternoon, Professor.

As foreshadowed just before the lunch break, I'm now going to call MTR's second witness, Mr Fu Yin Chit, otherwise known as Michael Fu.

Good afternoon, Mr Fu.

WITNESS: Good afternoon.

MR FU YIN CHIT, MICHAEL (affirmed in Cantonese)

Examination-in-chief by MR BOULDING

MR BOULDING: I understand you are going to give your evidence in Cantonese; is that correct?

A. Yes.

Q. So I have my headphones on.

It is right, isn't it, that you have provided two witness statements for the assistance of the learned Commissioners in this Commission of Inquiry?

A. 啱嘅。

Q. I wonder if I can go to the first of the statements, and I hope if we go to BB63, we will find the first page of your statement. Is that the first page of your

statement, Mr Fu?

A. 啱嘅。

Q. Then if you would be kind enough, please, to go on to BB84, do we there see your signature under the date of 3 May 2019?

A. 係。

Q. Now, I know that there's been a corrigendum, a correction, to this statement, and I wonder if we can pick that up. That's bundle BB1 at page 84.1.

A. 係，見到。

Q. If you would just like to scroll down there, my understanding is that you want to replace paragraphs 15(e)(i) to (iii) inclusive in the statement we've just looked at, that's page BB73, with the text that we see here. Is that correct?

A. 啱嘅。

Q. Now, subject to that correction, do I understand that the facts and matters set out in this witness statement are true to the best of your knowledge and belief?

A. 啱嘅。

Q. I wonder if we can go back to page BB63 of the bundle, and it's the first page of your statement. You tell us, do you not, that you are the construction manager-SCL civil of the Shatin to Central Link Project; correct?

A. 啱嘅。

Q. Then in paragraph 2, you give us a potted history of what you've been doing, do you not, since you joined MTR way back in June 1994; is that correct?

A. 啱嘅。

Q. So, very roughly, I see, do I not, that you've worked for MTR for, what, something like 25 years?

A. 啱嘅。

Q. Then if we scroll down and look at paragraph 2(g), for present purposes, do we see that in March 2012, you were assigned to contract 1111 of the SCL project as construction manager-SCL civil, and then:

"From 30 May 2016 to this date, I have been the construction manager-SCL civil on [both] contracts 1111 and 1112."

Is that correct?

A. 啱嘅。

Q. I'm going to see where you are in the organisation chart in a moment, but first of all I'd like to take you to your supplemental witness statement, and I hope we find that at page BB5213. There do we see, Mr Fu, the first page of your supplemental witness statement?

A. 見到。

Q. Splendid. If we could go on to page BB5226 -- excellent -- do we there see your signature under the date of 17 May 2019?

A. 啱嘅。

Q. But again I'm right in thinking that there is a correction you'd like to make to that statement, and I think we find that, do we not, at page BB5226.1?

A. 啱，見到。

Q. If we look at that, in short, you are replacing part of paragraph 10, are you not, in your supplemental statement with the wording which starts about a third of the way down that box. Is that correct?

A. 啱嘅。

Q. Again, subject to that correction, are you in a position to confirm that the contents of your supplemental statement are true to the best of your knowledge and belief?

A. 正確嘅。

Q. Finally, could I ask you to look at a document which is at B2, page 582.

There do we see the SCL project management organisation chart as of 16 January 2017, the top left-hand corner?

A. 我睇到。

Q. And there do we see that you are in effect at the very top of the tree there, next to a picture of your secretary, a Ms Wong; correct?

A. 見到，啱。

Q. What's going to happen now, Mr Fu, is that you are going to be asked questions first of all by counsel for the Commission, in all probability Mr Ian Pennicott, and then various other lawyers in the room can ask you questions. The learned Commissioners can ask you questions at any time. And then depending upon what you say or don't say, it may well be the case that I'll ask you a few questions at the end of the process. Do you understand that?

A. 明白嘅。

MR BOULDING: Please sit there.

WITNESS: Thank you.

Examination by MR PENNICOTT

MR PENNICOTT: Mr Fu, good afternoon.

A. Good afternoon.

Q. And thank you very much for coming along to give evidence to the Commission. As Mr Boulding has said, my name is Ian Pennicott, I think you know that already, and I get to ask you some questions first.

Can I just start by asking you to go to the corrigendum to your second witness statement. So, as we've seen, that's at BB5226.1. As I understand it, Mr Fu, the effect of the corrigendum that's set out there is to amend, albeit in only a few minor respects, the SAT pour summary that we see at page 5226.2. And we've just got, as I see it, Mr Fu -- you've helpfully

put in red the amendments, and I think there are -- I've only spotted about four of them; is that right? That is at the dates --

A. 啱嘅。

Q. -- the commencement of rebar at 16a and 16b and the dates for the commencement and completion of rebar at number 24; is that right?

A. 係，啱嘅。

Q. Then also you have made some very minor alterations/additions to the NAT pour summary which we find at 5226.3, and we find those at the box numbered 9 in the "completion of rebar" column, and also it's number 30, the commencement of rebar, and at number 42, the completion of rebar.

As I understand it, Mr Fu, those are the extent of the corrections?

A. 啱嘅。

Q. Thank you very much.

Now, as we've seen, you, since May 2016, have been the construction manager on both contracts 1111 and 1112; that's correct?

A. 啱嘅。

Q. So far as the contract 1111 is concerned, we know that the Gammon-Kaden Joint Venture, on their side of the stitch joints, which we'll be discussing a little bit

later, used Lenton couplers which had tapered threads. We now know that; yes?

A. 啱嘅。

Q. Do you recall, Mr Fu, whether Lenton had a rebar yard on the site -- sorry, on the 1111 site; do you recall that, whether they did?

A. 係，1111。

Q. Right. And Lenton, like BOSA on the 1112 site, had their own rebar yard on the 1111 site; is that correct?

A. 係冇嘅。

Q. Right. So there was no actual Lenton rebar yard on the 1111 contract site?

A. 啱嘅，對嘅。

Q. Okay. So Gammon presumably would have had to, as it were, get the Lenton rebar from wherever the Lenton rebar yard was in Hong Kong; is that right? It's obviously somewhere up in the New Territories, perhaps; is that right?

A. 啱嘅，correct，喺元朗。

Q. Right. Okay. Understood.

Mr Fu, now the second general question. At some point, so far as the 1112 contract is concerned, I believe you became the engineer's representative; is that correct?

A. 啱嘅。

Q. Can you recall when that was?

A. 當我履行咗1112嘅construction manager呢個工作，which is就係喺2016年5月30號。

Q. Do you mean 2016?

A. 2016年5月30號開始做1112，我就履行咗engineer's representative呢個工作。

Q. Yes, on the 1112 contract?

A. On the 1112 contract, yes.

Q. Sorry, it came through as "2015". I'm just correcting it.

So it was at the same time as you became construction manager, you became the engineer's representative?

A. 啱嘅。

Q. Thank you.

In paragraph 7 of your witness statement, Mr Fu, you tell us in the first sentence what the NAT consists of, and then in the next sentence you say this:

"I refer to the brief description and dates of the construction at the three stitch joints and the shunt neck stated in the 2nd stitch joints report and the 2nd shunt neck report, which were prepared by reference to the site diaries and photographs available at the time."

I would like to look with you, Mr Fu, certainly to start with, at the stitch joints report, which we will

find in BB1, page 162.

There should be, at that page, a letter dated 27 March 2018 from Mr Aidan Rooney, the general manager-SCL civil for the NSL, to Mr Chan, Principal Government Engineer in the RDO. Do you see that?

A. 睇到，啱嘅。

Q. And it's captioned, "Report of defective works identified at tunnel stitch joints"; do you see that?

A. 睇到。

Q. Then if we go over the page to page 163, we see that the letter, and I assume the report, was copied to a number of people, the names of which -- most names of which are familiar, but including yourself; yes?

A. 啱嘅。

Q. And at page 164 we see, as a matter of formality, a certification of preparation of plans or documents, but in this case it's a report, signed by Jason Wong, and I see that you've initialled this document in the bottom left-hand corner; do you see that, Mr Fu?

A. 睇到。

Q. Then if we go over the page to 165, we again see Mr Jason Wong's signature, and then at 166 the report commences.

Mr Fu, first of all, can you tell me who actually prepared this report?

A. 係我，我準備嘅。

Q. I rather thought that might be the case. Good. That's good news.

Can I please ask you to go to page 168. You've got a heading there, "Identification of defects". In paragraphs 2.1 through to 2.5, you describe in this report the investigation that took place in order to identify the defects. Do you recall all of that, Mr Fu?

A. 我記得，yes。

Q. I'm not going to read all that out to you, but what I would like to do is refer you to paragraph 2.6, where you say:

"MTR considered that the lack of proper rebars connection at these three stitch joint locations was due to defective workmanship. MTR has raised non-conformity records to the contractor, and required the contractor to propose remedial proposals as soon as possible. The contractor started planning of the remedial proposals for these three stitch joints while at the same time preparing the advanced site works."

Then over the page at 169, you set out the remedial proposals, and then at page 171 you have a heading, "Movement of tunnel structures and adjacent ground before remedial works". Then at 173, a heading, "Movement of tunnel structure due to remedial works". And then at 174, a heading, "Remedial proposal and

works". Then the heading at 175, "Other connection joints". So that's how it breaks down.

Mr Fu, am I right in saying that nowhere in this report sent to the government do you deal with or consider the question of the formal hold-point inspections?

A. 啱嘅，呢個報告冇講呢樣嘢嘅。

Q. When you wrote this report, I assume you must have known that when the original stitch joints were constructed, they would have been subjected to certain hold points. Is that right?

A. 啱嘅。

Q. In relation to the rebar, to the base, the walls, and so far as the NSL is concerned, the NSL joints are concerned, the roof; yes?

A. 啱嘅。

Q. And at those hold points the rebar would have been inspected by representatives of Leighton and engineers from the MTR; is that right?

A. 啱嘅。

Q. So why is it that this report does not address the question of the hold point and the formal inspections that must have taken place, or you must have assumed to take place?

A. 喺做呢個報告嗰陣時，個時間大概喺2018年嘅2月，我哋啱啱見到呢個問題

嘅出現，呢個報告喺3月中我提交咗畀路政署嘅，follow by呢個formal 嘅報告，which is就係頭先睇到嗰個covering letter by Mr Aidan Rooney嘅。做呢個報告嗰陣時主要係提及我哋有乜嘢findings，我哋見到個defective workmanship，我哋有乜嘢一系列嘅措施或者係安排，包括要求contractor去做番一個remedial proposal，同埋我哋當其時嘅考慮係乜嘢。

我哋當其時考慮係有幾方面嘅，包括個remedial proposal係需要幾時要儘快做起，亦都係因為呢個defective stitch joint，我哋有冇observe到有一啲我哋所謂undue settlement，所以呢個報告當其時係主要係報告畀路政署聽我哋嘅findings同埋我哋嘅補救措施係乜嘢，當其時係咪有探討關於呢個RISC form呢個問題嘅。

Q. At the time that you were investigating the cause of the defects and writing this report, Mr Fu, did you ever ask yourself the question how these defects were not spotted by Leighton and more importantly MTR when the formal inspections took place?

A. 係有嘅，喺做呢個報告嘅同時，我哋亦都係有去查詢、去了解當時嗰個inspection有冇做到，所以喺3月我哋做報告嘅同時，我哋亦都開始搜集所有資料，有同事幫我哋一齊去搵番由嗰個RISC register嗰度去睇番到底我哋有幾多呢個RISC form，亦都去了解番有幾多inspection做過。Eventually，我哋最後係見到有一啲施工係冇呢個--冇完整嘅紀錄嘅。

Q. In about February/March 2017, Mr Fu -- let me put the point rather more bluntly -- did MTR carry out an internal investigation of the performance of its own

staff in inspecting the rebar at the stitch joints?

A. 當時係有問有關嘅同事，而當時負責呢個北面呢個stitch joint嘅同事係包括一個高級建造工程師、一個一級建造工程師同埋一個二級建造工程師。當時呢個高級建造工程師同埋一級建造工程師都已經離咗職，我哋剩低一個二級嘅建造工程師同埋有其他幫辦。喺向有關嘅同事了解呢個檢查情況，我哋係攞唔到任何有關嘅資料、有關嘅回覆。

Q. Is there any written record of any internal investigation that the MTR carried out into the performance of its own staff in the inspection of the original stitch joints?

A. 我哋冇正式嘅內部調查，亦都冇呢個書面紀錄，我頭先講係只係話喺一啲非正式嘅了解，同啲同事了解當時發生一啲咩情況，而嗰啲唔係正式嘅調查。

Q. All right. I think you said that the construction engineer I, if I can call him that, was Mr Chris Chan?

A. 冇錯，係。

Q. You said he had left, and indeed I think --

A. 係。

Q. -- he left in December 2017. So you're right, he's probably left --

A. 係，係，係。

Q. -- by the time you carried out these investigations. However, the construction engineer number II, she was still with the MTR at the time; yes?

A. 佢仲喺。

Q. So did you speak to her about all of this?
A. 有嘅。
Q. All right. Is there any record of what she said to you at the time, Mr Fu?
A. 係冇嘅。
Q. Were you involved yourself in carrying out the discussion, or perhaps it was more formal, an interview with the construction engineer number II?
A. 應該係一啲非正式嘅討論。
Q. Were you a party to those discussions, Mr Fu?
A. 我唔係好--唔係記得好清楚有定冇。
Q. Right. Did you receive any report of what the construction engineer number II had said when asked about the formal inspections of the stitch joints?
A. 係冇嘅。
Q. So, just to put this point away, Mr Fu -- we know from the earlier part of this Inquiry that when a problem -- in fact then it was the cutting of threaded rebar -- arose, Mr Carl Wu was asked to carry out an internal investigation and he produced a written report. Perhaps you remember that?
A. 我記得，我記得。
Q. Right. So there was no similar type of investigation on this occasion; is that right?
A. 係冇嘅。

Q. Right. The other report that you referred to in the paragraph of your witness statement I took you to a moment ago was the report in relation to the shunt neck joint. We can find that report at DD1/38.61.

This report, Mr Fu, was submitted a little bit later in the year, last year, 30 October 2018.

If we scroll down, please -- a bit further, please. This time, this was sent by Mr Nelson Yeung, project manager-SCL civil.

If we scroll up again, please, it's captioned, "Shunt tunnel incident report and remedial proposal", and if we go over the page, please, and scroll down, you see it's dated 26 October. Then over the page, please -- pausing there -- Mr Fu, who prepared this report?

A. 係我。

Q. And again, Mr Fu, it makes no reference to hold-point inspections or what may have happened on the hold-point inspections, and presumably you're -- the reason for that is your answers are the same as what I've just been asking you about in relation to the earlier report?

A. 啱嘅。

Q. All right. We can put that away. We don't need to go through all of that.

Mr Fu, in paragraph 12 of your first witness statement, BB69. You make reference there to the

Interface Requirements Specification. Do you see that?

A. 見到。

Q. That's appendix Z2 to the Particular Specification in the 1112 contract; do you recall?

A. 睇到。

Q. And I imagine you can confirm that there's a very similar, if not identical, appendix in the 1111 contract as well?

A. 啱嘅。

Q. We may be able to do this without looking at the document, Mr Fu. Let's just see.

The document, the appendix, identifies the primary interface, interfaces, that are anticipated to arise; is that right?

A. 啱嘅。

Q. It sets out the two contractors' respective responsibilities and obligations in relation to the interface matters. Is that right?

A. 係。

Q. Do you agree with this, that it requires the contractors to coordinate and, although I don't think the word expressly appears, to cooperate with each other in relation to the interface matters?

A. 係。

Q. In relation to all of that, Mr Fu, do you -- from the

MTR's perspective, how did you view the MTR's role in those interface matters?

A. 喺呢個交界位，我哋牽涉到兩個承建商，而MTR，我哋亦都係有兩組人負責for 1111同埋1112嘅，我哋需要做嘅嘢，我哋就係要喺一個儘早嘅時間係安排一啲interfacing meeting，等佢哋兩個承建商可以互相了解一啲細節，或者佢哋有其他疑問可以提出嚟嘅，呢個interfacing meeting係兩個承建商去參與，同埋兩面嘅MTR同事都有參與嘅，呢個interfacing meeting我哋亦都係有呢啲會議紀錄，係記錄低大家討論嘅事項。

Q. Yes, and I assume that these are -- the minutes of those meetings are something that you would have had access to; is that right?

A. 我都可以睇到嘅。

Q. Right. How could you access those, Mr Fu? First of all, let's take it in stages, you must have been aware of them in your capacity as the 1111 construction manager up to May 2016; yes?

A. 1111嘅施工經理，其實我一路都係做緊呢個1111嘅施工經理，直到而家都係嘅。

Q. Yes, I appreciate that. And so we know that the interface meetings started at the end of 2014 and ran right through to the beginning of January 2017. That's the period of time over which --

A. 啱嘅。

Q. So you had no direct involvement with the 1112 contract until May 2016. So, for a good period of the time, you would have had access to those minutes of meeting in

your capacity as the 1111 construction manager?

A. 我係有access，可以去睇到喺個ePMS system嗰度，但係實際上，因為呢啲係比較係一啲day-to-day或者係一啲前線嘅溝通，所以我係冇去睇呢啲資料嘅。

Q. Right. But you can confirm that they were, so far as MTR is concerned, put on the ePMS system; they were there, if anybody wanted to look at them?

A. 我唔係好sure。

Q. All right.

A. 我唔係好sure。

Q. We will be speaking to some MTR witnesses who were at the interface meetings, so I'll follow that up by asking them some more questions about what happened to the minutes so far as MTR are concerned.

In paragraph 14 of your witness statement, Mr Fu, you make reference to the 1112 NAT method statement, and you also list out the relevant details, specifications and working drawings primarily relevant to the three stitch joints. Do you see that?

A. 啱，睇到。

Q. We know that there was a general method statement for the NAT, and there is no specific method statement for any of the stitch joints themselves; you're aware of that, Mr Fu?

A. 我知道。

Q. Do you agree with Mr Holden from Leighton that looking back, with the benefit of hindsight, a specific method statement for the stitch joints themselves may have been helpful and beneficial?

A. 我同意，我覺得一個補充嘅說明，關於施工方法係絕對有幫助嘅。

Q. Right.

Paragraph 15 of your witness statement, Mr Fu, sets out in some detail the procedures involved in the construction of the 1111/1112 NSL stitch joint. And in subparagraph (c) on page 72, you make reference to and indeed set out the note on drawing 101, if I can use that for short, which requires the stitch joint to be cast as late as possible in the construction sequence, and so forth, the words we are now familiar with. Do you see that, Mr Fu?

A. 我睇到。

Q. At (e) on the top of page 73 of your witness statement, you say -- you use these words:

"After the differential movements of the two structures were stabilised ..."

Then I appreciate you have amended the rest of this paragraph in your corrigendum?

A. 冇錯。

Q. "After the differential movements of the two structures were stabilised", Mr Fu, that suggests to me that the differential settlements of those two structures were

being monitored. Is that right?

A. 係。

Q. Let's start with the GKJV side structure. Who was carrying out the monitoring of the GKJV structure?

A. 係承建商。

Q. And so that would be the GKJV, and no doubt similarly on the Leighton side they would be responsible for monitoring the differential movement of their own structure; is that right?

A. 呢個理論上係嘅，同埋喺個interfacing schedule，禮頓係可以去監察金門基利嗰個結構嘅。

Leighton could monitor the GKJV structures.

Q. Okay. They had access through --

A. They have access.

Q. Through the interfacing arrangements, they had access to the GKJV monitoring on the other side of the joint?

A. 呢個係啱嘅。

Q. And did the MTRC play any role in the monitoring of those two structures?

A. 承建商應該定期提交啲監察嘅數據畀港鐵。

Q. And to whom would they submit those details or that data?

A. 佢可以係畀我哋嘅負責測量嘅同事，亦都可以畀我哋嘅有關嘅建造工程師。

Q. All right. And really let's just cut through this. Mr Fu, who is responsible for determining that the

differential movements of the two structures had sufficiently stabilised to enable the stitch joints to be constructed?

A. 我相信前線嘅同事係有緊密嘅溝通，亦都係有討論施工狀態、施工情況同埋有冇啲不尋常嘅情況見到，我相信喺前線嘅同事佢哋係會討論呢個施工幾時係做呢個連接縫。

Q. When you say "would have very constant communication", "colleagues would discuss", do you mean with Leighton?

A. 同禮頓傾，冇錯。

Q. I understand.

A. 我意思係前線同事就係禮頓嘅前線嘅同事同埋MTR嘅前線同事。

Q. Yes, understood. All right.

So, effectively, through that discussion process, the monitoring first and then the discussion process, effectively a joint decision would be made that they can go ahead and construct the stitch joints?

A. 當然亦都要滿足呢個圖紙上面嘅要求，幾時先可以做連接縫同埋一啲backfilling嘅工作已經完成咗等等嘅要求，滿足晒呢啲要求。

Q. Yes. Understood. And there was no question here of having to go to government to commence the stitch joints; it was really a decision between Leighton and MTR?

A. 係。

COMMISSIONER HANSFORD: Just before we leave that point, Mr Fu, what criteria would your colleagues use for

determining that the stitch joint could then go ahead?

A. 我哋有EWL嘅stitch joint連接縫，亦都有NSL嘅stitch joint連接縫，首先講EWL先，EWL因而佢係一個tunnel trough structure，係on ground bearing嘅，佢亦都冇backfill，亦都冇ELS water discharge，換句說話講，當兩面嘅主要嘅tunnel structure係做完咗之後，係冇外在嘅additional loading係會加落去呢個EWL tunnel structure嗰度嘅，所以當兩面嘅主結構tunnel structure係完成咗之後，個stitch joint係可以有條件去開始做嘅。

喺個NSL tunnel structure 嚟講，因為佢係below ground level嘅，有ELS，亦都有water discharge，ELS即係escalation and lateral support。

佢當禮頓係做完咗呢個NSL tunnel structure之後，佢需要backfill，backfill到去一個level，然後再起上面嘅EWL tunnel，喺一系列嘅backfill同埋上面嘅EWL tunnel structure係做完咗之後，所有嘅additional loading就已經in place㗎喇。

喺呢個backfill個過程，嗰個water discharge亦都係會停止運作，換句說話講，就冇呢個water discharge呢個問題。

而兩邊嘅tunnel structure起完咗之後，我哋contractor同埋我哋嘅前線員工都了解到係有一個requirement，就係呢個stitch joint係要construct as late as possible，所以嗰個NSL tunnel structure做完咗之後，係等咗超過半年時間，which is 前線員工應該見到佢哋係已經穩定咗，而覺得係個stitch joint可以去開始起。嗰個情況就係咁樣。

COMMISSIONER HANSFORD: Thank you.

MR PENNICOTT: Mr Fu, just one point to perhaps tidy up on the transcript. You mentioned a couple of times "ERS". I think you meant to say "ELS"?

A. ELS，sorry，係ELS。

Q. Which is excavation and lateral support?

A. Correct.

Q. All right. Now I'm moving on from that point. Can I take you, please, to paragraph 28 of your witness statement. That's at BB8, where you make reference to the interface meetings that we touched on a short while ago, Mr Fu, so I'm not going back to that.

Then in paragraph 29, you discuss what you then call the mismatch problem. You introduce the mismatch problem. Do you see that in paragraph 29?

A. 我睇到。

Q. Then you say in paragraph 30:

"Even if it were the case that Leighton and/or its sub-contractor were unable to screw the rebars into the couplers given that the wrong materials had been ordered, one would have expected that Leighton and/or its sub-contractors would immediately halt the stitch joints/construction joint works, raise the 'mismatch' problem with MTRCL, and seek to resolve it by placing an order for the right kind of materials."

Can you just explain why you think that that

mismatch problem ought to have been raised with the MTR?

A. 首先係有嗰個interfacing meeting，我相信有關嘅禮頓同事已經掌握咗金門基利佢哋係用Lenton couplers呢個安排嘅。如果喺地盤施工嘅時間，如果係見到有問題，我哋有地盤嘅inspector喺地盤，好直接我就覺得佢哋可以即刻提出嚟，就問地盤嘅inspector「我哋有呢個問題喎」。

當然喺我哋層面，我哋覺得有interfacing meeting，喺禮頓嚟講，佢應該係要知道嘅，但係我哋知道喺前--喺呢個frontline，即係喺負責施工嘅科文或者其他工人，如果佢哋有疑問，我覺得係絕對唔奇嘅，而佢亦都可以有條件可以即刻請示有關嘅禮頓員工、禮頓嘅同事或者直接問MTR都得嘅。

Q. Yes. It's just that it struck me, Mr Fu -- maybe I'm wrong -- that this really was a sub-contractor/main contractor problem which had to be resolved; there was actually no need to refer it to the MTR. But do you agree or disagree with that? I know they could have contacted MTR, of course, but they didn't really need to, did they?

A. 係，嚴格嚟講，係呀，唔需要嘅。

Q. All right.

Mr Fu, at paragraph 33 of your first witness statement, that's at page BB81, you say:

"On 20 July 2018, MTR issued a letter to Leighton asking for all details in relation to the defective stitch joints."

Then you say:

"On 27 July 2018, by another letter, MTR requested Leighton to provide information relevant to, amongst other things, the defects at the three stitch joints, including in particular ..."

Then you set out the various matters that were requested.

If you go over the page, to save me reading it all out, that includes, you will see in the third line from the top, "all RISC forms"; do you see that?

A. 睇到。

Q. Right. Now, we touched on this earlier, Mr Fu. First of all, specifically in relation to the stitch joints.

As I understand it from your answers earlier, you first became aware that there were no RISC forms in relation to the -- specifically in relation to the stitch joints when you were carrying out your investigations in February-March 2018. Have I got that right?

A. 啱嘅。

Q. Now, Mr Fu, we know that there's a rather broader problem about the RISC forms. That is, not only are there no RISC forms in relation to the original stitch joints, but there are no RISC forms in relation to many other rebar inspections and pre-pour concrete inspections. You are aware of that now, obviously?

A. 知道。

Q. When did you personally become aware of the broader problem, if I put it that way, Mr Fu?

A. 應該係我哋調查呢個stitch joint呢個問題，就開始調查所有嘅檢查紀錄，而見到係呢個stitch joint嘅檢查紀錄我哋係搵唔到嘅話--搵唔到嘅同事，我哋亦都係檢查其他嘅NAT嘅tunnel structure嘅施工嘅檢查紀錄，當時先至發覺嘅。

Q. Okay. Mr Fu, when you took up your post as construction manager for the 1112 contract in May 2016, as I understand it, you took over from Mr Kit Chan; is that right?

A. 啱嘅。

Q. But when you took over from Mr Chan, did he not brief you at the time on the problem that had arisen regarding the lack of RISC forms?

A. 我冇呢個印象。

Q. So throughout the period May 2016 to February-March 2018, so a period of some -- in excess of one and a half years, you were unaware of the problem of the lack of RISC forms; is that the position, Mr Fu?

A. 係嘅，我唔知道。

Q. Okay.

You now know, I think, Mr Fu, that a number of MTR's staff were well aware of the RISC form problem throughout the period 2016-2017; you know that now?

A. 我而家知道。

Q. And none of them brought this problem to your attention; is that right?

A. 啱嘅，係冇嘅。

Q. Looking back, Mr Fu, do you think, knowing what you know now about the lack of RISC forms, that this is something that ought to have been brought to your attention?

A. 而家睇番轉頭，我覺得佢哋應該提醒或者向我匯報呢件事，喺我哋定期嘅例會或者喺其他呢個討論嘅場合，我啲同事好多機會或者好多條件可以向我提出話冇呢個RISC form submission by禮頓呢個咁嘅情況，而當時一路到到呢個stitch joint呢個incident，而我哋做調查，我先發覺呢樣嘢呢，之前係冇任何人向我提出過。

Q. Right. Because again, looking back, Mr Fu, again with the benefit of hindsight, the problem was such, could I suggest to you, that it merited a discussion at the highest level of management between MTR and Leighton; do you agree with that?

A. 係。

Q. Could I ask you, please, to look at or be shown the email we've looked at a number of times now. It's at CC10/6208. If we can scroll down, please. This is an email -- I don't know if you've seen it more recently, Mr Fu. It wasn't sent to you at the time so far as one can tell. It was from an MTR senior IOW, I think, Mr Kong, to Mr Rawsthorne, and it's complaining, in March 2017, about the lack of RISC

forms.

Again, this was not specifically brought to your attention at that time?

A. 係冇嘅。

Q. All right.

COMMISSIONER HANSFORD: Can I just ask, Mr Fu, while that's on the screen: do you find it surprising that the senior inspector of works would write to Ian Rawsthorne and also copy -- did I see -- Anthony Zervaas, yes, and also copy Anthony Zervaas but not copy it to you? Is that rather surprising or does that not surprise you?

A. 我而家睇就覺得奇怪嘅，不過可能就係Kenneth Kong佢嘅匯報係向呢個Joe Tsang匯報嘅，因為Joe Tsang係senior construction engineer，嗰個reporting line係向Joe Tsang匯報，但係其實Kenneth Kong喺而家睇番嚟，Kenneth Kong當時發呢個電郵，佢可以同時抄送畀我，亦都可以bring我attention嘅，所以that's why我都同意，我而家睇番，我都覺得奇怪。

COMMISSIONER HANSFORD: Because isn't it the case, Mr Fu, that within MTR and Leighton, communication would normally go to the counterparts, so if someone within MTR was communicating to Leighton at project director level, then you would expect to know about that; is that not the case?

A. 係呀，我同意㗎，我同意應該要抄送畀我，我都要知道㗎。如果唔係呢，如果唔係，Anthony Zervaas佢可能走過嚟問我發生咩嘢事，而我係完全

有呢個knowledge都唔定，所以我係同意佢應該要--即係Kenneth Kong 佢應該要抄送埋畀我，bring我attention，such that可以喺呢個high level嘅dialogue，between我同Anthony Zervaas或者同 Ian Rawsthorne可以communicate、可以了解或者點樣去rectify番或者改善番呢個情形嘅。所以我而家睇番係奇怪點解佢冇抄送畀我。

COMMISSIONER HANSFORD: Thank you.

MR PENNICOTT: Sir, I see it's near 3.45. So maybe break for ten minutes?

CHAIRMAN: Yes, certainly.

Mr Fu, we are going to break just for ten minutes.

WITNESS: Yes.

CHAIRMAN: I think you know that when you are giving evidence, you're not entitled to discuss it with anybody during these sorts of breaks. Do you understand?

WITNESS: I understand.

CHAIRMAN: Thank you. Ten minutes.

(3.45 pm)

(A short adjournment)

(4.04 pm)

CHAIRMAN: Yes.

MR PENNICOTT: Thank you, sir.

Mr Fu, I'll continue. Can we pick things up, please, at paragraph 19 of your second witness statement, which is at BB5223.

In paragraph 19, you refer to the investigation that

your team carried out in February and March 2018, which we've discussed already.

Then could I ask you, please, to go down to paragraph 21. You say:

"In the circumstances, on 17 April 2018, as the engineer's representative I issued on behalf of MTR to Leighton 69 NCRs ... and 31 NCRs ... for the said non-conformances in relation to NAT and SAT respectively."

And on 26 June MTRC sent to Highways its NCR record. Could we have a look at that, please. It's at DD1/335. Can we scroll up, please. 26 June from TM Lee, enclosing I think the NCR record for a series of contracts -- we are obviously only interested in 1112 -- and if we can look at the enclosure, please --

CHAIRMAN: Sorry, can we just go up, please. I missed the first paragraph.

MR PENNICOTT: I'm sorry.

CHAIRMAN: No, it's my fault entirely.

MR PENNICOTT: So, Mr Fu, first of all, were you aware of this letter and this submission to Highways?

A. 唔係好知嘅，因為呢封信唔係prepare by我嘅。

Q. Okay. But we can see what's happening is a blanket submission is being made of NCR records for a whole host of contracts?

A. 冇錯，冇錯。

Q. Including 1112?

A. 啱嘅。

Q. And if we go to page 347, please. I think we can see, starting on this page at about halfway down from where it is at the moment, pick it up -- let's use the column in bold in the middle, "97", do you see that, "Missing RISC form for NAT EWL bay 1 base slab"; do you see that?

A. 見到，yes，見到。

Q. So this submission is including all of the NCRs that you issued to Leighton in April; do you see that?

A. 啱，啱嘅。

Q. Then the government replied on 29 June at DD1/358. It goes to Mr TM Lee. It's captioned, "Records of non-conformance report under MTR Corporation's project ...", that's PIMS, and the writer whose name I've forgotten but if we go to the end of the letter we'll find out. Keep going. Thanks. Nearly there. Yes, Mr Leung, Jonathan Leung.

Did you see his response? Did you see this response at the time, Mr Fu?

A. 當時我唔aware，事後有見過。

Q. Right. At page 361, if we go back to that, please, you will see at the last paragraph on the page -- just blow that up slightly, please; thank you -- Mr Leung refers to the NCR records and says:

"... I should be grateful if you would provide us with a statistical analysis of the records for each contract on the different level of severity of the non-conformities issued which may have impact on the programme, cost, structural integrity and/or system reliability."

Then it says this:

"The severity should be subclassified, at least, into three levels, say, high, medium and low."

Do you see that?

A. 見到。

Q. Before we see MTR's reply to that, in paragraph 24 of your witness statement, you make reference to the fact that on 10 July, you issued a further 47 NCRs and nine NCRs in relation to RISC form non-conformance in relation to the NAT and the SAT respectively; do you see that, Mr Fu?

A. 見到。

Q. Then if we could go, please, to DD1/376. The next page, please. This is MTR's reply to the Highways letter that we looked at just a moment ago.

Again, Mr Fu, were you involved in this correspondence? Did you see this letter at the time?

A. 當時係冇嘅。

Q. Okay. We can see from page 379 that it enclosed an NCR management protocol. Do you see that?

A. (Nodded head).

Q. Were you involved in the preparation of this protocol?

A. 係冇嘅。

Q. Okay.

And we can see that -- sorry, start again. Do you know who was involved in the preparation of this protocol?

A. 我相信應該係Mr Carl Wu。

Q. Right. Okay.

And it appears that if one looks at this, the categorisation of non-conformance is to be carried out by the senior construction engineer or -- is that the construction manager, into high, medium and low; do you see that?

A. 冇錯，見到。

Q. Right. Was this protocol brought to your attention subsequently, that is after 17 July when it was sent to the government?

A. 我記得Carl Wu係有出過電郵畀相關嘅construction manager，有一個category--categorisation我哋係要跟--要遵從嘅，當出NCR嗰陣時，呢個係事後嘅，呢個。

Q. Right. But you, as I understand -- your evidence is that you had no input into this categorisation of the formulation of this document; is that right?

A. 我冇嘅。

Q. Okay. If we can just go to page 383, please. And one has to remember one's colours. If we could scroll down a bit further, please. That will do. That's fine. Stop there.

With regard to the missing RISC forms, you can see a whole list of them there, these are some of the ones that you had already sent on 17 April, they are all categorised as low; do you see that, Mr Fu?

A. 我見到。

Q. So do you know who was responsible for categorising the missing RISC forms as low, low severity?

A. 喺我哋出NCR畀禮頓嗰陣時，我哋係冇將佢分類嘅，呢個分類應該純粹係回應路政署之前Mr Jonathan Leung嗰封信而做一個分類嘅，呢個分類嗰陣時，我大概記得就係Carl Wu好似有同我哋roughly講過，就係有冇邊啲category係要classify as high risk或者medium risk，or otherwise其他嗰啲就會係low risk㗎喇咁樣，something like that。

Q. Right. I appreciate we are not talking about categorisation so far as Leighton is concerned, but this is a document that is being presented to the government, and MTR, whoever it is in the organisation, has categorised the missing RISC forms as low, not high or medium, but low. And you think Mr Carl Wu may have been involved in that decision; is that right?

A. 係嘅。

Q. Do you agree with that categorisation, Mr Fu?

A. 喺呢個分類，有一個表係要求咩嘢叫做呢個high或者medium或者low嘅，呢個NCR係一個administrative嘅一個NCR，話禮頓係冇submit呢個RISC form，而係唔歸入去呢啲categorise係關於呢個in terms of呢個public safety或者係呢個imminent safety，所以我係同意呢啲NCR ，關於呢個missing RISC form係categorise as呢個low category嘅，我同意嘅。

Q. All right. Could we look at DD4/2006, please.

On 26 July, the MTR wrote again to Highways, submitting for reference an "NCR register containing 168 numbers of works related NCR that are 'open' as at 25 July ... none of them poses a safety hazard."

Again, Mr Fu, did you have anything -- any knowledge of this letter at the time?

A. 我唔知嘅。

Q. Right. Then if we could go, please, to the next page, and again, please, to pick up the appendix. Right.

If we could just scroll down, please, slowly -- scroll down right to the end but slowly, and again; right, stop there -- the point here is, Mr Fu, that all the NCRs for the RISC forms that were on the previous submissions have been taken out of this submission. Have you any idea why that would be the case?

A. 我唔知點解。

Q. Okay. And there were -- to try to cut this a little bit shorter, Mr Fu -- a number of other subsequent

submissions to government where the RISC form NCRs were not included, and they only resumed being included in February of this year, 2019. Were you aware of that?

A. 我係唔知道嘅。

Q. So you probably don't know why it was that there was a resumption of including them in the submissions to government; you simply don't know?

A. 我唔知道，因為呢封信唔係由我製訂嘅。

Q. All right.

COMMISSIONER HANSFORD: Can I ask --

A. Yes.

COMMISSIONER HANSFORD: -- Mr Fu, these submissions to government that were made by Mr TM Lee, with preparation from Mr Carl Wu, do you find it surprising that you were not consulted, given that this was your project and you were construction manager? Is that surprising, that you weren't consulted?

A. 我冇嘅，我嘅理解就係我哋每一個contract，每一個建造經理或者建造團隊，每一個禮拜都要提交一啲update嘅資料畀Carl Wu同埋佢嘅隊伍，佢哋整理咗之後，就會更新呢一個表，然後就要嚟報告畀RDO，至於話有一段時間開始冇再include呢啲missing RISC form，而又再喺某段時間又再加番落去，呢個我係冇呢個認知，冇呢個knowledge嘅。

MR PENNICOTT: All right. Mr Fu, in the light of that answer, there were a few other questions I wanted to ask but I'll leave it.

Let me just ask this general question, Mr Fu, which is where I was going to end up. The whole problem of missing RISC forms that we've been discussing, Mr Fu, was it regarded a problem by the MTR, as a serious matter?

A. 我作為項目經理--sorry，我作為呢個construction manager，我會覺得呢個係一個問題，亦都係一個歸納為嚴重嘅問題，因為呢個RISC form如果係contractor施工嗰時係冇提交到，呢個係會代表我哋冇一個written record記錄低呢個施工有冇檢查過，有冇通過呢個檢查或者係不通過呢個檢查，係需要做remedial work。因為呢個RISC form係一個正式嘅書面紀錄，所以我覺得呢個係一個問題，我覺得係--即係我同意呢個係一個問題嚟嘅。

Q. All right.

Mr Fu, have you been involved in any internal discussions at MTR or in discussions between MTR and certain appointed consultants about reviewing the RISC form process?

A. 我冇嘅。

Q. Okay.

A separate topic, Mr Fu. In paragraphs 25 and 26 of your first witness statement -- that's at pages 78 and 79 -- you deal there with the quality control system for the use of materials, including rebars and couplers. Do you see that, Mr Fu?

A. 睇到。

Q. And you mention that the rebar, in particular, should be sampled, to be tested according to various specification and other standards?

A. 睇到。

Q. What is the MTR's role, so far as you are concerned, in ensuring that the testing requirements were complied with by Leighton?

A. 唔好意思，可唔可以再問多一次？

Q. Yes. What role, if any, did MTR play in ensuring that the materials were properly tested by Leighton?

A. 港鐵係要確保呢個施工質量，係要確保承建商係用嘅物料係滿足呢個質量要求。

Q. We've heard -- sorry, sir.

CHAIRMAN: I appreciate -- you are probably continuing to explore it, are you?

MR PENNICOTT: I've got a few more questions, but please.

CHAIRMAN: Sorry, I appreciate that MTR had to do that. My understanding of the question was: did they play a positive role in ensuring that?

A. Sorry，Mr Chairman，我catch唔到你嘅問題。

CHAIRMAN: Sorry. Did the MTR play a positive role, that is, did they have any set routine or procedure in terms of which they themselves could double-check that contractors had tested the quality of the materials?

A. 港鐵我哋喺合約裏面有一個我哋叫material and workmanship specification，呢個係有規定承建商係要滿足一啲物料嘅質量要求嘅。

喺我哋嘅設計submission畀政府，政府亦都係回覆番我哋喺呢啲consultation submission嗰時亦都有一系列嘅要求，關於呢個物料嘅要求嘅。喺呢啲物料測試嚟講，我哋一定要滿足呢啲要求。呢啲物料測試喺MTR我哋個PIMS內部嘅程序，亦都係有outline到呢啲取樣同埋測試嘅安排嘅。

MR PENNICOTT: Mr Fu, I think the question is what, if anything, did MTR do to ensure compliance with the testing requirements?

A. 有冇嘢要做嘅？有嘅，當呢個物料承建商準備用呢個物料嗰時，承建商要propose呢個物料，經過一個material-related submission form入畀港鐵，而港鐵會審批呢個物料，然後先至會批准承建商係用呢隻物料作為呢個施工物料。呢啲物料如果係港鐵係同意咗，承建商就係要根據一系列嘅呢個測試等等去滿足呢個物料呢個質量要求嘅。

Q. Okay. I appreciate the point, Mr Fu, that initially MTR has to give approval or consent to Leighton, in this case, to use a particular material, let's say a particular type of rebar from a particular supplier; yes?

A. 啱嘅。

Q. What we're concerned with is the next stage, that those materials, rebar, is ordered; it is delivered to the site; and before it can be used, it has to be tested --

A. 冇錯。

Q. -- or Leighton have to make --

A. 冇錯。

Q. -- arrangements for it to be tested; yes?

A. 冇錯。

Q. Is it your understanding that MTR plays any role in that testing process, that is, once the materials have arrived on site, and what do they do, does MTR do, to ensure that Leighton complies with those testing requirements?

A. 有嘅，當呢啲物料係送去地盤嗰時，禮頓會通知港鐵嘅負責嘅inspector，港鐵嘅inspector係會根據呢個sampling rate嚟到做取樣，然後呢啲鋼筋取咗樣之後，就會送去MTR嘅laboratory嗰度做testing嘅。喺呢個sampling嘅過程，亦都係需要填一個表格，呢個表格就係request for 呢個steel bar testing，港鐵嘅幫辦亦都要確認呢個表格，港鐵嘅幫辦確認呢個表格亦都係基於有幾樣嘢嘅，就係話呢個material on-site，呢個禮頓亦都係要produce呢個mill cert.，仲有一啲就係出貨單等等係畀我哋去確認嘅。

當然呢啲物料係咪根據我哋已經approve嘅material呢？我哋亦都要睇嘅，譬如話係呢個couplers，couplers就因為我哋係批咗某一個品牌、某一個類型嘅，所以如果contractor係用couplers，佢一定要係港鐵係批核過嘅類型先可以用嘅。

港鐵係負責取樣同埋去安排送呢個鋼筋去MTR CA lab.做testing，然後亦都會係知道個test result。

Q. Yes. Just please, Mr Fu, at the moment, don't go off into questions of couplers. Just focus on the rebar for

the moment.

A. Okay.

Q. My understanding of the position, and I think in a sense you've just confirmed it, is that MTR's inspectors are involved in taking the samples that need to be tested, of the rebar. Is that your understanding?

A. 啱嘅，啱嘅。

MR BOULDING: Sir, I was just being asked if Mr Fu could speak slightly slower for the benefit of the translation.

A. Okay.

MR PENNICOTT: So what we've heard from the Leighton witnesses, we think, is that so far as the rebar is concerned, Mr Fu, it turns up in batches, different diameters, T40, T32, T25, and there is a certain sampling criteria. A particular bar has to be taken, a metre length is cut out of it, and that's what's sent away for testing.

As I understand it, and I think you agree but tell me if you don't, MTR's inspectors are involved in that sampling and testing process. Is that right?

A. 啱嘅。

Q. And you say MTR's laboratory -- that's the HOKLAS laboratory, is that right, H-O-K-L-A-S for short?

A. 啱嘅。

Q. Okay. The reason I'm asking you this, Mr Fu, is that we

have been told by Leighton that about 7 per cent or so of the rebar that was used on this project, I mean this contract, 1112, about 7 per cent of it apparently was not tested as it should have been.

Assuming that to be right for the moment, can you explain how that has sort of slipped past -- apparently slipped past MTRC?

A. 我相信我推測唔到點解有部分鐵係冇測試過。

Q. Right.

COMMISSIONER HANSFORD: Can I just ask, Mr Fu, what would happen if Leighton does not inform MTR the rebar is ready for sampling and testing? What would then happen?

A. 如果係唔話畀我哋知，我哋係會無從知道嗰啲鋼筋--嗰一批鋼筋係有冇已經取樣或者做咗個測試，港鐵嘅督察亦都唔會知道。

COMMISSIONER HANSFORD: Sorry, your answer says, "If we were not told, we wouldn't know that the rebars, that batch, have been sampled or tested", but my question is a little bit different. What if Leighton have not informed MTR that material is available for sampling and testing? What then happens?

A. 如果禮頓唔通知港鐵鋼筋去取樣或者做測試，好有可能禮頓就會用咗嗰批鋼筋照做佢哋嘅呢個結構工程，而嗰批鋼筋係未曾做過測試。

COMMISSIONER HANSFORD: Right.

MR PENNICOTT: Okay. So, Mr Fu, to put perhaps Prof Hansford's question around the other way, you would

not -- you would expect MTR's inspectors to get involved in the sampling and testing process, if they were told that the rebar had arrived on the site, but you would not have expected MTR's inspectors to go patrolling the site, looking for untested rebar?

A. 唔係，我哋嘅督察每日都去地盤嘅，每日都會經過每個施工場地，亦都會包括呢個紮鐵場嘅，我相信我哋嘅督察如果見到有一批鋼筋嚟，擺咗喺旁邊，佢哋都會--即係我相信都會主動去問禮頓嘅負責人或者問禮頓嘅科文呢啲鋼筋嘅來源或者係咪啱啱送嚟需要做測試嘅，我相信我哋嘅幫辦每日做呢個地盤檢查，佢哋係有機會見到呢啲鋼筋送咗嚟擺埋一面咁樣嘅。

至於話禮頓會唔會有其他嘅安排，送咗鋼筋嚟，擺喺咩嘢地方，我哋推測唔到呢啲嘢。

Q. All right.

CHAIRMAN: So, essentially, would it be correct then to say, Mr Fu, that it's an arrangement of trust, backed up with inspection? In other words, new materials come in, the burden is on Leighton to tell the MTR, "We've got new materials that require testing"; okay? That's where the report should come from, but the MTR has its own inspectors and if they see something which looks like material that has not yet been put before them for testing, they will make enquiries?

A. 係，冇錯。

MR PENNICOTT: Sir, I'm moving on to something else, unless you have any further questions on that particular topic?

CHAIRMAN: No. Thank you.

MR PENNICOTT: Mr Fu, in paragraphs 14 and 15 of your second witness statement, that's at 5219, you are dealing with the question of deviations and in particular the change from lapped bars to couplers. Do you recall that?

A. 記得。

Q. And you say that you were unaware of that change in certain locations in the NAT area until around April 2018. Is that right? I'm reading from the top of paragraph -- towards the top of paragraph 15 of your witness statement. Is that right?

A. 係。

Q. All right.

In paragraph 17 of your witness statement, you refer to the use of couplers at two specific locations. One is something called the drencher tank, which I am passing over, and the other is in the VRV room. Do you see that, Mr Fu?

A. 見到。

Q. And in relation to the VRV room, could we just, please, look at BB9/6328.

COMMISSIONER HANSFORD: What does "VRV" stand for?

MR PENNICOTT: I have no idea.

A. Sorry，我都唔係好知VRV係乜嘢，其實VRV係一啲building services嘅equipment。

COMMISSIONER HANSFORD: All right. We will just call it the VRV room.

MR PENNICOTT: I undertake to find out the answer by tomorrow morning.

THE COURT REPORTER: It's variable refrigerant volume.

MR PENNICOTT: Thank you very much.

COMMISSIONER HANSFORD: Okay. We are much wiser.

MR PENNICOTT: And in relation to this VRV room -- the reason I'm asking you these questions is to see whether we can put this on one side for a moment -- for forever. You mention an email from Mr Holden of 15 March 2019. Is this the email that you are referring to, Mr Fu?

A. 我睇緊，係，見到。

Q. It says -- it's from Mr Holden to Jacky Lee, and what Mr Holden says is:

"Further to our discussion refer attached items related to the HHS phased opening close out for accommodation blocks package".

And the first item is the "PWD226 design report justification of MJ", which I think is movement joint, "in VRV base slab"; do you see that?

A. 睇到。

Q. And attached to this email is a very lengthy report. If we can just go over the page, please:

"Review of VRV base slab around construction joint".

Then over the page -- and it goes on for a little

while. We are not going to look at it.

In your witness statement, Mr Fu, you say, in relation to this particular item:

"As the investigation and follow-up action in this regard are still ongoing, I will update the Commission of Inquiry when more information is available."

Would you like this opportunity to give us an update, if you are able?

A. 而家嘅資料都仍然係禮頓呢個calculation，我哋係做緊review嘅。

Q. Right. So you are not yet in a position to give us an update?

A. 而家冇，而家係冇。

MR PENNICOTT: Right.

Sir, I think I've finished. It's 5.51. It's a matter for you. I don't know if anyone else has any questions?

CHAIRMAN: Let's just scout the land.

MR TSOI: I have no questions.

MR SHIEH: No questions.

MR CHOW: Mr Chairman, I do have a few questions, and it's going to take more than ten minutes. So I'm in your hands. I can start now until a moment that is convenient.

CHAIRMAN: No. I think we've done a fair day's work. We finished late into the lunch hour in order to get a witness dealt with. There's your questions and then

myself and the Commissioner may have other questions, plus re-examination.

COMMISSIONER HANSFORD: I have one or two.

CHAIRMAN: Yes. So I think it's easier that we finish now and then we have something reasonably substantial tomorrow morning.

MR PENNICOTT: Yes.

CHAIRMAN: Good. So we will adjourn until 10 am tomorrow morning.

Mr Fu, sorry to bring you back, but hopefully we won't detain you more than an hour or so tomorrow, perhaps less than that.

MR PENNICOTT: Sir, can I just mention one thing so that nobody is taken by surprise tomorrow. We will obviously deal with Mr Fu first thing in the morning. He will be followed by Mr Chris Chan, who will be followed by Mr Tony Tang, and it's at that point that I need to mention that the next witness would be Ms Kappa Kang. She has requested to have a specific time to give her evidence, so we have given her 10 o'clock on Wednesday morning.

So if we manage to get through Mr Fu, Mr Chan and Mr Tang, then we may get to Mr Jacky Lee, I think, who is after Ms Kang. So I just make that point. It may be that in fact it will all work out seamlessly and we will reach Ms Kang on Wednesday morning, but the best laid

plans and all of that.

CHAIRMAN: Yes. It should be pointed out, I think, that Ms Kang made a request for entirely proper pressing personal reasons.

MR PENNICOTT: Absolutely, sir.

CHAIRMAN: And the tribunal has acceded to that request.

MR PENNICOTT: Indeed. That's right.

CHAIRMAN: It's not just simply somebody randomly deciding they only want to be here at a particular time. The request had substance.

MR PENNICOTT: Yes.

CHAIRMAN: Good. 10 o'clock tomorrow.

(4.55 pm)

(The hearing adjourned until 10.00 am the following day)

INDEX