

1 Tuesday, 11 June 2019

2 (10.01 am)

3 MR FU YIN CHIT, MICHAEL (on former affirmation in Cantonese)

4 Cross-examination by MR CHOW

5 MR CHOW: Good morning, Mr Chairman and Mr Commissioner.

6 Good morning, Mr Fu.

7 A. Good morning.

8 Q. My name is Anthony Chow and I represent the government.

9 I have a few questions for you.

10 Mr Fu, can I ask you to look at the organisation  
11 chart that we have looked at yesterday, in bundle B2,  
12 page 582. Do you see that?

13 A. 我睇到。

14 Q. What we see from this organisation chart is you are  
15 right at the very top of MTR's organisation on site;  
16 right?

17 A. 啱嘅，我見到。

18 Q. From your answers given to Mr Pennicott yesterday,  
19 I have got an impression, I may be wrong, that you have  
20 very little personal knowledge on various matters that  
21 are being investigated by the present Commission of  
22 Inquiry. For example, you have no knowledge of the lack  
23 of RISC forms at the time and you have no knowledge of  
24 the deviation, that is to say, the changes of the lapped  
25 bars to coupler connections, that you have no knowledge.  
26 Do you recall that?

1 A. 啱嘅。

2 Q. Can I then ask what exactly is your duty and  
3 responsibility as a construction manager on site?

4 A. 作為一個construction manager，有多方面嘅工作要跟進嘅，包括就係  
5 施工安全，包括施工進度，包括好多每日嘅書信文件來往，包括有啲商務嘅  
6 資料係要跟進，亦都包括有啲設計方面會唔會影響到施工進度嘅，我哋係  
7 需要跟進，多方面都要跟進嘅。

8 當然我哋亦都會有唔同嘅團隊去支援、去跟進，喺我下面係有兩個高級  
9 建造工程師senior construction engineer，佢哋係delegate係每日  
10 跟進有關嘅呢個施工事項同埋其他有關嘅工作嘅。就當有一啲施工問題，喺  
11 我哋每個星期都有例會，我哋嘅團隊、啲工程師係可以向我提出嚟嘅。頭先講  
12 嘅譬如話係有一啲missing RISC form嗰啲，喺當時係有人向我提出嚟，  
13 所以我係唔知道嘅。

14 Q. Now, Mr Fu, from reading the organisation chart, is it  
15 not obvious that one of the duties is to supervise your  
16 subordinates, for example the engineering management or  
17 construction management team, your inspectors of works,  
18 your engineers, to ensure that they fulfil their duties  
19 as defined in PIMS, the project integrated management  
20 system of MTRC; do you agree with me?

21 A. 同意。

22 Q. Are you familiar with the requirement of PIMS in  
23 relation to keeping of records?

24 A. 基本知道嘅。

1 Q. So you would agree with me, no doubt, that your  
2 inspectorate team, comprising engineers and inspectors  
3 of works, have to keep records of their inspection  
4 results?

5 A. 同意嘅。

6 Q. And they also have to keep records of the as-built work  
7 on a continuous basis; do you agree with me?

8 A. 係。

9 Q. Your other duty is to oversee the work of the  
10 contractor, to make sure that the works are being  
11 carried out in accordance with the terms of the  
12 contract; do you agree with me?

13 A. 啱嘅。

14 Q. With these answers, I would like to move on to the  
15 stitch joints. In paragraph 7 of your statement, you  
16 set out the time when the three original stitch joints  
17 were constructed. Do you see page BB65? Under  
18 subparagraphs (a), (b), (c) and (d), you set out the  
19 corresponding periods of the three stitch joints and the  
20 shunt neck joint, when they were built; do you see that?

21 A. 見到。

22 Q. We can see from those dates that all these works were  
23 constructed at the time when you were the construction  
24 manager on site. Can you confirm that?

25 A. 同意嘅。

1 Q. In paragraph 19 of your second statement, at page 5223,  
2 you say:

3 "After the discovery of the defective connection  
4 issues at the three stitch joints and the 1111/1112  
5 shunt neck joint in February and March 2018, my team and  
6 I started to investigate why such issues were not  
7 discovered earlier. We therefore conducted a search for  
8 the relevant RISC forms in the RISC form register. This  
9 was when we realised that contrary to the ITPs and  
10 clause G12.4.3 of the General Specification, Leighton  
11 had failed to submit RISC forms in respect of 69  
12 hold-point inspections (for rebar fixing or the pre-pour  
13 check) for the construction works at the NAT."

14 Do you see that?

15 A. 見到。

16 Q. From the way you made this statement, it sounds like you  
17 don't know whether hold-point inspection in relation to  
18 the original construction work of the stitch joints has  
19 actually been conducted by your inspectorate team. Is  
20 that your evidence?

21 A. 係，我係唔知嘅。

22 Q. Now, since the discovery of this defective work in  
23 February last year up to now, we are almost 15 months  
24 from the time of discovery. Have you ever tried to at  
25 least find out what went wrong with the inspection work,  
26 or whether there were hold-point inspections taking

1 place?

2 A. 我有同我哋嘅項目工程師了解當時嘅安排係點樣樣，喺呢個發生呢件事之後，  
3 當時我哋嘅項目工程師剩低Kappa仲係喺MTR，而佢當時亦都係答唔到到底  
4 係有冇做到呢個關鍵檢查嘅。其他嘅項目工程師，好似我尋日咁講，係已經  
5 離咗職，所以我係去查核唔到嘅。

6 Q. Have you talked to Tony Tang then? He was the inspector  
7 of works. Have you talked to him, trying to find out  
8 what actually happened with the hold-point inspections?

9 A. 有嘅。

10 Q. What did he tell you?

11 A. Tony同我講就係呢個rebar嘅hold-point inspection就唔係佢嘅工作  
12 嚟嘅，佢每日喺地盤係會做一個巡查，亦都係包括其他嘅關鍵點檢查，包括  
13 呢個pre-pour inspection，但係rebar inspection就唔係佢嘅工作  
14 嚟嘅。

15 Q. Do you accept that for pre-pour check, one has to look  
16 at the reinforcement as well?

17 A. 喺落石屎之前個檢查一般嚟講係可以睇到個鋼筋係紮成點嘅，但係因為落  
18 石屎檢查就唔係一個詳細檢查，亦都唔係一個--每一個細節都有檢查，所  
19 以喺當時落石屎前嘅檢查睇唔到一啲瑕疵或者呢個workmanship嘅問題係  
20 唔出奇嘅。

21 Q. So your evidence is, for the purpose of pre-pour  
22 inspection, your inspector does not have to look at the  
23 steel fixing work; is that your evidence?

24 A. 唔係，我意思佢會睇一般嗰個鋼筋嗰個成樣係點樣樣，但係佢唔需要做呢個

1 詳細檢查。

2 Q. The stitch joints in question, according to the  
3 evidence, are only around 2 metres long. In other  
4 words, the distance between the two sets of couplers  
5 were around 2 metres apart. Do you agree with me?

6 A. 同意嘅。

7 Q. And for someone who carries out inspection, even for  
8 pre-pour check, can hardly miss the couplers connection,  
9 do you agree? Because they are so close to each other?

10 A. 如果呢個threaded bar係同螺絲帽係好明顯係冇接駁，而好明顯嘅分離，  
11 我相信任何人都可以睇到嘅。

12 Q. Now, have you got a chance to look at the photos  
13 attached to the NCRs? The three NCRs regarding the  
14 defective stitch joints, can you recall there are at  
15 least three NCRs issued in relation to the defective  
16 stitch joints? Do you recall those NCRs?

17 A. 我記得。

18 Q. Right. Have you got a chance to look at the photos  
19 attached to those NCRs, showing the defective steel  
20 fixing work?

21 A. 有，我有見過。

22 Q. Right. Now, the nature and the seriousness of the  
23 defects that we see from the photos, would you consider  
24 such defects as an obvious or a clear separation of  
25 connection?

1 A. 而家睇到，係好明顯係睇到係冇接駁到嘅。

2 Q. Right. So, as a construction manager in charge of your  
3 whole team, your whole engineering team carrying out  
4 inspection, I would imagine that the first question that  
5 you would ask is who carried out the hold-point  
6 inspection at that time. Have you asked yourself this  
7 question?

8 A. 我有。

9 Q. When you talked to Jacky Lee -- sorry, Tony Tang, you  
10 knew he was responsible for the pre-pour checks for most  
11 of the works of the original stitch joints; you were  
12 aware of that at that stage, right?

13 A. 係。

14 Q. I would imagine that during the time of construction, as  
15 construction manager, you would know who was responsible  
16 for the hold-point inspection. Isn't that the case?

17 A. 基本都知道嘅。

18 Q. Have you asked Tony Tang who carried out the hold-point  
19 inspection for the steel fixing works?

20 A. 有嘅。

21 Q. What did he say?

22 A. 佢話係工程師。

23 Q. Did he mention names?

24 A. 我唔係記得好清楚，但係佢指工程師，應該只有兩個嘅啫，一個就係--一係  
25 就係Chris Chan，一係就係Kappa。

1 Q. Then what did you do, having got the information from  
2 Tony Tang?

3 A. 好似我頭先咁講，我有向Kappa問過，Kappa亦都答唔到嗰個stitch  
4 joint係有冇做過呢個關鍵點嘅rebar inspection，佢答唔到。  
5 Chris Chan已經離咗職，所以就無從可以向Chris Chan核實呢個。

6 Q. How about the senior construction engineer to whom Chris  
7 Chan or Kappa Kang reported; have you checked with them?

8 A. 佢係叫Joe Tsang，Joe Tsang亦都係已經離咗職嘅。

9 Q. Have you checked whether they have kept records of their  
10 inspection results, as required under the PIMS? Have  
11 you checked that?

12 A. 有。

13 Q. Right. So what was your finding?

14 A. 係發覺係查核唔到呢個RISC form。

15 Q. Okay.

16 Now, yesterday, you mentioned to the Commission that  
17 there was no formal investigation carried out; there  
18 were just informal questioning or discussion with the  
19 relevant personnel. Do you recall that?

20 A. 我記得。

21 Q. So can you explain -- well, do you agree with me,  
22 defects like that, the issue of the defective stitch  
23 joints, was a serious matter as far as MTR is concerned?

24 A. 我同意。

25 Q. And partly because it would cause delay to the project;



1 right?

2 A. 未必。

3 Q. Okay. And more importantly, it shows that perhaps the  
4 inspection system under PIMS did not work?

5 A. 有咁嘅可能。

6 Q. So, as a learning organisation that MTR has repeatedly  
7 claimed itself to be, do you agree with me that in order  
8 to learn from one's own mistakes, one has to identify  
9 where it went wrong, in order to deal with it?

10 A. 同意嘅。

11 Q. Then can you explain why no formal investigation was  
12 carried out by MTRC to get to the bottom of the truth of  
13 the facts?

14 A. 我只能夠講，如果係一個正式調查，一般嚟講都係要我嘅supervisor  
15 或者我嘅senior去trigger呢個調查，亦都係有其他嘅--可能其他嘅  
16 personnel或者其他嘅唔同組別嘅同事去參與呢個調查嘅。

17 Q. So are you saying that you have never been requested by  
18 your superior to carry out a formal investigation into  
19 the performance of your inspectorate team?

20 A. 係，冇錯。

21 Q. Are you aware of the fact that over the past one year,  
22 the government has repeatedly requested MTRC to provide  
23 explanation as to why defects of this nature could have  
24 passed the hold-point inspection? Are you aware of the  
25 request of the government?

1 A. 我知道政府有問呢啲問題。

2 Q. But despite that, no one asked you to carry out a formal  
3 investigation, to find out the answer; is that your  
4 evidence?

5 A. 如果正式調查，一般嚟講唔係我去做嘅，可能係一個separate嘅team去做嘅。

6 Q. So are you aware of any separate team being requested by  
7 the senior management of MTRC to carry out a formal  
8 investigation into this issue?

9 A. 據我所知，係應該有嘅。

10 CHAIRMAN: Mr Fu, looking back now, without apportioning  
11 blame or anything like that, you would agree that in  
12 respect of the stitch joints, there was a failure of  
13 supervision by MTR?

14 A. 我會覺得係有幾個關鍵程序，無論承建商或者我哋都有去守得好緊，而  
15 呢個關鍵程序就係有一個RISC form inspection，而我哋係有呢個  
16 紀錄係有做過呢個inspection嘅。

17 CHAIRMAN: I'm sorry, I might need a little help with that.  
18 My apologies. "There were a few critical procedures  
19 where the contractor or [yourselves] did not attend to  
20 seriously" -- doesn't that really mean that there are  
21 a number of important procedures which people failed to  
22 carry out to the required standard?

23 A. 係，冇錯。

24 CHAIRMAN: And those people would have included members of  
25 your staff?

1 A. 有一點我想係要講清楚，就係我係無從知道，即係from我哋嘅  
2 construction engineer，I mean即係Kappa，我無從知道係佢有冇  
3 做呢個hold-point inspection，所以個關鍵點，承建商係有提交呢個  
4 RISC form紀錄，但係我哋到底有冇做到呢個inspection，喺呢個環節  
5 我係答唔到嘅，如果我哋嘅同事係有做hold-point inspection，for  
6 example，如果有嘅話，即係我哋有根據我哋嘅PIMS要求，係有做到我哋  
7 嘅工作；但係如果我哋係有做hold-point inspection，即係我哋就係  
8 冇做呢個工作。

9 CHAIRMAN: All right. Sorry, again I'm going to need a bit  
10 of help. My understanding of the RISC forms is that  
11 it's a duet; okay? There's one party dancing with  
12 another party, arm in arm; okay? In other words, the  
13 contractor has to fill out the RISC form to initiate the  
14 procedure. The RISC form is then received by MTR and  
15 the inspections take place, and MTR fills out its part  
16 of the RISC form and both parties end up with the  
17 required copies?

18 A. 係嘅。

19 CHAIRMAN: So, in other words, if there had have been proper  
20 compliance with the RISC form procedures, then your  
21 staff would have been able to go to copies of the RISC  
22 forms, the ones that should be left with them, and say,  
23 "Here they are", and they indicate and prove that there  
24 were hold-point inspections?

25 A. 係嘅。

1 CHAIRMAN: Okay. But they weren't able to do that?

2 A. 冇錯。

3 CHAIRMAN: And the reason for that appears to be because the  
4 RISC form procedure, in respect of this particular  
5 contract at least, appears to have fallen into disuse?

6 A. 係嘅。

7 CHAIRMAN: And when I say "disuse", I mean in the sense of  
8 instead of it becoming -- sorry, instead of it being the  
9 methodology by which inspections are actually requested,  
10 it became not the leader but the follower. Requests for  
11 inspections were made over the telephone or orally, and  
12 the RISC forms were filled out later. They followed the  
13 process and did not lead it. Would that be correct, in  
14 this particular contract?

15 A. 係嘅。

16 CHAIRMAN: So, again without any blame, but if there was to  
17 be culpability, it was joint culpability? It was the  
18 culpability of Leighton in not following the procedure  
19 correctly, and with respect, it was the culpability of  
20 the MTR in allowing that to happen, even though they had  
21 a supervisory role, and playing along with it?

22 A. 係嘅。

23 MR CHOW: Mr Fu, I note that after 15 months, MTRC is still  
24 unsure as to whether hold-point inspection has been  
25 carried out in relation to those defective works. Just

1           assume for the moment that no hold-point inspections  
2           have been carried out by MTRC's inspectors in relation  
3           to those defective works. We see from evidence that  
4           there were site diaries, and we have also seen site  
5           diary recording concreting of the stitch joints. Are  
6           you aware of that?

7           A. 我知。

8           Q. So assuming that no hold-point inspection was conducted  
9           by your inspector, do you agree with me that they would  
10          have to overlook the site diary not to spot that at the  
11          time; right?

12          A. 可唔可以問多一次個問題?

13          Q. Now, we can -- I would expect that MTR prepared the site  
14          diaries at the time; is that right?

15          A. 啱嘅。

16          Q. We have seen site diaries recording concreting of the  
17          stitch joints. Are you aware of that?

18          A. 我知。

19          Q. So if MTRC's inspector has never been asked to conduct  
20          hold-point inspections for the defective stitch joint  
21          work, at the time when MTR prepared the site diary,  
22          putting in the entries regarding concreting of the  
23          stitch joint, your staff should have spotted that, well,  
24          no hold-point inspection has been carried out; how come  
25          they managed to concrete the stitch joint?

1           Is it a fair, logical deduction?

2       A.   係，我同意。

3       Q.   I assume that at that time, no one raised that as  
4           a problem, ie without hold-point inspection but  
5           Leighton proceeded to concreting?

6       CHAIRMAN: Well, I don't know, is that really -- I think one  
7           has to have a degree of empathy for and understanding  
8           what's going on there. It seems to me that people were  
9           working together. The site diary filled out that  
10          concreting took place and everybody knew that there had  
11          been inspections.

12      MR CHOW: I appreciate the point, but my question --

13      CHAIRMAN: I mean, when I say that, "knew", I don't mean  
14          that they necessarily absolutely did know, but that  
15          there would have been an assumption, if I can put it  
16          that way, that inspections had taken place in the normal  
17          course.

18      MR CHOW: Sir, I ask this question on the premise that there  
19          were no hold-point inspection, because Mr Fu is not sure  
20          whether there was hold-point inspection. But perhaps  
21          I don't need to ask that question. Perhaps I will just  
22          move on then.

23      MR PENNICOTT: Surely it depends upon who the author of the  
24          diary is and what knowledge the author of the diary has.

25      CHAIRMAN: Yes.

26      MR PENNICOTT: I mean, certainly, if the engineer or one of

1 the engineers who ought to have carried out the  
2 inspection was also the same person who wrote the diary,  
3 then one can see that Mr Chow would have a very good  
4 point. But if there are two different people, one the  
5 engineer doing the inspection, another person filling  
6 out the diary, then one doesn't know or one may not  
7 know. The point is not so strong, it seems to me.

8 COMMISSIONER HANSFORD: One can only assume.

9 MR PENNICOTT: Yes. At best, one can perhaps make  
10 an assumption.

11 COMMISSIONER HANSFORD: Yes.

12 MR CHOW: Yes, I can -- well, it's a fair assumption on the  
13 part of Mr Pennicott.

14 Can I move on to another topic --

15 MR PENNICOTT: Obviously, if Mr Chow wants to go to any  
16 diary entry -- because certainly I'm aware that Mr Tony  
17 Tang, for example, is a signatory to the diary, and it  
18 may not be for this witness, it may be for Mr Tang,  
19 I don't know, but there may be a point lurking there.  
20 But I think one needs to probably look more carefully at  
21 the diary entries, tie them into the concrete pours, to  
22 see whether the point can be made good. But  
23 obviously --

24 CHAIRMAN: I mean, I suppose this is one of the problems,  
25 isn't it, that one has, that you've got people on site  
26 who do the inspections. If they are available, they

1 will tell you that they would never have purposefully  
2 overlooked a hold-point inspection; they knew the  
3 importance of them. But if, for example, Mr Fu comes  
4 along a year later and doesn't have the requisite  
5 records, he wasn't there on each inspection, so he can't  
6 confirm, he can't say one way or the other.

7 MR PENNICOTT: Correct.

8 CHAIRMAN: That's the conundrum that everybody has found  
9 themselves in and one of the reasons why we are sitting  
10 here.

11 MR PENNICOTT: Yes, sir. Quite.

12 MR CHOW: I do appreciate the suggestion made by  
13 Mr Pennicott. Actually, I think I've got what I need  
14 for the present purposes. I will move on to another  
15 topic.

16 Mr Fu, regarding the differential settlement of the  
17 two structures on each side of the stitch joint --  
18 yesterday, you have been asked by Mr Pennicott in  
19 relation to this particular matter, and when you were  
20 asked as to how did Leightons know the time has come for  
21 them to construct the stitch joint, and you explained  
22 that this is something to be left to the frontline  
23 engineers to discuss with Leighton and to decide. Do  
24 you recall that part of your evidence?

25 A. 我記得，係。

26 Q. From my recollection, Prof Hansford asked you a question



1 specifically as to the criteria that was used in  
2 deciding whether time has arrived and it is appropriate  
3 to proceed with the stitch joint. Do you recall that?

4 A. 我記得。

5 Q. And it was in answer to this particular question that  
6 you started to talk about decisions being made by  
7 frontline staff; correct?

8 A. 我記得，係。

9 Q. But you yourself, do you know what exactly the criteria  
10 being adopted by your frontline staff in deciding as to  
11 the timing for the construction of the stitch joint?

12 A. 我知道喺圖嗰度有呢個準則要求嘅。

13 Q. On the drawings?

14 A. 圖嗰度有一個note係講連接縫係to be constructed as late as  
15 possible同埋有兩個要求，就係backfilling係complete同埋係  
16 water recharge。

17 Q. But my understanding of Prof Hansford's question is what  
18 criteria that your frontline staff used in deciding  
19 whether the differential or the movement has stabilised,  
20 because this is one of the requirements in the contract.

21 A. 係。

22 Q. So the question relates to the criteria adopted in  
23 deciding whether the relative movement has stabilised.

24 A. 我相信我哋啲前線員工好多時間喺地盤都可以通過目測，目測係睇到有冇  
25 明顯嘅呢個differential settlement between兩個結構，亦都可以

1            喺其他一啲周邊嘅呢個settlement monitoring亦都係可以有一啲參考  
2            嘅作用。

3            Q. Visual inspection? Wow.

4            Now, Mr Holden -- do you know Mr Holden of Leighton?

5            A. 係。

6            Q. He told the Commission that there was no quantifiable  
7            certain amount of millimetre movement over a period of  
8            time which could be expected, as indicated in the  
9            contract, for them to decide when is the time  
10           appropriate to proceed with the stitch joint  
11           construction. Do you confirm that there is no objective  
12           criteria in terms of the amount of relative movement?

13           A. 我記得。

14           Q. Do you agree?

15           A. 我記得，我同意。

16           Q. So, according to your evidence, this is something to be  
17           left to your frontline inspectors to decide?

18           A. 係。

19           Q. Now, in paragraph 22 of your first statement, page 77,  
20           you say:

21           "As the project manager of the SCL project, MTRC was  
22           responsible for managing the construction of the three  
23           stitch joints and the 1111/1112 shunt neck joint."

24           Am I right in understanding that you, at some point,  
25           were also the construction manager of contract 1111?

1 I believe that is what you --

2 A. 係。

3 Q. So you were familiar with, for example, the brand of  
4 couplers used by the Gammon-Kaden Joint Venture under  
5 contract 1111; right?

6 A. 係，冇錯。

7 Q. So, at the time of the construction of the three stitch  
8 joints, you were aware that attention has to be paid to  
9 the type of couplers used by Gammon on the contract 1111  
10 side? Because at that stage you were also the  
11 construction manager of contract 1112.

12 A. 冇錯。

13 Q. Have you brought this to the attention of any of your  
14 team members?

15 A. 我有特別提點佢哋，因為我知道有呢個interfacing meeting，而我哋  
16 團隊嘅工程師亦都係有參與呢個interfacing meeting，所以佢哋係知道  
17 晒所有詳情嘅。

18 Q. Right. Can I ask you to take a look at the interface  
19 requirement: bundle BB1, page 425, please. This is part  
20 of table 2.1.1, item 1.7.

21 Under the three columns, different columns, under  
22 the column "By 1111 contractor", we see that it  
23 mentioned about joint inspections, do you see that, of,  
24 among other things, couplers and protection measures to  
25 couplers provided at the interface work; do you see

1           that?

2           A. 我見到。

3           Q. And under the column for contractor 1112, we have  
4           similar requirements:

5                     "... attendance to 1111 contractor for joint  
6           inspection of the ... couplers and protection measures  
7           to couplers provided at the interface work."

8                     And under the right column, "Purpose of interface",  
9           we see that the corresponding entry for item 1.7 is:

10                    "To confirm as-built ... couplers and protection  
11           measures to couplers are properly provided."

12                    Do you see that?

13           A. 我見到。

14           Q. Regarding the joint inspection -- now, being the project  
15           manager, you would ensure that the interface work would  
16           be carried out smoothly between the two neighbouring  
17           contractors, wouldn't you?

18           A. 啱嘅。

19           Q. Do you know whether the joint inspection for the  
20           couplers was actually carried out between Leighton on  
21           the one part and Gammon-Kaden JV on the other part?

22           A. 我有呢個資料。

23           Q. Do you have -- does MTR have any record of the joint  
24           inspection?

25           A. 我唔清楚。

1 COMMISSIONER HANSFORD: Sorry, while we are on that point,  
2 can I just ask -- because you told us yesterday, Mr Fu,  
3 that it was MTR's role to arrange the joint interface  
4 meetings between the two contractors. Is that correct?

5 A. 啱嘅。

6 COMMISSIONER HANSFORD: Was it also MTR's role to arrange  
7 the joint inspection, as this interface item 1.7 that  
8 Mr Chow's just shown you, was it MTR's role to arrange  
9 this joint inspection between the two contractors?

10 A. 我相信呢個係一個joint effort，係連埋承建商一齊嘅，點解咁講呢？  
11 因為要決定於周邊嘅施工進度同埋係唔係可以有道路或者通道行到去睇個  
12 couplers嘅location，所以呢個係各方面一齊係去安排或者確認個適合  
13 嘅時間去做呢個檢查嘅。

14 COMMISSIONER HANSFORD: Would MTR attend such inspection?

15 A. 會嘅。

16 COMMISSIONER HANSFORD: Did MTR attend such an inspection?

17 A. 我嘅理解，係港鐵嘅inspectors係有參與嘅。

18 COMMISSIONER HANSFORD: Would that be recorded somewhere?

19 A. 呢方面我唔清楚，或者檢查完之後有啲乜嘢需要跟進嘅事項，有可能係會通  
20 過一啲電郵會大家提呢個要求或者記錄低，但係我有呢方面嘅knowledge。

21 COMMISSIONER HANSFORD: Right. I don't think we've found  
22 any evidence of a joint inspection, but perhaps one of  
23 the witnesses will be able to point us to that. We'll  
24 see. Thank you.

25 A. Okay.

1 MR CHOW: Mr Fu, I would like to move on to testing of  
2 rebars.

3 COMMISSIONER HANSFORD: We seem to have got the translation  
4 on the wrong channel now. Okay, I'm sure it's  
5 corrected.

6 MR CHOW: Mr Fu, yesterday, in answer to Mr Pennicott's  
7 question regarding rebar testing on site, you said -- at  
8 one point you said, basically, if Leighton does not  
9 inform MTRC of the arrival of the rebars, there is no  
10 way that MTRC would know and ask for or sample the rebar  
11 for testing. Do you recall that part of your evidence?

12 CHAIRMAN: I don't think he said that, in fact. I think  
13 what he said was that it was a trust relationship in the  
14 sense that they expected Leighton to inform them of the  
15 arrival of new batches of material that required  
16 testing, and obviously, if they didn't inform them,  
17 there was a risk that they would not know about the  
18 arrival of the new material, but they had their own  
19 inspectors constantly on site and those inspectors knew  
20 where the materials were kept, and if they had seen  
21 things, they would have taken action themselves.

22 MR CHOW: Yes.

23 CHAIRMAN: Sorry, I'm being --

24 MR CHOW: That's the evidence. I'm going to get to that.

25 CHAIRMAN: All right. It's just that your initial question  
26 seemed to be somewhat curtailed.

1 MR CHOW: Mr Fu, we have seen site diaries which record the  
2 labour return, the number of workers deployed by  
3 Leighton at various locations for various parts of the  
4 works. Would there not be a similar reporting from  
5 Leighton in terms of -- in relation to the materials  
6 that they delivered to site?

7 A. 我唔肯定。

8 Q. If I can ask you to go quickly to bundle C, page 2069.  
9 This is part of the General Specification.  
10 Clause 4.16.2 -- now, I'm not sure this is the relevant  
11 provision, but I just want you to take a look to tell us  
12 whether this will help -- under this provision, it  
13 requires Leighton to "maintain the permanent works plant  
14 and material control schedule and report upon the status  
15 of each item as part of the monthly reporting. From  
16 this base data the contractor [that is Leighton] shall  
17 prepare an exception report detailing all components  
18 which are in delay. The exception report shall detail  
19 the reasons for the delay and indicate what action the  
20 contractor is taking to recover the lost time."

21 Would this be the relevant provision under which  
22 Leighton has to inform MTRC as to the status of the  
23 delivery of the reinforcing bars?

24 A. 我想再睇呢個條文嘅上半部，係under係邊一個heading，關於呢個條文嘅。

25 Q. Yes, we can go back one page to page 2068.

26 A. 係，我見到。

1 Q. It's about permanent works material control.

2 A. 係，冇錯。

3 Q. So would this be a relevant requirement under the  
4 contract for Leighton to inform MTRC as to the delivery  
5 of the reinforcing bars for the works?

6 A. 係，冇錯。

7 Q. So this would be the sort of information that MTRC can  
8 have to ensure that all the reinforcing bars delivered  
9 to site are sampled and tested, would it?

10 A. 我想補充一下啲關於呢個安排。

11 Q. Yes, please.

12 A. 喺前線嚟講，當鋼筋係送到地盤，禮頓嘅前線員工同埋我哋嘅前線同事應該  
13 係第一時間知道呢啲鋼筋係送咗去地盤係要做取樣同埋測試檢查嘅，而呢個  
14 條文G4.14點--sorry, 2, 係咪呀？呢個條文，啱啱呢個條文？

15 Q. 4.16.2.

16 A. 係，呢個條文，呢個承建商係需要提交有關嘅資料，as part of the  
17 monthly reporting, 呢個一般嚟講都會滯後嘅。

18 Q. Are there any steps and procedures under PIMS to ensure  
19 that untested reinforcing bars could not be used by the  
20 contractor in the works?

21 A. 我哋有相關條文即係話所有嘅鋼筋一定要係滿足呢個測試要求嘅。我唔肯定  
22 係會唔會有另外一個條文係講未測試唔可以用，我唔知道有冇呢個相關條文。

23 Q. Mr Karl Speed of Leighton told us that about 7 per cent  
24 of the reinforcement used on site have not been tested,  
25 and he provided a figure of about 4,000 tonnes of



1 reinforcement.

2 Just to help the Commission to appreciate how much  
3 is 4,000 tonnes -- now, we see in the streets sometimes  
4 a crane lorry delivering reinforcement, and can you tell  
5 us -- do you have an idea of how much it weighs, for one  
6 crane lorry's load of reinforcement? Would it be around  
7 30 tonnes, around that figure?

8 A. 我有一個準確嘅資料，我嘅理解，通常一個運輸，可能有一札、兩札或者三札  
9 咁嘅鋼筋送去地盤，通常應該有30到50噸嘅鋼筋咁上下嘅。

10 Q. Assuming one lorry load of reinforcement weighs  
11 40 tonnes, so 4,000 tonnes is about 100 lorry loads of  
12 reinforcement which have not been tested; correct?

13 A. 如果用呢個計數嚟講，係咁樣嘅理解。

14 Q. Now, do we have -- or does MTR have any record of where  
15 a particular batch of reinforcement were used in  
16 a particular part of the works? Is there any way that  
17 we can trace where these untested bars have been used in  
18 the works?

19 A. 係有呢個相關嘅資料，因為承建商係訂啲鋼筋，通常啲鋼筋都係幾類型嘅我  
20 哋叫typical diameter嘅，即係佢嘅大細，而呢啲typical diameter  
21 嘅鋼筋係可以共用喺唔同嘅地方嘅，所以承建商訂啲陣時，佢可能係會用喺某  
22 個區域或者某個地方，或者同一個區域，唔同嘅呢個工作，都有咁嘅可能嘅。

23 Q. Okay. Thank you. I would like to move on to another  
24 topic then. Can I ask you to look at a document at  
25 bundle DD2, page 419. This is a response made by MTRC

1 to the Chief Engineer of the Railway Development Office  
2 of the Highways Department, on 6 August 2018, in  
3 relation to, among other things, the defective stitch  
4 joints, and attached to this covering letter is a table  
5 setting out MTRC's responses to various questions raised  
6 by the Buildings Department.

7 Can I ask you to quickly flip through the pages and  
8 tell us whether you were in any way involved in the  
9 preparation of this document?

10 A. 呢份文件唔係我製訂嘅。

11 Q. Have you been consulted before for the purpose of  
12 preparing this document?

13 A. 我相信我係知道有一系列嘅BD queries係我哋需要回應嘅。喺呢份文件第  
14 一部分係general呢啲information, 我相信應該當時係由Mr Carl Wu  
15 去提供呢啲資料係做回覆嘅。後面啲construction record, 呢啲就我  
16 相信係製訂呢份文件嗰陣時係有參考我哋之前搜集到嘅相關嘅資料關於呢個  
17 construction record嘅, 所以啲資料係某程度上係我哋有份去準備嘅。

18 Q. I am interested in the answer to question D9 at  
19 page 423. Under question 9, the Buildings Department  
20 asked for:

21 "Findings and photo record of site inspection  
22 carried out by the MTRC in March 2018 to record the  
23 conditions of exposed rebars after the breaking and  
24 removal of three defective stitch joints including the  
25 numbers and locations of unconnected/defective couplers

1 observed should be provided. Name and details of  
2 sub-contractors involved in the open-up works should be  
3 provided."

4 Now, the response -- can you take a look at the  
5 response and tell us whether you have been consulted  
6 before giving this response?

7 The response given here says:

8 "Leighton had mobilised mechanical breakers to NSL  
9 Tunnels and commenced breaking work on 12 February 2018.  
10 During the breaking process for the defective stitch  
11 joints, all rebars were torn down together with the  
12 broken concrete debris. Site personnel including MTRCL  
13 inspectors were prohibited by Leighton staff from  
14 entering the breaking zone for inspection purposes due  
15 to safety requirements. Therefore, the quantity and  
16 locations of any unconnected rebars could not be checked  
17 and recorded by MTRCL inspectors."

18 Are you aware of what it says here, that is to say,  
19 Leighton prohibited your inspectors from carrying out  
20 inspections of the defective -- yes?

21 A. 我知道嘅，我知道嘅，因為呢一段係我有參與起草呢一段嘅。

22 Q. I asked the same question -- actually, I showed the very  
23 same pages of these records to Mr Kitching, and he  
24 denied, saying that it is untrue. Do you have anything  
25 to say about that? Do you maintain your position that  
26 this is what happened?

1 CHAIRMAN: Sorry, Mr Kitching said what was untrue? Please  
2 remind me. That Leighton said you can't --

3 MR CHOW: That's right. He said Leighton could have  
4 suspended or stopped the works for one hour or two hours  
5 to allow MTRC inspectors to go in and inspect the  
6 defective work.

7 MR PENNICOTT: That's right.

8 CHAIRMAN: Good. Thank you.

9 A. Sorry, 你嘅問題係?

10 MR CHOW: Leighton denies what MTR says in this paragraph,  
11 saying that it never happened, because they said if MTRC  
12 had asked for inspecting the defective works, they could  
13 have stopped the work for a while to allow your  
14 inspector to go in and check. Do you have any response  
15 to this?

16 A. 喺呢個我哋叫做removal of呢個即係defective stitch joint, 佢哋  
17 用咗一啲mechanical breaker, 即係一啲broke machine, 好大部嘅,  
18 就打嗰陣時就鋼筋同埋呢個石屎都係打碎咗, 亦都係一個狀態係不穩定嘅狀態  
19 嘅, 特別係喺嗰個牆身同埋喺個頂部嘅鋼筋同埋石屎。

20 喺呢個安全守則嚟講, 凡係有啲我哋叫heavy machine, 即係大型嘅  
21 機器或者係一啲打鑿嘅工序, 承建商係要去顧及呢個施工安全嘅, 喺禮頓有  
22 一個procedure就係類似叫做fatal zone, fatal zone, 咁即係話凡係  
23 喺打鑿嗰個範圍, 佢哋會fence off咗佢嘅。Fence off咗佢呢, 令到非  
24 有關嘅施工人員係唔可以進入嗰個fatal zone, 而從而去減低呢個施工

1 安全嘅風險，所以喺我哋嘅工程師或者係我哋嘅現場督察嚟講，禮頓嘅  
2 superintendent亦都係禁止我哋入去呢個施工 範圍fatal zone。

3 就算係好似Mr Jon Kitching話佢可以停工畀我哋睇，呢個都係  
4 唔理想嘅，因為當呢啲鋼筋或者石屎係打碎咗嗰陣時，佢哋係喺一個不  
5 穩定狀態，係可以隨時都會跌落嚟，而影響到喺入去呢個fatal zone  
6 裏面嘅人嘅安全嘅。所以喺呢個禮頓嘅呢個safety procedure，呢個  
7 fatal zone係唔可以畀任何人入去嘅。

8 所以我呢句statement我仍然維持我呢個view，禮頓係禁止我哋  
9 人去嘅。

10 Q. Earlier, you mentioned to us that one of your duties is  
11 to ensure safety on site; do you recall that?

12 A. 係，冇錯。

13 Q. So, in this particular instance, you were not concerned  
14 with safety to carry out the removal works within the  
15 fatal zone; right?

16 A. 唔係，喺做鑿嗰啲，佢哋係有一個broke machine，係比較大型嘅，有個  
17 operator坐咗喺嗰個breaker個operation嗰個位置嗰度嘅，而佢有一支  
18 砲係可以伸長去負責打鑿嘅，佢就唔喺嗰個打鑿或者係呢個鋼筋或者石屎有  
19 機會跌落嚟嘅地方嘅，佢呢個操作室係有蓋，係一個操作室，係佢應該係可以  
20 滿足呢個施工安全嘅要求嘅。

21 Q. All right. Can I --

22 A. 仲有，我補充，就係呢部嘢可以係用remote control嘅，remote control  
23 即係話佢操作嗰個人係可以褪後嘅，可以褪後離開嗰個fatal zone嘅。

1 Q. All right. Can I move on to another topic.

2 Paragraph 14 of your second statement, please. About  
3 deviation, the change of lapped bars to couplers  
4 connection. In paragraph 14, you say:

5 "As far as I can recall, I had not heard of any of  
6 the deviations mentioned in the NAT letter, the SAT  
7 letter and/or the HHS letter, and I never approved of  
8 such deviations at the time of the construction of the  
9 NAT, the SAT and the HHS. While I conducted site walks  
10 every week, my focus was on safety and progress of the  
11 construction work, and I was not aware of any such  
12 change."

13 Turn over the page. In paragraph 15, you go on to  
14 say:

15 "I only became aware of the change to the use of  
16 couplers instead of lapped bars at certain hold-point  
17 inspections in the NAT in around April 2018, when  
18 MTRCL's construction management team began to review the  
19 available site records for the purpose of ascertaining  
20 the as-built condition of the NAT. The deviations at  
21 the HHS and the SAT came to my attention at an even  
22 later stage -- respectively in around December 2018  
23 (when one of my colleagues, I cannot remember who,  
24 informed me that he or she found out that couplers were  
25 also used in the HHS) and on 26 January 2019 (when  
26 Mr William Holden of Leighton informed me by an email

1 sent ... that couplers were used in wall W4 of the EWL  
2 at the SAT)."

3 Do you see that?

4 A. 見到。

5 Q. When we read these two paragraphs, the message that we  
6 have got is that not only you who were not aware of the  
7 deviation, even your construction management team were  
8 not aware of the deviation as well. Is that the  
9 position?

10 A. 我呢個statement意思就係我唔知道，我施工團隊知唔知道，我諗要問  
11 佢哋先知。

12 Q. And before today, have you asked your construction  
13 management team to see whether they were aware of the  
14 changes and whether they have approved of the changes?

15 A. 我有問Ben Chan，Ben Chan係我哋負責HHS嘅施工團隊嘅construction  
16 engineer，而呢個--而Ben Chan亦都係我哋唯一仲在職嘅construction  
17 engineer，當然Ben Chan今日嚟講已經離咗職。Ben Chan佢就話畀我知  
18 佢知道嘅，佢之前係知道嘅，至於話其他地方呢，因為所有有關嘅同事已經  
19 離咗職，我係無從再去核實佢哋係知道定唔知道。

20 Q. Did he tell you whether he actually approved of the  
21 change?

22 A. Ben Chan冇話畀我聽佢有冇批准，佢話佢知道啫。

23 Q. Now I'm getting close to the end of my questioning.

24 I would like to go back to this issue of RISC forms.

25 Now, one of your team members set out in his statement,

1 Tony Tang, that actually, under the PIMS system, under  
2 the RISC form system, it would take almost one day for  
3 the RISC form received from Leighton to get from MTR's  
4 administrative assistant down to the actual engineer who  
5 was going to carry out the work. It would take about  
6 one day. Are you aware of this practice? \*111345

7 A. 實際係咪需要一日我去--我答唔到嘅，但係我知道當禮頓係提交咗呢個RISC form表格  
8 畀我哋，我哋係要通過我哋嘅行政助理，即係administration assistant去登記呢啲表格，  
9 當然有工作量堆積喺佢檯面，就可能要等呢啲表格登記咗，先至可以完成呢個工作，然後先至轉交  
10 畀呢個有關嘅senior inspection of works，所以到底個時間幾耐，我係無從答到嘅。

11 Q. I take it that you were not aware of the time required  
12 to get a RISC form from your administrative assistant  
13 down to the engineer who was going to carry out the  
14 inspection; right?

15 A. 冇錯。

16 Q. Now, with your experience, we know that the system of  
17 RISC form, all that Leighton could do at the time is to  
18 project a time of completion of its work, perhaps on the  
19 next day or -- it's just a projection. When they put  
20 down a time for inspection, it's just a projection on  
21 the part of Leighton; correct?

22 A. 係，係嘅。

23 Q. So if it did take one day to get the form to run within  
24 MTRC's organisation down to the person who carried out  
25 the inspection, would you accept that it would be rather



1           difficult for Leighton to comply with the projected  
2           completion time 24 hours before? With your experience,  
3           do you accept that, that it will pose a problem for  
4           Leighton?

5       A. 我相信唔係十分困難要去推算呢個時間，今日推算聽日將會做嘅工作，  
6           一般嚟講，前線員工應該知道嘅，亦都可以推算到大概喺邊個時段嘅。

7       Q. All right. Then I will move on to my last topic.  
8           Yesterday, Mr Ronald Leung gave evidence, Ronald Leung  
9           from Leighton, in relation to a non-compliance in the  
10          footing works of the VRV unit.

11                Can I ask you to go to bundle BB8, page 5789. Can  
12                I ask you to quickly read through this email, please.

13       A. 係。

14       Q. Now, in this email, what is recorded is that without the  
15          approval of MTRC, Leighton proceeds to concrete the  
16          footing, and at the time of the concreting, about half  
17          of the couplers at the B1 -- "B1" stands for the first  
18          layer of the bottom of the rebar; right?

19                This is the convention used in the drawings; agree?  
20                "B1" represents the bottom, first layer of the rebar;  
21                right?

22       A. 係最底嗰層。

23       Q. "... were not properly fixed. Your engineer did not  
24          rectify the defects and decided to cast concrete anyway.  
25          It is also note that general cleaning inspection was not

1 arranged with our inspector of works before pouring  
2 concrete. This is unacceptable."

3 Then your staff asked for following-up actions to be  
4 taken and asked for Leighton to advise the remedial  
5 actions. Do you see that?

6 A. 我睇到。

7 Q. This incident happened at the time when you were the  
8 construction manager; correct?

9 A. 冇錯。

10 Q. June 2017. Yes. Were you informed at the time of this  
11 non-compliance?

12 A. 當時係冇嘅。

13 Q. According to Mr Ronald Leung, he expected an NCR be  
14 issued so that Leighton can proceed with the  
15 rectification work, and we were also told that no NCR  
16 was issued by them in relation to this non-compliance.  
17 Are you aware of that or you have no personal knowledge  
18 of it?

19 A. 我而家事後就翻查紀錄，知道係有一個不合格報告for呢個工作嘅。

20 Q. This email was issued by Jason Kwok and was copied to,  
21 among various persons, Victor Tung, one of your  
22 inspectors; right?

23 A. 冇錯。

24 Q. If someone has to follow up on this matter, who would  
25 this person be in your organisation?

1 A. 我會覺得係Ben Chan, Ben Chan係我哋嘅construction engineer,  
2 佢如果發覺呢件事, 佢知會我, 然後就起草一個NCR畀我去發出畀禮頓。

3 Q. Okay. Now, the works mentioned here is the footing of  
4 the VRV unit. Am I right in thinking that, as of today,  
5 certain structure was built on top of the footing  
6 already; correct?

7 A. 我嘅理解, 呢個基層係一個比較細範圍嘅一個石屎板, 係好薄下嘅, 上面  
8 係冇結構喺上面嘅。

9 Q. I see.

10 A. 上面只係擠一啲可能設備咁解啫。

11 Q. Okay. So I assume that MTRC, having now known about  
12 this problem, would take some action in relation to  
13 this; right?

14 A. 冇錯。

15 Q. But if I am correct, this email was disclosed by MTRC in  
16 one of their witness statements; correct? By  
17 Victor Tung. So Victor Tung was aware of that for quite  
18 some time; correct?

19 A. 我相信佢知道嘅, 因為呢個電郵有抄送畀佢。

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

22 COMMISSIONER HANSFORD: I have a couple of questions.

23 MR BOULDING: Please go ahead, Professor.

24 COMMISSIONER HANSFORD: Would now be a good time?

25 MR BOULDING: Yes.

1 Questioning by THE TRIBUNAL

2 COMMISSIONER HANSFORD: Okay. The first question I've  
3 got -- so, Mr Fu, we've seen the stitch joint reports  
4 that you produced, and Mr Pennicott took you to them  
5 yesterday. When the water seepage and cracking was  
6 investigated, was the waterproofing also investigated,  
7 do you know?

8 A. 係有嘅，當時係有嘅，waterproofing，我哋講緊有兩部分嘅  
9 waterproofing，一部分係喺個結構牆嘅外面，我哋係無從可以去打開佢  
10 嚟到做檢查嘅；另外一個waterproofing就係喺個連接縫嘅兩側，而呢個  
11 waterproofing係包括有一啲我哋叫做hydrophilic strip同埋有啲我  
12 哋叫做waterstop，PVC waterstop，呢個亦都係要打開咗或者remove  
13 咗嗰個defective stitch joint嘅石屎同埋鋼筋，先至可以有機會睇到  
14 嘅。所以當時嘅初步檢查純粹淨係睇--鑿開咗一部分嘅表面嘅鋼筋，睇佢個  
15 個鋼筋嘅連接嘅情況啫。

16 COMMISSIONER HANSFORD: So was it assumed that the  
17 waterproofing was still effective?

18 A. 冇做一個任何假設嘅，冇做任何假設，因為我哋嘅調查係睇咗鋼筋連接嘅問題。

19 COMMISSIONER HANSFORD: I thought the investigation was  
20 about water seepage and cracking?

21 A. 喺我哋一個NCR，我哋係第一個NCR，關於呢個water seepage，我哋係  
22 提出就係有呢個water seepage嘅問題，water seepage可以有好多種  
23 成因嘅，可以係落石屎個過程做得唔好，有啲cracks喺個石屎裏面結構，  
24 而令到有啲water path，而水係可以seepage出嚟嘅。

1            唔一定會係呢個waterproofing做得唔好，有可能係石屎--落石屎  
2            個過程，即係concrete pouring嗰個過程做得唔好，都有可能產生  
3            一啲內部嘅裂紋或者一啲cracks，而有呢個water seepage嘅。

4            COMMISSIONER HANSFORD: Okay. I'll leave that. Thank you.

5            MR PENNICOTT: Sir, before you do, can I just point out that  
6            at the very first line of the answer to your first  
7            question, Mr Fu said, "No, not at that time." That  
8            might just be worth a follow-up question.

9            COMMISSIONER HANSFORD: Okay. Thank you, Mr Pennicott.

10           So waterproofing was not investigated at that time.  
11           Was it investigated at a different time?

12           A. 喺contractor係remove咗嗰個defective stitch joint呢個  
13           structure之後，我哋睇到嗰個Omega seal係有嘅，Omega seal，  
14           Omega seal係part of呢個防水嘅installation，我哋見到Omega  
15           seal係有嘅。

16           External--即係嗰個waterproofing係outside嗰個structural  
17           wall，我哋係睇唔到嘅，頭先我都講咗，我哋係無從去做檢測嘅。

18           嗰個PVC waterstop，我哋係見到有嘅，但係後來我就from  
19           William Holden，我知道就話因為佢落石屎，上面個roof有一個void，  
20           而個waterstop，PVC嘅waterstop係產生唔到作用去seal up個water  
21           path，令到佢漏水咁樣。呢個亦都係佢後來打開咗--打爛咗呢個石屎，先  
22           至係observe到嘅。

23           COMMISSIONER HANSFORD: Yes. Okay. Thank you.

24           I have one further question. Mr Fu, have you read

1 Mr Chris Chan's witness statement?

2 A. 有嘅。

3 COMMISSIONER HANSFORD: You have. In Mr Chris Chan's  
4 witness statement, perhaps we should just have a quick  
5 look at his paragraph 20. I just wanted to get your  
6 reaction to it.

7 Paragraph 20 is page BB115. In the first sentence  
8 of paragraph 20, Mr Chris Chan says -- he's talking  
9 about the RISC forms in the previous paragraph and the  
10 inspections, and he says:

11 "To this extent, there was more of a partnering  
12 relationship, rather than an employer-contractor  
13 relationship between MTRCL and Leighton."

14 Do you agree with what Mr Chris Chan says here, that  
15 it was more of a partnering relationship rather than  
16 an employer-contractor relationship? Do you agree?

17 A. 我唔係十分同意，我覺得僱主同埋承建商關係仍然係維持嘅，而我哋做呢個  
18 項目管理，我哋亦都係盡量去幫助承建商去克服唔同嘅困難，無論係施工  
19 呢個困難或者programme嘅安排或者係呢個interface with其他  
20 contractor嘅安排等等，我哋都會盡量去幫承建商去克服，呢個亦都係  
21 我哋一路都有嘅partnering approach。Partnering approach係  
22 我哋已經係用過嘅好多個呢個地鐵項目嚟喇已經，由我哋機場快線已經開  
23 始有呢個partnering approach，同contractor係一齊係工作嘅。

24 但係呢個僱主同埋承建商呢個關係，我覺得係一路都係有維持嘅，  
25 亦都係冇被任何partnering approach去取代嘅，係冇嘅。

1 COMMISSIONER HANSFORD: Okay. We will be seeing Mr Chris  
2 Chan later so I'm sure we'll explore that with him.  
3 Thank you very much.

4 MR BOULDING: Sir, I see the time. I've got about five  
5 minutes or so. Do you want me to continue?

6 CHAIRMAN: We might as well, and then we can let Mr Fu go  
7 about his business.

8 MR BOULDING: So be it.

9 Re-examination by MR BOULDING

10 MR BOULDING: Good morning, Mr Fu. I'd like to ask you  
11 a couple of questions about two matters. First of all,  
12 I wonder if you can be reminded of paragraph 14 of your  
13 first witness statement, which is at BB70.

14 Do you recall yesterday being asked by my learned  
15 friend Mr Pennicott about the method statements for  
16 contract 1112?

17 A. 我記得。

18 Q. And it was suggested to you -- and page 97 of the  
19 transcript for yesterday records that you agreed -- that  
20 there was no method statement for the stitch joints. Do  
21 you remember giving my learned friend that answer?

22 A. 係。

23 Q. Do you recall telling Mr Pennicott that notwithstanding  
24 that fact, you thought it would be helpful and  
25 beneficial to have method statements for the stitch  
26 joints; do you remember giving that answer?

1 A. 我記得，我當時亦都係講話係有個supplementary嘅說明書係絕對有幫助嘅。

2 Q. Yes. Would you like to explain to the learned  
3 Commissioners why you told Mr Pennicott that it would  
4 have been helpful and beneficial to have a method  
5 statement for the stitch joints? Why do you say that?

6 A. 喺NSL嘅連接縫，嗰個施工條件係同其他嘅NSL嘅main tunnel  
7 structure係已經有改變嘅，唔同咗嘅，特別係做呢個落石屎喺呢個連接縫  
8 嘅頂部，係需要用一啲石屎泵向上泵呢啲石屎去呢個連接縫嘅頂部，呢個係  
9 另外一個施工方法。而喺呢個NAT嘅construction method，呢度係有  
10 特別提到嘅。

11 Q. So why, in those circumstances, do you say it would have  
12 been beneficial to have a method statement for the  
13 stitch joints, Mr Fu?

14 A. 有好處呢，我哋嘅工程師或者我哋嘅幫辦就會有機會去comment佢嗰個施工  
15 方法，亦都係去了解佢嘅施工方法，從而確保呢個施工嘅質量可以達到一定  
16 嘅要求。

17 Q. I see. And if there were to be a method statement, do  
18 you know who would have prepared it?

19 A. 係禮頓嘅。

20 Q. I see. Do you know if there was a method statement for  
21 the stitch joint remedial works?

22 A. 係有嘅。

23 Q. Just to look at a document, could we go to BB7, at  
24 page 4719.



1           There, do we see an example of the method statement  
2           for the stitch joint reconstruction?

3       A.   見到。

4       Q.   Do you know why there was a method statement for the  
5           stitch joint remedial works, Mr Fu?

6       A.   當呢個stitch joint呢個defective workmanship呢個問題通報咗  
7           畀RDO之後，畀路政署知道之後，我哋亦都係有緊密嘅同路政署同埋呢個  
8           屋宇署嘅代表係有探討呢個remedial proposal，喺嗰個過程，我哋係--  
9           禮頓係準備咗呢個remedial proposal，亦都係有我哋嘅設計部嘅同事  
10          同埋呢個我哋DDC，即係我哋detail defect consultant Atkins有  
11          去幫手睇呢個remedial proposal。喺呢個remedial proposal裏面  
12          係亦都有呢個method statement放咗喺呢個remedial proposal裏面  
13          嘅。

14          到底呢個method statement，當時係咪因為通過呢個同路政署或者  
15          係屋宇署嘅聯繫，係佢哋提出要求嘢，抑或係我哋主動放落去或者禮頓主動  
16          放落去，呢個我就無從知道呢個。

17       Q.   So far as you are concerned, were the remedial works to  
18           the stitch joints carried out in accordance with this  
19           method statement?

20       A.   冇錯嘅。

21       Q.   And would you give the same answer in relation to the  
22           method statements relating to the other two stitch  
23           joints?

24       A.   另外兩個連接縫都係根據呢個施工說明書完成嘅。

1 Q. Am I right in thinking that there was also a quality  
2 supervision plan, abbreviated to QSP, for the stitch  
3 joint remedial works?

4 A. 冇錯。

5 Q. Finally on this topic, am I correct in thinking that  
6 there were log book records in relation to the remedial  
7 works for all the stitch joints?

8 A. 係呢個新嘅stitch joint, 你意思?

9 Q. Yes.

10 A. 係有嘅。

11 Q. Thank you. Now, I'd like to move on to my last topic,  
12 and it's a matter that Mr Chow asked you about today.  
13 It's document DD2 at page 419.

14 Do you remember discussing the contents of this  
15 document with Mr Chow earlier this morning?

16 A. 我記得。

17 Q. Specifically, if you could be taken to page 423 of the  
18 document, do we there see the government's query number  
19 9 in the left-hand column, and MTR's response to that  
20 query in the right-hand column?

21 A. 我記得。

22 Q. If we could just scroll down a bit so we can remind  
23 ourselves of what MTR said.

24 Do you remember being asked by Mr Chow about that  
25 part of the answer which states:

1           "Site personnel including MTRCL inspectors were  
2           prohibited by Leighton staff from entering the breaking  
3           zone for inspection purposes due to safety  
4           requirements."

5           Do you remember being asked by my learned friend  
6           Mr Chow about that?

7           A. 我記得。

8           Q. Do you remember it being suggested to you that  
9           Mr Kitching of Leighton, who gave evidence last week,  
10          disagreed with that statement? Do you remember that?

11          A. 我記得。

12          Q. The transcript records that you say that you stick to  
13          your statement. Do you remember giving that answer to  
14          Mr Chow?

15          A. 冇錯，我維持呢個睇法。

16          Q. I wonder if we can have a look at a document together.  
17          Could you go to CC1914.

18                 Now, here, we've got a contractor's submission form  
19                 from Mr Kitching to Mr Fu. That's you. Do you remember  
20                 receiving this document, Mr Fu?

21          A. 大約記得，係。

22          Q. And do we see that the document is entitled, "NAT --  
23          task method statement for NSL stitch joints  
24          reconstruction"?

25          A. 係，我見到。

1 Q. If we can scroll down, please, and go to page 1930. Do  
2 we there see a construction risk assessment, Mr Fu?

3 A. 我見到。

4 Q. If you look at item 3, do you see the reference to  
5 "mechanical breaking"?

6 A. 我見到。

7 Q. If we look at the next column, and if we can just get  
8 the heading to see what we are talking about -- do we  
9 see that the risks are there set out: falling objects,  
10 dust and noise?

11 A. 我見到。

12 Q. Then on the right-hand side, do we see a "Mitigation"  
13 column?

14 A. 我見到。

15 Q. And looking down at the mitigating measures, do we see  
16 that the first mitigating measure is "Barricade the area  
17 with signage"; do you see that?

18 A. 我見到。

19 Q. Do you have a view as to whether that barricading would  
20 be largely to affect MTR's personnel's ability to gain  
21 access?

22 A. 會嘅。

23 MR BOULDING: Thank you, Mr Fu. I have no further  
24 questions.

25 Professor, sir, I don't know whether you have, or

1           whether he can now be released?

2           CHAIRMAN: No, nothing arising.

3           Thank you very much, Mr Fu. We've kept you a little  
4           longer this morning without a break, but thank you for  
5           your assistance. Your evidence is now complete.

6           WITNESS: Thank you, Mr Chairman. Thank you,  
7           Professor.

8                                 (The witness was released)

9           CHAIRMAN: Who comes next?

10          MR BOULDING: Mr Chris Chan.

11          CHAIRMAN: Chris Chan. 15 minutes or 10 minutes?

12          MR PENNICOTT: 15 minutes.

13          CHAIRMAN: 15 minutes. Thank you.

14          (11.45 am)

15                                 (A short adjournment)

16          (12.04 pm)

17          MR BOULDING: May it please you, sir, may it please you,  
18           Professor, I am now calling MTR's third witness,  
19           Mr Chris Chan Chun Wai.

20           Mr Chan, I understand you are giving your evidence  
21           in Cantonese so I will put my headphones on.

22           MR CHAN CHUN WAI, CHRIS (affirmed in Cantonese)

23                                 Examination-in-chief by MR BOULDING

24          MR BOULDING: Thank you, Mr Chan.

25           We know that you have provided two statements for  
26           the learned Commissioners' assistance in this Inquiry.

1 Perhaps we can look at the first one, which starts at  
2 page BB1/106.

3 There, do we see the first page of your first  
4 statement, Mr Chan?

5 A. 係。

6 Q. If you could be taken to page BB1/120, do we there see  
7 your signature above the date of 2 May 2019; correct?

8 A. 正確。

9 Q. If we could go back, please, temporarily, to page 106,  
10 and if we can scroll down, we can see, can we not, that  
11 you left the MTR Corporation in December 2017, but that  
12 you were first involved in contract 1112 in May 2014 as  
13 a construction engineer, and then we can see what you  
14 did throughout the course of your employment there.  
15 That's correct, is it not?

16 A. 正確。

17 Q. Then if I can take you, please, to your supplemental  
18 witness statement. We'll find the first page at  
19 bundle BB8/5236.

20 A. 係。

21 Q. And there do we see the first page of your supplemental  
22 statement, Mr Chan?

23 A. 係。

24 Q. Then if we can go on, please, to the signature page,  
25 which I trust we'll find at page 5239. Is that your

1 signature above the date of 16 May, Mr Chan?

2 A. 係。

3 Q. Are the contents of both of those statements true to the  
4 best of your knowledge and belief?

5 A. 係。

6 Q. And is that the evidence that you would like to put  
7 before the learned Commissioners to assist them in this  
8 Inquiry?

9 A. 係。

10 Q. I just have one further question for you. I'd like you  
11 to look at an organisation chart which we can find at  
12 B2/582.

13 There, do we see an MTRC organisation chart for the  
14 SCL as of 16 January 2017, that's the top left-hand  
15 corner; do you see that?

16 A. 睇到。

17 Q. Then if we look at the far left-hand column, three  
18 photographs, do we see that you are the bottom  
19 photograph of the three people we can see there? Is  
20 that you, Mr Chan?

21 A. 冇錯，係我。

22 Q. Do I understand that you have Ben Chan immediately above  
23 you, and presumably you report to him?

24 A. 並唔係，我向Joe Tsang report嘅。

25 MR BOULDING: I see.

1           Now, what's going to happen now, Mr Chan, is that  
2           you'll be asked questions, first of all I suspect by  
3           Mr Ian Pennicott, counsel for the Inquiry. Then various  
4           other lawyers in the room get the opportunity to ask you  
5           questions. The learned Commissioners can ask you  
6           questions at any time they feel like it. Then it may  
7           well be that I'll ask you a few questions at the end.  
8           So listen carefully and please stay seated.

9                               Examination by MR PENNICOTT

10          MR PENNICOTT: Good morning, Mr Chan.

11          A. 早晨。

12          Q. As Mr Boulding has just indicated, my name is Ian  
13          Pennicott, I'm one of the counsel to the Commission, and  
14          I'm going to ask you some questions first.

15                 First of all, thank you very much for coming along  
16                 to give evidence to the Commission. I appreciate, as  
17                 we've just seen, you are no longer working for the MTR.  
18                 Indeed you left them some 18 months or so ago.

19                 Mr Chan, I appreciate fully that you set out your  
20                 responsibilities from time to time on contract 1112 in  
21                 your witness statement, but I'm just going to run  
22                 through them with you very quickly, so that -- for the  
23                 benefit, if nothing else, for those who are outside and  
24                 have perhaps not had an opportunity yet of reading your  
25                 witness statement, and then we'll get on to some  
26                 substantive questions.



1           So, Mr Chan, it goes like this, as I understand it.

2           From May 2014 to November 2014, you were the ConE II, if

3           I can put it that way, in the HHS area; is that right?

4           A.  正確嘅。

5           Q.  Then in November/December 2014, you were promoted to

6           ConE I, and you then started working in the NAT area,

7           including the NFA?

8           A.  正確嘅。

9           Q.  In mid-2015, your scope of responsibilities expanded to

10          include the SAT?

11          A.  正確嘅，南面--準確少少講，係南面連接隧道嘅東西走廊。

12          Q.  The EWL, indeed, of the SAT.

13                 So from mid-2015 onwards, up to your departure in

14          December 2017, you were the ConE I for both the SAT, the

15          NAT, including the NFA, as we can see on the

16          organisation chart that Mr Boulding has taken us to; is

17          that right?

18          A.  正確嘅。

19          Q.  Right.  You tell us that from about mid-2015 onwards,

20          when you had the responsibilities for the SAT and the

21          NAT, that approximately -- you say you spent 60 to

22          70 per cent of your time on the NAT area, and 30 to

23          40 per cent on the SAT area; is that right?

24          A.  呢個啱嘅，係。

25          Q.  From early 2015 to mid-2016, I understand that the

1 construction manager was Mr Kit Chan; is that correct?

2 A. 正確。

3 Q. And from mid-2016 onwards -- he says 30 May 2016

4 onwards -- the construction manager was Mr Michael Fu

5 from whom we have just heard; is that correct?

6 A. 正確。

7 Q. Did you have much day-to-day contact, first of all, with

8 Mr Chan, Mr Kit Chan?

9 A. 都會有嘅，有啲情況有時report完畀Joe Tsang，亦都會report畀  
10 Kit Chan知道嘅。

11 Q. Right. What about contact, direct contact with

12 Michael Fu, would it be the same?

13 A. 都係類似嘅。

14 Q. Similar, yes, because, as we can see from the

15 organisation chart, which is helpfully still on the

16 screen, and as you indicated to Mr Boulding, the person

17 you ordinarily would report to is Joe Tsang; is that

18 right?

19 A. 正確。

20 Q. Right. But at times, as I understand it, you would

21 report directly to the construction manager, whether it

22 be Mr Kit Chan or whether it was Michael Fu?

23 A. 都有時會嘅，都有時會嘅。

24 Q. Okay. Can you tell us what would prompt you to, as it

25 were, speak to the construction manager, as it were,

1 direct, rather than Joe Tsang? Were there particular  
2 incidents, particular problems, or how did that happen?

3 A. 有陣時可能我report完畀Joe Tsang知道之後，佢都覺得Michael都  
4 需要知道，可能會叫我直接去同Michael Fu 講番個情況，亦都可能  
5 有一啲包括係一啲比較重要嘅安全或者一啲operation risk，即係  
6 operating line有個risk嘅事件嘅時候，可能Michael Fu都需要知道  
7 嘅，亦都有可能係Joe Tsang 陣時可能佢唔喺office，亦都會directly  
8 同Michael Fu講嘅。

9 Q. Right. So there may be times, if Mr Tsang wasn't  
10 around, you would go straight to Mr Chan or to Mr Fu  
11 with any issues that you had?

12 A. 係嘅，係嘅。

13 Q. All right. And as I understand it from the organisation  
14 chart, Mr Joe Tsang was the senior construction engineer  
15 for the same areas that you were responsible for,  
16 together with the HHS and the "Ent E", whatever that is?

17 A. 或者我澄清一下，Joe Tsang個負責嘅範圍就包括係我嘅範圍、Ben Chan，  
18 即係列車停放處嘅範圍同埋Wing Chen，即係大堂改建嘅範圍，  
19 即係我哋三個ConE I都係under Joe Tsang嘅。

20 Q. Okay. We can see from the organisation chart that to  
21 the right of your photograph is the ConE II; do you see  
22 that?

23 A. 睇到。

24 Q. And the ConE II there, that's Kappa Kang, was

1 responsible for the same areas as you, as I understand  
2 it; is that right?

3 A. 係嘅。

4 Q. And throughout the period from mid-2015 all the way  
5 through to December 2017, when you left MTR, was  
6 Kappa Kang the ConE II throughout the entirety of that  
7 period?

8 A. 佢都係同我嘍--即係嗰段時間都係同一個area嘅，有一段期間可能係  
9 ConE III，跟住ConE II，我唔係好記得邊一個時間佢個title改咗嘅，  
10 即係都係under同一team，我同佢。

11 Q. All right.

12 COMMISSIONER HANSFORD: Can I just ask at this point,  
13 Mr Chan, is a ConE II effectively an assistant to  
14 a ConE I? Is that how it works?

15 A. 喺個organisation上面，ConE II其實可以話係under ConE I嘅，  
16 所以有陣時啲工作可能我都會有啲安排咁樣嘅，咁樣。

17 COMMISSIONER HANSFORD: Yes. I think that's what I meant by  
18 "an assistant to", but maybe "under" is the better way  
19 of describing it. Okay. Thank you.

20 MR PENNICOTT: All right. Mr Chan, just to make sure that  
21 I've got this clear -- in an answer that you gave me  
22 just now, so far as the SAT was concerned, it was the  
23 EWL area that you were responsible for. Am I right in  
24 thinking you had no responsibility for the SAT NSL area;  
25 is that correct?

1 A. 嗰一部分，其實南北走廊連接1121嗰個地底嘅工程就係under James Ho  
2 嗰team去負責嘅，所以就嗰part，其實我就--即係唔係我去管轄嘅，NSL  
3 嗰part。

4 Q. Yes, and I think it would have been Nick Tse and  
5 CK Cheung who were the ConE I and the ConE II for the  
6 SAT NSL area; is that right?

7 A. 我自己就唔係太清楚佢哋under James Ho嗰team佢點樣分工，我知道佢  
8 應該係James Ho下面一個--即係某幾個engine負責，我通常有啲咩嘢關於  
9 呢個part嘅部分都會搵番James Ho，睇下佢派畀邊位同事。

10 MR PENNICOTT: Okay. It's not for you, Mr Chan -- sir,  
11 I can tell you that there are certain RISC forms in the  
12 SAT NSL area that are signed either by Mr Nick Tse or by  
13 Mr CK Cheung. So that's why I was just --

14 COMMISSIONER HANSFORD: That would be consistent.

15 MR PENNICOTT: Consistent with the point, yes.

16 Mr Chan, in paragraphs 11 and 12 of your first  
17 witness statement -- that's at BB109 -- and in paragraph  
18 12, you deal with what we know as the interface  
19 meetings. Do you see that?

20 A. 見到。

21 Q. I'm going to ask you a few questions about those  
22 interface meetings in a moment, but before we do that,  
23 can I ask you, please, to look at BB1/420, which is the  
24 Interface Requirements Specification to the contract  
25 between MTR and Leighton.

1 A. 係。

2 Q. Is this a document you're familiar with, Mr Chan?

3 A. 當時有睇嘅，呢份文件，係。

4 Q. Right. That's a good start.

5 Could we look at Z1.8, please, which is -- there we  
6 are. It's on page 422. You can look at it in hard copy  
7 or on the screen, Mr Chan, as you wish.

8 It says this:

9 "The Contractors [that's Leighton and GKJV] shall  
10 review and finalise their respective Works and how the  
11 interface will be managed prior to submission of the  
12 details for Approval. Any anomalies in respect of the  
13 content of the Physical Interface Schedule shall be  
14 reported to the Engineer two months before the  
15 commencement of the interface works."

16 It's really the first sentence of that I wanted just  
17 to ask you a few questions about, Mr Chan. Can we just  
18 focus on the stitch joints. The stitch joints were  
19 permanent works; you agree with that?

20 A. 係，同意。

21 Q. And designed by MTRC, basic design by MTRC, or Atkins on  
22 behalf of MTRC; do you agree with that?

23 A. 同意。

24 Q. The design was provided in a series of working drawings;  
25 do you agree?

1 A. 同意。

2 Q. Right. Just for the transcript -- we don't need to go  
3 there -- BB1/433 to 438.

4 Mr Chan, I don't know whether you remember, but in  
5 May of 2016, Leighton raised an RFI, a request for  
6 information, 1510, with MTR. Do you recall that?

7 A. 應該記得嘅。

8 Q. If we can go to that RFI, please, at CC6/3333. This is  
9 the front sheet of the RFI, and if we can scroll down,  
10 please -- we are not going to go through it all, as  
11 we've been through it a number of times already -- but  
12 you will recall the questions or the matters that were  
13 being raised and the details that were being sought by  
14 Leighton?

15 A. 睇番，記得嘅，係。

16 Q. Right. Understood.

17 And MTR's response to this request is at 3341. As  
18 I understand it, although it was sent by Kappa Kang, you  
19 tell us, I think, Mr Chan, that you drafted this  
20 response; is that right?

21 A. 睇番當時嗰啲電郵，記得我係有draft呢個reply，亦都將呢個reply  
22 consult呢個DM team，confirm一次自己同DM team嗰個view係咪  
23 consistent，即係得到佢哋嘅同意，之後先至由呢個Kappa喺個ePMS  
24 度issue出去畀禮頓嘅。

25 Q. I see.

1           Could we look, please, at CC6/3345. As I understand  
2           it, this is one of the DAmS drawings that was sent with  
3           the response; is that right, Mr Chan?

4           A. 我唔肯定呢一張圖係咪同個RFI一齊issue出去，因為佢係under一個  
5           DAmS 390，佢可能DAmS 390係under--separately咁issue出去嘅，  
6           我記得嗰個response係refer緊390，但係可能390佢可能未必係同一  
7           時間issue畀禮頓嘅。

8           Q. Okay. Could we go back two pages to 3343, please.  
9           Perhaps go back one more page to 3342. Yes, that's  
10          right.

11          Now, do you see this document here, Mr Chan, it's  
12          headed "DAmS" and we'll call it "390" for short; do you  
13          see that at the top?

14          A. 見到，見到。

15          Q. It's got a date of 19 April 2016; do you see that?

16          A. 睇到，睇到。

17          Q. Right. If we then go over the page, the drawing  
18          amendment sheet -- this, as I understand it, is  
19          something that is generated by the DM team, the design  
20          management team; is that correct?

21          A. 正確。

22          Q. And so am I right in thinking that 390, that is the  
23          amendment, the various amendments to the stitch joint  
24          drawings, was in fact carried out in April, a month or  
25          so before Leighton's request was received; is that your



1 understanding?

2 A. 應該係。

3 Q. Right. So if you can remember -- if you can't, just say  
4 so -- were you anticipating, was the MTR anticipating  
5 receiving this request for information from Leightons  
6 and hence, that as it were, foreshadowed that request by  
7 getting on with preparing DAmS 390?

8 A. 唔好意思，我唔係好明個問題係--即係點樣，可唔可以問多一次？

9 Q. Yes, I can, of course.

10 It appears to me, just looking at the documentation,  
11 that the design management team were preparing DAmS 390  
12 in April.

13 A. 係。

14 Q. So I was just asking the question as to whether you were  
15 anticipating, MTRC was anticipating receiving a request  
16 for information, and so they were getting on to prepare,  
17 essentially, the answer.

18 A. 其實prepare個DAmS，即係390呢一份文件，我就有參與嘅，因為呢個都係  
19 design team佢哋自己內部去準備嘅啫，我諗禮頓入呢個RFI同埋prepare  
20 呢個390，我相信係有直接嘅關係嘅。

21 Q. All right. But in any event, as you've explained to us  
22 helpfully, once you've received the RFI, you liaised  
23 with the design management team and provided the answer  
24 within a few days?

25 A. 係嘅，係嘅。

1 Q. All right. Now, once that answer had been supplied to  
2 Leighton -- with, we think, some of the drawings, but  
3 don't worry about that -- as I understand it, MTR did  
4 not expect to receive any further submissions from  
5 Leighton for MTR's approval. Is that right?

6 A. 睇下先，唔好意思，我唔係太理解你個問題，可唔可以問多一次？

7 Q. Of course. Once the RFI had been answered and DAmS 390  
8 had been given to Leighton, my understanding is that  
9 Leighton were then simply expected to get on and build  
10 the stitch joint in accordance with what was shown on  
11 DAmS 390. Is that right?

12 A. 都係嘅，我預計RFI reply，即係答完之後，佢哋冇再further question  
13 expect個works係會continue嘅，繼續嘅。

14 Q. Yes. That's why, going back, please, to BB1/420 and  
15 422, when it says, "The Contractors shall review and  
16 finalise their respective Works and how the interface  
17 will be managed prior to submission of the details for  
18 Approval", that didn't apply, as I understand it, to  
19 this stitch joint. You weren't expecting to receive  
20 anything from Leightons for approval once DAmS 390 had  
21 been issued?

22 A. 唔好意思，我唔係太理解嗰個問題，係咪即係問其實我哋會唔會再expect  
23 禮頓有任何嘅further queries on嗰個RFI？唔好意思，可唔可以問多  
24 一次個問題？我唔係太理解。

25 Q. It's simply this, Mr Chan, that this provision may be

1 suggesting that Leighton is required to submit details  
2 to MTR for approval. As I understand it, so far as the  
3 stitch joints are concerned, there was nothing that  
4 Leighton needed to do in terms of submitting anything to  
5 MTR for approval?

6 A. 應該咁講，嗰個設計就係由港鐵提供嘅，但係物料、施工方法，即係呢啲  
7 施工上嘅嘢就應由禮頓去準備嘅，所以DAmS 390--即係RFI答嘅問題就係  
8 答佢設計上嘅問題。

9 Q. All right. Then could we go on just to look at Z3.1,  
10 please. If we look at that provision, it says:

11 "The 1111 Contractor and 1112 Contractor shall  
12 exchange and update design information through the  
13 Engineer."

14 And that essentially, Mr Chan, explains the RFI.  
15 I mean, Leighton are asking through you, through the  
16 MTR, for details of, at least in part, what Gammon have  
17 built or are to construct?

18 A. 其實我自己當時主要就係睇番1112本身嘅working drawing嘅，其實  
19 1111嗰邊嘅drawings，我哋當時嘅design team for 1111同1112  
20 都係同一team嚟嘅，所以我就係徵詢番111--即係我哋嘅design team  
21 究竟我哋張圖到底係啱唔啱，係喇，即係通常呢個exchange或者呢個  
22 design coordination通常都係through design team去做嘅。

23 Q. All right. And all of this made sense, Mr Chan, because  
24 MTR, as the project managers, need to monitor and  
25 understand what is happening at the interface points so

1 that they, the MTR, can comment on what is essentially  
2 passing between Gammon and Leighton. You need to keep  
3 some control and knowledge of what is going on between  
4 Gammon and Leighton, and that's why any questions have  
5 to go through the MTR?

6 A. 係，係。

7 Q. And you have usefully and helpfully explained the  
8 position. When it says "through the Engineer", if it's  
9 a pure design matter, it would go through the design  
10 management team at the MTR; yes?

11 A. 如果permanent works design嘅話，就係港鐵嘅設計團隊佢哋會審視番  
12 兩個contract嘅設計係咪consistent，而分別將一個正確嘅圖則就issue  
13 畀分別嘅contractor。如果係關於一啲物料、施工方法或者有啲臨時嘅支撐  
14 架設計，呢啲就可能係兩個contractor自己去交換嗰個資訊嘅。

15 Q. Right. Then just lastly on this particular document,  
16 can I ask you to look at Z3.2. It says there:

17 "The Contractors shall meet together with the  
18 Engineer on a minimum of a fortnightly basis, to agree  
19 the sequence and programme of the temporary works."

20 Mr Chan, we know about the interface meetings which  
21 took place, at least for a period, on about a monthly  
22 basis and then rather more spread out. Is that  
23 provision referring to another set of meetings, or do  
24 you not know?

25 A. 呢個條文應該係講緊頭先你所講嗰個interfacing meeting嘅。

1 Q. Right. You are not aware of any other set of meetings  
2 that took place in addition to the interface meetings?

3 A. 一個regular嘅會議應該就淨係得呢一個會議嘅啫。

4 Q. Right.

5 Was it the MTR that, as it were, set up -- I know it  
6 was slightly before; no, I think it was not before your  
7 time -- was it the MTR that set up the interface  
8 meetings in the first place?

9 A. 喺我接受NAT嘅時候，已經有一個常規regular嘅interfacing meeting  
10 嚟喇，我哋都--我哋個--我當時其實都係沿用番嗰陣時嗰個approach，都係  
11 一個月去meet up一次咁樣嘅。

12 Q. Yes. We'll look at it in a moment, Mr Chan, but the  
13 first meeting you attended was in November 2014, I think  
14 when you got the promotion to ConE I?

15 A. 正確。

16 Q. I told a fib. Can we just look at item 1.7 in this  
17 document before I move on. Sorry, we need the table,  
18 which I think is a few pages on. That's it, yes. Thank  
19 you.

20 I just want to ask you a couple of questions,  
21 specifically again in relation to the stitch joints, and  
22 by reference to what we read here at 1.7, Mr Chan.

23 First of all, it appears to provide, this provision,  
24 that once the 1111 contract works had been completed,  
25 a joint inspection of the 1111 side of the joint would

1 take place. Do you agree?

2 A. 同意。

3 Q. Do you know, Mr Chan, whether the inspection of the 1111  
4 side of the joint was in fact jointly inspected?

5 A. 呢個應該1111嗰邊佢起呢個NSL，講緊係2015年上半年，好似係，我記得  
6 唔係太清楚。我有啲印象我係去過1111嗰個地盤嘅，但係可能時間都好幾  
7 年喇，所以我都唔係太記得嗰個細節，我記得好似係有搵禮頓嘅人一齊去  
8 睇嘅。

9 Q. Right. Because the only place that there really needed  
10 to be a joint inspection, that is between Leighton, MTR  
11 and I assume Gammon as well, was on the 1111 side of the  
12 joint?

13 A. 係嘅，係嘅。

14 Q. Simply because Gammon weren't in the slightest bit  
15 interested in what was happening on the Leighton side of  
16 the joint, because it was Leighton who had to build the  
17 stitch joint?

18 A. 正確。

19 Q. And there was a significant gap in time, as we  
20 understand it, between the completion of Gammon's  
21 work/structure and the construction of the stitch joint?

22 A. 冇錯。

23 Q. And the reason that the joint inspection was required  
24 was because, over that period of time, as I understand  
25 it, it was Leighton's obligation to maintain the

1           waterproofing system, the couplers, and take protective  
2           measures at the interface area?

3       A.    係嘅，因為基於嗰個責任問題，就係禮頓之後佢要負責做嗰個接駁，所以  
4           佢係應該畀一個機會佢去睇番1111嗰邊有冇一啲問題。

5       Q.    Right.  And the point being, if you look at the "1112  
6           contractor" column, there was to be an inspection of the  
7           1111 side of the joint, as we've discussed, because  
8           Leighton -- see the second sentence -- had to "accept  
9           and [then] maintain the waterproofing system, couplers  
10          and protection measures to couplers provided at the  
11          interface work", until they were ready to build the  
12          stitch joints?

13      A.    係嘅。

14      Q.    As I understand it, your recollection is that there --  
15           although I accept, as you have indicated, it was a few  
16           years ago, you think such a joint inspection probably  
17           did take place?

18      A.    有印象係有做到嘅。

19      Q.    Right.  And we haven't managed to find any record of  
20           that meeting, of that joint inspection, Mr Chan.  Are  
21           you aware of perhaps any record of such an inspection?

22      A.    因為我自己响2017年離咗職之後，好多紀錄我自己都有keep到，所以可能  
23           電郵或者係其他各樣嘅紀錄我自己都有。

24      Q.    All right.  And presumably there would have had to be at  
25           least two but probably three inspections: one at the NSL

1 interface joint, one at the EWL interface joint, and  
2 possibly one at the shunt neck joint?

3 A. 我有印象嘅就係NSL應該就--因為落過去1111嗰邊個cofferdams, 有啲  
4 印象嘅, 但係去到EWL, 因為其實佢已經係响一個ground level嗰度做,  
5 禮頓其實--即係我personal冇乜--唔係好記得有冇做過EWL嗰個level嘅  
6 joint inspection, 但係就因為其實都--即係好容易去得到嘅, 所以  
7 1111同1112都係喺隔離嘅啫, 應該就會睇到1111嗰邊個condition係  
8 點樣樣。

9 Q. Yes, I see. I follow.

10 Now, returning to the question of the interface  
11 meetings, Mr Chan. What was the purpose of the MTR  
12 attending those meetings?

13 A. Interfacing meeting就係要make sure contractor之間佢哋係  
14 交換到足夠嘅資料去畀佢哋自己去施工, 即係包括係物料、monitoring、  
15 佢哋嘅design或者係佢哋excavation嗰個stage會唔會大家之間喺嗰個  
16 設計上需要去顧及有一啲嘅考慮因素, 即係好多方面都會牽涉到, 所以要  
17 make sure佢哋嗰兩個contractors係交換到足夠嘅資料畀對方。

18 Q. Right. So essentially the MTR was attending those  
19 meetings to play a monitoring role, to essentially  
20 manage the two contractors, to ensure that there was  
21 a proper and clear flow of information between the  
22 contractors, and presumably to resolve any difficulties  
23 that might have arisen?

24 A. 係嘅。



1 Q. And we've heard from other witnesses that the minutes of  
2 the meetings were prepared alternatively --  
3 alternately -- by Leighton and Gammon?

4 A. 係嘅，係嘅。

5 Q. And certainly so far as Leighton is concerned, the  
6 evidence appears to be that they would send a draft of  
7 the minutes to MTR, presumably to you; is that right?

8 A. 係嘅。

9 Q. And you would comment or approve the minutes  
10 accordingly?

11 A. 係嘅，我會有啲comment或者其實就會回覆咗禮頓先，跟住就由禮頓去用  
12 電郵就發送畀所有嘅--即係related嘅interface contractor，再去  
13 畀所有人去comment咁樣嘅。

14 Q. All right. As far as MTR is concerned, when those  
15 minutes were finalised, where would they be kept?

16 A. 其實初時就係用電郵交換咗畀所有嘅interface contractor，佢哋如果  
17 冇comment嘅話，去到下一次嘅會議就會擺番上一次嗰個電郵嚟到去繼續  
18 下一次嘅會議嘅，但係正確嚟講，嗰個minutes應該係由contractors--  
19 各自嘅contractor去submit一個contractor's submission form，  
20 然後呢個contractor's submission form先會就係upload上去個  
21 ePMS度。

22 响呢個會議去到中段嘅，我唔記得咗邊一次，其實我都有喺個會度要求  
23 番每一個--每一次draft嗰個minutes嘅contractors佢哋去prepare番  
24 個CSF submission on嗰個final version of個minutes，咁樣做嘅。

1 但係我唔清楚之後到最後佢哋--即係到最後做咗嗰個--即係做咗幾多。

2 Q. Right. I think perhaps the short answer to my question  
3 is when ultimately the minutes were finalised, everybody  
4 had agreed them, so far as MTR is concerned, they would  
5 be uploaded to the ePMS system?

6 A. 正確。

7 Q. And who had access to that system, Mr Chan?

8 A. MTRC, 你係講如果個文件喺ePMS度嘅話, 就所有嘅同事都可以去搵得到嘅。

9 Q. When you say "all colleagues", do you mean from  
10 presumably the very top of the MTR organisation to  
11 where? You could obviously access it.

12 A. 我唔係太肯定, 即係我哋engineers就一定可以去搵得到呢份文件, 亦都  
13 可以開得到嚟睇嘅, inspector我相信就--即係senior inspector都  
14 可以去睇得到嘅。我唔係好sure IOW睇唔睇得到, 因為--同埋其他work  
15 supervisor, 我唔係好sure佢哋嗰個ePMS嗰個access係點樣。

16 Q. Could we please look at CC2/750.

17 Mr Chan, from our review of these minutes -- this is  
18 the interface meeting, I should have said, for  
19 8 November 2014 -- from our review, this is the first  
20 meeting that you attended, the first interface meeting  
21 you attended?

22 A. 係。

23 Q. If we could then go to CC2/756, this is the next  
24 meeting, number 8, on 5 December.

25 If we could look at -- scroll down, please, and look

1 at -- keep going. Pause there, thank you -- 8.4.2, it  
2 says there that Gammon "tabled three proposed material  
3 submissions which would be used in the structure at the  
4 interfaced location for 1112 reference during meeting  
5 no. 7."

6 The second item there is "mechanical splicing  
7 system", a resubmission, and:

8 "LCAL stated that they have no comment on those  
9 submissions and will check with their supplier regarding  
10 compatibility in later stage."

11 Mr Chan, that, as I say, is meeting number 8, in  
12 December 2014.

13 If we then look at meeting number 18, CC839. And  
14 that was a year later, on 18 December 2015. If we could  
15 scroll down, please -- pause there, thank you -- and I'm  
16 right in thinking, and I think you may point this out in  
17 your witness statement, Mr Chan, that the minute that  
18 we've looked at in relation to these interface materials  
19 remained the same over the course of a year, at about  
20 nine or ten minutes. Do you see that?

21 A. 睇到。

22 Q. Is it the case that at none of those meetings, this  
23 particular item, the interface materials and the  
24 mechanical splicing system in particular, they were  
25 never discussed during the course of those meetings, but  
26 simply the minutes just remained the same and were

1 carried over from meeting to meeting?

2 A. 其實會議裏面都會問番各自個contractor佢哋响呢一個issue上面有冇  
3 一啲update或者係想回覆番上一次minutes所記錄嘅嘢嘅。我記得响呢個  
4 topic上面，喺好多次嘅會議裏面禮頓同埋金門嗰邊其實佢哋都話佢哋自己  
5 冇嘢想update嘅，所以都keep番住响呢一度，就方便下一次嘅會議可以  
6 follow up番，即係remind番有呢個咁嘅topic。

7 Q. Yes. That's rather what I thought.

8 Then if you look at this document that's on the  
9 screen at the moment, there's a column headed "When", do  
10 you see that, but it is blank, apart from perhaps  
11 a little dash against the third bullet point. But in  
12 the "Action" column, it says "LCAL [Leighton]/MTRC1112".

13 Mr Chan, was there any particular action that was  
14 required from MTRC in relation to this interface  
15 materials item that you can recall?

16 A. 其實喺物料方面，其實MTRC個role就--即係我哋個role就係make sure  
17 禮頓佢接收到一啲from 1111嗰方面嘅資訊，至於嗰個物料嘅採購，嗰個  
18 source到底喺邊一度嚟，呢個其實係禮頓方面係負責嘅，所以我哋--即係就  
19 紀錄就係話我哋將呢個message其實pass咗畀禮頓，禮頓take actions  
20 去安排番嗰個物料嘅採購，係咁嘅意思嘅。

21 Q. All right. You will see the sentence that we read out  
22 earlier:

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

25 Do you ever recall asking Leighton when they were

1 proposing to check with their supplier about  
2 compatibility?

3 A. 我唔係好記得當時嘅對--即係會議裏面嘅對話，總之我淨係記得禮頓應該係  
4 佢哋話佢哋會處理呢個嘅問題。

5 Q. From meeting number 9, if we go back --

6 CHAIRMAN: Sorry, I'm just wondering how we are looking.

7 MR PENNICOTT: Sorry, sir. I didn't realise it was so late.

8 CHAIRMAN: No, that's all right. You finish when you are  
9 ready to finish.

10 MR PENNICOTT: Sorry, can I just finish this? It will take  
11 about three or four minutes, I think.

12 CHAIRMAN: Of course, yes.

13 MR PENNICOTT: From meeting number 9 -- that's CC2/772 -- we  
14 see that your construction engineer II, ConE II, also  
15 attended with you, Mr Chan. Do you see that? I'm  
16 sorry, it's --

17 A. 係，知道，見到。

18 Q. And I think she attended most but not quite all of the  
19 subsequent meetings. Can you say why was it that  
20 ConE II also attended these minutes? Was there any  
21 particular reason for that?

22 A. 因為其實我同Kappa其實都係負責同一個area，所以有一啲資訊其實就--  
23 即係其實佢都要知道，同埋呢一個issue其實for成個我哋team嚟講，就  
24 最好都係有多一個同事會可以去follow up啲嘢，有啲咩嘢嘅issue嘅時  
25 候，大家可以share嘅，所以就住呢個會，其實ConE I、ConE II，其實

1 我認為都係需要參與嘅。

2 Q. Okay. And the last meeting was held on 6 January 2017.  
3 Unfortunately, it's in another bundle: BB3/1791.

4 At this last interface meeting, you and Kappa Kang  
5 were present, Mr Chan, as we can see. Can I ask you  
6 this: did MTR determine that there were to be no further  
7 meetings, interface meetings, after this meeting?

8 A. 其實當時嗰個interfacing meeting其實都維持咗一段--之前都維持咗  
9 一段好長嘅時間，其實去到嗰個階段，大家要再去夾嘅嘢可能就越嚟越少嘅，  
10 所以我哋就其實--即係之前，before呢個2017年1月嘅會議之前，其實都  
11 已經係比較疏啲，就因為on個project basis都開始接近去到完成階段，  
12 所以夾嘅嘢係少咗，所以個會議個頻密程度都一路降低嘅，去到後期嘅階段。

13 Q. Right. So I think the short answer, again, to my  
14 question is that yes, MTR brought these meetings to  
15 a close and decided there would be no more?

16 A. 常規嘅會議係可以減少嘅，係嘅，如果有啲ad hoc issue嘅話，其實我哋  
17 會有另一啲自己嘅workshop會去再傾嘅，呢個就係常規會議以外嘅issue。

18 Q. Right. If we could just go to -- scroll down to the  
19 minutes and find the usual one -- that's it, there it  
20 is. We still have similar -- we know the wording has  
21 changed slightly, but we still have those words at the  
22 bottom:

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

25 And so this was the last meeting, Mr Chan, and so it



1 MR PENNICOTT: Thank you, sir.

2 Mr Chan, good afternoon.

3 A. Yes. Good afternoon.

4 CHAIRMAN: Can I just mention, we are starting a bit late  
5 but I think you are all aware there was a good reason  
6 for that.

7 MR PENNICOTT: Mr Chan, in paragraphs 13 to 16 of your first  
8 witness statement -- that's BB111 to 113 -- you deal  
9 with the difference between the Lenton and the BOSA  
10 couplers, and you helpfully include some photographs; do  
11 you see that?

12 A. 係。

13 Q. And you mention the difference between the threads of  
14 both the couplers and the rebar; do you recall?

15 A. 係。

16 Q. Can I ask you this: back in 2015 and 2016, when you were  
17 attending the various interface meetings, some of which  
18 we've looked at, were you aware of the difference of the  
19 threads in the two types of couplers at that time?

20 A. 當時唔太清楚嘅。

21 Q. When did you become aware of the difference?

22 A. 事後喺調查階段嘅時候，即係翻查番一啲唔同嘅couplers嘅supplier，  
23 就發現到呢一個其實係會唔相容嘅，咁--係。

24 Q. I'm sorry, when you say, "During the investigation  
25 period", which period are you referring to?



1 A. 我諗係我响離咗職之後，其實我都從媒體各樣都知道呢一件事，其實都有  
2 翻查一啲相關嘅資料，其實知道exactly Lenton嘅coupler係斜角，而  
3 BOSA嘅coupler係平嘅咁樣。但係其實當時都--其實當時响interface  
4 嘅時候都知道兩樣嘢，即係BOSA同Lenton佢係應該係唔相容嘅，但係  
5 exactly嗰個形狀，我就係事後先至--即係調查番，知道嗰個細節嘅。

6 Q. So you say that at the time of the interface meetings,  
7 you knew that the Lenton and BOSA ones were not  
8 compatible. In what sense did you understand them at  
9 that time to be not compatible?

10 A. Lenton嘅couplers應該要用番Lenton嘅threaded bar去做接駁嘅，或  
11 者其實應該用一種Lenton嗰邊嗰個supplier，即係佢能夠--即係confirm  
12 能夠扭得入佢哋Lenton嘅couplers嘅threaded bar，咁樣先至能夠做到  
13 一個成功嘅接駁嘅。

14 Q. Would it be better to say, Mr Chan, that at the time,  
15 back in 2015-2016, you knew there were Lenton couplers  
16 and BOSA couplers, Lenton threaded bar, BOSA threaded  
17 bar, and you perhaps suspected them to be incompatible,  
18 but you didn't actually know they were incompatible,  
19 that they were not compatible; is that right?

20 A. 應該咁講嘅，當時GKJV，即係1111嗰邊，佢哋就講得好清楚佢哋用嘅  
21 couplers就係Lenton嘅，但係當時喺interfacing meeting度，雖然  
22 1112佢哋大部分嘅地方都係用緊BOSA，但係佢哋都有去回應到到時去到  
23 做到嗰個接駁位置嘅時候佢哋會用嘅乜嘢嘅threaded bar，BOSA呢樣嘢  
24 只係佢哋响1112大部分嘅地方都係用緊BOSA嘅啫，而當時禮頓冇confirm

1 到嗰個接駁口係用啲乜嘢材料，佢淨係話佢會返去再review同埋再check  
2 個compatibility嘅。

3 Q. I'm sorry, Mr Chan, to press you, but I need to just  
4 understand part of your answer. Back in 2015-2016, we  
5 know that Lenton couplers -- it was made clear that  
6 Lenton couplers were being used by the GKJV. You knew  
7 that BOSA couplers were being used by Leighton on the  
8 majority of the areas in 1112. Did you or did you not  
9 know that the two types of couplers and the rebar were  
10 incompatible?

11 A. 當時我係BOSA嗰個唔--可唔可以問多一次？我唔係太理解。

12 Q. Yes. Back in 2015-2016, did you know that BOSA threaded  
13 rebar was incompatible with a Lenton coupler? Let's try  
14 that one.

15 A. Okay, 知嘅，係駁唔埋嘅。

16 Q. How did you know that at that time, Mr Chan?

17 A. 因為唔同牌子嘅couplers，其實佢哋嗰個絞牙嗰個技術都係唔一樣嘅，  
18 所以佢哋嗰個couplers未必係fit到其他嘅牌子，除非嗰個雙方--即係  
19 個supplier confirm另一隻牌子可以兼容佢哋嗰隻couplers，否則就  
20 應該正常嚟講，就不相容嘅。

21 Q. All right. So far as one can tell, looking at the  
22 minutes, the minutes of the interface meetings, there  
23 was no discussion about the nature of the potential  
24 incompatibility; is that right?

25 A. 其實呢一樣嘢就應該就嗰陣時就都有個咁嘅concern嘅度嘅，所以其實就

1 當時嗰個結論或者係大家嗰個action，就係禮頓返去check嘅，因為將來  
2 去安排個物料係嗰個供應係禮頓，所以當時我哋就覺得有咁嘅交--所以就  
3 禮頓返去就係會take action咁樣嘅。

4 Q. All right.

5 CHAIRMAN: Sorry, just so that I understand it as well -- so  
6 your understanding at these meetings was that there was  
7 a general understanding that the Lenton couplers may not  
8 be compatible with the BOSA couplers, and in the light  
9 of that understanding, the Leighton representatives said  
10 on more than one occasion that they would check it out?

11 A. 唔好意思，主席，我唔係太理解，可唔可以問多一次？

12 CHAIRMAN: My apologies. Your understanding at these  
13 meetings was that everybody there who had knowledge of  
14 the matter understood that the Lenton and BOSA couplers  
15 may not be compatible?

16 A. 係嘅。

17 CHAIRMAN: And, in the light of that, it was agreed that the  
18 Leighton representatives would check on the issue of  
19 compatibility?

20 A. 冇錯。

21 CHAIRMAN: And so you, as an MTR representative, didn't have  
22 any obligation yourself to check this out?

23 A. 其實我哋就應該就有個責任就係將呢個訊息就係--即係呢一個用乜嘢牌子  
24 嘅訊息就make sure兩個contractor有溝通嘅。

25 CHAIRMAN: All right. And that, you achieved at these

1 meetings, when Leighton said that they would confirm the  
2 situation?

3 A. 冇錯。

4 CHAIRMAN: Thank you very much.

5 MR PENNICOTT: Thank you, sir.

6 Moving on, Mr Chan, to the topic of RISC forms.

7 Could I ask you, please, to look at paragraph 18 of your  
8 first witness statement, at BB115.

9 The first subtopic I want to ask you a few questions  
10 about, Mr Chan, is the MTR RISC register; okay? You say  
11 in paragraph 18:

12 "Whenever Leighton reached a hold point, they should  
13 submit a RISC form to the administrative assistants of  
14 MTR, one of whom was Audrey Fung."

15 Do you see that?

16 A. 見到。

17 Q. My understanding is that when Ms Fung received from  
18 Leighton a RISC form, she would fill in the basic  
19 details into the MTR RISC register, is that your  
20 understanding?

21 A. 係。

22 Q. Having done so, she would pass the RISC form to the  
23 senior inspector of works of the MTR, and that would be,  
24 on most occasions, Mr Kobe Wong; do you agree?

25 A. 當時我哋嘅高級工務督察其實就有幾位嘅，早期嘅就係Pedro So，跟住就

1           可能係--跟住就轉咗係Kenneth Kong，跟住and then就最後嘅就可能係  
2           Albert Wan，呢啲檢查RISC form其實由Audrey Fung就應該係pass  
3           咗畀呢幾位嘅senior inspector先嘅，跟住就派落去兩位嘅senior  
4           inspector II，就分別係Kobe同埋Victor Tung，佢哋負責嘅地方都唔同嘅。

5           Q. Yes. And once the senior inspectors of works had  
6           received the RISC forms, they would allocate the RISC  
7           form to the appropriate person, who, so far as we're  
8           concerned in this Inquiry, was either an engineer,  
9           normally, for inspecting the rebar, or an IOW for  
10          a pre-pour concrete check?

11          A. 我理解啲RISC form去到相關嘅inspector手上，如果佢牽涉到一啲  
12          rebar inspection，需要involve一個engineer嘅話，嗰個督察就會  
13          將嗰張RISC form，即係當inspection完之後，就交由嗰位工程師去簽署，  
14          跟住就嗰個督察就可能就會將嗰個RISC form就繼續佢嗰個circulation  
15          同distribution，跟住就繼續嗰個程序咁樣。

16          Q. Well, once the inspection had been done by the engineer  
17          or the IOW, the necessary details would be filled in on  
18          the form -- the date, the fact that approval had been  
19          given, it would be signed --

20          A. 係呀。

21          Q. -- and then, as I understand it, it would be passed back  
22          to Leighton?

23          A. 冇錯。

24          Q. But, just focusing on the RISC register for the moment,

1 my understanding is, from reading the witness statement  
2 of Tony Tang, is that the engineer or the IOW who had  
3 carried out the check or the inspection, and who had  
4 signed the RISC form, would also be responsible for  
5 completing the details in the RISC register. Is that  
6 right?

7 A. 唔好意思，我miss out咗少少嘢，你個問題可唔可以問多一次？

8 Q. Yes.

9 A. Sorry.

10 Q. My understanding, Mr Chan, is that so far as the RISC  
11 register is concerned, the engineer or the IOW who had  
12 carried out the inspection would be responsible for  
13 completing the RISC register. Is that your  
14 understanding?

15 A. 呢方面我唔係太清楚。

16 Q. Right. Well, did you personally ever complete part of  
17 the RISC register yourself?

18 A. 登記冊，我本人就有--我記憶中，我有填寫過risk register嗰個登記冊嘅。

19 Q. All right. Can we just put up on the screen, please,  
20 a page in the RISC register. It's BB13/8815.1, I think.

21 If we can just take the very first item -- let's not  
22 do that. Oh, yes, we can.

23 Let's take the second item, so number 2. My  
24 understanding about this, Mr Chan, is that Ms Fung, or  
25 perhaps her predecessor as far as this one is concerned,  
26 would fill in the columns for RISC form number, the date

1 submitted and received, the time received, the section  
2 of work, and then the activity requested for inspection.  
3 So she would fill in all those details. Is that your --

4 A. 係。

5 Q. You agree?

6 A. 係，見到。

7 Q. Then scroll across, please.

8 What Mr Tang says, in paragraph 15(7) of his witness  
9 statement, is this:

10 "The IOW/ConE would update the RISC form register  
11 recording: (i) who conducted the relevant  
12 inspection ..."

13 And so, here, the initials "LWW" for the second one.

14 "... outcome of the inspection ..."

15 And I assume "P" means pass; is that right?

16 A. 係，係，係。

17 Q. "Action required" -- sorry, I'm reading Mr Tang's  
18 statement:

19 "... whether re-inspection was required ..."

20 So re-inspection, "N", "no" presumably.

21 And lastly whether the RISC form had been closed  
22 out, and "Y" equals "yes".

23 So what he was saying, and obviously they would put  
24 in any remarks on the right-hand side if appropriate --  
25 what he's saying is that the IOW and the ConE would be  
26 responsible for filling in those columns, and you either

1           agree with him or you don't know, or disagree?

2           A. 我唔同意，因為喺我認知裏面，我一路都冇見過呢個表，其實就，我理解  
3           呢個表應該都係AA，即係administrative assistant或者係IOWs去  
4           填寫嘅，我但係唔係好清楚究竟係exactly IOW定係AA，但係我本人我  
5           冇見過呢個register嘅之前就。

6           Q. You've never seen -- this is the first time you've ever  
7           seen this register, is it?

8           A. 係，我未見過。

9           Q. All right. We can obviously speak to Mr Tang about that  
10          further if necessary.

11          Now back to your witness statement, at paragraph 19.  
12          That's BB115. You say there:

13          "However, on this project Leighton was often behind  
14          in terms of their paperwork, with the consequence that  
15          RISC forms were not always made available by Leighton at  
16          the time the inspections were conducted. The ConEs/IOWs  
17          would receive phone calls from their opposite number in  
18          Leighton (before RISC forms were submitted), and the  
19          ConEs/IOWs would conduct the relevant inspection and, if  
20          appropriate, give the relevant permission to proceed.  
21          In order not to hold up the works which were becoming  
22          time critical and on the promise of Leighton to provide  
23          the RISC forms later, we would inspect and give  
24          permission to proceed, if appropriate."

25          Then you say this:



1 "To this extent ..."

2 And I think you are talking about the RISC forms and  
3 the way in which it was dealt with:

4 "... there was more of a partnering relationship,  
5 rather than an employer-contractor relationship between  
6 MTRC and Leighton."

7 Now, what do you mean by that, Mr Chan, that last  
8 sentence?

9 A. 其實呢兩段講緊啲RISC form點樣處理嘅，其實响嗰個施工階段，其實我哋  
10 都observe到個contractor响呢個人RISC form方面其實都好多甩漏嘅，  
11 為免嗰個工程進度受阻，其實我哋都叫做係somehow幫一幫嗰件事，我哋就  
12 响唔影響任何嘅安全、質量嘅情況之下，就希望--即係都容--暫時容許一啲  
13 paperwork就遲啲補交。所以就係個意思就係話我哋as--instead of一個  
14 好strict嘅employer同contractor嘅關係，要所有嘅procedure 100%  
15 咁樣跟足之--即係唔係去到100%跟足，亦都可以容許一啲彈性畀contractor，  
16 所以我會有一個state--有咁嘅view，就係話我話覺得係一個比較合作嘅形式，  
17 就希望可以幫到個contractor可以順利啲起貨，咁樣去做嘅。

18 Q. If you think back to this morning, Mr Chan, and the  
19 organisation chart that we were looking at at the outset  
20 of your evidence -- did Mr Joe Tsang know about this  
21 latitude and this partnering relationship?

22 A. 我相信佢係知道嘅。

23 Q. Back in the period before May 2016, did Mr Kit Chan know  
24 about this arrangement?

1 A. 我相信佢都係會知道嘅。

2 Q. Post-May 2016, when Mr Michael Fu became the  
3 construction manager, do you know whether he was aware  
4 of this arrangement?

5 A. 我唔肯定佢知唔知道。

6 CHAIRMAN: Sorry, could I ask, are you talking about  
7 an arrangement that was actually defined, or are you  
8 talking about a state of affairs that was allowed to  
9 develop?

10 A. 其實當時都知道呢一樣嘢係唔理想嘅，其實我哋都响一啲情況都收到一啲  
11 inspector有啲report上嚟，就係話其實嗰個RISC form其實都一路  
12 outstanding緊，喺口頭上，其實我都有同禮頓去講，叫佢哋去補交番  
13 一啲outstanding嘅RISC form嘅，可能當時佢哋嗰個工作量大，我都  
14 唔係太理解，但係佢哋之後嘅時候補交番表格嘅情況，我就唔係太理解。  
15 因為其實我知道佢哋係賺RISC form，但係我有一個好實際嘅數字係佢哋  
16 到底賺幾多個per cent嘅RISC form。

17 Q. We'll look at that in a moment, Mr Chan. But before we  
18 do, can I just ask you, please, to look at paragraph 22  
19 of your witness statement. Sorry, in paragraph 21, you  
20 refer to your regular site walks that you took. Then in  
21 paragraph 22, you say:

22 "With regard to the locations where the three stitch  
23 joints and the ... shunt neck joint were located, during  
24 my regular site walks I would cover those areas and if  
25 I observed workers, for example, not installing the

1 couplers I would object to that. During my site walks  
2 of these locations, I did not observe any substandard  
3 works at the locations where the three stitch joints and  
4 the ... shunt neck joint were located."

5 Then you say this:

6 "I note from the ... stitch joints report and  
7 the ... shunt neck report of MTR that couplers were  
8 either not installed at all or not installed properly."

9 Mr Chan, I don't understand that. I've looked at  
10 both of those reports. There are certainly observations  
11 that there were unconnected couplers and not properly  
12 connected couplers, but I did not see any reference to  
13 couplers not being installed at all. So have  
14 I misunderstood the situation or have you misunderstood  
15 the situation?

16 A. 我就行site walk都有一個regular咁樣行嘅，都大概都有最少一個禮拜  
17 兩次，我自己本人就有去到--即係有attend到或者係有被invite到去呢個  
18 三個stitch joint嗰個hold-point inspection，我意思其實就係想  
19 講話一般我巡查嘅時候，可能就係主要係睇番而家嗰個工地實際上做緊啲  
20 乜嘢，好快咁樣去知道下嗰個工地實際上個進度、resources同埋啲  
21 programme 咁樣。

22 喺當時嘅site walk嘅時候，我就有見到任何關於啲coupler接駁  
23 一啲嘅問題，或者其實嗰個--因為嗰個stitch joint其實都好細嘅啫，  
24 嗰個範圍，我記得啲啲做rebar fixing嗰段時間其實都唔係好長，我自  
25 己印象中唔係好有記憶話有邊啲時間真係有一啲好substantial嘅rebar

1 fixer响度工作嘅咁樣。

2 Q. Mr Chan, I was asking what I thought was a relatively  
3 specific question about the conclusion or observation  
4 you have made about the two reports that you refer to in  
5 paragraph 22.

6 You have said, in relation to those two reports,  
7 it's said that they say "couplers were either not  
8 installed at all or not installed properly". I'm  
9 suggesting to you that if you read those reports  
10 properly, there's no such reference, but there are  
11 plenty of references to the rebar not being installed at  
12 all or not being installed properly.

13 Do you understand the difference?

14 A. 唔好意思，我唔係好太get到你問嘅樣嘢係點樣，介唔介意問多一次？唔好意思。

15 Q. I'll do it one last time, Mr Chan. You have said that  
16 you've looked, apparently, at the two stitch joint  
17 reports and the shunt neck report, and you have  
18 concluded that they say that couplers were either not  
19 installed at all or not installed properly.

20 All I'm suggesting to you, Mr Chan, is that that is  
21 wrong. What they do say is that the rebar was not  
22 connected, or was not connected properly?

23 A. 我記憶中，我喺地盤巡視嘅時候就有見過一啲--呢啲所謂頭先講話coupler  
24 冇接駁或者係connect得唔好嘅情況嘅，我自己嘅記憶中，我有見過。

25 Q. All right. Now, in paragraph 24 of your witness

1 statement, you say this:

2 "rebar fixing was a relatively simple and  
3 straightforward matter for inspection. I initially  
4 conducted some inspections of the rebar fixing, but  
5 I became more occupied with other more pressing issues."

6 So, first question, Mr Chan: what more pressing  
7 issues arose which took you away from doing the rebar  
8 fixing? Sorry, inspecting the rebar.

9 A. 冇錯。

10 Q. So what more pressing issues arose that took you away  
11 from inspecting the rebar?

12 A. 其實我哋嘅工作其實都有好多唔同嘅種類嘅，即係包--例如我哋講緊唔同  
13 contracts嘅interface，當時講2017年嘅年初先，其實就有一啲  
14 utilities就需要做analysation嘅，即係一個牛房咁樣，需要牽涉到  
15 幾個contract去coordinate一啲access嘅，如果做唔到嗰個--達唔到  
16 個期嘅話，其實就可能引致一啲key dates去meet唔到，就有機會影響  
17 成個project嗰個進度嘅。

18 又例如有一啲我哋2017年1月，喺嗰個時間就啱啱就係hand over  
19 嗰個works area畀track works，當時就有好多一啲outstanding  
20 works，我哋都需要去follow up番而家我哋嗰個當時個地盤嗰個進度，  
21 就需要去睇緊啲，就make sure番嗰個key day就唔好再miss咗嗰個  
22 target date。

23 呢啲嘅issue同理有其他唔同嘅interface，例如係building  
24 service、track works、overhead lines，仲有一啲NSL、EWL各自

1 都有，同埋南面SAT都有其他嘅utility companies需要做diversion，  
2 嗰啲就會係我做個聯絡人。如果做唔到嗰啲嘢嘅話，其實就會影響下一個  
3 designated contractor去access，就有一個比較嚴重嘅錢同埋時間上  
4 嘅損失，所以嗰一啲issue，我就需要--即係我就會擺多啲嘅effort落去，  
5 所以就呢一啲嘅工作，即係routine inspection嘅工作，我都主要pass  
6 畀ConE II Kappa去處理嘅咁樣。

7 Q. Right. That's what you say in the next sentence. You  
8 say:

9 "I therefore delegated the inspection of the rebar  
10 fixing to the IOWs working in my team and as well as the  
11 ConE II."

12 Now, pausing there, my understanding of the position  
13 to date, Mr Chan, is that the engineers, the ConE I or  
14 the ConE II, would be responsible for inspecting the  
15 rebar and the couplers, and the IOWs would be primarily  
16 responsible for doing the pre-pour checks, and that was  
17 the division of responsibility. Is that correct?

18 A. 先講番rebar inspection個樣嘢，其實响我嘅理解，其實就最理想嘅  
19 情況就係engineer或者either ConE I或者ConE II去負責番個個嘅  
20 inspection。有一啲情況，譬如兩個都可能係去咗一啲開會，咁樣又  
21 好趕嘅情況之下，可能有啲位要畀工務督察，亦都有一啲咁樣嘅情況嘅，  
22 但係我自己當時其實就有一個--即係都有個諗法，就係話其實我哋個  
23 rebar inspection裏面就最好都係由番一個人去負責，因為會減免一啲  
24 比較溝通上嘅出錯，例如係佢以為我去做咗inspection或者我以為佢做咗

1 inspection, 有一個誤會出現。

2 所以一般嘅情形之下, 我都會係要由ConE II去負責做呢個hold  
3 point嘅inspection嘅。Pre-pour嘅checking, 其實就都係由番  
4 inspector of works去負責番嘅。

5 Q. All right. As you mentioned a moment ago, Mr Chan, and  
6 as you say in paragraph 25 of your witness statement:

7 "I was never asked to inspect the three stitch  
8 joints or the ... shunt neck joint. This was because  
9 I expected that Leighton would have contacted MTR's IOWs  
10 or ConE II to conduct the necessary inspection."

11 Pausing there, do you stand by that piece of  
12 evidence, Mr Chan, that you did not -- you were never  
13 asked to and you did not inspect the original  
14 construction of the stitch joints and carry out the  
15 inspections of the rebar?

16 A. 係嘅。

17 Q. Do you recall a man, an engineer who works for Leighton,  
18 called Henry Lai?

19 A. 記得。

20 Q. How often would you speak to him, Mr Chan?

21 A. 當時工作嘅話, 差唔多每一日都有。

22 Q. Would that be face-to-face or by telephone, or  
23 a combination of both?

24 A. 兩樣都有。

25 Q. What impression did you form of Mr Henry Lai, Mr Chan?

1 A. 冇乜太特別嘅印象，都係一個工程師咁樣，即係site engineer咁樣。

2 Q. Right. Have you had the opportunity of reading Mr Henry  
3 Lai's first witness statement?

4 A. 有嘅。

5 Q. You will therefore know that in paragraph 35 of that  
6 witness statement -- CC1/95; please can we put it up on  
7 the screen -- he says this:

8 "I was the Leighton engineer responsible for  
9 conducting the rebar fixing check with the MTR's  
10 construction engineer for the three stitch joints and  
11 the shunt neck joint. I confirm that I conducted those  
12 checks with MTR's construction engineer (Chris Chan) and  
13 no issues regarding the rebar and couplers and their  
14 connections were discovered at the time."

15 Mr Chan, Mr Henry Lai was asked a number of  
16 questions about that particular paragraph when he gave  
17 evidence to the Commission either last week or the week  
18 before, and he was adamant, on a number of occasions,  
19 that what he says in that paragraph 35 was correct.

20 What do you say to that?

21 A. 我比較--即係覺得驚訝嘅，即係呢一個咁樣嘅問題，我本人其實就有同佢  
22 去睇過呢個stitch joint，即係做呢個hold-point inspection嘅，  
23 其實呢個我就好清晰記得，因為--但係對於佢本人點解會作出一個咁樣嘅  
24 陳述，我表示我係完全係覺得有啲不可--即係我覺得唔可以接受嘅呢樣嘢，  
25 呢樣嘢係有發生過。



1 MR BOULDING: Sir, I hesitate to intervene, but my learned  
2 friend put this question to the witness on the basis  
3 that Mr Lai was adamant -- adamant -- that this was the  
4 man who inspected. I'm surprised he did that, because  
5 when he questioned Mr Lai about the shunt neck joint,  
6 Mr Lai initially said he was unsure who inspected it  
7 with him, and it was only when my learned friend took  
8 Mr Lai, I think it was to paragraph 35 or 36 of his  
9 statement, that he said, "Oh, I now remember". Hardly  
10 adamant, in my submission.

11 MR PENNICOTT: Sorry, that was in respect of the shunt neck  
12 joint I think specifically, and if that's right,  
13 I accept the observations that are made in relation to  
14 the shunt neck joint.

15 Now, Mr Chan, what makes you so sure that you did  
16 not carry out the rebar fixing checks at either the  
17 three stitch joints or the shunt neck joint?

18 A. 因為要做呢個檢查，其實都有一定嘅工序嘅，例如係我哋需要嗰個裂縫--  
19 即係嗰個stitch joint嗰度落番lead bar space--lead bar、bar  
20 side、bar spacing，跟住就係有冇一啲頭尾construction joint  
21 嗰啲接口嘅一啲waterstop，同埋其實响好早、好早嘅--即係如果佢做  
22 呢個動作嘅話，其實我應該就會有啲記憶嘅，但係我自己就有呢方面嘅印象。

23 同埋响一般比較--即係NSL啱啱開始嘅時候，其實都有做一部分嘅  
24 inspection with Kappa嘅，就即係講NSL第頭一、兩pour咁樣嘅，  
25 當時都亦都show過嗰個rebar inspection嗰個程序係點--大概係點樣。

1           所以我就覺得就係話我就冇呢個記憶去做過呢一堆嘅動作，所以我就係--  
2           所以我嘅view就係我根本冇做過呢個inspection。

3           Q. Mr Chan, assuming you are right that you did not carry  
4           out the inspections of the rebar at the three stitch  
5           joints and the shunt neck joint, who are the other  
6           candidates for having carried out those inspections?

7           A. 我assume或者係Kappa或者係Tony嘅。

8           Q. Who do you believe, Mr Chan, carried out the inspections  
9           of the stitch joint rebar and the shunt neck rebar on  
10          behalf of the MTR?

11          A. 我相信應該係Kappa或者Tony去做呢個嘅檢查嘅。

12          Q. Why do you think it might be Tony?

13          A. 因為有一啲情況就即係譬如兩個工程師都會有一啲會議咁樣，其實即係有  
14          一啲比較簡單嘅一啲紮鐵嘅工序其實都--即係雖然唔係太理想，但係又無  
15          可避免地都可能係由inspector去幫我--幫手做一啲簡單啲嘅地方嘅  
16          rebar inspection嘅，所以都唔--我唔能夠排除呢個嘅機會。

17          Q. All right. Are you able to say or express a view as to  
18          who is more likely to have carried out those rebar  
19          inspections?

20          A. 我覺得應該more likely係Kappa。

21          Q. Could we look at the NAT pour summary, please, at  
22          BB9/6363. I appreciate that this page has been slightly  
23          superseded by Mr Fu's amendments, but if we can just use  
24          this document for now.

25                 Could we scroll down to the bottom of the page,

1           please. Could I ask you please, Mr Chan, to look first  
2           of all at number 45 on the left-hand side. Do you see  
3           that? 45, "Shunt neck -- bay 3 -- track slab"; do you  
4           see that?

5       A. 睇到。

6       Q. And we see that the rebar in that particular area  
7           started and finished on 4 January 2017; do you see that?

8       A. 睇到。

9       Q. And the concrete was poured the next day, on 5 January  
10          2017; do you see that?

11      A. 睇到。

12      Q. And so all the rebar and the concrete pour takes place  
13          within two days?

14      A. 係。

15      Q. Are you sure, Mr Chan, that the rebar fixing inspection  
16          would have taken place, that it actually took place at  
17          all?

18      A. 我相信係有做到嘅。

19      Q. All right. Then could I ask you, please, to look  
20          slightly up the page at 58a. This is the EWL stitch  
21          joint for the track slab. Rebar started on 22 January,  
22          finished on the 24th, a couple of days later, and the  
23          concrete was poured on the same day, 24 January; do you  
24          see that, Mr Chan?

25      A. 睇到。

1 Q. Again, are you sure in your own mind, Mr Chan, that the  
2 rebar fixing inspection in fact took place?

3 A. 我相信我嘞同事係有做呢個inspection嘅，當時呀，當時。

4 CHAIRMAN: And what reason would you give for saying that?

5 A. 因為當時由NSL--即係NSL--即係NAT tunnel一路起上嚟，其實一路個  
6 Inspection都交界ConE II去負責，一路都有咩嘢問題話report返嚟嘅，  
7 我相信呢樣嘢，當時相信呢樣嘢都係ongoing緊，有咩嘢太大嘅問題收到，  
8 所以我當時嘅理解，應該都係有continue呢一個咁樣嘅程序。

9 MR PENNICOTT: Mr Chan, can I ask you, please, to -- you've  
10 got a hard copy of this page, which is helpful; thank  
11 you -- if you look at the green shaded boxes towards the  
12 top of this page, Mr Chan, they identify -- and we are  
13 focusing on the "rebar fixing" columns; don't worry  
14 about the "Pre-pour checks", just focusing on the "rebar  
15 fixing" columns -- they indicate those pours where  
16 a RISC form was issued. Do you see that? And the RISC  
17 form numbers are given.

18 A. 睇到。

19 Q. There were nine of them in total. You can count them up  
20 if you want. But do you see that?

21 A. 睇到。

22 Q. In relation to eight of them, we know by looking at the  
23 RISC forms the ConE II, Kappa Kang, carried out the  
24 inspections?

25 A. 係。

1 Q. And I assume that doesn't surprise you?

2 A. 冇錯。

3 Q. There was one carried out by a YW Wan, W-A-N?

4 A. Y--可唔可以畀個全名?我唔係好記得呢個。

5 Q. I'm afraid I can't.

6 A. Okay.

7 Q. Never mind. It doesn't matter.

8 And those nine RISC forms, the earliest was I think  
9 21 January 2016. That's the one against number 2. Do  
10 you see that?

11 A. 睇到。

12 Q. And the latest was 22 July, that's numbers 3 and 4; do  
13 you see that?

14 A. 睇到。

15 Q. All right. And after July 2016, Mr Chan, ignoring on  
16 this sheet the remedial works on the stitch joint, not  
17 one single RISC form was issued in relation to the  
18 inspection of the rebar fixing in the NAT area. Were  
19 you -- I assume you must have been fully aware of that  
20 situation?

21 A. 我知道RISC form係有缺失嘅,即係有missing嘅,但係我唔知道係  
22 嗰個時間之後係完成冇晒,喺2016年嘅時候。

23 Q. This is just the NAT area, Mr Chan. So you are saying  
24 that you were unaware, so far as the rebar fixing  
25 inspections were concerned, you were unaware that no

1 RISC forms had been issued after July 2016? Is that  
2 your evidence?

3 A. 我當時唔知嘅係佢係一張都有，即係17--16年嘅7月之後係一張都有，  
4 我當時嘅理解係佢會--佢漏，佢唔齊，但係唔知道係一張都有。

5 Q. All right.

6 Could I ask you, please, to be shown the SAT EWL  
7 summary table, at CC8/4397.

8 The top half of the sheet, Mr Chan, deals with the  
9 SAT EWL; do you see that?

10 A. 睇到。

11 Q. Whilst the position does not -- is certainly not as bad,  
12 apparently not as bad as the NAT that we've just been  
13 looking at, again there was a significant lack of RISC  
14 forms issued in relation to the SAT EWL. As I say, not  
15 anywhere near as bad as the NAT.

16 Again, were you generally aware of the problem of  
17 lack of RISC forms on the SAT EWL area?

18 A. 呢個SAT就知道都會有RISC form會間唔中有啲用漏嘅，但係實際上嗰個  
19 比率係點樣呢，當時我就有一個太--有一個好清晰嘅數字嘅，當時2016年  
20 嘅時候講緊，咁...

21 MR PENNICOTT: Okay.

22 Sir, I have no further questions, so perhaps this  
23 would be an appropriate time to take the ten minutes?

24 CHAIRMAN: Yes, certainly. Ten minutes.

25 (3.43 pm)

1 (A short adjournment)

2 (3.58 pm)

3 MS LAU: Sir, we have no questions for this witness.

4 CHAIRMAN: Thank you.

5 MR SHIEH: Mr Chairman and Mr Commissioner, as you will  
6 realise, there is a difference in evidence between Henry  
7 Lai of Leighton and Mr Chan --

8 CHAIRMAN: Yes.

9 MR SHIEH: -- concerning who on MTR's side conducted the  
10 requisite rebar fixing hold-point inspection. But the  
11 point has been very fairly put by Mr Pennicott in his  
12 examination of Mr Chan already, therefore on that basis  
13 Leighton has no questions. I wish to make that clear.  
14 That's not because we are going on strike prematurely.  
15 It's because we truly have no questions.

16 CHAIRMAN: Thank you.

17 MS PANG: Mr Chairman and Professor, I do have some  
18 questions.

19 CHAIRMAN: Yes.

20 Cross-examination by MS PANG

21 MS PANG: Mr Chan, good afternoon.

22 A. 係，你好。

23 Q. I represent the government and there are a couple of  
24 topics that I would like to discuss with you. I think  
25 I will start with the issue of the hold-point inspection  
26 at the shunt neck joint and also the stitch joints.

1           Mr Chan, we now know that there are, if you agree  
2           with me, serious problems about the coupler connections  
3           at the stitch joints and also the shunt neck joint?

4           A. (Nodded head).

5           Q. According to evidence from I think Mr William Holden  
6           from Leighton, some of the couplers and rebars were not  
7           properly connected and some were not connected at all.  
8           Are you aware of that?

9           A. 當時係唔知道嘅。

10          Q. Are you aware of it now?

11          A. 而家事後睇番啲資料，其實就知道呢個係有個問題喺度嘅。

12          Q. Have you had a chance to take a look at the photos  
13          attached to the NCR, I think two NCRs, regarding the  
14          stitch joints and also the shunt neck joint?

15          A. 有粗略咁睇過，有少少印象，不過唔係好仔細咁睇過。

16          Q. Right. I may not have to take you to the photos, but  
17          would you agree that from the photos that you have seen,  
18          from your impression, the defects at the stitch joints  
19          and also the shunt neck joint would be obvious from  
20          visual inspection?

21          A. 呢樣嘢我唔係太肯定，呢樣嘢。

22          Q. We have heard from Mr Michael Fu this morning that if  
23          the rebar was not connected to the coupler, then anyone  
24          should be able to see that. Do you agree with his  
25          position on this?



1 A. 我相信如果係好仔細咁樣去睇嘅話，應該係會睇得到嘅，係。

2 Q. Then let me ask you this. If you had conducted  
3 hold-point inspections on the shunt neck joint and the  
4 stitch joints, do you think you would have been able to  
5 spot the defects?

6 A. 如果我有做嘅話，我估計應該會find out到嘅，如果有做嘅話。

7 Q. Right. But obviously you have no recollection of seeing  
8 such defects at all?

9 A. 我嘅記憶中，我應該就係冇去呢個hold-point inspection嘅。

10 Q. Right. And if it was your ConE II, Ms Kappa Kang, who  
11 conducted the inspection, would you expect that she  
12 would be able to spot the defects as well?

13 A. 我覺得如果佢有去認真檢查嘅話，應該都會睇到呢個問題嘅。

14 Q. And the same with the IOWs; you would also expect them  
15 to be able to spot the defects, had they conducted the  
16 hold-point inspections?

17 A. 你講個關鍵檢查點係rebar inspection定係pre-pour嗰個incident?

18 Q. I'm talking about the rebar inspection for the stitch  
19 joints and the shunt neck joint.

20 A. 如果係鋼筋個關鍵檢查點，我覺得應該都會睇到嘅，因為呢樣嘢都係正常  
21 一個inspector可能都有十幾年嘅經驗，可能都應該係會見得到呢個係  
22 一個問題嚟嘅。

23 Q. Right. But you have never been informed by either your  
24 ConE II or any of the IOWs of any such defects -- were  
25 you?

1 A. 係，冇錯。

2 Q. So is it fair to say that you don't actually know if any  
3 of your team members, ConE II or the IOWs, had in fact  
4 conducted hold-point inspections at the shunt neck joint  
5 and the stitch joints?

6 A. 我當時相信係有做呢個hold-point inspection嘅。

7 Q. And what was the basis of that belief?

8 A. 因為hold-point inspection，即係睇鐵呢一part其實一路都ongoing  
9 緊嘅，一路都有話有特別嘅問題，所以我assume其實呢一樣嘢都係有做到，  
10 而有問題匯報上嚟嘅時候，應該就係有問題嘅咁樣。

11 Q. I see. So it's more of an assumption, but would you  
12 agree that you do not in fact know that any of your team  
13 members have conducted the hold-point inspections at the  
14 shunt neck joint and the stitch joints?

15 A. 因為呢樣嘢一路都係ongoing咁樣行嘅時候，我就有特別再去將佢嘅工作再  
16 做多一次，因為我都有自己需要去完成嘅task嘅，所以大家有唔同嘅工作嘅  
17 時候，我有特別去check或者特別去每一樣嘢都去審視佢有冇做--即係仔細  
18 咁做到。當佢有問題去提出嘅時候，我認為--我assume嗰一樣嘢有問題嘅，  
19 當時嘅工作，大家就係咁樣。

20 Q. Yes, Mr Chan, I understand your position, but my  
21 question was actually -- perhaps let me try it  
22 a different way.

23 You cannot rule out the possibility that no one from  
24 your team has in fact conducted hold-point inspection at  
25 the areas that I mentioned, can you?

1 A. 如果咁講嘅話，我都唔可以排除呢個可能性嘅，即係你講呢個可能性亦都  
2 有可能發生嘅，不過我手頭上有呢啲資料去證實呢一啲嘅講法。

3 Q. All right. Thank you, Mr Chan.

4 During your exchange with Mr Pennicott, you have  
5 mentioned that, ideally, the rebar inspection should be  
6 carried out by ConE II, but then sometimes, if none of  
7 the construction engineers are available, then the IOW  
8 would also have to conduct the rebar inspection. Do you  
9 recall that?

10 A. 記得，記得。

11 Q. Can I just confirm, when you refer to the IOW, are you  
12 referring specifically to Tony Tang only, or are there  
13 any other candidates who might also help to conduct the  
14 rebar inspections?

15 A. 如果NAT嘅話，主要都係Tony，係。

16 Q. Is it possible to have a situation where Ms Kappa Kang  
17 thought Tony had conducted the inspection, but then in  
18 fact none of them conducted the inspection?

19 A. 呢個問題其實係講緊佢哋兩個之間嗰個溝通，我唔排除呢個可能，但係我  
20 冇任何嘅資料去證實呢啲講法係冇冇根據，我唔知道點樣去confirm呢樣嘢  
21 冇冇發生過。

22 CHAIRMAN: Sorry, just let me interrupt a second. Outside  
23 of, or excluding the RISC forms, should there have been  
24 any record of the engineers or works inspectors who  
25 attended these hold-point inspections?

1 A. 紀錄上可能就係各自出席呢個hold-point inspection嘅人自己所影嘅  
2 相，我相信係呢啲--即係佢哋自己personal keep嘅一啲紀錄咁樣。

3 CHAIRMAN: All right. So the site diary doesn't include  
4 "Mr A, 4 pm, attending hold-point inspection bay 12" or  
5 anything like that?

6 A. 我自己本人就有參與呢個嘅site diary嗰個起草同埋簽署嘅，所以我唔係  
7 太記得太清楚嗰個site diary嗰個內容嘅範疇有啲咩嘢。我理解，佢應該  
8 係大概記錄咗每一日到底我哋有幾多嘅工人或者咩嘢工種、從事啲咩嘢工作  
9 嘅，我唔肯定有冇紀錄就係話關於一啲inspection有冇做過，應該我理解，  
10 呢一樣嘢就唔係响嗰個site diary去記錄inspection有冇喺地盤發生嘅。

11 CHAIRMAN: All right. So just for my own benefit then, as  
12 I understand the matter, according to your knowledge, it  
13 is that the record of attendance of an MTR employee at  
14 a hold-point inspection would be contained in the RISC  
15 form?

16 A. 正式嚟講，係嘅。

17 CHAIRMAN: And, failing that, it may be contained indirectly  
18 in other evidence collected at the inspection by the  
19 employee himself or herself, photographs, notes or  
20 something like that?

21 A. 應該係嘅，係嘅。

22 CHAIRMAN: And failing those two things, then there would be  
23 no actual record?

24 A. 我相信應該就--我諗唔到有啲咩嘢其他可以記錄呢樣嘢嘅機制，係呢兩樣嘢。

25 CHAIRMAN: You see, what I suppose is potentially troubling

1 is that if the only record is the RISC form, and if  
2 a habit developed in terms of which RISC forms were  
3 received late or not at all, you could well have  
4 a situation where, without any bad faith intended, six  
5 months after the event, you might be able to go around  
6 and say, "Who attended this particular hold-point  
7 inspection?", and nobody would be able to remember  
8 because the RISC forms had not been submitted?

9 A. 有呢個可能性嘅，係。

10 CHAIRMAN: And the possibility then leads to another  
11 possibility, which is if nobody from MTR has any memory  
12 of attending, and there are no paper records, then the  
13 question may be raised of whether in fact the inspection  
14 took place at all.

15 A. 都有呢個可能性嘅，係。

16 CHAIRMAN: And that therefore is the inherent danger in  
17 allowing a partnership arrangement to develop in terms  
18 of which you say, "Okay, we're all in this together, we  
19 appreciate you are busy; send us the RISC forms sometime  
20 later"?

21 A. 其實當時就有expect到佢真係會遲咁多嘅，即係可能都係講緊一、兩個星期，  
22 即係最多係呢個咁樣嘅時間，亦都有--當時唔expect佢係完全100%唔入嘅，  
23 所以--即係可能當時我哋理解禮頓佢遲入--佢嗰個遲唔係遲咁多，所以唔會  
24 expect到嗰個result會係咁嘅樣。

25 CHAIRMAN: You see, I recall, and I'm open to correction,

1           that there's some evidence we heard a few days ago where  
2           somebody handed in a whole lot of arrears of RISC forms.  
3           I think some of them were four months in arrears.

4           Now, what I could imagine, in the office of the MTR,  
5           is somebody sort of saying, "Look, I've just got 32 RISC  
6           forms have come in now, they all go back to late last  
7           year. Do you remember who actually attended any of  
8           these things?" And people are trying to remember  
9           whether they were the ones who attended or not.

10          A. 我唔係好aware 即係之前嘅某幾位證人講過嘅呢啲嘅事情。

11          CHAIRMAN: No, I appreciate that. I think that's not so  
12           much a question. It's a slightly rambling comment by  
13           me, that's all.

14          A. Sorry.

15          CHAIRMAN: I'm just trying to understand the kind of dangers  
16           that one can run into when a sort of buddy-buddy  
17           relationship arises between the operational people and  
18           the inspection people on a major project. But that's  
19           just rambling comments. Thank you.

20          COMMISSIONER HANSFORD: And of course people leave the  
21           project.

22          CHAIRMAN: Yes, and people leave and, as you say, they are  
23           not there to ask four or five months later.

24          MS PANG: I'm grateful for that, Mr Chairman, and actually  
25           that's precisely what I'm trying to get at, but much  
26           more effectively put by Mr Chairman.

1 CHAIRMAN: Well, no, I'm just not constrained by having to  
2 put questions in any particular way. So I'm sorry if  
3 I've messed up your pathway. Sorry.

4 MS PANG: Not at all. I'm grateful for that.

5 Perhaps just to follow up on this particular issue  
6 about records, can I ask the Secretariat to turn up  
7 Ms Kappa Kang's witness statement, at BB9465, at  
8 paragraph 11.

9 Mr Chan, I would like to ask you to look at the last  
10 sentence on this page. Here, I think Ms Kang describes  
11 what she did after she conducted each hold-point  
12 inspection, so that might be relevant to the issue of  
13 records. So she said:

14 "After I conducted a rebar fixing hold-point  
15 inspection, I would usually inform the ConE team or  
16 inspectors of works, or both, by way of a WhatsApp  
17 message, or orally in person or telephone call."

18 Mr Chan, do you agree or does that accord with your  
19 recollection, that after hold-point inspection, that's  
20 what Ms Kang did?

21 A. 有陣時會有嘅，有陣時會有，但係我唔係好記得exactly係咪每一次都會  
22 有呢一個動作。

23 Q. Right. We see from her witness statement that sometimes  
24 the so-called perhaps informal report would be by way of  
25 a message, but sometimes it would be made orally, by  
26 telephone call or in person. Do you see that's what she

1           said in her witness statement?

2       A.   見到，見到。

3       Q.   Can you recall if that is an accurate description of  
4           what happened? So sometimes she would send a text but  
5           sometimes she would only inform you by telephone call or  
6           in person?

7       A.   呢方面我唔係記得太清楚當時每一個--每一pour到底用咩嘢形式去匯報番  
8           嚟，我唔係記得太清楚呢樣嘢。

9       Q.   I understand your concern, Mr Chan, but all that I'm  
10           asking is whether you recall that sometimes she would  
11           report to you by message, but sometimes by way of  
12           telephone call. I'm not asking you to recall precisely  
13           which time by what means. I'm only asking, broadly, is  
14           it right to say that sometimes she would send you a text  
15           but sometimes she would report to you by just orally in  
16           person?

17      A.   係，係，係，認同，係。

18      Q.   So, in other words, there wouldn't be a complete set of  
19           written records on each inspection conducted by Ms Kang;  
20           do you agree with me?

21      A.   同意。

22      Q.   Thank you.

23           Mr Chan, I would like to move on to another topic.  
24           You have mentioned earlier that you have daily contacts  
25           with Mr Henry Lai from Leighton. Do you recall that?



1 A. 有，記得。

2 Q. Right. Are you aware that Mr Lai mentioned in his  
3 witness statement that he forgot to arrange 56 batches  
4 of rebars for testing? Are you aware of that?

5 A. 物料測試呢一part其實我就即係認知比較少嘅，呢一樣嘢當時我係唔知道嘅。

6 Q. Did you become aware of this afterwards?

7 A. 其實都係--即係一路--其實都係近呢個調查，我哋先--我先知道有幾多  
8 鋼筋係--有啲鋼筋係冇擺去驗嘅。

9 Q. Mr Michael Fu told us this morning that if batches of  
10 rebars were delivered on site, then the frontline staff  
11 of both MTR and Leighton should be aware of the fact  
12 that rebars are delivered. According to your  
13 understanding, who would be responsible on the part of  
14 MTR to conduct -- or perhaps take samples for the  
15 purpose of testing the rebars?

16 A. 應該係我哋嘅inspector of works。

17 Q. For the NAT area, do you know which inspector of works  
18 would be responsible for that?

19 A. NAT應該係Tony佢負責擺sample嘅。

20 Q. Yesterday, we have also heard evidence from Leighton  
21 about measures taken to separate the tested and untested  
22 rebars. One of the measures that he mentioned is  
23 a spray-paint system. Are you aware or are you familiar  
24 with that?

25 A. 我知道呢一個程序，但係我當時冇follow up--冇好仔細咁樣去了解禮頓

1 當時嗰個運作係點樣嘅。

2 Q. I see. So would you say this would mainly be the  
3 responsibility of the IOWs rather than the engineers?  
4 Is that your understanding?

5 A. 現場管理呢個應該--即係監測嗰個角色應該係工務督察嘅，係。

6 Q. Right. Just to follow up on the issue of the  
7 spray-paint system. Your previous answer to my question  
8 was you did not follow up in detail. Am I correct to  
9 understand that you were not very clear as to what  
10 colour represents what?

11 A. 我唔知道邊一種顏色係代表驗咗，我知道就係話佢會特定指定一種顏色係  
12 pass咗個result。

13 Q. So is it fair to say that when you were doing your  
14 routine inspection on site, assuming that a rebar fixer  
15 has used rebars which were not tested, you would not be  
16 able to spot that?

17 A. 通常呢一啲rebar嗰個顏色通常都係喺個鐵嘅其中一邊或者係其中一邊噴咗  
18 個顏色，我哋engineers，我自己本身就好--唔係太常--即係經常走去呢個  
19 嘅紮鐵場嗰度睇佢點樣安排嗰啲rebar，我諗engineers嗰個角色通常都係  
20 做嗰個hold-point inspection，即係喺嗰個時間嘅時候，可能嗰個顏色  
21 已經係可能係cut鐵嘅時候cut咗或者係已經用咗，所以就engineers  
22 其實都好難喺嗰個hold-point inspection嗰度identify到嗰個rebar  
23 係咪已經測試得到。

24 Q. So is the answer to my question yes, you would not be

1           able to discover if a rebar fixer has used an untested  
2           rebar on site? Or you may or may not be able to  
3           discover?

4       A.   如果講個時間性嘅話，去hold-point inspection嘅時候應該就發現唔到嘅。

5       Q.   What about your routine inspection, general site walks?

6       A.   一般工地巡查，如果去到嗰個rebar fixer嗰個紮鐵場嘅話，去搵番佢而家用  
7           緊嘅鋼筋係乜嘢顏色嘅話，其實就應該可以發現到佢有冇用緊一啲唔啱顏色嘅--  
8           即係冇係一種合格嘅顏色嘅rebar嘅，呢一個我理解，係我哋嘅inspectors  
9           佢哋會做一啲例行嘅巡查嘅。

10      Q.   Thank you, Mr Chan. Can I move on to a separate topic.

11           Do you recall that you have discussed the issue of  
12           the deviation, the change from lapped bar to use of  
13           couplers, in your second witness statement? Is that  
14           right?

15      A.   記得。

16      Q.   At the time of the construction works, were you aware of  
17           the change?

18      A.   當時係知道嘅。

19      Q.   Mr Michael Fu, the construction manager, told us this  
20           morning that he was not aware of the change. Does that  
21           accord with your recollection, that he was not aware?  
22           Or perhaps I should ask this way: you have never  
23           informed Michael Fu of the change, did you?

24      A.   呢一個改動其實就喺地盤嚟講，我哋會見到有一堆牆佢係有一排嘅螺絲帽，  
25           跟住佢有任何鋼筋凸出嚟，因為我理解我哋嘅senior management佢哋

1 每個地盤--每日每個禮拜都會行地盤嘅，我有特別去同佢匯報呢一樣嘢，  
2 但係我理解佢哋行site嘅時候，理應會見到嗰堵牆有一排嘅螺絲帽，我嗰陣  
3 時我理解就係佢哋應該會察覺得到。

4 Q. Did you report this matter to Joe Tsang?

5 A. 我當時assume佢都知道有呢個改動，因為佢都好密咁行地盤嘅，我assume  
6 嗰陣時佢應該都會喺地盤度observe到呢一啲嘢嘅，但係就好  
7 specifically去睇呢個問題--即係去討論呢個問題，就我記憶中係有嘅。

8 Q. Right. Perhaps I will put my question more bluntly: who  
9 from MTRC approved of the change? Is it yourself or is  
10 it someone else, or is it the case that it was simply  
11 allowed to occur and you assumed your seniors were aware  
12 and that's it?

13 A. 當時我記得係呢一個issue就係話個地盤一路上嚟，就要留一啲通道，  
14 就畀將來嘅車可以--即係construction vehicles可以入番去呢個EWL  
15 度做，留啲乜嘢地方呢？其實都係當時嘅senior management去assign  
16 落嚟嘅，但係我哋喺地盤同contractor傾，就係話--或者佢話畀我哋聽嘅  
17 就係佢會點樣做法。當時佢亦都有講過--即係我都有啲印象，佢係有講過話  
18 佢會用couplers去將呢一啲地方--即係將來係可以駁番鐵嘅，當時我都有  
19 反對。所以就turn out係--即係個result係咁樣，即係做落去喇。

20 Q. Mr Chan, just now you mentioned that "the senior  
21 management would assign the location which we should  
22 reserve for access". Are you referring to the senior  
23 management of Leighton or MTR?

24 A. 我諗佢哋係兩方面係傾出嚟嘅，佢兩個--即係禮頓嘅高層同埋港鐵嘅高層

1 其實佢哋有定期自己開會嘅，我收到嘅訊息就係話for成個project嘅  
2 benefit，要留番一啲嘅地方，將來可以入得到車，就揀咗NAT同SAT。

3 就我哋同contractor傾嘅就係點樣可以做得到嗰個opening，將來  
4 可以駁得番鐵，contractor做嘅就係將某啲地方就留螺絲帽，之後就扭番  
5 鐵入去，就喺番--將來當一條路唔需要嘅時候，就可以駁得番鐵，起番捧牆。  
6 呢個做法，其實我當時認為就問題不大嘅，亦都係一個好輕微嘅改動，所以  
7 都有反對contractor繼續去用呢個方法施工。

8 Q. Mr Chan, I'm just trying to make sure I understand your  
9 evidence correctly. So am I right in understanding that  
10 this is a -- the change from lapped bars to couplers is  
11 a joint decision between the management of the MTRC and  
12 Leighton? Is that what you are saying?

13 A. 呢個係共識，可以接受嘅方法，我會理解當時係。

14 Q. Thank you. I now move on to the last topic that I would  
15 like to discuss with you. That's the missing RISC  
16 forms.

17 Can I ask you to take a look at paragraph 20 of your  
18 witness statement, at BB115. The last sentence of  
19 paragraph 20:

20 "What was lacking was the submission of the RISC  
21 forms as a result of Leighton's omission/failure to  
22 submit the same, but in the event that we had insisted  
23 on receiving such forms before the inspections took  
24 place the reality is that the works would have taken far  
25 longer to complete than would otherwise have been the

1 case."

2 I would like to see whether we can be more precise  
3 in the reason for -- in the reason why you think the  
4 works would have taken far longer. Can you elaborate or  
5 can you explain to us why you think to insist on the  
6 RISC form procedure would significantly slow down the  
7 works?

8 A. 當時其實就禮頓成個工程都--即係個時間都好趕嘅，其實如果我哋收--即係  
9 按足晒程序去做，二十四個小時前佢一定要入到張RISC form，跟住我哋先  
10 走去做inspection，跟住先至sign off，跟住先至去做下一步嘅工序嘅話，  
11 其實就我當時嘅observation，禮頓係做唔切嘅，所以我就認為如果我哋  
12 insist呢個程序100%要跟足嘅話，禮頓成個progress都會慢。因為慢呢，  
13 唔係淨係影響禮頓一個，當時可能就要交界下一啲嘅track works、一啲  
14 唔同嘅trackside facilities、building service去做嘢，suffer  
15 嘅唔係禮頓一個，所以呢個implication其實影響都好大，其實所以就。

16 Q. You have mentioned that there's a requirement that RISC  
17 form must be submitted 24 hours before the inspection.  
18 Where does this requirement come from, or do you know  
19 what's the reason behind the 24 hours in advance  
20 requirement?

21 A. 我理解二十四小時前應該係响個contract嗰啲specification，exactly  
22 邊一個clause我唔係太記得清楚。我理解，呢個都係一般行內嘅做法，係  
23 需要時間畀監察人員去安排佢哋嘅人員、人手同埋一啲文件上嘅嘢，去安排  
24 嗰個檢測嘅。所以--我理解，所以就嗰個二十四小時嗰樣嘢都係一個好

1 common嘅requirement嚟嘅啫。

2 CHAIRMAN: Sorry, again, just for my own benefit -- I accept  
3 fully that a wadge of papers being carried around  
4 a building site, underground, with bits and pieces to be  
5 filled in, like an income tax return, is uncomfortable  
6 and not very efficient. I accept that; okay?

7 But leaving that aside for one moment, if you get in  
8 a RISC form requesting an inspection, and you get it  
9 24 hours ahead of time -- how many, firstly, of these  
10 RISC forms would you expect to get in a day?

11 A. Sorry, 主席, 唔好意思, 我唔係好明白入到幾多張係--即係個問題係  
12 咩嘢? 唔好意思。

13 CHAIRMAN: Well, okay, how many lots of notice do you expect  
14 to get in a day, asking for inspections, hold-point  
15 inspections, the following day?

16 A. 如果係以我喺1112嘅經驗同我當時嘅觀察, 禮頓係做唔到嘅, 好多時都  
17 做唔到呢樣嘢嘅。

18 CHAIRMAN: No, I'm just trying to understand the  
19 difficulties. I mean, were you getting perhaps three or  
20 four requests for hold-point inspections a day, or were  
21 you getting two dozen, three dozen? The numbers weren't  
22 that great, were they?

23 A. 呢個可能我未必掌握嘅資料咁準確, 因為成個RISC form嗰個circulation,  
24 由AA去到inspector, 有部分嘅先至會去到工程師手上, 所以我哋唔係每一  
25 張form都會經過工程師嘅手, 所以我唔能夠講到一個好實際嘅數字, 即係大概

1            每一日會牽涉幾多張form，呢個可能inspector會比較清楚一啲。

2            CHAIRMAN: All right. Let's leave the forms out entirely.

3            Let's say the whole thing is done just by oral  
4            communication. Looking back, how many requests were --  
5            how many hold-point inspections a day, on average, do  
6            you think were carried out?

7            A. 呢個可能就depends，因為呢樣嘢其實嗰個數字就唔係咁穩定嘅，有陣時  
8            可能去到某啲落石屎嘅工序，可能嗰幾個月就會係--會日日都--可能會  
9            日日都有都唔出奇，但係可能去到另一啲工序嘅時候，可能係一、兩個  
10           禮拜先一、兩個咁樣，即係depends on嗰個地盤嗰一刻到底係做緊邊  
11           一部分嘅工序，都好難概括咁樣講到究竟個數量...

12           CHAIRMAN: Let me put it this way, otherwise we will dance  
13           around for a long time. It doesn't seem to me that the  
14           number of hold-point inspections were at any time so  
15           great that they would have overwhelmed your construction  
16           engineering complement and your inspector of works  
17           complement. Would that be right?

18           A. 呢個我都同意嘅，即係應該係處理得到嘅。

19           CHAIRMAN: So what's puzzling in a way is despite its  
20           antiquity and despite the fact that it's not a very  
21           efficient way of proceeding, the actual RISC forms  
22           themselves -- I mean, I'm wondering why they would have  
23           slowed everything down so much. I mean, basically,  
24           a lady or a gentleman has to receive it at the MTR, fill  
25           in a few details, pass it to somebody else who then



1           says, "Fine, tomorrow morning", or "tomorrow afternoon",  
2           passes it on. There's not a great deal of documentation  
3           that has to be prepared; would you agree?

4           A.  我覺得都同意嘅，呢樣嘢，係。

5           CHAIRMAN:  Because if there was such a lot of documentation,  
6           we wouldn't have the problem, because even though the  
7           RISC forms are missing, we would be sitting with sheaths  
8           of paper that prove it anyway. Do you see what I mean?  
9           So nobody was filling out volumes of paper here, and I'm  
10          just wondering why it is that that even though the RISC  
11          forms were perhaps a bit outdated and even though there  
12          are more efficient ways today of dealing with matters,  
13          it should have been seen as somehow or rather a major  
14          obstacle to getting ahead with the work. It puzzles me.

15          A.  或者咁樣講，當時我自己嗰個observation，其實就呢個RISC form可能  
16          喺禮頓自己嗰個working priority，其實佢哋唔係咁高嘅啫，因為我哋  
17          同事打電話都會應約去做呢個inspection，個地盤行到，亦都有錢嘅問題，  
18          可能喺呢一啲咁嘅情況之下，佢會將呢啲工作嗰個priority放得比較低，  
19          所以可能就係因為咁嘅情況，佢...

20          CHAIRMAN:  Okay. All right. That's different, you see.  
21          That's very different. Because there's a difference  
22          between, "If we have to do the RISC forms, we are not  
23          going to be able to get the work done", and saying, "The  
24          RISC forms are actually an inconvenience; they're  
25          bothersome, and so we'll do them at some other time when

1 things aren't quite as busy". Do you see the point?  
2 And it seems to me that you are accepting that perhaps  
3 the RISC forms were not a major obstacle to getting  
4 ahead with the work so much as just bothersome,  
5 an irritant that people would rather deal with at some  
6 other time. Would that be correct?

7 A. 對於話RISC form呢樣嘢，其實我會覺得其實只可以係容許一個好短嘅時間  
8 嘅delay嘅啫，就算當時嘅理解，唔係代表唔需要做嘅，因為呢一樣嘢都for  
9 個record嚟講，其實都係好重要嘅。

10 我嘅理解，就係當時我唔係太清楚究竟點--我當時唔清楚嘅就係點解會  
11 個delay係講緊幾個月、半年、一年，呢樣嘢我有expect到嗰個delay係會  
12 咁嚴重嘅。咁--得，係。

13 CHAIRMAN: Okay.

14 MS PANG: Mr Chan, is Leighton's site office located in the  
15 same building as MTRC's site office?

16 A. 係嘅。

17 Q. So same building but different floors?

18 A. 同一層，即係禮頓一邊、MTR一邊咁樣分開兩邊嘅。

19 Q. I see. So it should have been pretty easy to get the  
20 RISC forms from MTR to Leighton or Leighton to MTR;  
21 would you agree?

22 A. 同意，同意。

23 Q. To complete picture, can I ask you to take a look at  
24 Mr Tony Tang's witness statement, at BB125. At  
25 paragraph 20, he provided an explanation as to why the

1 RISC form would need to be submitted in advance. So see  
2 if you agree with what he describes here:

3 "A RISC form would also not be available to me at  
4 the time of inspection if Leighton only sent it to the  
5 AA ..."

6 I think it refers to administrative assistant,  
7 right, AA; is that your understanding?

8 If you can flip to page 124, I think the word "AA"  
9 is defined in the first subparagraph. Are you on  
10 page 124, Mr Chan?

11 A. 係，係，係。

12 Q. So "AA" refers to the administrative assistant of MTRCL;  
13 can you see that?

14 A. 係，見到。

15 Q. Back to paragraph 20:

16 "A RISC form would also not be available to me at  
17 the time of inspection if Leighton only sent it to the  
18 AA a few hours before the inspection. As described at  
19 paragraph 15 above, before I received a RISC form it  
20 would first need to be processed by the AA and the SIOW.  
21 This process would usually take up ... a day."

22 Does that accord with your understanding of what  
23 happens with the RISC form, Mr Chan?

24 A. 一致嘅。

25 CHAIRMAN: Sorry, why would it take a day? I mean,

26 I appreciate these people have other things to do and

1 I'm not trying to be condescending in any way, but if  
2 they are important milestones in the actual bricks and  
3 mortar of building the place, but they have to be dealt  
4 with, I just wonder why it would take a full day.

5 Is there any reason for that?

6 A. 可能我頭先睇呢段嘅時候未太仔細咁消化成段字，佢講緊係其實幾個鐘頭  
7 before嗰個inspection，如果講一般幾個鐘頭嘅時候，AA可能佢收到  
8 嘅時候，佢需要打番個register，需要將呢份文件交去SRW，跟住佢睇完，  
9 可能SRW可能自己都出咗地盤，可能佢都唔係即時喺嗰個位上面，跟住先至  
10 會--SRW返嚟睇完之後，先至會派畀各自嘅inspector，我相信呢樣嘢可能  
11 最少--我覺得可能幾個鐘頭未必足夠，我覺得可能半日嘅，可能都應該處理  
12 得到嘅，我嘅理解係咁。

13 MS PANG: Thank you very much, Mr Chan. I have no further  
14 questions.

15 MR SHIEH: Mr Chairman and Mr Commissioner, in view of some  
16 of the answers given by this witness, the answers to  
17 some of the questions put by Ms Pang, I wonder whether  
18 I could be given the permission to ask a few questions  
19 before Mr Boulding commences his re-examination?

20 CHAIRMAN: Mr Boulding?

21 MR BOULDING: If it helps you, sir, I'm happy for my learned  
22 friend to ask a few questions. That's our attitude.

23 CHAIRMAN: Certainly. Thank you.

24 Cross-examination by MR SHIEH

25 MR SHIEH: Now, Mr Chan, I represent Leighton. I wish to

1 ask you a few questions concerning your evidence of what  
2 you've called "delegation" in your witness statement.

3 Can I ask you to look at your witness statement,  
4 BB1/116, paragraph 24. You refer to this point on your  
5 delegating the inspection to the IOWs as well as  
6 ConE II; do you see that?

7 My question is, in the time frame that we are  
8 concerned with in this case, that is the shunt neck  
9 joint, the rebars were fixed in early January 2017, do  
10 you have any recollection as to when you began this  
11 delegation?

12 A. 應該係响NSL啱啱開始紮鐵落石屎嘅時候，嗰個時間應該係講緊2016年年初，  
13 係喇，2016年年初打後。

14 Q. The reason for delegation was because you were occupied  
15 with other matters, according to you; yes?

16 A. 應該係話我哋之間都要有一個分工咁樣嘅，我會focus番响一啲DC嘅  
17 interface、一啲external parties嘅聯絡、一啲關於engineering  
18 technical嘅problems，所以--同埋頭先所講避免一啲誤會溝通，其實  
19 最好就係由一位去負責呢樣嘢，instead of兩個去負責呢一樣嘢咁樣。

20 Q. Did you communicate your delegation to Kappa -- did you  
21 communicate with Kappa Kang about this delegation? In  
22 other words, did you ever say to Kappa Kang, "I now  
23 delegate to you all the tasks of rebar fixing hold-point  
24 connection"?

25 A. 我有同佢講紮鐵嗰啲佢係要出去睇嘅。

1 Q. Did you say that from then onwards, you wouldn't be  
2 doing it and it would be Kappa Kang exclusively? Did  
3 you tell her?

4 A. 呢一樣嘢我都當時唔會講到咁死嘅，因為每個人都可能會有機會放假、唔喺  
5 度咁樣，所以一啲情況如果係完全唔會有其他人，除咗我之外嘅話，其實我  
6 都會去做呢個工作嘅。

7 Q. I see. So despite this delegation that you mentioned in  
8 your witness statement, it remained the case that you  
9 yourself have done some rebar checking hold-point  
10 connections during the construction of the NAT, NSL and  
11 EWL links?

12 A. 喺好早期嘅時候，其實就有少部分做，不過唔係講緊嗰個隧道結構嘅，我哋  
13 除咗講隧道之外，我哋NAT仲有一啲box culvert嘅，仲有啲track slab  
14 喺個North Fan Area度，我記得有一、兩pour其實係有--即係因為其實都--  
15 我哋都唔係咁多人嘅啫，所以有陣時都要去做呢啲工作嘅，當時冇人嘅時候，  
16 但係NAT嗰邊，其實我記得我就早期有--即係頭一、兩pour同NSL base  
17 slab搵--即係有做過--一齊做過inspection之外，其餘之後嗰啲我都放畀  
18 Kappa做嘅。

19 Q. And in relation to this delegation, you have not spoken  
20 to the inspector of works about the delegation? You  
21 have only spoken to Kappa; correct?

22 A. 呢樣嘢都有同佢講過嘅，其實就佢有陣時會問我哋邊一個去睇嘅時候，我  
23 都有同佢講「你搵Kappa同你去睇，呢一啲嘢」，其實有講嘅。

24 Q. I see. From your perspective, you have spoken to Kappa

1 that she would be doing the rebar checking hold-point  
2 checks, and you've also told the inspector of works that  
3 it would be Kappa who would be doing it?

4 A. 係呀，係呀。

5 Q. But have you ever told Leighton, Henry Lai, that it  
6 would be Kappa from a certain point onward and they  
7 should contact Kappa instead of ask you for the  
8 hold-point checks for rebar fixing?

9 A. 有陣時我都--我記得係會收到Henry Lai或者係其他唔同嘅engineers  
10 或者site agent陳漢新各樣，佢哋問我邊一個去同佢做一個rebar  
11 inspection，我都會咁樣答佢，就搵番Kappa嘅，所以我assume我  
12 答咗禮頓之後，佢會搵番Kappa做呢個hold-point inspection。

13 Q. But you never put it to Leighton, "Stop bothering me,  
14 because from today, 3rd of whatever month onwards, you  
15 should only look for Kappa to do hold-point checks"?  
16 You never did that?

17 A. 我覺得唔需要講到係100%全部都係佢做，因為好似頭先咁講，佢都會可能  
18 有機會放假或者係做--即係有啲嘢真係做唔到，所以呢一啲情況，我就冇  
19 100%去同禮頓講得好清楚話「所有嘅嘢我以後就唔做。」我有講呢啲說話，  
20 因為真係有啲情況，我真係要出去嘅，我都會做。

21 Q. So it remained possible that Leighton would still  
22 contact you in relation to rebar fixing hold-point  
23 inspections?

24 A. 有呢個可能性佢會搵我嘅，我當時嘅--即係大部分嘅回覆都係要佢搵咗

1 Kappa先嘅。

2 Q. Right. Thank you. I have to put it to you that you  
3 have an incentive or a reason to deny having conducted  
4 the rebar connection hold-point check for the stitch  
5 joint and the shunt neck joint, and that incentive was  
6 that you have since learned that there had been  
7 defective connections on those locations and you wish to  
8 distance yourself. Do you accept that?

9 A. 因為hold-point inspection嘅話，其實我都會有啲記憶嘅，因為--  
10 即係hold-point inspection講，頭先講有一系列嘅程序，其實一開始  
11 嘅時候我都同禮頓咁樣講，如果我做一個hold-point inspection嘅話，  
12 我除咗要度一般嘅bar side、bar spacing、lapped bar嘅長度、留  
13 番畀下一倉、starter bar、cast in items，要有永光嘅人在場，因為  
14 要執漏，所以如果我做一個咁樣嘅inspection嘅話，我應該係會記得到當  
15 時做過啲乜嘢，同埋我嘅做法就係話如果見到一啲咩嘢問題嘅話，要follow  
16 up嘅話，我都會同番inspector，叫佢去跟進嘅。所以我嘅記憶中，就有  
17 呢啲嘢發生過，所以我嘅理解，就係inspection of stitch joint就有--  
18 即係我係有做過呢一樣嘢嘅。

19 Q. I was told that something might have gone amiss in the  
20 interpretation, so perhaps I can put the question again.

21 I am suggesting to you that you did conduct the  
22 rebar connection hold-point inspections for the stitch  
23 joint and the shunt neck joint, and you are denying it  
24 now because you realised that there were defects in



1 those joints and you are trying to distance yourself.

2 Do you accept that?

3 A. 我唔明你嘅問題問咩嘢，可唔可以問多一次？

4 Q. You now realise that there were defects in the stitch  
5 joint rebar connections and the shunt neck joint rebar  
6 connections, and therefore you want to distance yourself  
7 from the inspection of those joints and that is why you  
8 are denying having done the rebar connection hold-point  
9 inspections for those joints.

10 A. 我唔同意呢個講法，因為我都係憑我自己嘅記憶去回答呢一件事嘅啫，  
11 我完全係唔同意呢一個講法。

12 Q. And even irrespective of the incentive that I have just  
13 mentioned, I suggest to you that your recollection could  
14 be faulty and that you cannot exclude the possibility  
15 that you had indeed inspected those joints for  
16 hold-point checks.

17 A. 呢樣嘢我諗我記憶中清楚嘅嘢，我就會答我清楚，即係好似頭先講我有冇  
18 去做過interface各樣，我都係照如實講番，我記憶中我係冇做過啲  
19 inspection，我就答你有，就係咁，即係我並不是因為話而家出咗而家  
20 咁嘅狀況，所以先至去否認呢一樣嘢，我完全唔能夠同意呢一個講法。

21 MR SHIEH: Thank you very much. I have no further  
22 questions.

23 MR BOULDING: Sir, I see the time, but I don't anticipate  
24 being very long, and you may well want to finish this  
25 witness.

1 CHAIRMAN: Yes, please.

2 Re-examination by MR BOULDING

3 MR BOULDING: Mr Chan, I only have one matter I'd like to  
4 ask you about, and it arose out of Ms Pang's discussions  
5 with you concerning the change from lapped bars to  
6 couplers in the South Approach Tunnel and the North  
7 Approach Tunnel to gain access. Do you remember  
8 discussing that with Ms Pang?

9 A. 記得。

10 Q. And it was put to you that you ought to have objected to  
11 the use of couplers, and the transcript records you as  
12 saying, "No, I didn't object because it was a change of  
13 a minor nature." Do you remember giving Ms Pang that  
14 answer?

15 A. 記得。

16 Q. Can you explain to the learned Commissioners why you  
17 regarded it as being a change of a minor nature?

18 A. 因為一般喺地盤施工上都可能會有啲地方需要--即係喺地盤嘅階段先決定  
19 去留一啲臨時嘅opening或者一啲臨時嘅通道，去到呢一啲嘅情況，將來  
20 要--會做一個--起番捧牆嘅話，就只可以駁番couplers，因為當時嗰個  
21 位置係比較狹窄，呢一樣嘢喺技術上嚟講，喺個code of practice裏面，  
22 lapped bar同埋couplers兩樣嘢係相等嘅，即係喺呢個技術上佢哋係  
23 一樣，所以喺我嘅理解，呢一樣嘢只係需要keep番一個紀錄，到最後嘅  
24 時候，喺我哋報完工之前，將呢個咁嘅改動入番畀BD，做番一個final  
25 amendment，將相關嘅物料測試報告交番畀BD，就應該可以完成到呢個

1 程序。

2 因為頭先我都講，因為佢哋兩樣嘢係interchangeable，所以我個  
3 view當時係minor，所以個submission係可以遲啲先至入畀BD都可以嘅，  
4 我理解個程序係可以。

5 Q. Problems of the kind you describe, the need to leave  
6 some form of temporary access in the course of  
7 construction -- in your experience, is that a problem  
8 which commonly occurs?

9 A. 通常都會預得到嘅，即係譬如--因為我哋鐵路項目都比較特別，因為其實  
10 本身鐵路係一個好confine嘅area嚟嘅，越起嘅時候，佢有嘅空間就越嚟  
11 越少，所以我哋到到最尾嘅時候總要留番一啲地方可以畀到工程車可以入  
12 得到，去運送一啲譬如機電嘅設備、路軌嘅設備或者係月台上面嘅裝修嘅  
13 物料，所以其實就呢一個通道其實就喺呢啲project上面都無可避免，就  
14 所以都--我理解，呢個地盤度都係必須同埋都common嘅。

15 Q. And, in your experience, how in practice are problems  
16 like this, the need to create access or retain access,  
17 how are they dealt with in practice? How are they  
18 resolved?

19 A. 通常我哋如果嗰個地方比較闊落嘅話，我哋就會有其中一部分嘅牆身就唔落  
20 石屎，就留番一個lap length嘅lapped bar出嚟，將來就可以lap番--  
21 做番個lap length，駁番鐵去--即係落番石屎，但係如果喺NAT嗰個環境，  
22 因為佢都狹窄嘅，就唔夠位畀佢可以留到一條lapped bar，所以就只能夠  
23 唯一嘅選擇就係用couplers instead of一個lapped bar，咁樣去做  
24 臨時嘅通道嘅出入口咁樣。

1 Q. Let me ask you this. So far as you are concerned, did  
2 the change involve any change to the rebar diameters  
3 that were used?

4 A. 我理解個鋼筋直徑要同圖紙係要keep番一模一樣嘅。

5 Q. And did the diameters of the rebar change as a result of  
6 the change, as a result of the change from lapped bars  
7 to couplers?

8 A. Lapped bar轉咗couplers之後，所用嘅couplers嘅直徑都有改變，而  
9 嗰個couplers之後駁出嚟嗰個鋼筋嘅直徑都有改變呢，應該就唔會對個  
10 結構有任何嘅影響嘅，個結構方面應該係一樣。

11 Q. Did the change necessitate any change in the spacing of  
12 the rebars?

13 A. 間距方面其實都唔需要改變嘅，應該話唔能夠容許改變，就雖然couplers  
14 佢係嗰個size，即係個直徑會比一支原裝嘅鐵條會大少少嘅，但係其實响個  
15 施工上，其實佢唔係--因為我哋一般rebar都係講緊150 spacing，其實  
16 都足夠佢放嗰個couplers嘅，所以個spacing就係應該要保持不變。

17 Q. I see. And you've referred to the couplers. Were the  
18 couplers that were used in the change the same as the  
19 couplers which were used elsewhere on this project?

20 A. 我理解當--我當時冇去仔細去研究到底佢用緊咩嘢牌子，但係我嗰陣時  
21 assume佢應該用緊1112用開嗰隻牌子，應該係BOSA嚟嘅。

22 MR BOULDING: Thank you very much, Mr Chan. I have no  
23 further questions.

24 Sir and Professor, I don't know whether you have  
25 any?

1 COMMISSIONER HANSFORD: I just have one matter that's  
2 puzzling me a little bit.

3 So, Mr Chan, you told us that from the interface  
4 meetings -- if I go back to the interface meetings that  
5 you attended -- you were aware that there may have been  
6 a compatibility issue in the reinforcement. You told us  
7 that; yes?

8 A. 係，係。

9 COMMISSIONER HANSFORD: So were you not curious to see how  
10 that possible incompatibility had been resolved on site?  
11 When it was built on site, were you not curious to go  
12 have a look?

13 A. 當時我有aware要去find out呢一樣嘢，因為可能當時我有好多工作喺身，  
14 可能呢個issue我哋嗰陣時嗰個紀錄就係禮頓佢會去處理，所以我就將我  
15 自己嘅精神就放咗喺一啲我需要去處理嘅事上面，所以我當時有特別去睇  
16 嗰個情況咁樣。

17 COMMISSIONER HANSFORD: Okay. Thank you.

18 MR BOULDING: Thank you, Mr Chan.

19 CHAIRMAN: Good. Thank you very much indeed. Your evidence  
20 is now completed so you can go. There's no need to  
21 return tomorrow. Thank you for all your assistance.

22 WITNESS: Okay. Thank you very much.

23 (The witness was released)

24 CHAIRMAN: Good. Mr Pennicott, tomorrow morning?

25 MR PENNICOTT: Yes, we have Ms Kappa Kang at 10 o'clock.

1 CHAIRMAN: 10 o'clock?

2 MR PENNICOTT: Yes.

3 CHAIRMAN: Good. Adjourn until tomorrow morning, 10 am.

4 Thank you.

5 (5.15 pm)

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

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