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<p>1 Wednesday, 12 June 2019</p> <p>2 (10.01 am)</p> <p>3 MR BOULDING: Good morning, sir. Good morning, Professor.</p> <p>4 MTR's next witness is Ms Kappa Kang Pu.</p> <p>5 Good morning, Ms Kappa Kang.</p> <p>6 WITNESS: (In English) Good morning.</p> <p>7 MS KANG PU, KAPPA (affirmed in Cantonese)</p> <p>8 (All answers given via simultaneous interpreter</p> <p>9 except where otherwise specified)</p> <p>10 Examination-in-chief by MR BOULDING</p> <p>11 MR BOULDING: It's correct, is it not, that you have</p> <p>12 provided a witness statement in this Inquiry for the</p> <p>13 learned Commissioners' assistance?</p> <p>14 A. (In English) Yes.</p> <p>15 Q. If we could go to BB14/9463, do we there see the first</p> <p>16 page of the witness statement that you've prepared?</p> <p>17 A. I see that, yes.</p> <p>18 Q. If you would be kind enough to go on to page BB14/9467.</p> <p>19 A. I see that.</p> <p>20 Q. Do we see your signature below the date of 28 May 2019?</p> <p>21 A. Yes, correct.</p> <p>22 Q. Are the contents of that witness statement true to the</p> <p>23 best of your knowledge and belief?</p> <p>24 A. Yes.</p> <p>25 Q. Now I'd like to fix your position, if I may, in the</p>	<p>1 Examination by MR PENNICOTT</p> <p>2 MR PENNICOTT: Ms Kang, good morning.</p> <p>3 A. Good morning.</p> <p>4 Q. My name is Ian Pennicott, as Mr Boulding has just</p> <p>5 indicated, and I act for the Commission; I'm one of the</p> <p>6 lawyers for the Commission.</p> <p>7 First of all, thank you very much indeed for coming</p> <p>8 along to give evidence to the Commission this morning,</p> <p>9 and secondly, Ms Kang, if at any time you wish to have</p> <p>10 a short break, please tell me and we will have a short</p> <p>11 break.</p> <p>12 A. (In English) Thank you.</p> <p>13 Q. First of all, can I just ask you a few introductory</p> <p>14 questions, which are these. My understanding is that</p> <p>15 between August 2010 and August 2013, you were a graduate</p> <p>16 engineer with the MTR. Is that right?</p> <p>17 A. (In English) Yes.</p> <p>18 Q. And during that period, as I understand it, you worked</p> <p>19 on the Express Rail Link and the South Island Line</p> <p>20 project?</p> <p>21 A. (In English) Yes.</p> <p>22 Q. In August 2013 to May 2014, you were, I believe,</p> <p>23 a ConE III, a construction engineer III; is that right?</p> <p>24 A. (In English) Yes.</p> <p>25 Q. And can you tell us what responsibilities you had in</p>
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<p>1 overall organisation of MTR on SCL. For that purpose,</p> <p>2 could I take you, please, to bundle B2 at page 582.</p> <p>3 You can see there, can you not, Ms Kappa Kang, the</p> <p>4 MTR SCL project management organisation chart as of</p> <p>5 16 January 2017; correct?</p> <p>6 A. Correct.</p> <p>7 Q. Then if we go down the far left-hand column -- come in</p> <p>8 one set of photographs, if you will -- do we there see</p> <p>9 your photograph next to Chris Chan's photograph?</p> <p>10 A. Yes, that's correct.</p> <p>11 Q. If we look at the line of command, you tell us in your</p> <p>12 witness statement, do you not, that you reported to</p> <p>13 Chris Chan and ultimately to Joe Tsang; is that correct?</p> <p>14 A. Correct.</p> <p>15 Q. Thank you very much, Ms Kappa Kang. What's going to</p> <p>16 happen now is that Mr Pennicott or Mr Calvin Cheuk,</p> <p>17 counsel for the Commission, will ask you some questions.</p> <p>18 Then various other lawyers in the room get the</p> <p>19 opportunity to ask you questions. The learned</p> <p>20 Commissioners can ask you questions at any time they</p> <p>21 like. Then it might be the case that I'll have one or</p> <p>22 two questions for you at the end. Do you understand?</p> <p>23 A. Understood.</p> <p>24 MR BOULDING: Please remain seated there.</p> <p>25 WITNESS: (In English) Thank you.</p>	<p>1 that period?</p> <p>2 A. (In English) I was assigned to SCL1112 project in that</p> <p>3 period, and I was assigned to be responsible for the</p> <p>4 concourse modification works during that period.</p> <p>5 Q. Thank you very much. Then, as I understand it, from</p> <p>6 around about June 2014 right up until June 2018, when</p> <p>7 I understand you left the MTR, you were a construction</p> <p>8 engineer II, ConE II --</p> <p>9 A. (In English) Yes.</p> <p>10 Q. -- initially responsible for the NAT area but then, from</p> <p>11 about mid-2015 onwards, also for the SAT EWL area; is</p> <p>12 that right?</p> <p>13 A. (In English) Yes.</p> <p>14 Q. And, as we've seen from the organisation chart that</p> <p>15 Mr Boulding took you to, you reported to Chris Chan and</p> <p>16 Joe Tsang?</p> <p>17 A. (In English) Yes, during that period.</p> <p>18 Q. During that period. Thank you.</p> <p>19 Can I then, Ms Kang, deal with two -- a couple of</p> <p>20 topics that you don't refer to in your witness</p> <p>21 statement.</p> <p>22 A. Mm-hmm.</p> <p>23 Q. I'm going to deal with them very quickly --</p> <p>24 A. (In English) Okay, no problem.</p> <p>25 Q. -- not in any great detail. The first is that you</p>

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<p>1 attended very regularly between January 2015 and January 2 2017 a series of meetings called interface meetings. Do 3 you remember that? 4 A. (In English) Yes. 5 Q. And I think you acknowledge that you attended most of 6 those meetings, not all of them but most of them? 7 A. (In English) I'm not sure but I need to check the 8 records. 9 Q. Okay. We can perhaps do that if we need to. And 10 Mr Chris Chan, who gave evidence yesterday -- 11 A. Mm-hmm. 12 Q. -- when I asked him a few questions about those 13 meetings, indicated that he thought that since you were 14 working with him as the ConE II, that it was just a good 15 idea in principle -- 16 A. (In English) Okay. 17 Q. -- that the two of you attended those meetings? Do you 18 remember -- I don't know whether you were here yesterday 19 or not. 20 A. (In English) Yes, I am here yesterday, I was here. 21 Q. So you perhaps heard him say that. 22 A. Mm-hmm. 23 Q. Was that your understanding of why you were asked to 24 attend those meetings, that is that as the ConE II, 25 matters may arise that may be relevant to your work?</p>	<p>1 thank you very much. 2 A. (In English) I see it. 3 Q. In this particular minute, 9.4.1, Ms Kang, we can see, 4 under the second bullet point, there is a material 5 submission from the GKJV, and it refers to mechanical 6 splicing system of rebar resubmission, and that minute 7 repeated itself in many future meeting minutes -- 8 A. Mm-hmm. 9 Q. -- in broadly the same wording; it did change from time 10 to time. 11 So do you remember that topic being discussed? 12 A. If it's written like this, the item would have been 13 discussed at that time. For 1111, there's such 14 a submission, and the submission had passed to Leighton, 15 and Leighton would check with the supplier regarding 16 compatibility at a later stage. That's my 17 understanding. 18 Q. Yes. And at the time, Ms Kang, of this meeting and the 19 subsequent meetings, was that a matter that you paid 20 particular attention to? 21 A. (In English) At that time, I didn't pay special 22 attention to this sentence. 23 Q. Okay. 24 A. (In English) I wonder whether it is the first time to 25 mention this item in the meeting?</p>
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<p>1 A. (In English) Yes, know more about the works. 2 Q. And one of the topics, the many topics that was touched 3 upon/discussed at those interface meetings were the 4 stitch joints? 5 A. Mm-hmm. 6 Q. In the sense that, as we've seen with a number of 7 witnesses, including Mr Chan, the Gammon-Kaden Joint 8 Venture provided certain details of the splicing 9 assemblies that they were going to use on their side of 10 the stitch joint. Do you recall that? 11 A. (In English) Mm-hmm. Yes, should be. 12 Q. Is that a matter that you paid particular attention to, 13 Ms Kang, or not? 14 A. (In English) Can I see the minutes? 15 Q. Yes, of course you can. Let's look at CC2/772. 16 Ms Kang, I've taken you to this one because it was 17 the first one you attended on 9 January 2015. 18 A. (In English) Okay. 19 Q. You can see your name there. 20 A. Mm-hmm. 21 Q. We can provide you with a hard copy or you can use the 22 screen. 23 A. (In English) Yeah -- or I can use the screen? Okay, no 24 problem. Thank you. 25 Q. And if we could scroll down, please -- there we are,</p>	<p>1 Q. It was mentioned in one earlier meeting or perhaps two 2 earlier meetings, but I'm taking you to this one because 3 this is the first one you attended. 4 A. (In English) Okay, yes. 5 Q. What I would like to do, however, is take you to one 6 other meeting in this series, which is meeting 19, which 7 we will find at CC2/847. 8 A. Okay. 9 Q. And this is, you can see, meeting number 19, and it took 10 place about just over a year later than the previous 11 meeting we just looked at, and it's 18 January 2016. Do 12 you see that? 13 A. I see that. 14 Q. If we could scroll down, please, and go to page 849. 15 I'm afraid, Ms Kang, it's a bit messy because of the 16 Track Changes, but if we just read this minute here, it 17 says: 18 "The following material submissions which would be 19 used at 1111/1112 interface boundary advised by GKJV in 20 previous interface meeting ..." 21 And then the second bullet point is the only one we 22 are interested in: 23 "Mechanical splicing system of rebar ... T40 coupler 24 is BOSA; others are Lenton ..." 25 Do you see that?</p>

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<p>1 A. I see that.</p> <p>2 Q. Okay. Ms Kang, were you aware, at the time of this</p> <p>3 meeting, during the course of your duties on the project</p> <p>4 as ConE II, that Leighton were using BOSA couplers?</p> <p>5 Were you aware of that?</p> <p>6 A. BOSA, in this location? Are you saying BOSA in this</p> <p>7 location?</p> <p>8 Q. Generally.</p> <p>9 A. (In English) Generally.</p> <p>10 A. BOSA coupler, yes, I think it is.</p> <p>11 Q. And you were aware that not just in the stitch joints</p> <p>12 but generally speaking in the various areas of the</p> <p>13 project, Leighton were using BOSA couplers?</p> <p>14 A. I didn't pay any special attention ...</p> <p>15 A. (In English) ... to which plan they use.</p> <p>16 Q. Right. There's a mention here in this meeting minute of</p> <p>17 Lenton couplers.</p> <p>18 A. Mmm.</p> <p>19 Q. Did that mean anything to you at the time, Ms Kang?</p> <p>20 A. At that time, my understanding was they used different</p> <p>21 brand coupler, but I didn't know about the details in</p> <p>22 relation to different brands of couplers and how they</p> <p>23 are different.</p> <p>24 Q. Right. So you had no knowledge at the time of the</p> <p>25 differences between a BOSA coupler and a Lenton coupler?</p>	<p>1 A. That's correct.</p> <p>2 Q. Okay. Thank you very much. You can put one that away.</p> <p>3 Thank you very much.</p> <p>4 CHAIRMAN: Sorry, could I just ask --</p> <p>5 MR PENNICOTT: Yes, sir.</p> <p>6 CHAIRMAN: -- who did you think would eventually check</p> <p>7 regarding compatibility?</p> <p>8 A. You mean the compatibility of the couplers?</p> <p>9 CHAIRMAN: Yes, as per the standard statement that started</p> <p>10 to appear in the interface minutes.</p> <p>11 A. Leighton would check the responsibility of the couplers.</p> <p>12 CHAIRMAN: And it wasn't reduced down to any particular</p> <p>13 personalities at any stage or any particular team within</p> <p>14 Leighton?</p> <p>15 A. That I'm not sure. Regarding which team of Leighton</p> <p>16 being responsible, I think those being involved in the</p> <p>17 meeting would check the compatibility themselves.</p> <p>18 CHAIRMAN: All right. So, from your perspective as an MTRCL</p> <p>19 person, Leighton had assumed responsibility and they</p> <p>20 would presumably discharge that responsibility at some</p> <p>21 stage?</p> <p>22 A. That's correct.</p> <p>23 MR PENNICOTT: Now, Ms Kang, can I move on to ask you a few</p> <p>24 questions about routine inspections of the works.</p> <p>25 Ms Kang, did you yourself carry out routine or informal,</p>
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<p>1 A. That's correct, because my recollection is that we</p> <p>2 didn't discuss the specs or the installation procedures</p> <p>3 at the interface meetings.</p> <p>4 Q. Okay. All right.</p> <p>5 Okay, Ms Kang, the second matter that I just want to</p> <p>6 mention very briefly, hopefully without going to it, is</p> <p>7 that in May 2016, Leighton sent a request for</p> <p>8 information, an RFI, number 1510, to the MTR, and you</p> <p>9 had some involvement in dealing with the answer to that</p> <p>10 RFI. Do you remember that?</p> <p>11 A. RFI, I would consolidate the reply to be sent out in</p> <p>12 relation to RFIs, NAT, SAT and areas that I was</p> <p>13 responsible for. You refer to the RFI -- I'd like to</p> <p>14 have a look at that which you are talking about.</p> <p>15 Q. Of course. It's CC6/3333.</p> <p>16 This is the RFI at 3333, and you will see from 3341,</p> <p>17 I think it is --</p> <p>18 A. (In English) Yes, yes, I see it.</p> <p>19 Q. -- the answer.</p> <p>20 A. (In English) The answer?</p> <p>21 A. Yes, correct. I can see that.</p> <p>22 Q. Right. And our understanding so far is that whilst you</p> <p>23 sent the answer under cover of this email or in this</p> <p>24 email, Mr Chris Chan was largely responsible for</p> <p>25 drafting the wording of the email. Is that right?</p>	<p>1 as they are sometimes called, inspections of the rebar</p> <p>2 works generally? I'm not talking about the stitch</p> <p>3 joints yet. Generally speaking, did you carry out</p> <p>4 routine, informal inspections of the rebar?</p> <p>5 A. (In English) Routine inspection, you mean?</p> <p>6 A. For routine inspection, we would go out to the site to</p> <p>7 look at the progress of works, safety, environmental.</p> <p>8 If there are certain procedures, like rebar fixing, we</p> <p>9 would have a look at the condition, the general</p> <p>10 condition, as well.</p> <p>11 Q. Right. And would you carry out these types of</p> <p>12 inspections, routine inspections, on a regular basis?</p> <p>13 A. Yes, on a regular basis. Yes.</p> <p>14 Q. How often, perhaps, during the course of the week would</p> <p>15 you go on a site walk and carry out a routine</p> <p>16 inspection?</p> <p>17 A. It depends. Routine inspection, if we are talking about</p> <p>18 safety, Thursday afternoon there is routine inspection.</p> <p>19 If there is progress of work that we are concerned</p> <p>20 about, we would do more site walks in a week, for</p> <p>21 instance two or three times at least.</p> <p>22 Q. Thank you very much. And what did you see was the</p> <p>23 primary purpose of carrying out those inspections? Why</p> <p>24 were you doing them? What was the purpose of those</p> <p>25 inspections?</p>

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<p>1 A. Well, as I said a moment ago, these routine inspections 2 would be looking at the general condition on site. As 3 engineers, there are a lot of areas that we are 4 concerned about on site: progress of work, safety, 5 environmental compliance, all the rest of it; we have to 6 look at them. 7 Q. All right. Would the routine inspections include 8 looking at, in particular, the connection of threaded 9 rebar into couplers? 10 A. Well, as a matter of fact, we would not look at them in 11 particular about the coupler connection. We would look 12 at them in general. 13 Q. Right. Ms Kang, were you in the habit of taking 14 photographs during the course of any of these routine 15 inspections? 16 A. Yes, I would. 17 Q. And once you've taken those photographs, what would 18 happen to them? 19 A. After I've taken the photos, most of the time I would 20 keep them for my record. If there are any problems, 21 I would send the photos to the WhatsApp groups, and 22 there are many WhatsApp groups. I would let them know 23 about the situation. 24 Q. Okay. Just break that down a bit. Would you only take 25 a photograph if you detected a problem or a potential</p>	<p>1 Q. And in particular you carried out hold-point inspections 2 of the rebar? 3 A. (In English) Yes. 4 Q. And our understanding at the moment, I think confirmed 5 yesterday, was that the general/usual division of 6 responsibility was that the engineers, such as you, 7 would carry out the hold-point inspections on the rebar, 8 and the IOWs, the inspectors of works, would carry out 9 inspections of the pre-pour concrete. Is that your 10 understanding? 11 A. I don't agree with you entirely. My understanding is 12 that for 1112, ConE team and the IOW would carry out the 13 rebar inspections. 14 Q. In what circumstances would the IOW, as opposed to 15 a member of the ConE team, carry out a rebar hold-point 16 inspection? 17 A. Well, in general -- well, under certain circumstances, 18 like the NAT engineers, myself and Chris Chan, if we are 19 otherwise engaged, if we are busy with other meetings, 20 we would delegate the job to the IOW to look at the 21 rebars. 22 A. (In English) Sorry, I would like to ... 23 A. And the IOW includes AIOW and SIOW and IOW. 24 Q. Right. Okay. So I think the answer to my question then 25 is that ordinarily, if you or Chris Chan were available</p>
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<p>1 problem? 2 A. Well, I would take photos generally, and if there are 3 problems I would send these photographic records to the 4 WhatsApp group, to let the WhatsApp group people know 5 about it. 6 Q. And if you didn't send the photographs to the WhatsApp 7 group, what happened to the other photographs that you 8 didn't send? 9 A. I would keep them for my own record. 10 Q. So you wouldn't send them to some general MTR storage 11 facility for photographs; you would keep them for your 12 own record, is that it? 13 A. Yes. That's what I do with the photos. I know the 14 inspectors of MTRC would take a lot of progress photos 15 on site and they put them on the server. We do have 16 a server called "Site photos", and every single day in 17 different areas, there are a lot of photos that would be 18 stored there. 19 Q. But you didn't put your photographs on that server; is 20 that right? 21 A. Right. 22 Q. Now, in addition to the informal or routine inspections 23 that took place, Ms Kang, I understand that you carried 24 out formal hold-point inspections. Is that right? 25 A. That's correct.</p>	<p>1 as engineers, you would carry out the rebar formal 2 inspections, but if not, then an IOW, at whatever level, 3 may be requested to do that inspection? 4 A. Yes, correct. 5 Q. All right. 6 Could we please look at BB9/6363. Ms Kang, this is 7 a document prepared by the MTR, and it contains various 8 details in relation to the NAT area of the project. Is 9 it a table/schedule that you have seen before? 10 A. Recently, yes. 11 Q. Okay. You will perhaps appreciate then that in the 12 green areas, green shaded areas towards the top -- and 13 I'm focusing on the "Rebar fixing" columns; do you see 14 that? -- 15 A. Mmm. 16 Q. -- there were a number of RISC forms issued/submitted in 17 relation to the various -- certain bays in the NSL 18 area -- 19 A. Yes. 20 Q. -- between about January 2016 and July 2016. Do you see 21 that? 22 A. I see that. 23 Q. There were nine in total, and it is our understanding 24 from having looked at those RISC forms that so far as 25 the rebar inspection is concerned, you were responsible</p>

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<p>1 for at least seven of them. Have you had an opportunity 2 of looking at those RISC forms recently? 3 A. Yes. 4 Q. And do you agree with me that you were responsible for 5 doing the rebar inspections for seven, at least seven, 6 of those items? 7 A. I agree. 8 Q. That's helpful. It will save us looking at them. Thank 9 you to those who showed you the schedule. 10 Ms Kang, however, there is just one point I wanted 11 to ask you about in relation to those seven or eight, 12 and it's this. You are presumably aware or were aware 13 that the MTR kept a RISC register. Is that something 14 you were aware of back in 2015/2016? 15 A. If you are talking about a RISC form register, I didn't 16 know much at that time, but when remedial works were 17 carried out in the beginning of -- at the beginning of 18 last year, we tried to find the history, the RISC forms, 19 and I was shown the register by the inspectors. Then 20 I realised that the register was kept in our server. 21 Q. All right. Mr Tony Tang, who's going to give evidence, 22 hopefully, later today has told us in his witness 23 statement that it was the responsibility of either the 24 construction engineer who did the inspection or the IOW 25 who did the inspection of updating the RISC register and</p>	<p>1 A. Yes. 2 Q. And my understanding is that those columns represent the 3 person who did the inspection, that's "YW", whoever that 4 may be; P is a pass; N is that no follow-up action is 5 required; and Y is closed out. We can pick that up from 6 the columns heading at the top. 7 A. Mmm. 8 Q. So are you saying that you had no responsibility, so far 9 as you were aware, to fill in those boxes? 10 A. That's correct. 11 Q. So who do you say was responsible for filling in those 12 boxes? 13 A. I gave -- I would give this form to SIOW. I don't know 14 whether it would be done by the SIOW or it would be 15 handed over to the administrative assistant for 16 completion. I don't know. 17 Q. Okay. So your position, your evidence, is that you were 18 not responsible for inputting anything into this 19 schedule? 20 A. (In English) Yes. 21 Q. All right. That's going to save some time. 22 Can I ask you to go back to the schedule, please -- 23 A. (In English) The summary? 24 Q. -- the summary schedule, please. 25 Ms Kang, can I just draw your attention, as I did to</p>
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<p>1 recording that the inspections had been carried out. Do 2 you agree with that? 3 A. I don't quite agree. Let me tell you the procedure of 4 accepting RISC forms. When I receive a RISC form, it 5 would be from SIOW, Kobe Wong or Victor Tung, and when 6 I completed the form I would hand it back to Kobe or 7 Victor and then I won't follow up anymore. 8 Q. Can I ask you, please, to be shown a page of the RISC 9 register. It's at BB13/8815.168. 10 Down the left-hand side, please could we find 10259. 11 Scroll down a bit. There we are. 12 Ms Kang, can I just draw your attention to the 13 number -- someone has helpfully put the hand on it; do 14 you see that -- 10259? Okay? Ms Kang, that is one of 15 the RISC forms, indeed it's the first RISC form, on the 16 schedule at BB9/6363, which you were -- one of the ones 17 that you were responsible for. 18 It's easier to see it on the screen, actually. 19 A. Yes. 20 Q. If we can go to the right, please -- thank you very 21 much -- we see that the various columns, where just 22 above some initials and a "P" for pass and an "N" for no 23 and a "Y" for yes -- against this particular RISC form 24 on the schedule, all the boxes are blank. Do you see 25 that?</p>	<p>1 Chris Chan yesterday, to this point. As I mentioned 2 a little while ago, the RISC forms that we do see 3 towards the top of the page were issued during the 4 period, as I indicated, 13 January to 26 July, and 5 thereafter, in this particular area, in the NAT NSL and 6 EWL areas, not one single RISC form was issued after 7 26 July, leaving aside the remedial works. 8 Were you aware of that situation, Ms Kang? 9 A. I was not aware that there was no form at all, not at 10 that time. 11 Q. Right. Do the contents of the table in that respect 12 surprise you? 13 A. Yes, correct. 14 Q. Why didn't you insist on Leighton issuing RISC forms to 15 trigger rebar inspections, Ms Kang? 16 A. First, on some occasions, there was no RISC form, we 17 kept reminding Leighton to submit the forms. They would 18 say, "Yes, yes, we will do that as quickly as possible." 19 I have informed Joe Tsang and my senior, and also there 20 was some discussion among -- with the inspectors. We 21 were aware that there was a case of lack of RISC forms. 22 But at that time I was not told -- no senior had told me 23 that I should not go for rebar inspection without any 24 RISC form. Usually, I would not be informed by phone, 25 over phone, by my senior, my engineer, that I would need</p>

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<p>1 to inspect the rebars the following day and I would do 2 that. 3 Q. I understand, Ms Kang, from those who are lucky enough 4 to speak Cantonese, that you mentioned -- 5 A. (In English) Do I need to speak in English? 6 Q. No, you don't, not at all, Ms Kang, but I understand you 7 mentioned Chris Chan during the course of that answer; 8 is that right? 9 A. Chan Chun Wai. 10 MR BOULDING: It would seem there's something wrong with 11 that translation. 12 MR PENNICOTT: Yes, that's what I've been told. 13 A. (In English) I can speak in English? 14 Q. You can speak English if you wish, Ms Kang, it's 15 a matter for you, but the alternative is to repeat your 16 answer, or I'll repeat the question and you can answer. 17 A. (In English) Thank you. 18 CHAIRMAN: Perhaps, Mr Pennicott, you can repeat the 19 question. 20 MR PENNICOTT: My question was, Ms Kang -- I'll put it 21 again; just think about it -- the question was: why 22 didn't you insist on Leighton issuing RISC forms to 23 trigger the rebar inspections? That was the question. 24 Would you like to repeat your answer? 25 A. (In English) I think, at that time, the ConE team and</p>	<p>1 Now, Ms Kang, can we now turn our attention to the 2 stitch joints, and indeed the shunt neck joint. Let's 3 start with the shunt neck joint. 4 My understanding of your evidence so far as the 5 shunt neck joint is concerned is that you cannot 6 remember whether you carried out the rebar fixing 7 hold-point inspection. Is that right? 8 A. Yes. I don't quite remember, yes. 9 Q. The rebar inspection of the shunt neck joint we 10 understand from -- on this schedule, and if you look 11 down at item 45 -- 12 A. Yes, I can see that. 13 Q. -- probably took place on either 4 January or 5 January, 14 on the basis that the rebar was completed on the 4th and 15 the bay was concreted the following day, on the 5th. Do 16 you see that, Ms Kang? 17 A. Yes, I can see that. 18 Q. Do you know whether you were in Hong Kong on 4 and 19 5 January 2017? 20 A. I was out of town, because at that time I was on 21 honeymoon in New Zealand. I remember that vividly. 22 Q. How long were you away for? 23 A. (In English) 16 days. 24 Q. Now, with that answer in mind, can I ask you, please, to 25 look at a document, but before we do that can I just</p>
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<p>1 the inspector teams were fully aware of the condition, 2 the lack of the RISC form or late submission of the RISC 3 form, but no senior asked me -- my senior didn't ask me 4 to suspend the rebar inspection just due to the lack of 5 the RISC form or late submission of the RISC form. So 6 I still conduct the rebar inspection when I received the 7 call from Leighton's engineer. That's my answer. Thank 8 you. 9 Q. Thank you. And when you say, "No senior asked me", is 10 that a reference to Chris Chan? 11 A. Chris Chan and Joe Tsang. Both were my senior. 12 Q. Right. Just a follow-up question on that, Ms Kang. Did 13 you yourself receive telephone calls direct from the 14 Leighton engineers? 15 A. Yes. 16 Q. And if you received a direct call, did you just 17 automatically then carry out the rebar inspection or did 18 you first of all, before you made that decision, discuss 19 it with Mr Chan? 20 A. Well, when I received these requests for inspection, 21 this kind of phone call, I would tell Chris because he's 22 my senior. I had to tell him when I would be out of the 23 office, and I would be out on site to look at the 24 rebars. I would tell my senior, yes. 25 Q. Okay.</p>	<p>1 remind you, just in case you've forgotten -- you were 2 a T3, as I understand it, Ms Kang, a T3 under the RGE 3 inspection stream. Do you remember that? 4 A. NAT structure T3, yes. RGE stream T3, yes. 5 Q. Right. And, in that capacity, you had to fill in lots 6 of sheets; do you remember that? 7 A. (In English) Yes. 8 Q. If we could first of all pick up the reference so the 9 Commission has it. In BB4 at 2299, there's a letter of 10 15 April, Ms Kang -- I'm not suggesting you've seen it 11 before, but it goes from Andy Leung to the Highways 12 Department, and it's submitting the site supervision 13 plan, do you see that, for the NSL tunnels and EWL 14 structures in NAT; do you see that? 15 A. Yes. 16 Q. Right. Then if we go over the page to page 2301, 17 please, we see your name appearing as one of the two 18 T3s; do you see that? 19 A. Yes. 20 Q. And so far as the frequency level of site inspection is 21 concerned, it says "5 (full time)", and as I understand 22 that, Ms Kang, what that really means is you were 23 full-time on site, not necessarily full-time 24 supervision, but full-time on site. Is that your 25 understanding?</p>

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<p>1 A. Well, according to this paper, yes.</p> <p>2 Q. I think that's all we need really to look at for this</p> <p>3 purpose, Ms Kang.</p> <p>4 The next documents we are going to look at are in</p> <p>5 a couple of places and unfortunately I have looked in</p> <p>6 the less convenient one but never mind. Could you</p> <p>7 please be shown BB9/6449.</p> <p>8 A. I can see that.</p> <p>9 Q. Ms Kang, this is not for you, it's for the</p> <p>10 Commissioners, but sir, you may recall from part 1 of</p> <p>11 the Inquiry that we looked at a number of similar</p> <p>12 documents with witnesses during the course of the</p> <p>13 Inquiry, and here are some more.</p> <p>14 Now, Ms Kang, at 6449 --</p> <p>15 A. Yes.</p> <p>16 Q. -- so far as I can tell, this is the first sheet that</p> <p>17 you compiled or completed, and the sheets go on in the</p> <p>18 bundle right the way through to 6524, and stretch</p> <p>19 therefore from 18 January 2016 to 6 April 2018. As</p> <p>20 I understand it, you were the T3 for the whole of that</p> <p>21 period; is that right?</p> <p>22 A. Correct.</p> <p>23 Q. So, going back to 6449, we see first of all, down the</p> <p>24 left-hand side of the document, Ms Kang, under the</p> <p>25 heading, "Item number" with the hash sign, we see "G2",</p>	<p>1 CHAIRMAN: Yes, that sort of thing.</p> <p>2 MR PENNICOTT: One recognises that this is under the RGE</p> <p>3 stream, which is the registered geotechnical engineer,</p> <p>4 so some of this is quite technical, and I'm not --</p> <p>5 I emphasise I am not using these sheets or Ms Kang's</p> <p>6 position as a T3 in support of any contention that she</p> <p>7 was responsible alone for inspecting the rebar. That's</p> <p>8 a different matter entirely.</p> <p>9 CHAIRMAN: Yes.</p> <p>10 MR PENNICOTT: All I'm doing is, having looked at these</p> <p>11 documents, what they do help us to ascertain is when</p> <p>12 Ms Kang was on the site.</p> <p>13 CHAIRMAN: Good. Thank you.</p> <p>14 MR PENNICOTT: Do you understand that, Ms Kang?</p> <p>15 A. (In English) Yes.</p> <p>16 Q. Just to pick up on another point, Ms Kang -- if there</p> <p>17 was a weekend and you weren't working, presumably we</p> <p>18 won't find a reference on these sheets?</p> <p>19 A. Yes, that's right.</p> <p>20 Q. Similarly for a public holiday?</p> <p>21 A. Right.</p> <p>22 Q. What about if you were on annual leave; what would</p> <p>23 happen then?</p> <p>24 A. Well, no reference either.</p> <p>25 Q. Right. Could I ask you, please, to go to, by way of</p>
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<p>1 "G3", "G6", and so forth; do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know what those refer to, "G2", "G3", and so</p> <p>4 forth?</p> <p>5 A. What they refer to, the site supervision plan from the</p> <p>6 government, the RGE stream T3 has certain</p> <p>7 responsibilities, and these are the responsibilities</p> <p>8 referred to. The G1, G2 -- maybe not G2 -- and that</p> <p>9 would refer to the kind of duties that would have to be</p> <p>10 undertaken. That is my understanding.</p> <p>11 Q. Yes. That is entirely right. And I'm not going to go</p> <p>12 to it but the reference for that, if anybody wants it,</p> <p>13 is B5, that's the old bundle, 2676 to 2770.</p> <p>14 CHAIRMAN: Sorry, Mr Pennicott -- when you say "the duties",</p> <p>15 rather than me going to it, they describe what sort of</p> <p>16 duties? Like, for example, what G5 meant.</p> <p>17 MR PENNICOTT: Sir, can I, for example --</p> <p>18 CHAIRMAN: Just to bring me up to speed on it.</p> <p>19 MR PENNICOTT: G1 and G2 don't appear but they are simply</p> <p>20 routine duties, but G3 says, for example:</p> <p>21 "Verify non-conformity and instruct rectification</p> <p>22 works immediately. Notify all relevant parties in</p> <p>23 respect of the non-conformity and monitor that</p> <p>24 rectification measures are properly carried out."</p> <p>25 It's that sort of thing.</p>	<p>1 example only, page -- just to make sure I've not missed</p> <p>2 something -- 6475.</p> <p>3 Now, you will see at the foot of this page, Ms Kang,</p> <p>4 that you've put "Kappa" on 4 October; do you see that?</p> <p>5 A. (In English) Yes.</p> <p>6 Q. The initials that we then see along the rest of the</p> <p>7 columns, are those your initials or somebody else's?</p> <p>8 A. That's right.</p> <p>9 Q. Sorry, they are yours?</p> <p>10 A. (In English) Mine, my signature.</p> <p>11 Q. All right. Well, that's a relief. Good.</p> <p>12 To get to the point where we had left off a moment</p> <p>13 ago, if we go, please, to 6482.</p> <p>14 A. I can see that.</p> <p>15 Q. If we look at the dates along -- towards the top, we see</p> <p>16 the dates of 22, 23 December, then I assume there were</p> <p>17 some public holidays over Christmas, and then we see</p> <p>18 28 and 29 December; do you see that?</p> <p>19 A. Yes, I can see that.</p> <p>20 Q. Then there is a gap to 9 January; do you see that?</p> <p>21 A. Mmm.</p> <p>22 Q. And subject to one point --</p> <p>23 A. (In English) Yes.</p> <p>24 Q. -- I will mention in a moment, is that simply because</p> <p>25 you were not on the site at least for some of that</p>

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<p>1 period?</p> <p>2 A. (In English) Yes.</p> <p>3 Q. Okay. All right. And we know that, as I indicated</p> <p>4 earlier, the shunt neck bay track slab at least must</p> <p>5 have been -- well, I say "must have been" -- should have</p> <p>6 been inspected on 4 or 5 January?</p> <p>7 A. That's correct.</p> <p>8 Q. And it appears that you were not there?</p> <p>9 A. That's correct.</p> <p>10 Q. But can I point out this, Ms Kang, so again we don't</p> <p>11 miss something: there was an interface meeting on</p> <p>12 6 January 2017 which you are recorded as attending.</p> <p>13 A. (Chinese spoken) --</p> <p>14 Q. I can show you the minutes if you wish. Do you have any</p> <p>15 recollection of being at that meeting on 6 January 2017?</p> <p>16 A. Yesterday, I looked up the documents. I discovered the</p> <p>17 same problem. I have double-checked. I'm sure I was</p> <p>18 out of town. I think there must be something wrong with</p> <p>19 the meeting minutes. I know the two contractors are</p> <p>20 responsible for the minutes, they might have forgotten</p> <p>21 to delete my name. On that day, I was out of town.</p> <p>22 Q. All right.</p> <p>23 Ms Kang, in an endeavour to shortcircuit things,</p> <p>24 when you mentioned, as you just did, that you were</p> <p>25 looking up documents yesterday, you discovered the same</p>	<p>1 take place until sometime later, on 9 September. Do you</p> <p>2 see that?</p> <p>3 A. (In English) Yes.</p> <p>4 Q. And so, on one view, the rebar inspection presumably</p> <p>5 could have taken place anywhen between 29 July, or</p> <p>6 30 July, perhaps, and 8 September?</p> <p>7 A. (In English) Yes.</p> <p>8 Q. So, Ms Kang, do you have any recollection at all of</p> <p>9 carrying out the rebar inspection on that internal</p> <p>10 stitch joint between those dates?</p> <p>11 A. No, I have no recollection.</p> <p>12 Q. Do you positively say that you didn't inspect that</p> <p>13 stitch joint, the rebar in that stitch joint?</p> <p>14 A. When I received the questions from the COI around</p> <p>15 20 May, I did try my best to recall my memory, to recall</p> <p>16 the issues. But I cannot remember. In my written</p> <p>17 statement, I have already put down something. Usually,</p> <p>18 the practice of rebar inspection would be that after</p> <p>19 I receive a phone call, I will tell Chris, and</p> <p>20 an inspection would usually be done with inspectors, and</p> <p>21 after it's done I would send a WhatsApp message, saying</p> <p>22 what I have inspected. There would be a record.</p> <p>23 I would notify the ConE team and IOW.</p> <p>24 So I try to recall whether I had done this</p> <p>25 inspection. I have lost my phone. But Victor Tung,</p>
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<p>1 problem, you double-checked and you are sure you were</p> <p>2 out of town, did you look at these documents that I'm</p> <p>3 now showing you as part of your research yesterday?</p> <p>4 A. No, not this one. I looked up the interface meeting</p> <p>5 minutes.</p> <p>6 Q. All right. Now, that was the shunt neck.</p> <p>7 Now, so far as the three stitch joints are</p> <p>8 concerned, I have looked through all of these sheets,</p> <p>9 with perhaps one exception in relation to a particular</p> <p>10 wall, and it appears that you were in Hong Kong and on</p> <p>11 the site when the rebar fixing had been completed.</p> <p>12 A. I would need to check this.</p> <p>13 Q. I was afraid you would say that. So let's just test it</p> <p>14 this way.</p> <p>15 A. (In English) Yes, no problem.</p> <p>16 Q. If one looks at -- let's do the internal stitch joint</p> <p>17 first, 1112/1112 stitch joint. If you could go, please,</p> <p>18 to BB9/6495, we see that -- we know from our chart that</p> <p>19 the rebar started on 29 May, which doesn't appear on</p> <p>20 here in your sheet. But the rebar to the roof of that</p> <p>21 stitch joint -- sorry; yes -- finished on 29 July, which</p> <p>22 is also, if we go to 6501, not shown on your chart,</p> <p>23 largely because it was a Saturday.</p> <p>24 A. Yes.</p> <p>25 Q. The concreting we can see on that stitch joint did not</p>	<p>1 SIOW, had maintained a lot of WhatsApp messages. He</p> <p>2 checked his messages and he could not find any messages</p> <p>3 for this location that I had sent him. So I'm not sure</p> <p>4 that I had carried out any rebar inspection at that</p> <p>5 location.</p> <p>6 Q. All right.</p> <p>7 With regard to the NSL 1111/1112 stitch joint,</p> <p>8 that's the interface stitch joint, we can see that the</p> <p>9 rebar, from our sheet at number 51, was carried out on</p> <p>10 5 and 6 July.</p> <p>11 A. Yes.</p> <p>12 Q. If we look at 6499, in the other file, in B9, we can see</p> <p>13 that you were at least present on site on 5, 6 and</p> <p>14 7 July; do you see that?</p> <p>15 A. I think I was on duty.</p> <p>16 Q. Yes. Again, Ms Kang, thinking back, do you have any</p> <p>17 recollection at all of carrying out the rebar inspection</p> <p>18 at that interface stitch joint?</p> <p>19 A. I really cannot remember. Maybe I should add, for 1112,</p> <p>20 I was responsible for a big area, NAT, NFA and SAT.</p> <p>21 Apart from the tunnel structures, there were other --</p> <p>22 cooling towers, transformer rooms, utilities. I had to</p> <p>23 inspect a lot of rebars. If you ask me for a particular</p> <p>24 location whether I did any inspection, I have tried my</p> <p>25 best and I cannot be sure.</p>



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<p>1 Q. But, Ms Kang, these stitch joints are very discrete, 2 particular areas. They are not unique because there are 3 three of them. But -- 4 A. Yes. 5 Q. -- they are special, they are different to just the 6 ordinary run of bays that you would be expecting on 7 a day-to-day basis. They are different. Does that not 8 help you to remember whether or not you inspected these 9 areas? 10 A. I have considered this point. Are stitch joints special 11 or specially located or with special details? Well, 12 I don't really think so, because usually, when we do the 13 inspection, it would be a bay of 20 by 30 metres. The 14 stitch joints would be in a very small location. Is the 15 location special? I don't think I have a deep 16 impression about the locations, whether I did the 17 inspection. 18 Q. Right. Just to complete the exercise, Ms Kang -- 19 A. Mm-hmm. 20 Q. -- the EWL interface stitch joint -- if we look at our 21 sheet, the track slab -- it's 58a on our sheet here -- 22 was carried out, the track slab was carried out between 23 22 January and 24 January, and concreted on the same 24 day, 24 January, that's 2017. And we can see from 25 page 6484 in BB9 that you were present on the site --</p>	<p>1 A. I don't think I -- I don't get the orientation. I don't 2 know which angle it's taken from so I cannot say. 3 MR PENNICOTT: Right. Having shown you this photograph, 4 Ms Kang, does it jog your memory as to perhaps whether 5 you saw and inspected this area back in or on 24 January 6 2017? 7 A. I still don't remember. 8 I'd like to ask a question. 24 January 2017 -- how 9 should I put it -- maybe other colleagues were on the 10 site. 11 Q. Maybe they were, Ms Kang, but the problem we have is 12 this. Mr Chris Chan is quite clear in his own mind that 13 he did not carry out the inspection of any of the stitch 14 joints, although there is some contrary evidence from 15 Leighton which perhaps contradicts that. You can't 16 remember whether you inspected the stitch joints. 17 I understand Mr Tony Tang's evidence is that he didn't 18 inspect the rebar of the stitch joints but he does 19 accept that he did the pre-pour checks. 20 And so we are left wondering who amongst the MTRC's 21 personnel, if anyone, inspected these three stitch 22 joints. That is our problem, Ms Kang, and that's why 23 I'm asking you these questions. 24 A. Understood. Understood. Thank you. 25 Q. Okay.</p>
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<p>1 A. Correct. 2 Q. -- on those dates or on that day. So this time, 3 obviously it's the EWL stitch joint -- it hasn't got 4 a roof, it's just in an open trough. 5 A. Correct. 6 Q. Again, any recollection at all of inspecting the rebar 7 there? It's the same answer? 8 A. (In English) Same answer. 9 A. Yes. 10 Q. If you are feeling okay, Ms Kang, we'll probably be 11 breaking in about ten minutes anyway, so you're okay. 12 A. Thank you. So it's ten minutes? 13 Q. Could I ask you, please, to be shown a photograph, in 14 BB14/9505. 15 A. I can see that. 16 Q. Ms Kang, this is a photograph we understand to have been 17 taken by Mr Tony Tang. I understand it was taken on 18 24 January 2017. And I understand, therefore, that it 19 was taken at the EWL stitch joint essentially, it 20 appears to me, after the track slab rebar had been 21 completed. Do you see that? 22 A. Yes. 23 Q. First of all, Ms Kang, do you know which is Gammon's 24 side and which is Leighton's side? 25 COMMISSIONER HANSFORD: That's my question.</p>	<p>1 Ms Kang, can I ask you, please, to be taken to the 2 exhibit to your witness statement. That's at BB14/9468. 3 A. (In English) Yes. 4 Q. This is exhibit 1, where you attach a number of WhatsApp 5 messages. And, as I understand it, those are WhatsApp 6 messages that you have retrieved with the assistance of 7 Mr Victor Tung. Is that right? 8 A. Correct. 9 Q. If one, as it were, looks then at page 9473, where 10 you've scheduled out various areas -- my understanding 11 is, just trying to piece them all together, that the 12 first one, the first WhatsApp message, relates to 13 number 5, 28 October? 14 A. (In English) Yes. 15 Q. The next one relates to the first of -- is it 16 18 November, you see on the right-hand side, before 17 9471? 18 A. (In English) For bay 6 and 7 -- 19 Q. Yes. 20 A. (In English) -- should be 13 November. 21 Q. I see. Beg your pardon, yes. Which is the other one, 22 it's either the 1st or the 18th? 23 A. 7, bay 2. 24 Q. Right, so it's the 18th. Yes. 25 So, Ms Kang, with regard to -- so we can get three</p>

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<p>1 WhatsApp messages that tie into numbers 5, 7 and 8 on 2 the schedule. I've had some difficulty understanding 3 where the other areas actually are. 4 Let's just take you one at random -- the second one, 5 9 September; do you see that? 6 A. Yes. 9 September, yes. 7 Q. It says: "MTR Kappa: rebar of sp4 was inspected. 8 Targeted to pour on Monday." 9 Do you recall where that is? 10 A. (In English) "sp4" means sump pit 4. 11 A. I don't quite remember this is EWL or NSL sump pit. 12 Q. NSL sump pit, okay, all right. 13 CHAIRMAN: Sorry -- 14 A. (In English) Sorry, I'm not sure whether it was EWL or 15 NSL. I need to check the drawing because my memory. 16 But it's a sump pit for the tunnel structure. 17 MR PENNICOTT: All right. Then one we were particularly 18 puzzled by was number 4, 6 October, where it says, "MTR 19 Kappa: rebar at bay 9 and 10", because we haven't 20 managed to find anywhere that has a bay 9 and 10, but we 21 are ready to be corrected. 22 A. My understanding is NFA, North Fan Area, HHS, there is 23 a triangular area with noise enclosure area. I think 24 that's the location where we have bay 9 and 10. 25 Q. Right, so that would be in the NFA?</p>	<p>1 (11.27 am) 2 (A short adjournment) 3 (11.49 am) 4 Cross-examination by MR TSOI 5 MR TSOI: Ms Kang, I act for Wing &amp; Kwong, the rebar fixing 6 sub-contractors. I have a few questions for you. 7 Can I just turn your mind back to one of the answers 8 that you gave this morning, in relation to the issue of 9 routine inspection carried out by yourself. I think 10 your answer was you would do two or three times a week 11 of these routine inspections on the site. Is that 12 right? 13 A. (In English) At least. 14 Q. At least two or three times. 15 Now, in relation to the coupler connection, you said 16 this: that we would not look in particular about the 17 coupler connection. Can I ask you about that answer. 18 You obviously know that the Leighton engineer would 19 carry out daily routine inspection; is that right? 20 A. Leighton engineers, they would be on site every day, 21 yes. 22 Q. Right, and they would carry out a daily routine 23 inspection? 24 A. I believe so, on the part of Leighton. 25 Q. So if there was any issue in relation to coupler</p>
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<p>1 A. Correct. 2 Q. Understood. Thank you very much. 3 And I imagine that number 6 is the same location as 4 number 2 but a different aspect of the work. This was 5 a wall this time. 6 A. (In English) It's a wall. 7 Q. All right. 8 So, as I understand it, Ms Kang, what you've done 9 here is you've, with Mr Tung's assistance, or the 10 assistance of his phone, tried to list out every message 11 where you can see that your name appears and you were 12 involved? 13 A. Mmm. Correct. 14 MR PENNICOTT: Understood. Okay. 15 Sir, I am happy to say that I have finished, so 16 perhaps we could have a break now. 17 CHAIRMAN: Yes. How long would you -- 18 MR PENNICOTT: 15 minutes is okay. 19 CHAIRMAN: Good. A 15-minute break. 20 Ms Kang, when you are giving your evidence and we 21 have these breaks, you are not entitled to discuss your 22 evidence with anybody else during those breaks; okay? 23 WITNESS: (In English) Okay. No problem. 24 CHAIRMAN: Thank you. 25 WITNESS: (In English) Thank you.</p>	<p>1 connection, would you expect the Leighton engineer to 2 inform you about it? 3 A. Yes, definitely. 4 Q. So perhaps is that why you would not concentrate in 5 particular on the coupler connection on your own routine 6 inspection, perhaps because you would rely on the 7 Leighton engineer to inspect those things? 8 A. Well, rely on Leighton engineers? I would perform my 9 role, to look at what I'm supposed to look at. 10 Q. Right, but in relation to coupler connection, is it the 11 case that because if there was a problem you would 12 expect the Leighton engineer, in terms of any problems 13 with the coupler connection, to inform you, so when you 14 did your own routine inspection you won't look in 15 particular at the coupler connection? Is that a fair 16 way to put it? 17 A. I think everybody on site, if they spot any problems, 18 they would raise it. 19 Q. Right. 20 A. -- inspectors or engineers on the part of Leighton, MTR, 21 whatever. 22 Q. Right. 23 Next I want to ask you about your interaction with 24 the Leighton engineers in situations where you will be 25 requested via mobile phone, I think, to conduct a rebar</p>

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<p>1 fixing check, but when there's no RISC form; right? So</p> <p>2 that's the particular situation I want to ask you about.</p> <p>3 So in terms of procedure, you would receive a phone</p> <p>4 call from a Leighton engineer?</p> <p>5 A. Yes. Without a RISC form, I would receive a phone call.</p> <p>6 Q. Right. And in that situation, after you receive the</p> <p>7 call, you said you would inform Chris Chan?</p> <p>8 A. Right.</p> <p>9 Q. And then you yourself would attend the rebar fixing</p> <p>10 hold-point inspection?</p> <p>11 A. I would go along with IOW together with Leighton's</p> <p>12 engineers for the hold-point inspection.</p> <p>13 Q. So I want to ask you about that. So in terms of the</p> <p>14 rebar fixing check, is it only you from MTR or is it you</p> <p>15 and an inspector of works from MTR who would jointly</p> <p>16 conduct the rebar fixing check?</p> <p>17 A. In general, I, the inspector, Leighton's engineers,</p> <p>18 sometimes together with Chris; if we are on site, we</p> <p>19 would together do the inspection.</p> <p>20 Q. And if you did conduct the rebar fixing check with</p> <p>21 an inspector of works, who would that normally be?</p> <p>22 A. Normally, it would be IOW Tony Tang. My recollection is</p> <p>23 that other SIOW or AIOW would be likely as well.</p> <p>24 Q. So this is the rebar fixing check, not the pre-pour</p> <p>25 check?</p>	<p>1 there's no one else that could accompany you from MTR,</p> <p>2 then you would go and inspect the rebar fixing works at</p> <p>3 the hold point?</p> <p>4 A. Yes, it's likely.</p> <p>5 Q. Now, we know that your practice is, after you have</p> <p>6 conducted a rebar hold-point inspection, you would take</p> <p>7 a picture of it and then you would WhatsApp it to</p> <p>8 a group in MTR to say that you've inspected the works.</p> <p>9 Is that your practice?</p> <p>10 A. Yes. Not necessarily taking photos but I would send</p> <p>11 a message, yes.</p> <p>12 Q. Did everyone from MTR who conducted rebar fixing</p> <p>13 hold-point check do the same thing, or it's not</p> <p>14 necessarily the case?</p> <p>15 A. Not necessarily the case. I've seen some messages from</p> <p>16 Tony.</p> <p>17 Q. So can I just get this right, that there would be</p> <p>18 situations where although an MTR representative may have</p> <p>19 conducted a rebar fixing hold-point check, he does not</p> <p>20 in fact necessarily have to send a WhatsApp to other</p> <p>21 members of MTR to confirm that he has conducted the</p> <p>22 check? There might be a situation like that?</p> <p>23 A. Well, my practice is I would send a WhatsApp. I'm not</p> <p>24 sure about the practices of other colleagues. They may</p> <p>25 not.</p>
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<p>1 A. That's correct, yes. The rebar, yes.</p> <p>2 Q. Now, it's no criticism against you whatsoever, but it's</p> <p>3 just that Mr Tang has said in his witness statement that</p> <p>4 he did not conduct rebar fixing checks in relation to at</p> <p>5 least the three stitch joints and the shunt neck joint.</p> <p>6 So obviously, if it were the case that you did inspect</p> <p>7 them, you didn't inspect it with him?</p> <p>8 A. I am not sure, in his witness statement, whether he did</p> <p>9 the inspection in relation to the three stitch joints.</p> <p>10 But generally he will look at the rebars. I'm not sure</p> <p>11 he did so in relation to the three stitch joints though.</p> <p>12 Q. Will there be situations where, when MTR is requested to</p> <p>13 conduct a rebar fixing hold-point check, that only one</p> <p>14 representative of MTR would be present? So let's say</p> <p>15 the construction engineer I or construction engineer II,</p> <p>16 like yourself, or an inspector of works, but just one</p> <p>17 representative from MTR; would there be situations like</p> <p>18 that?</p> <p>19 A. Yes, there were situations like that. In some</p> <p>20 situations, the inspectors may be otherwise engaged and</p> <p>21 they are not available; I would look at the rebars</p> <p>22 together with the Leighton engineers myself.</p> <p>23 Q. Then can I pinpoint on that type of situation. So one</p> <p>24 would -- a construction engineer like yourself would</p> <p>25 receive a call from a Leighton engineer, and then if</p>	<p>1 Q. After the hold-point inspection for the rebar, we</p> <p>2 understand that some further works will be carried out</p> <p>3 at the location and then there will be what we call</p> <p>4 a pre-pour hold-point check. Now, you yourself did not</p> <p>5 conduct the pre-pour hold-point check; is that right?</p> <p>6 A. Pre-pour check?</p> <p>7 Q. Yes.</p> <p>8 A. No, I don't do it. It's not my duty.</p> <p>9 Q. As you understand the situation, is it the case that</p> <p>10 a Leighton engineer would sometimes call up the MTR</p> <p>11 inspector of works to conduct this pre-pour check?</p> <p>12 A. For the details, I think you need to put this to the</p> <p>13 inspectors.</p> <p>14 Q. What I'm trying to understand, Ms Kang, is that could</p> <p>15 there be a situation where a Leighton engineer would</p> <p>16 call an inspector of works from MTR to conduct</p> <p>17 a pre-pour check, when the inspector of works has not</p> <p>18 been informed whether there had been a rebar fixing</p> <p>19 check completed already? That's the situation I'm</p> <p>20 trying to drive at. Could there be such a situation?</p> <p>21 A. Well, I would look at the rebars and I would go along</p> <p>22 with the inspectors. If the conditions are acceptable,</p> <p>23 the inspector would be beside me. It would be known to</p> <p>24 him that the rebars have been checked. I would send</p> <p>25 a WhatsApp message that this has been inspected. And</p>

<p style="text-align: right;">Page 45</p> <p>1 before I inspect the rebars, if -- I mean, I would talk 2 to Chris, I mean, if there was nothing in particular and 3 everybody knows it's okay. 4 Q. I thank you for that answer. It's very clear to us what 5 your practice it. 6 A. (In English) Yes. 7 Q. I've got no question or quarrel with your practice. 8 A. Yes. 9 Q. Because we have a situation here where Mr Tony Tang 10 confirmed that he did the pre-pour hold-point checks for 11 the three stitch joints and the shunt neck joint, but he 12 did not conduct the rebar fixing hold-point check for 13 those locations. So we now have a situation, as 14 confirmed in his evidence, that there may not be 15 an inspector of works who conducted the rebar fixing 16 check, you see. So I want to ask you about those kinds 17 of situation. 18 Now, because we know from the Leighton side, most 19 likely it is going to be the same Leighton engineer who 20 conducts the rebar fixing hold-point check, and it's the 21 same engineer who would then conduct a pre-pour check, 22 you see. 23 A. You mean the rebar inspection and pre-pour check would 24 be conducted by the same Leighton engineer? 25 Q. From the Leighton side, yes.</p>	<p style="text-align: right;">Page 47</p> <p>1 confirming that the rebar fixing check has been 2 completed satisfactorily. Could there be a situation 3 like that? Not the fault of MTR or your own, but 4 because of the request from the Leighton engineer. 5 A. I still don't quite understand. You mean the Leighton 6 engineer would directly go for the IOW? 7 Q. Yes. 8 A. That's normal, the IOW would be contacted direct. The 9 IOW will not know whether MTR has already checked the 10 rebars and then it would proceed to the pouring of 11 concrete. 12 Q. Not right. Can I clarify that? 13 A. (Chinese spoken). 14 Q. No, sorry. Okay, it's my fault. 15 COMMISSIONER HANSFORD: We need gaps so we can get -- 16 MR TSOI: I'm so sorry, I'm having a conversation with the 17 witness. I shouldn't do. 18 COMMISSIONER HANSFORD: You are, yes. 19 MR TSOI: I'm so sorry. 20 MR SHIEH: I thought the witness has not misunderstood, but 21 anyway ... 22 MR TSOI: Maybe I misunderstood myself which is usually the 23 case. Okay. 24 In a situation where the Leighton engineer calls up 25 the inspector of works directly for a pre-pour check --</p>
<p style="text-align: right;">Page 46</p> <p>1 A. Well, yes. 2 Q. I can tell you that's been confirmed, for example, by 3 Mr Henry Lai who said that he did the rebar fixing 4 hold-point check and also the pre-pour check. 5 A. Understood. 6 Q. So the situation I'm trying to explore is whether it's 7 a possibility -- because of course the MTR pre-pour 8 check individual, the individual from MTR who's 9 responsible for the pre-pour check, he may rely on 10 information being passed to him by the Leighton 11 engineer, you see. 12 A. I don't agree. I believe he would check whether the MTR 13 has really checked. You said the inspector would rely 14 on Leighton's information for the next step? 15 Q. No, not quite. Perhaps you should wait for the 16 question. Sorry, that was my fault; it's completely my 17 fault. 18 The situation I'm trying to explore is -- because 19 the Leighton engineer would sometimes directly contact 20 the inspector of works to do a pre-pour check, and it 21 happened in this case, could it be the case that the 22 Leighton engineer would call up the inspector of works 23 of MTR, no fault of MTR's, right, but the Leighton 24 engineer says, "It's ready for a pre-pour check", 25 without the inspector of works actually knowing or</p>	<p style="text-align: right;">Page 48</p> <p>1 A. (In English) Yes. 2 Q. -- because the Leighton engineer supposedly had already 3 conducted the rebar fixing check -- we know that because 4 it's the same engineer -- 5 A. (In English) Okay. 6 Q. -- is it not natural that the Leighton engineer, when 7 asking for a pre-pour check, to tell the inspector of 8 works, "The rebar fixing check is done, you can now come 9 for a pre-pour check"? Because it's the same engineer 10 from the Leighton side. 11 A. (In English) Yes. 12 Q. So that would be normal, because you can't ask for 13 a pre-pour check unless you have done the rebar fixing 14 check? 15 A. (In English) Yes, but the IOW, the inspector of works, 16 should be well known whether the rebar inspection was 17 carried out or not, to carry out. Then he can carry out 18 the next step of the works. 19 Q. Exactly. So, if the Leighton engineer who conducted the 20 rebar fixing check calls the inspector of works and 21 says, "We have done the rebar fixing check, it's now 22 done, you can now come and do the pre-pour check", 23 that's possible, isn't it? 24 A. (In English) Yes. He can contact him directly, 25 of course.</p>

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<p>1 Q. Right. That's what I'm getting at. Then the inspector 2 of works would go and do the pre-pour check; that's 3 normal? 4 A. (In English) Yes. 5 Q. Right. So, in fact, it could be the case, it's 6 possible, not that it happened all the time, it's 7 possible, that the inspector of works took the word of 8 the Leighton engineer to say that the rebar fixing check 9 has been done, and then he then goes on to do the 10 pre-pour check? 11 It's possible? 12 A. (In English) Possible? 13 A. Are you talking about the possibility? 14 Q. Again, I wish to emphasise, I'm not putting fault on MTR 15 whatsoever. But it's possible? 16 A. (In English) But the IOW has a responsibility -- have 17 the duty to check whether the rebar inspection had been 18 carried out or not. 19 Q. Yes. 20 A. (In English) Yes. 21 Q. But he can check that with the Leighton engineer. 22 A. (In English) And also -- he should check with MTR 23 engineer or other inspector of works. 24 Q. Yes, in the normal situation, in a perfect world he 25 should, but he could also just believe the Leighton</p>	<p>1 something be sent for record? That's my practice. But 2 I don't think that's the practice of other people. 3 Q. So there may be no evidence that they did in fact 4 conduct the rebar fixing check? 5 A. Evidence? That's why I wanted to check the records on 6 our phones. 7 MR TSOI: That's all the questions I want to ask. Thank you 8 very much. 9 WITNESS: (In English) Thank you. 10 MR SHIEH: Mr Chairman, in the normal course of events it 11 should be our turn, but in view of the way the 12 government has put some of its questions, I don't want 13 to say "no questions" now, only for me to ask to reopen, 14 so can I ask to decide after I have heard the 15 government's questions? 16 CHAIRMAN: I can certainly see that. That's seeking to save 17 time, as opposed to gain a tactical advantage. There's 18 no tactical advantage in the Commission of Inquiry as 19 such. It's not an adversarial contest. 20 Yes, are you happy to proceed now? 21 MS PANG: Yes, I don't mind going first. 22 CHAIRMAN: Good. 23 Cross-examination by MS PANG 24 MS PANG: Good afternoon, Ms Kang. 25 A. (In English) Good afternoon.</p>
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<p>1 engineer; is that right? 2 A. (In English) I can't comment. 3 Q. It's all right. As I say, I'm just trying to explore 4 the situation, the possibilities, without any fault on 5 MTR whatsoever. Right. 6 In terms of situations where there is no RISC form 7 request but there's a request for inspection, would you 8 say that MTR, to a certain extent, would rely on the 9 Leighton engineer in relation to the information about 10 works? So, for example, the rebar fixing is ready or 11 the pre-pour check is now ready to be conducted? 12 A. Not really. Our inspectors were there full-time. They 13 would send lots of photos to the WhatsApp group. There 14 would be a daily progress summary. There would be 15 photos, summary, bullet points. So everyone with the 16 MTRC would understand the progress of work on the site. 17 We didn't have to rely on any Leighton engineer to 18 understand the progress or the stage we were in. 19 Q. Perhaps as a final question: if those responsible in MTR 20 conducted the rebar fixing checks at the three stitch 21 joints and the shunt neck joint, would one expect there 22 to be photographic evidence sent by those individuals to 23 an MTR group, to confirm that they have completed the 24 rebar fixing check in those locations? 25 A. So you are saying that after the rebar inspection, would</p>	<p>1 Q. My name is Ellen Pang and I represent the government. 2 I have a couple of questions I would like to explore 3 with you. 4 First of all, just for my benefit, I would like to 5 understand a bit more about your duties as an engineer. 6 You mentioned earlier that you would conduct routine 7 inspection and we know that you also carried out 8 hold-point inspection for the rebars, and we know that 9 you attend interface meetings. So is that all that you 10 would need to cover as an engineer, or are there also 11 other works that you would need to do as an engineer? 12 A. (In English) As an engineer, we need to make sure that 13 the construction project deliver within -- to meet the 14 programme. Sorry. 15 A. We are responsible for delivering the project. Our 16 routine duties would include making sure, in the case of 17 construction, that things are done in accordance with 18 the regulations -- there are many regulations -- or 19 plans and drawings, and to make sure the safety and also 20 environmental compliance on site, and many, many other 21 things; many, many other duties as well. 22 Q. That's a lot to do. Would you say that hold-point 23 inspection or conducting hold-point inspection is 24 a matter that you would normally prioritise, because if 25 you don't do the hold-point inspection then it might</p>

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<p>1 affect the progress, so would that normally take 2 priority over other work?</p> <p>3 A. There are many important issues on site. Whether this 4 would be prioritised as such, I couldn't say that, 5 because sometimes you have other duties, other meetings 6 to attend, when you are called upon to do the hold-point 7 inspection you might have to ask other colleagues to do 8 the rebar inspection, instead of I would just do the 9 rebar inspection and withhold other things.</p> <p>10 Q. I understand. Perhaps one last question on this topic. 11 Would you say that conducting rebar inspection is a main 12 part of your duties?</p> <p>13 A. It's my duty. Is it a main part? It's an important 14 duty, I would say.</p> <p>15 Q. Thank you. Ms Kang, have you ever attended any training 16 sessions given by BOSA?</p> <p>17 A. No. I never attended any training offered by BOSA.</p> <p>18 Q. If I remember correctly, you joined MTR as a graduate 19 engineer; right? I'm just wondering who gave you 20 instruction or who told you how to conduct inspection of 21 the connection between rebar and couplers?</p> <p>22 A. No one instructed me.</p> <p>23 Q. To you, what would be a proper connection between 24 a rebar and a coupler, or how would you determine if 25 a rebar has been properly connected to a coupler?</p>	<p>1 conduct rebar inspection for the stitch joints and also 2 the shunt neck joint: Chris Chan, yourself and Mr Tony 3 Tang. Is that right?</p> <p>4 A. I think ConE team, the inspector team, can do the 5 inspection. The ConE team includes Chris, myself, and 6 senior construction manager or senior construction 7 engineer Joe Tsang. For the inspectors, they include 8 the senior inspector, Kenneth Kong; Victor Tung; and 9 Tony Tang. Further down, AIOWs: Wan Yiu Wing, Wong 10 Wai Chung. These are the names that I remember.</p> <p>11 Q. So all of these people may have conducted hold-point 12 inspection for rebar?</p> <p>13 A. Yes, correct.</p> <p>14 Q. I would like to focus on Tony Tang. Do you recall that 15 I think my learned friend Mr Tsoi has asked you whether 16 Mr Tony Tang was involved in the hold-point inspection 17 for rebars, and your answer to him was he was involved 18 in the rebar inspection. Do you recall that exchange?</p> <p>19 A. I remember I did say that, yes.</p> <p>20 Q. I'd just like to clarify, if you can recall, which area 21 Mr Tony Tang was responsible for insofar as rebar 22 inspection is concerned. I ask you this because Mr Tony 23 Tang mentioned in his witness statement that he was only 24 responsible for rebar inspection for the NFA area but 25 not the other areas for the NAT. So I'd like to see if</p>
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<p>1 A. If you are talking about 2016-2017, I had no such 2 knowledge about the proper connection or whether they 3 are properly connected.</p> <p>4 Q. So is it the case that when you conduct hold-point 5 inspection for rebar works, you would only focus on 6 spacing, number of rebars, et cetera, but you would not 7 check that a rebar has been fully screwed into 8 a coupler? Is it the case? Or perhaps it might be 9 easier if you tell us what you would look for when you 10 are conducting a hold-point inspection for rebar.</p> <p>11 A. Rebar inspection, what would I look out for? I would 12 have the up-to-date working drawings or construction 13 drawings, I would make sure the bar size, bar diameter, 14 bar spacing length, lap length, they should be aligned 15 with the construction drawing. That's what I would be 16 looking at.</p> <p>17 Q. So is it right to say that you would not focus 18 particularly on the connection between a rebar and 19 a coupler? That would not be your focus?</p> <p>20 A. That's right. I would look at them in general, to see 21 whether they are connected, but I would not check them 22 in detail.</p> <p>23 Q. I see.</p> <p>24 From the evidence we have just heard, it appears 25 that there are, if I can say, three candidates who may</p>	<p>1 you can help us on that.</p> <p>2 A. Well, I didn't specify NFA or NAT. My understanding is 3 that in the 1112 contract, the inspectors can look at 4 the rebars. I have seen some WhatsApp messages in the 5 group about the location that he checked regarding the 6 rebars, although I cannot remember the exact location.</p> <p>7 Q. So you can only say that you have a general impression 8 that he was involved in the rebar inspection, but you 9 cannot say whether he has been involved in a particular 10 area or not?</p> <p>11 A. Right, let me put it this way. When I prepared my 12 witness statement, as I said a moment ago, I retrieved 13 the information from Victor Tung's WhatsApp message, and 14 I saw Tony having sent the messages, but the location he 15 inspected, perhaps we can check about the exact 16 location.</p> <p>17 Q. I see. So moving on to how a hold-point inspection is 18 actually carried out -- I would like to focus on the 19 communication within the ConE team and between the ConE 20 team and also the IOWs. You recall telling us earlier 21 that sometimes you would receive a phone call directly 22 from Leighton engineer about rebar inspection; that's 23 correct, right?</p> <p>24 A. (Nodded head).</p> <p>25 Q. And we have also heard from Mr Chan yesterday that</p>

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<p>1 sometimes he would receive a phone call, and if he's 2 unavailable then he would delegate to you. As far as 3 you're aware, that happens as well; is that right? 4 A. Yes. When he's not available, I would help him to look 5 at the rebars. 6 Q. Would there be a situation where a Leighton engineer 7 contacts an IOW directly for rebar inspection? I'm 8 talking about rebar inspection. 9 A. Well, that I'm not sure, whether they would approach the 10 inspectors direct. I have to check whether the Leighton 11 engineers would approach the inspectors direct about the 12 rebar inspection. 13 Q. Is it fair to say that there is no fixed point of 14 contact on the part of MTR for rebar inspection? So 15 sometimes it might be Chris, it might be you, and 16 possibly IOW? 17 A. Correct. 18 Q. After you finish conducting rebar inspection, if there 19 is no RISC form, how would you record the result of the 20 inspection? For example, pass or fail, and on some 21 occasions you might have some notes to add; where would 22 you record that information? 23 A. As I said a few moments ago, generally I would send 24 a WhatsApp message to the group, and I would keep the 25 photos. And if there are any -- about a week or a month</p>	<p>1 A. Well, for the WhatsApp group, ConE team and inspectors 2 would have access to the information. Any circumstances 3 where I informed one party only? As I said, my practice 4 is I would inform Chris, and Chris would be kept 5 informed in any case. I look at the rebar with the 6 inspectors; the inspectors would know about that. I'm 7 not sure. Maybe I would ring up and tell them. 8 Q. Perhaps I will ask this. Can you rule out the 9 possibility that there would be a situation where you've 10 only informed the ConE team but perhaps not the IOW? 11 Could that happen? 12 A. Well, it's not impossible. 13 Q. Would you accept that, in that situation, how does MTR 14 ensure that every single area has been inspected either 15 by ConE or IOW or both? If you would not -- or you may 16 not communicate with each other on every single 17 occasion, then is there a mechanism, or how can MTR 18 ensure that every single area has in fact been 19 inspected? 20 A. Well, I think in terms of communication, I would have to 21 make sure that everybody would be in the know. The 22 situation you mention, ConE team knew but inspectors 23 didn't know -- now, the inspectors would be on site, and 24 when they are requested to do the pre-pour check, they 25 do have the duty to verify whether rebar inspection did</p>
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<p>1 later, I would know that I have inspected that 2 particular area and that would be acceptable. 3 Q. Right. That's helpful. 4 Can I ask you to had take a look at one of your 5 paragraphs in your witness statement at BB9465, 6 paragraph 11. We have looked at this with Mr Chris Chan 7 yesterday, so you might have an impression. The last 8 sentence on this page: 9 "After I conducted a rebar fixing hold-point 10 inspection, I would usually inform the ConE team or 11 inspectors of works, or both, by way of a WhatsApp 12 message, or orally in person or telephone call." 13 Now, first of all focusing on the means of 14 communication, do you agree that while you may send 15 a WhatsApp message reporting on the results of the 16 inspection, sometimes you may -- or you may not do so 17 for every single occasion; there would be occasions 18 where you only reported orally or in person? 19 A. Correct. 20 Q. And here you say you usually inform the ConE team or 21 inspector of works. So am I right in saying that you 22 would not notify everybody on every single occasion, so 23 there would be occasions when you only notified the ConE 24 team, not the inspector of works? It is possible, is 25 it?</p>	<p>1 take place in that area before they proceed to the next 2 stage. 3 CHAIRMAN: I think the question may be how would they 4 verify. 5 A. Well, MTR ConE team, how can they verify the message has 6 been passed on? 7 A. (In English) Is this your question? 8 CHAIRMAN: No. You have said, I think, "Now, the inspectors 9 would be on site, and when they are requested to do 10 a pre-pour check, they would have to verify whether 11 a rebar hold-point check had already taken place." So 12 they receive a request, "Can we do a pre-pour check?" 13 They need to make sure that there has already been 14 a hold-point rebar check. Question: how do they check 15 that out? 16 A. Well, I send the WhatsApp message, they would know that 17 rebar inspection has taken place at a particular 18 location. If they didn't see the message, they can ring 19 up the ConE team. We are sitting in the same office. 20 It would not be hard for them to approach us about 21 whether we have done the inspection. A simple 22 communication like that would suffice. 23 CHAIRMAN: Could I ask this: was it then part of the 24 inevitable procedure that if a request like this was 25 received for the pre-pour check, that the inspector of</p>

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<p>1 works would always go back to the MTR ConE team and say, 2 "Can you confirm that the rebar inspection has already 3 taken place"?</p> <p>4 A. Well, if they are not sure the rebars have been 5 inspected, they probably would do this.</p> <p>6 CHAIRMAN: But there's nothing built into the system that 7 says they must do that?</p> <p>8 A. I think procedurally, it is not specified as originally, 9 no.</p> <p>10 CHAIRMAN: So somebody comes along -- I'm just wondering if 11 people may just assume that if they are asked to do 12 a pre-pour check, then there must have been a rebar 13 check earlier?</p> <p>14 A. Well, I think we have to ask the inspector whether they 15 have the assumption like this.</p> <p>16 CHAIRMAN: All right.</p> <p>17 MS PANG: Ms Kang, if there is a RISC form, then the IOW 18 would be able to tell from the RISC form that rebar 19 inspection has been completed so he need not check with 20 you separately; is that correct?</p> <p>21 A. Yes, I think so. If the RISC form is available on time, 22 I think they would check the information there.</p> <p>23 CHAIRMAN: Sorry, could I just ask one question. You have 24 to forgive me asking this because I'm not an engineer, 25 but some major projects which require teams of people to</p>	<p>1 there would have been nothing built into MTR's system to 2 require an IOW to check with the ConE team separately 3 before a pre-pour check, it's not a specific requirement 4 in PIMS; would you agree with that?</p> <p>5 A. I would have to check the details of MTR PIMS or whether 6 there's any similar requirement in the specs. Because 7 we are talking about the duties of inspectors. I don't 8 know the details. But I understand that's what we did 9 on site.</p> <p>10 Q. Do you recall that my learned friend Mr Tsoi asked you 11 earlier about a situation where an IOW was not involved 12 in the rebar inspection; do you remember that?</p> <p>13 A. (Nodded head).</p> <p>14 Q. Do you specifically recall situations where Tony Tang or 15 other IOWs calling you up to ask, "Hi, Kappa, it would 16 be nice to do a pre-pour check for this area; have you 17 already completed the rebar inspection"? Do you recall 18 those situations?</p> <p>19 A. Well, I have such memory, yes. Some inspector did call 20 me up. Whether it's Tony or any specific inspector, 21 I cannot recall. But I did receive calls.</p> <p>22 CHAIRMAN: You remember that, do you?</p> <p>23 A. Yes, I remember, there were such calls, but I cannot 24 remember from whom.</p> <p>25 MS PANG: So presumably for those areas you have not sent</p>
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<p>1 operate, in the command centre, if I can call it that, 2 they might often have a big chart up on the wall where 3 everybody could go to the chart and you would see, you 4 know, "Bay 20: delay" or something; "Bay 21: hold-point 5 check on rebars confirmed on the 15th", a ready source 6 of visual reckoning. Anything like that in your offices 7 there? Because you shared offices with Leighton.</p> <p>8 A. Not according to my recollection.</p> <p>9 CHAIRMAN: Thank you.</p> <p>10 MS PANG: To follow up on my earlier question -- so, if 11 there is no RISC form or if a RISC form is not submitted 12 on time, then you said you would expect the IOW to check 13 with the ConE team. You've told us earlier -- 14 basically, you have given us a list of people who might 15 be responsible for conducting rebar inspection. So you 16 are expecting the IOW to go through the list and check 17 with each of them to see if a rebar inspection has been 18 conducted? Is that what you are saying?</p> <p>19 A. Well, I mean if he doesn't know whether the rebar 20 inspection has been done for the bay he is responsible, 21 he should verify or check whether the inspection did 22 take place.</p> <p>23 Q. Ms Kang, would you accept that in an ideal world where 24 RISC forms are submitted on time, then the IOW need not 25 do that? That you would agree with me. So presumably</p>	<p>1 a WhatsApp message to the group and that's why the IOW 2 needs to check with you; right?</p> <p>3 A. I believe he just didn't know whether rebar had been 4 checked. That's why he had to verify.</p> <p>5 Q. Right. Ms Kang, if you had sent a WhatsApp message to 6 the group, and I assume the group would also include 7 IOWs; right?</p> <p>8 A. (Nodded head).</p> <p>9 Q. If you had sent a message, then presumably they would 10 know you had inspected; right?</p> <p>11 A. (Witness nodded).</p> <p>12 Q. So my question is, for those situations when they had to 13 call you separately, would you accept that you did not 14 send a WhatsApp message informing everyone that you 15 conducted rebar inspection?</p> <p>16 A. Sorry, I don't quite understand the question.</p> <p>17 Q. Perhaps I can try again. So the WhatsApp group would 18 include both members from ConE team and the IOW; right?</p> <p>19 A. (In English) Yes.</p> <p>20 Q. So if you had sent a message to the group saying, 21 "I have conducted rebar inspection for area A", 22 et cetera, then the IOW would also be able to see that; 23 right?</p> <p>24 A. (In English) Yes.</p> <p>25 Q. And if they had seen that, they need not call you</p>



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<p>1 separately to check who did the rebar inspection for 2 area A? 3 A. Mm-hmm. 4 Q. Would you agree? 5 A. (In English) Yes. 6 MS PANG: I think that's all that I need to ask. 7 CHAIRMAN: Sorry, just one final question from me. Looking 8 back on all of this now, it appears to me, as 9 a non-engineer, that without the RISC forms being filled 10 out as they should have been prior to hold-point 11 inspections taking place, once they were no longer 12 therefore operative, the other methods for checking who 13 had done inspections and who hadn't were all a bit 14 casual. Would you agree with that or not? 15 A. Agree. 16 COMMISSIONER HANSFORD: Can I just say it appears to me, as 17 an engineer, that they were a bit casual. 18 I have one question for you, Ms Kang. Did you ever 19 receive training in PIMS? 20 A. I cannot really recall. When I was a graduate engineer, 21 whether there was an induction course on PIMS, I cannot 22 recall. But even if there was one, it would last for 23 one hour. We would be told where you could find the 24 documents, and so on. There would be no details. 25 COMMISSIONER HANSFORD: So at most you received one hour</p>	<p>1 Q. This is the document you reviewed, correct, which you 2 say incorrectly shows you were present when in fact you 3 were not? 4 A. (In English) Yes. 5 Q. Thank you. Can I just then cross-check a certain 6 document with you: BB9/6482. 7 You remember looking at this document earlier this 8 morning? 9 A. (In English) Yes. 10 Q. Now, this document showed that you were present on site 11 on 29 December 2016; correct? 12 A. (In English) Yes. 13 Q. It showed, again, that you were on site on 9 January 14 2017; correct? 15 A. (In English) Yes. 16 Q. Now, you said that you were in New Zealand on honeymoon 17 for I think 16 days; correct? 18 A. (In English) Yes. 19 Q. Now, there was not 16 days between 29 December and 20 9 January, so can I perhaps suggest to you that maybe 21 you had misplaced your -- could it be that you had 22 misplaced your 16 days of honeymoon? It's not -- that 23 period of honeymoon doesn't actually cover 4 or 24 5 January but covered maybe a later period in January? 25 Could that be the case?</p>
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<p>1 training on PIMS? 2 A. I believe so. 3 COMMISSIONER HANSFORD: Okay. Thank you. 4 CHAIRMAN: I suspect -- Mr Shieh, is there anything that 5 arises? 6 Cross-examination by MR SHIEH 7 MR SHIEH: I have one topic to explore with the witness. 8 Ms Kang, earlier on you remember you were asked 9 about whether you were in Hong Kong during certain 10 periods in January 2017. Do you remember? 11 A. (In English) Yes. 12 Q. And you referred specifically to an interface meeting 13 minute that you had reviewed I think before coming to 14 this hearing and you said someone might have forgotten 15 to delete your name from the list of attendees on behalf 16 of MTRC. Do you remember that? 17 A. (In English) Yes. 18 Q. Can I ask you to look at that document. It is at BB3, 19 page 1791. 20 A. I see that. 21 Q. I believe that it is this document, this set of minutes, 22 which Mr Pennicott in front of me was intending to show 23 to you, which is dated 6 January 2017, which shows your 24 name. You see your name there, Ms Kang? 25 A. (In English) Yes, I see.</p>	<p>1 A. I need to check. I remember it's during Christmas to 2 early January. 3 Q. Right, no, because -- we can count, but -- 4 A. (In English) Yes. 5 Q. But anyway ... 6 A. I am also ... 7 MR SHIEH: I have no further questions for you, Ms Kang. 8 Thank you very much. 9 WITNESS: (In English) Thank you. 10 MR BOULDING: I have no further questions. Thank you very 11 much, Ms Kang. 12 Sir, I don't know whether you've got any further 13 questions, or Professor? 14 COMMISSIONER HANSFORD: No. 15 CHAIRMAN: No. Thank you very much. Your evidence is 16 completed now. Thank you for your assistance. 17 WITNESS: (In English) Thank you so much. 18 CHAIRMAN: Thank you. You can leave now. 19 (The witness was released) 20 MR BOULDING: My next witness, sir, is Mr Tony Tang. 21 MR TANG SIU HANG, TONY (affirmed in Cantonese) 22 (All answers given via simultaneous interpreter 23 except where otherwise specified) 24 Examination-in-chief by MR BOULDING 25 Q. Good afternoon, Mr Tang.</p>

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<p>1 A. (In English) Yes.</p> <p>2 Q. I assume you are going to give your evidence in</p> <p>3 Cantonese?</p> <p>4 A. That's correct.</p> <p>5 Q. You have produced two witness statements for the</p> <p>6 assistance of the learned Commissioners in this Inquiry.</p> <p>7 Please can we go to the first statement which is at</p> <p>8 bundle BB1/121.</p> <p>9 There do we see the first page of your first</p> <p>10 statement, Mr Tang?</p> <p>11 A. Yes.</p> <p>12 Q. Then if we can go on to page BB138, there do we see your</p> <p>13 signature under the date of 2 May 2019?</p> <p>14 A. Yes, correct.</p> <p>15 Q. Then if we could go back, please, to page 121. We see,</p> <p>16 do we not, in paragraph 1, that you tell the learned</p> <p>17 Commissioners that you are an inspector of works on the</p> <p>18 SCL project; correct?</p> <p>19 A. Correct.</p> <p>20 Q. Then in paragraph 3 you give, do you not, a potted</p> <p>21 history of your career with the MTR from when you joined</p> <p>22 in 2010 through to the current time?</p> <p>23 A. Correct.</p> <p>24 Q. Then if we can look at your supplemental statement,</p> <p>25 please, and if we can go for that purpose to BB14/9495.</p>	<p>1 the very top as construction manager, but just come</p> <p>2 down. If you follow that line down, do we there see</p> <p>3 your face, a photograph of your face? I think you're</p> <p>4 the fifth photograph down; is that you, Mr Tang?</p> <p>5 A. Yes, I can see that.</p> <p>6 Q. And do we understand from your evidence that you report</p> <p>7 to the senior inspector of works who at that time was</p> <p>8 a Mr Kenneth Kong?</p> <p>9 A. Correct.</p> <p>10 Q. Thank you. I have no further questions for you at this</p> <p>11 stage, but Mr Pennicott, who is the counsel to the</p> <p>12 Commission of Inquiry, will ask you some questions</p> <p>13 first. Then there are various other lawyers in the room</p> <p>14 who have the opportunity to ask you questions.</p> <p>15 Prof Hansford and the Commissioner can ask you questions</p> <p>16 at any time. Then it might be that I'll have some</p> <p>17 further questions for you in due course. Do you</p> <p>18 understand that?</p> <p>19 A. I understand.</p> <p>20 MR BOULDING: Please sit there and listen carefully to the</p> <p>21 questions.</p> <p>22 Examination by MR PENNICOTT</p> <p>23 MR PENNICOTT: Mr Tang, good afternoon.</p> <p>24 A. Good afternoon, sir.</p> <p>25 Q. As Mr Boulding has indicated, my name is Ian Pennicott,</p>
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<p>1 There do we see the first page of your supplemental</p> <p>2 witness statement, Mr Tang?</p> <p>3 A. Correct.</p> <p>4 Q. Then if we go on to the second page of that document,</p> <p>5 9496, do we see your signature under the date of 3 June</p> <p>6 2019?</p> <p>7 A. Correct.</p> <p>8 Q. I'm right in thinking, am I not, that in that</p> <p>9 supplemental statement you qualify the evidence set out</p> <p>10 in your first statement so far as what you say could be</p> <p>11 seen in various photographs to which you refer? Does</p> <p>12 that summarise what you do?</p> <p>13 A. Yes, correct.</p> <p>14 Q. Now, subject to those qualifications, do you confirm</p> <p>15 that the contents of those statements are true to the</p> <p>16 best of your knowledge and belief?</p> <p>17 A. Absolutely correct.</p> <p>18 Q. I just want to ask you one further question, and that is</p> <p>19 by reference to the MTR organisation chart. We'll find</p> <p>20 that at B2/582.</p> <p>21 If you look in the top left-hand corner, you can</p> <p>22 see, can you not, that this is the organisation chart</p> <p>23 for MTR as of at January 2017; do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Then if you look at the top, you will see Michael Fu at</p>	<p>1 I'm one of the counsel to the Commission; I'm going to</p> <p>2 ask you some questions. First of all, thank you very</p> <p>3 much for coming along to give evidence to the Commission</p> <p>4 today.</p> <p>5 Mr Tang, as I understand it, you were an inspector</p> <p>6 of works on the SCL project, and on contract 1112, from</p> <p>7 June 2013 right up to date; is that right?</p> <p>8 A. Correct.</p> <p>9 Q. A period of some, now, six years. And since around</p> <p>10 September/October 2013, you have been responsible</p> <p>11 primarily for the NAT area but also the NFA; is that</p> <p>12 right?</p> <p>13 A. I think the exact date is in the statement. I think</p> <p>14 it's correct.</p> <p>15 Q. Right. And I think also you say in your statement that</p> <p>16 you've had, since about April 2018, some involvement</p> <p>17 with the HHS area?</p> <p>18 A. Correct.</p> <p>19 Q. And I imagine, by the time you arrived in the HHS area</p> <p>20 in April 2018, essentially all the civils work had</p> <p>21 finished; is that right?</p> <p>22 A. Mostly completed, yes.</p> <p>23 Q. Right. Now, can we just understand this point, Mr Tang.</p> <p>24 My understanding is that your evidence is that you were</p> <p>25 not involved in the formal rebar fixing inspections in</p>

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<p>1 the NAT area, including the three stitch joints and the 2 shunt neck joint. Is that correct? 3 A. NAT, EWL and NSL, yes, right. 4 Q. Right. But you say in I think your second witness 5 statement you had some limited involvement in formal 6 rebar fixing inspections in the NFA. Is that correct? 7 Have I understood that correctly? 8 A. Correct. 9 Q. So that we understand it, what was your limited 10 involvement in the formal rebar inspections in the NFA? 11 What part did you play? 12 A. Well, as a matter of fact, mainly the engineers would be 13 responsible for looking at the rebars. Now, for NSL and 14 EWL, I would do the site walks, and there are -- I have 15 to report on the progress and I didn't have time to look 16 at what I considered to be more complicated rebar work. 17 Now, for the rebar hold-point inspections, it is 18 about complicated structures and I would spend an awful 19 long time. 20 Q. Right. My understanding is, from your evidence, that so 21 far as the NAT areas are concerned, including the stitch 22 joints, your expectation was that the formal hold-point 23 inspections of the rebar would be carried out by one of 24 the engineering team. Is that right? 25 A. Correct.</p>	<p>1 A. Well, I think as an inspector myself, the first thing 2 I turn up for work is to do a site walk. I have to 3 understand what's going on at the site, whether things 4 are going on normally, whether there is anything out of 5 the ordinary. So I would -- my routine inspection is 6 a site walk. That's always my habit. 7 Q. Right. Were these photographs taken on principally your 8 mobile phone or did you have a special camera, or what 9 did you use? 10 A. Well, at the early stage, I would -- let me put it this 11 way. I would use my digital camera at the beginning. 12 I've gone through two digital cameras on site. Then 13 WhatsApp became the order of the day and I had to report 14 on the progress of what's going on site; I switched to 15 the handset to do the photography. 16 Q. Okay. I understand. And am I right in thinking that 17 all or at least most of those photographs would be 18 uploaded onto the MTRC server? 19 A. The photographs that I took, yes. 20 Q. All right. Now, in paragraph 15 of your witness 21 statement, first witness statement, starting at the very 22 bottom of page BB1/123, you set out, in a series of 23 subparagraphs, your evidence in relation to the RISC 24 form process. Do you see that, Mr Tang? 25 A. Yes, I do.</p>
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<p>1 Q. Right. That might be a ConE I or a ConE II; is that 2 right? 3 A. Correct. 4 Q. Okay. As you tell us in your witness statement, you -- 5 and I'm focusing on the NAT area generally at the 6 moment, Mr Tang -- conducted routine daily surveillance 7 on site, and you tell us what aspects of the work that 8 you focused on. That's the general works being 9 constructed, general progress, general site management, 10 and safety; those are the matters that you focused on? 11 A. Correct. 12 Q. What you did do during the course of your site 13 surveillance, Mr Tang, was take lots of photographs. Is 14 that right? 15 A. Yes. 16 Q. Right. Indeed, a bundle that we have in the hearing, 17 BB10, has 594 of your photographs, or something of that 18 order, practically a whole file full of photographs. We 19 are going to be looking at some other photographs in 20 a moment. 21 A. Okay, sir. 22 Q. But, as a general point, Mr Tang, what was the purpose 23 of taking all of these photographs? Were you required 24 to do that? Did you do it as a matter of interest? 25 What was your purpose in taking all these photographs?</p>	<p>1 Q. Right. I just wanted to ask you about subparagraph (7) 2 on page 124. You say there: 3 "The IOW/ConE would update the RISC form register 4 recording: (i) who conducted the relevant inspection; 5 (ii) outcome of the inspection; and, (iii) whether 6 re-inspection was required, or the RISC form had been 7 closed out." 8 Do you see that, Mr Tang? 9 A. Yes. 10 Q. Now, when you say, "The IOW/ConE would update the RISC 11 form register", do you mean the IOW or the ConE that had 12 actually carried out the inspection? 13 A. What I mean is, whether we are talking about IOW or 14 ConE, when they are done with the inspection, they have 15 the duty to sign off a form. Once that form has been 16 signed off, we have to update people about the status in 17 the register. 18 Q. Who inputs the information into the register, Mr Tang? 19 A. My understanding is whoever was responsible for the 20 hold-point inspection is responsible for inputting the 21 information. 22 Q. I ask you this, Mr Tang, because we've just heard from 23 Ms Kappa Kang, who indicated to us that she did not at 24 any time input any information into the register. Now, 25 she carried out a lot of hold-point inspections, it</p>

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<p>1 would appear. She says that once she had filled in the 2 part C of the form, she would have given it back to 3 an IOW, such as yourself, to allow you to do -- or the 4 IOW, not necessarily you personally, Mr Tang -- to input 5 the information. Is that wrong? 6 A. Well, once the form has been signed, it would not be 7 handed back to the IOW. It would be handed to SIOW. 8 Q. All right. So would it be the SIOW, perhaps, who 9 inputted the information into the RISC register? 10 A. As I've said, whoever carried out the inspection should 11 be responsible for this register. Whether it's SIOW, 12 whether he would -- he would countersign at some part, 13 I can't remember, he would countersign the form. 14 CHAIRMAN: Sorry, can you help me again. Which form are we 15 talking about? 16 MR PENNICOTT: The RISC form, sir. 17 CHAIRMAN: Because we are talking about a register and 18 a RISC form. 19 MR PENNICOTT: Yes. 20 CHAIRMAN: My understanding was you got the RISC form and 21 you took information and you put it into a separate 22 register. 23 MR PENNICOTT: Correct. 24 CHAIRMAN: I've got a little confused as to the two. 25 MR PENNICOTT: That's entirely right.</p>	<p>1 A. Correct. 2 Q. Can you explain what's happened? 3 A. There might be a typo, typing error. We should look at 4 the form, who signed the form, that would be the 5 verifiable information. 6 Q. Do you recall yourself, Mr Tang, inputting information 7 into this register? 8 A. Yes, yes, I can remember that. 9 Q. So is this a situation where Ms Kang may have passed the 10 RISC form to you, you've inputted the information, but 11 you have incorrectly recorded your own initials rather 12 than Ms Kang's? Is that a possibility? 13 A. This was possible. 14 Q. Okay. 15 CHAIRMAN: Is this an opportune moment? 16 MR PENNICOTT: Just one more question, sir. 17 CHAIRMAN: Of course. 18 MR PENNICOTT: There are -- and I can show you some examples 19 if necessary, Mr Tang -- a number of instances where -- 20 I think we may even be able to pick one up here on this 21 page, by coincidence -- instances where the various 22 columns under "Inspection" and "Action require" are 23 blank. There's one there. You need to scroll to the 24 left just to pick up whether it is a separate item. 25 A bit further, please. Yes.</p>
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<p>1 Mr Tang, can we just test the process in this way. 2 Can I ask you please to be shown the RISC form at 3 BB1/329. 4 Now, this is, or should be, RISC form 10625. Do you 5 see that, Mr Tang? 6 A. I see that. 7 Q. Right. 8 Sir, for your information, it's one of the RISC 9 forms on the NAT pour summary. 10 If we scroll down, we can see -- a bit further down, 11 please -- that so far as MTR is concerned, the rebar 12 inspection was carried out by Kappa Kang, the ConE II, 13 on 19 May 2016, described as "satisfactory". Do you see 14 that, Mr Tang? 15 A. I see that. 16 Q. Right. Then if we could please look at the RISC 17 register, at BB13/8815.175. 18 If we can focus on the RISC form 10625 that we've 19 just looked at -- do you see that, Mr Tang? 20 A. I see that. 21 Q. So submitted, it says, 19 May, which is right. 22 If we can then scroll over to the right-hand side of 23 the register, rather than seeing what I thought we might 24 see, "KK", which is Kappa Kang, in the "Inspection by", 25 we see your initials, "TT"; do you see that?</p>	<p>1 And presumably, Mr Tang, if there are no entries in 2 the "Inspection" or the "Action" column, somebody has 3 omitted, forgotten to input the information from the 4 RISC form into the register; is that right? 5 A. It's possible. It's likely. 6 MR PENNICOTT: Okay. Sir, that would be a convenient 7 moment. 8 CHAIRMAN: Good. Thank you. 9 How are we doing time-wise? 10 MR PENNICOTT: Sir, we are doing well. I just wonder -- 11 I know it's 1.05 and we have a witness in the witness 12 box, but I wonder if it might be worth just mentioning 13 what the proposed plan is for the rest of the week. 14 CHAIRMAN: Yes. 15 MR PENNICOTT: -- which I know we discussed briefly this 16 morning. 17 Sir, I have taken the view, for a number of reasons, 18 that the work we should do for the rest of this week is 19 to complete all of the MTR's witnesses. An optimistic 20 view would be that we might complete them tomorrow 21 evening, Thursday, or perhaps the more realistic and 22 perhaps a little bit pessimistic view is we will 23 complete them sometime on Friday. 24 Sir, I am of the view that when we complete the 25 MTR's witnesses, whenever that may be, we should, as it</p>

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<p>1 were, adjourn and then resume with the Pypun witnesses,  2 followed by the government witnesses, on Monday morning.  3 I have mentioned that to one or two of my learned  4 friends, not many of them, certainly not all of them.  5 Sir, so that's what I would recommend. On that  6 basis, I am very confident that the two Pypun witnesses  7 and the three government witnesses will certainly  8 comfortably be dealt with in the three days next week.  9 Indeed, I think it more than likely that we can finish  10 those five witnesses in two days rather than three and  11 I think that's a view that's shared by others.  12 So, sir, that -- I thought I should just mention how  13 we are doing on timing -- is one answer to the question.  14 CHAIRMAN: That's good to hear, that we are within our  15 schedule.  16 MR PENNICOTT: I think we are, sir.  17 Another by-product of that approach is it will give  18 Pypun some certainty that they will be required on  19 Monday morning and won't be perhaps hanging around on  20 Friday, depending on of course where we get to with the  21 MTR witnesses.  22 CHAIRMAN: All right. Good. And I think this afternoon we  23 are going to adjourn just a little early.  24 MR PENNICOTT: A little early, sir, maybe by 10 or  25 15 minutes.</p>	<p>1 After having given the description of the RISC form  2 process in paragraph 15, you then say:  3 "However, it should be noted that the majority of  4 the formal hold-point inspections that I conducted in  5 NAT were carried out without the relevant RISC forms  6 being in place at the time. This was because on many  7 occasions, I received phone calls from Leighton's  8 frontline staff (including Regina Wong, Isaac Ng, and  9 Henry Lai) requesting that I conduct the necessary  10 inspection on their promise that the relevant RISC forms  11 would be submitted shortly thereafter for my signature.  12 In order not to hold up the construction progress at  13 site, I acceded to these requests and conducted the  14 necessary inspections, and where I was satisfied with  15 the conditions, I gave the relevant permission for works  16 to proceed to the next stage, with the understanding  17 that I would receive the corresponding RISC forms  18 shortly thereafter for my signature."  19 So, in short, Mr Tang, you permitted, as  20 I understand it, Leighton to verbally initiate the  21 inspection process; is that right?  22 A. Yes, but I have to go back to the point that they made  23 a promise that they would give me back the forms in  24 a short period of time. So that's why I could do it.  25 Q. Yes. But by doing that and adopting that approach, you</p>
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<p>1 CHAIRMAN: Right. We will run through until 4.45, and being  2 as we are not being squeezed against a wall for time and  3 it's now nearly quarter past -- it's 1.10 one -- we will  4 resume at 2.30; would that be all right?  5 MR PENNICOTT: Yes.  6 CHAIRMAN: Good. Thank you.  7 Mr Tang, you are in the middle of giving your  8 evidence at the moment, and this is a statement that  9 I give to all the witnesses: during the breaks that  10 occur, you are not entitled to discuss your evidence  11 with anybody else, okay, including any lawyers or  12 friends or anything like that. Okay? You have to, you  13 know -- in other words, it's not like a football match.  14 You can't go outside and have the coach come up and say,  15 you know, "You should do this", or, "You should have  16 done that." Do you understand me?  17 WITNESS: Fully understood.  18 CHAIRMAN: Thank you.  19 (1.10 pm)  20 (The luncheon adjournment)  21 (2.34 pm)  22 MR PENNICOTT: Mr Tang, good afternoon.  23 A. Good afternoon.  24 Q. If we could please look at paragraphs 16 and 17 of your  25 first witness statement. That's at BB125.</p>	<p>1 in effect relaxed the RISC form process?  2 A. No, it's not really relaxation of the process. It's  3 an undertaking on both sides.  4 Q. Did anyone authorise -- sorry, did anyone at MTR  5 authorise you to adopt this approach?  6 A. No.  7 Q. So you did this on your -- off your own bat, was it,  8 Mr Tang?  9 A. Well, can I just say a bit more about the RISC form  10 submission process?  11 Q. Of course, but I'd like you to address the question as  12 to why you thought you were entitled to adopt this  13 approach.  14 A. Because, on the form submission process, this took some  15 time, and in my witness statement I mentioned this.  16 Now, INCITE, Leighton generated a RISC form number, and  17 then Leighton's engineer or the person who submitted the  18 form wrote something relevant, and then it would go  19 through Leighton's document control, it would be  20 registered in their system, and then the form,  21 I remember, would come through their document control  22 and then, through that channel, it would be sent to our  23 AA for registration, and then after it's registered it  24 will be passed on to the main con -- the principal ConE,  25 and then the date is stamped and then it will come back</p>

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<p>1 to us.</p> <p>2 So the process takes a relatively long time. So at</p> <p>3 the time, this approach was more workable.</p> <p>4 Q. What I'm interested in, Mr Tang, is this. You adopted</p> <p>5 this approach which you have described to us, and I'm</p> <p>6 assuming, but tell me if I'm wrong, that your senior,</p> <p>7 your boss, knew about it. Is that right?</p> <p>8 A. I believe my senior inspector would know about this</p> <p>9 process. At a very early stage, I think it was Dick</p> <p>10 Kung, they allowed us four hours for the submission of</p> <p>11 form. Those four hours was not sufficient. Then</p> <p>12 I described the process and that process would take</p> <p>13 a bit longer time for the forms to come back to us.</p> <p>14 Q. At one point, I think Kenneth Kong was the senior</p> <p>15 inspector of works; is that right?</p> <p>16 A. No, not Kenneth Kong. Dick Kung. I think he left the</p> <p>17 post in October 2015. Dick Kung, I think.</p> <p>18 Q. That was October 2015. Did Dick Kung know about this</p> <p>19 process?</p> <p>20 A. You mean Dick Kung --</p> <p>21 Q. Yes.</p> <p>22 A. -- or Kenneth Kong? Dick Kung knew about it.</p> <p>23 Q. Right. Who took over from Dick Kung?</p> <p>24 A. After Dick Kung left, I think it was Pedro So, and for</p> <p>25 Pedro So -- actually at the early stage, there were two</p>	<p>1 Q. Okay. In paragraphs 18 and 19, and indeed for the next</p> <p>2 few paragraphs in your witness statement, Mr Tang, you</p> <p>3 explain how you dealt with the RISC forms that you did</p> <p>4 receive, and in particular how you would record a late</p> <p>5 submission, if that was appropriate. Do you recall all</p> <p>6 that?</p> <p>7 A. Yes, I recall that.</p> <p>8 Q. Right. Then, at paragraph 25 of your witness statement,</p> <p>9 you say this:</p> <p>10 "For most of the inspections that I conducted in NAT</p> <p>11 (other than the North Fan Area), Leighton never</p> <p>12 submitted any RISC form."</p> <p>13 Mr Tang, you -- I can show you the document if</p> <p>14 necessary, but you may be aware that on the NAT area,</p> <p>15 after about July 2016, no RISC forms at all were</p> <p>16 submitted so far as the rebar is concerned and I think</p> <p>17 the pre-pour inspections as well in the NAT area. Is</p> <p>18 that something that you were aware of in 2016 or 2017?</p> <p>19 A. Yes, I knew about it.</p> <p>20 Q. Right. And you say in paragraph 25:</p> <p>21 "Between 2016 and 2017, I made repeated oral</p> <p>22 complaints to Henry Lai, Chan Hon Sun, and Joe Tam</p> <p>23 (construction manager of Leighton) in relation [to] the</p> <p>24 outstanding RISC forms, but to no avail."</p> <p>25 Now, so far as Henry Lai is concerned, you say</p>
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<p>1 seniors, one was Dick Kung and one was Pedro So.</p> <p>2 Q. Did Pedro So know about the practice, the approach?</p> <p>3 A. He should know about it.</p> <p>4 Q. Did you discuss it with him?</p> <p>5 A. I don't have recollection of that. I should have</p> <p>6 discussed it and he should know about it.</p> <p>7 Q. Right.</p> <p>8 CHAIRMAN: Could I ask you just one question. The evidence</p> <p>9 indicates that a lot of the RISC forms that were</p> <p>10 promised to you either came very late to you or did not</p> <p>11 come at all. Did that alter your attitude towards</p> <p>12 allowing further inspections without RISC forms?</p> <p>13 A. You mean about Leighton's attitude or mine?</p> <p>14 CHAIRMAN: About the RISC forms coming late from Leighton or</p> <p>15 not at all, and whether that changed your attitude.</p> <p>16 A. No, I still believed in what others said. They promised</p> <p>17 to give me the forms as soon as possible and I continued</p> <p>18 to believe in that.</p> <p>19 MR PENNICOTT: In your witness statement, you do mention</p> <p>20 Mr Kenneth Kong, who you spoke to prior to him sending</p> <p>21 an email of 24 March 2017, which we've looked at</p> <p>22 a number of times. So did Mr Kenneth Kong, in his</p> <p>23 position of senior inspector of works, did he know about</p> <p>24 this practice generally?</p> <p>25 A. He should know about it.</p>	<p>1 "repeated oral complaints" -- was this over a long</p> <p>2 period of time, Mr Tang, or a number of complaints in</p> <p>3 a short period of time? Can you explain to us the</p> <p>4 nature of the repeated complaints you made to Mr Lai,</p> <p>5 first of all?</p> <p>6 A. Actually, when Henry Lai told me that he needed some</p> <p>7 inspections, I would agree and say yes, and then I would</p> <p>8 tell him, "Could you please submit your RISC forms,</p> <p>9 could you remember to submit the RISC forms." So that</p> <p>10 repeated itself over and over again. And I also</p> <p>11 mentioned that to Chan Hon Sun. I recall in 2017, in</p> <p>12 June, he had left, so at the later stage I didn't</p> <p>13 interact with him that much. I had also contacted</p> <p>14 Joe Tam, because our offices are close, I could reach</p> <p>15 him on foot and I would make these oral requests.</p> <p>16 Q. Yes. Just focusing on Henry Lai for the moment, what</p> <p>17 was his reaction to your constant and repeated</p> <p>18 complaints?</p> <p>19 A. On each occasion he would say, "Yes, I'll submit it as</p> <p>20 soon as possible", and I had also attempted to use</p> <p>21 WhatsApp and remind him, and I had to keep on reminding</p> <p>22 him.</p> <p>23 Q. All right. So far as Joe Tam is concerned -- obviously</p> <p>24 he's more senior, he's the construction manager of</p> <p>25 Leighton for the particular area we're concerned with --</p>

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<p>1 what was his reaction when you spoke to him? 2 A. He would also say, "Okay, I'll remind Henry Lai." 3 That's more or less what he said. 4 Q. All right. 5 Then you refer to the email that was sent by 6 Kenneth Kong. And, as I understand it, Mr Tang, from 7 your evidence, it may well have been as a result of 8 a conversation that you had with Mr Kong that he sent 9 that email. Is that right? 10 A. Actually, my dialogue with Kenneth Kong, I had -- you 11 can call it a complaint. I said that there was no RISC 12 form and I made that complaint more than once. And as 13 I discovered the missing RISC forms, I had mentioned 14 that to him. 15 Q. Right. So it was possible that the email that we've 16 seen was prompted by your discussions and your 17 complaints to Mr Kong; is that right? 18 A. I have a deeper impression of that, because I was in his 19 office and he said, "Yes, I'll send you an email to the 20 counterpart", that is Leighton, and then he said, "Yes, 21 I've done what you requested." So I recall that 22 distinctly. 23 Q. All right. 24 And as you say in paragraph 27, first sentence, of 25 your witness statement:</p>	<p>1 bottom of the page, Mr Tang, you will see that the shunt 2 neck bay 3 track slab, the commencement of the rebar and 3 indeed the completion of the rebar was on 4 January 4 2017. Do you see that? 5 A. Yes. 6 Q. And the concrete was poured, if you go to the right-hand 7 column, on 5 January, the following day; do you see? 8 A. Correct. 9 Q. So I deduce from that that you must have done the 10 pre-pour inspection either late perhaps in the day on 11 4 January or perhaps early in the morning on 5 January. 12 Would that be right? 13 A. Correct. 14 Q. Right. Mr Tang, do you -- this all happened in a very 15 short space of time so far as the track slab in bay 3 is 16 concerned, just over two days, it would appear. Do you 17 have any recollection, specific recollection, as to who 18 did the rebar hold-point inspection as opposed to the 19 pre-pour? 20 A. This occurred in 2017. There were also missing RISC 21 forms, so I cannot be sure which engineer did that work. 22 Q. All right. Do you recall what steps, if any, you took 23 to ascertain whether the rebar fixing hold-point 24 inspection had in fact taken place? 25 A. Actually, before the pre-pour, I have a habit, where</p>
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<p>1 "Unfortunately, despite [your] repeated oral 2 complaints and Kenneth Kong's written protest, the 3 situation did not improve." 4 And you stand by that evidence, Mr Tang; is that 5 right? 6 A. I'm sorry, could you ask the question again? 7 Q. Yes. You say that despite your oral complaints and 8 Mr Kong's protest in the email, the situation did not 9 improve. And you stand by that, as I understand it, 10 Mr Tang; is that correct? You are still of that view? 11 A. That is correct. 12 Q. Now, moving on to the stitch joints, Mr Tang -- my 13 understanding is that you personally carried out the 14 formal hold-point inspections in respect of the 15 pre-pours to all three stitch joints. Is that right? 16 A. As far as I remember, yes. There might have been 17 colleagues assisting me with an inspection but I do 18 recall doing that. 19 Q. Right. What about the shunt neck: is the position the 20 same, that you carried out the pre-pour check to the 21 shunt neck joint? 22 A. Yes. 23 Q. I wonder if you could look at that sheet that's just in 24 front of you there. It's BB9/6363. 25 If we look at item 45 on the sheet, towards the</p>	<p>1 I ask the relevant engineers whether they had inspected, 2 and the information would come from engineers or from 3 Leighton's Henry Lai. I would ask them which colleague 4 had done the inspection, and I would also confirm that 5 over the phone, whether they had done it. 6 Q. Do you have any recollection of whom you may have spoken 7 to in relation to the inspection, rebar inspection, of 8 the shunt neck at bay 3 track slab? 9 A. I have no recollection. 10 Q. And I assume that you have no record of any conversation 11 or anything of that nature? 12 A. I don't have records. My phone had malfunctioned and 13 I have lost all my WhatsApp records, so there's no 14 record. 15 Q. All right. 16 Again, Mr Tang, if we look at item 58a on this 17 schedule, you will see that this is the EWL stitch 18 joint, the interface stitch joint on the EWL track slab, 19 was carried out so far as the rebar is concerned between 20 22 and 24 January, and again the concrete was poured on 21 24 January. Do you see that? 22 A. Yes, I see it. 23 Q. Again, Mr Tang, do you have any recollection of who 24 carried out the rebar inspection in relation to that 25 item?</p>

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<p>1 A. It should be our engineers. I have no recollection idea 2 who did it and/or who I had phoned, which engineer I had 3 phoned; I have no recollection. 4 Q. Again, let's just get this clear, Mr Tang: your evidence 5 is that before you carried out the pre-pour inspection, 6 you would have found out from somebody that the rebar 7 inspection had taken place; is that right? 8 A. Yes. 9 Q. Did you make that an invariable practice of yours, to 10 make sure that the rebar inspection had taken place, 11 before you were prepared to do the pre-pour inspection? 12 A. If I were to do the pre-pour inspection, I had this 13 habit, to confirm which colleague had done the work 14 before I assisted with the pre-pour work. 15 Q. All right. 16 Now, Mr Tang, you tell us in your witness statement 17 that -- and we've touched on this earlier -- you were in 18 the habit also of taking a lot of photographs. We've 19 discussed that briefly earlier. Do you remember that? 20 A. Yes. 21 Q. In paragraph 36 of your first witness statement, you say 22 that during the course of your daily surveillance, and 23 in your hold-point inspection, that's the pre-pour 24 inspection as I understand it, you took various 25 photographs in the stitch joints and the shunt neck?</p>	<p>1 which purpose, we need to go to, as I understand it, 2 B14, starting at 9499. 3 First of all, Mr Tang, can I just confirm with you, 4 as it were, in overall terms, what we are about to look 5 at. First of all, Mr Tang, I understand that the first 6 five photographs -- that's 9499 to 9503 -- are five 7 photographs dealing with the shunt neck. Can you just 8 first of all confirm that? 9 A. Correct. 10 Q. Then we have two photographs, at 9504 and 9505, which 11 deal -- or the subject matter of which is the EWL stitch 12 joint. Is that right? 13 A. Yes. 14 Q. We will look at some of those in a moment. I'm just 15 trying to get the parameters. 16 Then, Mr Tang, from 9506 to 9512, there are seven 17 photographs dealing with the NSL 1111/1112 stitch joint, 18 that is the interface stitch joint in the NSL area. Is 19 that correct? 20 A. Correct. 21 Q. Then the remainder of the photographs, from 9513 22 onwards, that is up to page 9532, all concern the 23 internal 1112 stitch joint? 24 A. Correct. 25 Q. Now, back to the shunt neck photographs, and we'll need</p>
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<p>1 A. Yes. 2 Q. And you say in paragraph 36 of your original witness 3 statement: 4 "... the now known defective coupler connections at 5 the three stitch joints were not readily apparent to the 6 naked eye during my daily surveillance." 7 Then you make reference to the photographs that are 8 included. 9 Now, in paragraph 4 of your second witness 10 statement, I think you have now qualified that 11 observation. That's at BB9495. That's BB14. Because 12 you now say: 13 "I have now had an opportunity to study the photos 14 taken at the three stitch joints during the rebar fixing 15 and concreting works of the track slabs as retrieved 16 from MTR's server. I wish to clarify that having now 17 carried out a detailed and close examination of these 18 photos and upon reflection, it is possible that some of 19 these photos may show defective coupler connections." 20 Obviously I recognise that you make that 21 clarification while reiterating various points that you 22 make in paragraph 5. 23 Unfortunately, Mr Tang, I'm going to need some help 24 from you to identify the photographs which you say may 25 show defective coupler connections; all right? For</p>	<p>1 to take these in a particular order to understand the 2 sequence, I think. So if we could start, please, with 3 9503. This is a photograph, one of the few, that is 4 actually dated in this series, dated 24 December 2016. 5 Do you see that, Mr Tang? 6 A. Yes, I see it. 7 Q. Christmas Eve. What work can we see being done in this 8 photograph? 9 A. This is waterproofing work. 10 Q. Okay. Just to confirm, this is in the shunt neck joint, 11 in bay 3 shunt neck? 12 A. Yes, correct. 13 Q. All right. 14 COMMISSIONER HANSFORD: Can I just be clear: is the concrete 15 we're looking at part of contract 1111? The far end of 16 that waterproofing, is that 1111? 17 A. Correct. 18 COMMISSIONER HANSFORD: Right. 19 MR PENNICOTT: Yes. So we are looking north. 20 COMMISSIONER HANSFORD: We are looking north, yes. 21 I understand. 22 MR PENNICOTT: Then the photograph at 9502, showing 23 a similar situation, no date, but we assume taken 24 probably on the same day. 25 Then we fast-forward a number of days. If we go to,</p>



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<p>1 I think, just to pick up the date, but I'm not sure it's</p> <p>2 the first one in the sequence -- if you go to 9501, we</p> <p>3 are now at 5 January 2017; do you see that, Mr Tang?</p> <p>4 A. Yes, I see it.</p> <p>5 Q. It seems to me that the sequence is in fact 9499 goes</p> <p>6 first.</p> <p>7 A. Correct.</p> <p>8 Q. Then possibly 9500, which perhaps is the last one.</p> <p>9 A. The last one. It's 9501 first and then 9500.</p> <p>10 Q. Yes, understood. Yes. So the last one is 9500, where</p> <p>11 I think we can see, can we not, the concreting works</p> <p>12 taking place?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. First of all -- perhaps the only question I need</p> <p>15 to ask after all that -- we've not been able to detect</p> <p>16 any possible sightings of defective rebar in those</p> <p>17 photographs. Is that right, Mr Tang, or have you been</p> <p>18 able to spot something?</p> <p>19 A. For the photos, I talk about the shunt neck, true, we</p> <p>20 didn't see anything.</p> <p>21 Q. They are at least helpful photographs to pinpoint the</p> <p>22 dates when this work was carried out, so that's very</p> <p>23 helpful.</p> <p>24 COMMISSIONER HANSFORD: Sorry, just so that I understand</p> <p>25 that -- so each of these photographs is dated, then, is</p>	<p>1 COMMISSIONER HANSFORD: So, sorry -- so we understand or</p> <p>2 we've been told, Mr Pennicott, that between 9499 and</p> <p>3 9500, two hold points were passed?</p> <p>4 MR PENNICOTT: Correct. That is right, yes. Both the rebar</p> <p>5 and the pre-pour. That must be right, yes.</p> <p>6 COMMISSIONER HANSFORD: Well, that's what we've been told.</p> <p>7 MR PENNICOTT: Told, yes.</p> <p>8 Then moving on, Mr Tang, could we go, please, to</p> <p>9 photograph 9504. As I understand it -- which we cannot</p> <p>10 track a date for, but we will perhaps propose a date in</p> <p>11 a moment, as a matter of deduction. What I understand</p> <p>12 we're looking at at 9504, Mr Tang, is a shot of the EWL</p> <p>13 stitch joint. Is that right?</p> <p>14 A. Right.</p> <p>15 Q. First of all, can you tell us which side is Leighton's</p> <p>16 and which side is Gammon?</p> <p>17 A. Well, put it simply, the side with the blue waterstop,</p> <p>18 that's 1111. That's the 1111 contract. So it's quite</p> <p>19 easy to distinguish.</p> <p>20 Q. That's very helpful.</p> <p>21 COMMISSIONER HANSFORD: We are looking west.</p> <p>22 MR PENNICOTT: We are looking west, sir.</p> <p>23 COMMISSIONER HANSFORD: At the Polytechnic building in the</p> <p>24 background.</p> <p>25 MR PENNICOTT: We are indeed, sir. A very good spot. We</p>
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<p>1 it?</p> <p>2 MR PENNICOTT: Sir, it's quite complicated. In this</p> <p>3 sequence that we've been given in this file, only very</p> <p>4 few are dated. However, if one takes the additional</p> <p>5 step of going to the folders that have the site diaries</p> <p>6 in, whilst I don't think they are part of the site</p> <p>7 diaries, there are lots of photographs in the same</p> <p>8 folders. From there, one can sometimes pick up the</p> <p>9 dates of the photographs. Indeed Mr Lam is, as it were,</p> <p>10 tracking as I am speaking the photographs that are in</p> <p>11 the box in the diaries.</p> <p>12 For example, we know that 9499 -- assuming that the</p> <p>13 annotation in the diary box is right, the 9499</p> <p>14 photograph was taken on 4 January, which would seem to</p> <p>15 fit.</p> <p>16 COMMISSIONER HANSFORD: It fits.</p> <p>17 MR PENNICOTT: Yes.</p> <p>18 COMMISSIONER HANSFORD: And the next one, where the</p> <p>19 concreting is --</p> <p>20 MR PENNICOTT: Is 5 January.</p> <p>21 COMMISSIONER HANSFORD: -- is presumably 5 January?</p> <p>22 MR PENNICOTT: Correct. That's right.</p> <p>23 COMMISSIONER HANSFORD: Okay. I understand.</p> <p>24 MR PENNICOTT: Yes. It is, by reference to the other file,</p> <p>25 5 January, yes, that's right.</p>	<p>1 had worked that out as well, at least -- I say "we" --</p> <p>2 those either side of me had worked that out.</p> <p>3 COMMISSIONER HANSFORD: Yes.</p> <p>4 MR PENNICOTT: So on the left-hand side -- L for Leighton,</p> <p>5 left for Leighton -- the south side, we can see a series</p> <p>6 of rebar going into what appear to be holes in the</p> <p>7 concrete. Mr Tang, on this photograph, can one detect</p> <p>8 any potentially defective rebar, rebar fixings?</p> <p>9 A. Well, let me explain briefly. I took this photo and</p> <p>10 I recall I saw workers hacking out or exposing the</p> <p>11 couplers on the Leighton side. So, at the bottom, you</p> <p>12 can see not all the rebars were fixed, and so the rebar</p> <p>13 fixing was still in progress.</p> <p>14 Q. Right. When you say "at the bottom" -- we can zoom in</p> <p>15 or we have a gadget that points us at these areas.</p> <p>16 (Using magnifying device).</p> <p>17 COMMISSIONER HANSFORD: It's the far end, underneath the</p> <p>18 scaffolding, I think.</p> <p>19 A. Yes, correct.</p> <p>20 MR PENNICOTT: All right. And what about on the Gammon</p> <p>21 side: are there any problems here? (Using magnifying</p> <p>22 device).</p> <p>23 A. When I took the photo, perhaps, yes, I would have seen</p> <p>24 something like this. But let me say that the rebar</p> <p>25 fixing was still in progress, so that's why I didn't</p>

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<p>1 take notice about the status of the rebar. I took the 2 photo mainly because I wanted to tell the relevant 3 colleagues that the rebar fixing was in progress, and 4 then the couplers were being exposed. That's all. 5 Q. All right. 6 Then if we go to the next photograph, which is the 7 one I showed Ms Kang this morning -- sir, we can 8 reasonably confidently tell you that according to the 9 MTR, this photograph was taken on 24 January 2017, which 10 is the date, according to the sheet, when the rebar on 11 the track slab of the EWL stitch joint was completed. 12 COMMISSIONER HANSFORD: And indeed the date of the 13 concreting. 14 MR PENNICOTT: And indeed the date of the concreting, that's 15 right. 16 First of all, Mr Tang, I think I'm right in saying, 17 am I not, that we've now switched around and we are 18 looking in the other direction; is that right? 19 A. Correct. 20 Q. So Gammon now left, Leighton right? 21 A. Yes. 22 Q. So we can see at the far end, presumably the east end, 23 the vertical rebar for the eastern wall; is that right? 24 A. Correct. 25 Q. Back to the question -- or let's, before we get there --</p>	<p>1 MR PENNICOTT: That was my next question. 2 This area, Mr Tang, I appreciate was about 2 to 3 3 metres across, of that order; is that right? 4 A. I recall it should be 2 metres. 5 Q. 2 metres. Okay. How long would it take -- if you have 6 any knowledge of this -- how long would it take to 7 concrete this sort of area? 8 A. If I refer to the concrete pour, 30 metres, roughly, 9 it's about 30 metres of concrete. 10 Q. Yes. So how long do you think that would take to pour? 11 A. It would depend on the concrete, the volume. Sometimes, 12 you would have to wait for the concrete to arrive. 13 Q. Yes. But assuming a reasonably continuous operation, 14 which I understand this normally would have to be, we're 15 just talking a few hours or what? 16 A. It should be done in a few -- a couple of hours. 17 Q. Okay. Now to the question: do you say that any 18 potential defective connections can be seen in this 19 photograph? 20 A. It is possible. 21 Q. Can you point to anything in particular? (Using 22 magnifying device). 23 A. On the left-hand side -- when I look at this picture 24 now, the lower left corner, the gap there. This area, 25 yes. You can see also at the bottom corner.</p>
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<p>1 is this, in your view, to your recollection, a photo of 2 the completed rebar in the track slab area of the EWL? 3 A. I remember when I took the picture I used WhatsApp to 4 send the photo, and I mentioned the percentage of the 5 completion. 6 Q. Right. Do you recall what percentage that was? 7 A. I recall it should be between 80 and 90 per cent. 8 Q. All right. But as was just mentioned -- obviously, one 9 is assuming that the details on the table are correct -- 10 this was the date upon which not only was this rebar 11 completed, but also, as Prof Hansford just mentioned, 12 the concrete was also poured. 13 A. I think it should be the same date, if you look at the 14 concrete pour summary. 15 Q. So, to adopt Prof Hansford's observation a short while 16 ago, between this photograph, whatever time it was 17 taken, and the end of the day, another two inspections 18 should have taken place, that is the rebar fixing and 19 the pre-concrete pour? 20 A. Yes. 21 COMMISSIONER HANSFORD: Well, actually, it's between this 22 photo and not the end of the day, because -- 23 MR PENNICOTT: No. 24 COMMISSIONER HANSFORD: -- you've got to allow time for the 25 concreting.</p>	<p>1 COMMISSIONER HANSFORD: Sorry, what is it we're looking at? 2 I can see where we are looking, but what is it you are 3 pointing out to us? 4 A. You might see some of the threads being exposed. 5 COMMISSIONER HANSFORD: Really? 6 MR PENNICOTT: By and large would you agree, Mr Tang -- this 7 is the Gammon side -- it is difficult to see any 8 couplers themselves, but the rebar does appear to be 9 going into the concrete or into the wall? 10 A. Could you ask the question again? 11 Q. Sure. If one just runs one's eye up there and uses the 12 gadget if necessary, you can see that the rebar appears 13 at least to be going into the wall, into the concrete, 14 and we can't see, it seems to me, any particular 15 couplers obvious. But nonetheless the rebar does seem 16 to be going into the concrete; do you see? 17 A. The majority of it, yes. 18 COMMISSIONER HANSFORD: Sorry, Mr Tang, based on your 19 previous answer, can you point out any threads here? 20 I'd just like to see what you think is a picture of 21 a thread being exposed. It would be helpful if you 22 could point that out to us. 23 A. (Using magnifying device) The lower left corner in the 24 picture, in this corner, the lowest bar -- I have more 25 time to look at the relevant pictures and you can see it</p>

<p>Page 105</p> <p>1 now.</p> <p>2 COMMISSIONER HANSFORD: Can you put that back again, sorry.</p> <p>3 A. (Using magnifying device) This one. This one.</p> <p>4 MR PENNICOTT: And on the Leighton side, any potential</p> <p>5 problems running down the Leighton side, on the right,</p> <p>6 Mr Tang?</p> <p>7 A. On the Leighton side, I don't see any problems there.</p> <p>8 Q. All right.</p> <p>9 Now, on the next series, 9506 to 9512 -- now,</p> <p>10 Mr Tang, you've got the hard copies of the photographs</p> <p>11 in front of you there, and I would invite you, to try to</p> <p>12 make this process a little bit quicker, to just look at</p> <p>13 the seven photographs that we've got there of the</p> <p>14 interface NSL stitch joint and invite you to point out</p> <p>15 any potential defects on any of the photographs. Take</p> <p>16 your time.</p> <p>17 A. BB9511.</p> <p>18 Q. Right. So what are you pointing out to us -- what do</p> <p>19 you wish to point out to us, Mr Tang?</p> <p>20 A. In this picture, the rebar work is not finished, but if</p> <p>21 you pay attention (using magnifying device), you can see</p> <p>22 some exposed threads or suspected exposed threads in</p> <p>23 these areas.</p> <p>24 COMMISSIONER HANSFORD: I'm not sure my eyesight is good</p> <p>25 enough.</p>	<p>Page 107</p> <p>1 then you might see the defects.</p> <p>2 Q. Okay.</p> <p>3 Then if we could go, please, to 9513. We are now</p> <p>4 moving on to the internal stitch joint. And presumably,</p> <p>5 looking at 9513, Mr Tang, this is rebar still in</p> <p>6 progress, is that right, or would that be its completed</p> <p>7 situation?</p> <p>8 A. You mean BB9513; right?</p> <p>9 Q. Yes, I do.</p> <p>10 A. It's concrete pouring.</p> <p>11 Q. Concrete pouring?</p> <p>12 A. Yes.</p> <p>13 Q. All right. Sorry.</p> <p>14 COMMISSIONER HANSFORD: Just so that I can understand, this</p> <p>15 orange pipe that we see laying on top of the steel, is</p> <p>16 that for the pumping of the concrete?</p> <p>17 A. Yes, that's the concrete pipe, correct, the orange one.</p> <p>18 MR PENNICOTT: Sorry, yes, Mr Tang is clearly right. This</p> <p>19 photograph, we are told, is taken on 7 June, which</p> <p>20 tallies with the date at line 54 for the concrete pour</p> <p>21 of the track slab on the internal stitch joint.</p> <p>22 COMMISSIONER HANSFORD: Indeed. Reinforcement having been</p> <p>23 completed the previous day.</p> <p>24 MR PENNICOTT: It appears so, yes. Yes.</p> <p>25 And at 9514, I assume that is the concreting</p>
<p>Page 106</p> <p>1 MR PENNICOTT: We should also have started by asking: is</p> <p>2 that the Leighton or the Gammon side we're looking at?</p> <p>3 A. This side is Gammon, because if you look at the top part</p> <p>4 of the picture --</p> <p>5 Q. Yes, I can see the waterproofing.</p> <p>6 A. -- you can see the blue waterstop. It's very easy to</p> <p>7 differentiate.</p> <p>8 Q. Thank you.</p> <p>9 So, looking at the photograph in the diary box, we</p> <p>10 are told that this was taken on 6 July 2017.</p> <p>11 COMMISSIONER HANSFORD: Which is the date for completion of</p> <p>12 the track slab steel; is that right?</p> <p>13 MR PENNICOTT: Correct, sir. And obviously, if that's</p> <p>14 Gammon on the left, we are looking -- we can see the</p> <p>15 East Wall in the distance, I guess. Although we just</p> <p>16 have "wall" on the sheet.</p> <p>17 COMMISSIONER HANSFORD: And the track slab is shown to have</p> <p>18 been concreted two days later.</p> <p>19 MR PENNICOTT: On the 8th, yes, that's right.</p> <p>20 Mr Tang, are there any other points in relation to</p> <p>21 the seven photographs that you would wish to draw the</p> <p>22 Commission's attention to as showing potential defects</p> <p>23 in the fixings?</p> <p>24 A. For the others, it would be relatively difficult to see,</p> <p>25 but then in the BB9511 that I just referred to, yes,</p>	<p>Page 108</p> <p>1 operation continuing. This time, with plenty of people</p> <p>2 in sight.</p> <p>3 Then, Mr Tang, I think one can move over a number of</p> <p>4 photographs, because one can't actually see much, if</p> <p>5 any, rebar in place, but can I just ask you this. 9516.</p> <p>6 This is obviously taken, Mr Tang, before the rebar had</p> <p>7 started; would that be right?</p> <p>8 A. Correct.</p> <p>9 Q. What is the worker doing on the right-hand side there?</p> <p>10 A. Well, looking at the photo, I think it's some rebar</p> <p>11 fixers, or it's a rebar fixer there, starting to take</p> <p>12 out the coupler cap.</p> <p>13 Q. All right. So some preparatory works before the rebar</p> <p>14 starts?</p> <p>15 A. Yes, correct.</p> <p>16 Q. Okay. Now, if you go to 9519 -- sorry, sir, I should</p> <p>17 have mentioned, at 9516, the date of that photograph is</p> <p>18 31 May.</p> <p>19 Now, 9519 -- again, Mr Tang, can I just ask you to</p> <p>20 flick through the remainder of the photographs and take</p> <p>21 your time, and draw our attention to anything that you</p> <p>22 think is relevant to potential defective connections.</p> <p>23 A. I believe, for the photos that followed, we wouldn't be</p> <p>24 able to see any defects.</p> <p>25 MR PENNICOTT: Right.</p>

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<p>1 Thank you very much, Mr Tang. 2 Sir, I have no further questions. 3 COMMISSIONER HANSFORD: I have one question at this point. 4 Mr Tang, you have shown us or you have pointed out to us 5 where you should be able to see some defective couplers. 6 There was one photograph, the bottom left-hand corner, 7 where you said, "You should be able to see defective 8 coupling with some threads exposed"; is that correct? 9 A. Yes. 10 COMMISSIONER HANSFORD: Are you saying that should have been 11 visible to those doing the pre-pour hold-point 12 inspection? 13 A. Well, actually, for the pre-pour inspection, the focus 14 would be to look at the bottom, to see whether there's 15 any debris. Now, I did not take much notice of the 16 rebars, because there should be relevant colleagues, the 17 engineers who would have looked at them. So my focus 18 would be at the bottom. That's why I wouldn't take much 19 notice of the rebars. 20 COMMISSIONER HANSFORD: I see. Thank you. 21 MR PENNICOTT: Sir, can I just -- I've just been helpfully 22 reminded that before lunch I put a point to Mr Tang 23 which was not wholly accurate. It was all to do with 24 what Ms Kang had said in terms of where the RISC forms 25 or to whom the RISC forms were passed when the engineer</p>	<p>1 (A short adjournment) 2 (3.56 pm) 3 Cross-examination by MR TSOI 4 MR TSOI: Mr Tang, I act for Wing &amp; Kwong, the rebar fixing 5 sub-contractor in this case, and I do have a few 6 questions. 7 Can I first of all ask you about your interaction 8 with the Leighton engineers, when you were asked to 9 conduct the pre-pour hold-point checks. 10 As I understand the situation, is it this, that 11 a Leighton engineer, perhaps Regina Wong or Henry Lai, 12 would call you after they themselves have conducted the 13 rebar fixing check, and they would then call you and 14 invite you to conduct the pre-pour check; is that right? 15 A. Yes. 16 Q. Now, presumably you know that, for example -- let's take 17 Henry Lai as an example. He was the engineer from 18 Leighton who also conducted the rebar fixing check, in 19 terms of the hold-point inspections; are you aware of 20 that? 21 A. As far as I know, yes. 22 Q. So presumably what happened was Henry would call you 23 after he has conducted the rebar fixing check, 24 presumably with an MTR engineer, so he would call you 25 and say, "We have conducted the rebar fixing check, now</p>
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<p>1 had filled in the details on the RISC forms. 2 What she actually said was that when she received 3 a RISC form, it would be from the senior inspector of 4 works, either Kobe Wong or Victor Tung, and that when 5 she had completed the form she would hand it back to 6 Kobe or Victor. 7 So not back to you, Mr Tang, but back to one of the 8 senior inspectors of works, and I think that's probably 9 consistent with your understanding of the position; is 10 that right, Mr Tang? 11 A. Can you repeat the question, please? Sorry. 12 Q. Yes. If the engineers, having filled out a RISC form, 13 returned it to anyone, it wasn't you they returned it 14 to, it was to one of the senior inspectors of works? 15 A. Yes, normally that's the procedure. 16 MR PENNICOTT: Thank you very much. 17 Sir, I see it's 3.40, so maybe ten minutes. I'm not 18 sure what others -- who else has questions. 19 CHAIRMAN: Could I just check on that? 20 MR TSOI: I have some questions, Chairman. 21 CHAIRMAN: Okay. And government? 22 MR CHOW: Yes, we do have several questions. 23 MR PENNICOTT: Ten minutes. 24 CHAIRMAN: Ten minutes. Thank you. 25 (3.40 pm)</p>	<p>1 we invite you to come to do the pre-pour check"; is that 2 how that would happen, normally? 3 A. Henry Lai and our engineers, after inspection they would 4 contact me, but before the pre-pour I would call the 5 engineers to confirm whether they have done the rebar 6 work. 7 Q. The question I want to ask you is this. When Henry 8 calls you at the time, what would he say to you, if he 9 were to invite you to conduct a pre-pour check? 10 A. He would say, "Tony, I'd like to make an appointment 11 with you at a certain location to do the inspection", 12 and then I would ask him to submit the form, then 13 I would ask, "Have you inspected the rebar?" If he 14 could give me the name, then I would call the 15 responsible engineer, that is the hold-point engineer, 16 and confirm that, and then I would follow up. 17 Q. You said just in your answer there -- I'm not trying to 18 catch you out -- but you said that if he could give the 19 name of the MTR engineer who did the check with him; is 20 that right? If Henry Lai could give you that name, then 21 you would call that engineer; is that right? 22 A. Yes. 23 Q. Were there occasions where Henry Lai simply told you, 24 "We have conducted the rebar fixing check", without 25 specifying who the team of engineers were who conducted</p>

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<p>1 the rebar fixing check?</p> <p>2 A. No, because, as I said just now, in the NAT or NSL,</p> <p>3 there was only one engineer left and he knew who to call</p> <p>4 exactly. So, after he gave the name, I don't think he</p> <p>5 would remember the details wrong.</p> <p>6 Q. On this part, for this part -- you see, you may have</p> <p>7 heard that there is conflicting evidence between</p> <p>8 Henry Lai and your Chris Chan in terms of whether</p> <p>9 Chris Chan did the rebar fixing check. I'm not sure if</p> <p>10 you're aware of that. So, on the one hand, Henry Lai</p> <p>11 said he did the rebar fixing checks on the three stitch</p> <p>12 joints and the shunt neck joint with Chris Chan, but</p> <p>13 Mr Chan says that he did not do so.</p> <p>14 My question for you is this: can you now recall</p> <p>15 whether, when you received the call from Henry Lai to do</p> <p>16 the pre-pour check, he said to you, "I have conducted</p> <p>17 the rebar fixing check with Chris Chan" or not?</p> <p>18 A. As far as I know, in the NAT, in the majority of cases</p> <p>19 Kappa Kang, Ms Kappa Kang, would inspect. Whether it</p> <p>20 was done with Chris Chan, I don't recollect clearly.</p> <p>21 Q. Sure. It's not your fault, it's a long time ago.</p> <p>22 Can you yourself recall on any occasion, before you</p> <p>23 did the pre-pour checks for the three stitch joints and</p> <p>24 the shunt neck joint, whether you spoke to Chris Chan to</p> <p>25 confirm with him that he did the rebar fixing check or</p>	<p>1 A. Yes.</p> <p>2 Q. So you prepared this on 30 June; is that right?</p> <p>3 A. On site diary, if I may say a bit more.</p> <p>4 Q. Sure.</p> <p>5 A. When I went to the 1112 site, I was assigned to</p> <p>6 consolidate and print out the site diaries --</p> <p>7 Q. Sure.</p> <p>8 A. -- and I must sign it and I would send it to the senior</p> <p>9 inspectors for countersigning.</p> <p>10 Now, for content in the site diary, I was only</p> <p>11 responsible for one page. It was the NAT or the NFA</p> <p>12 site activities.</p> <p>13 Q. Right.</p> <p>14 A. Then, for the other items, it would be colleagues from</p> <p>15 different areas to input the work being done on</p> <p>16 a day-to-day basis.</p> <p>17 Q. Sure. In fact, just to put your mind at ease, I'm not</p> <p>18 going to criticise the content of it. I just want to</p> <p>19 take you through one or two entries, to make sure</p> <p>20 I understand the site entries. All right?</p> <p>21 So if you go to page CC5657.11981, which is entry</p> <p>22 number 12 of the site diary. Now, the bits with the red</p> <p>23 highlight, can we see that there's a casting concrete of</p> <p>24 the base slab of the VRV room within gridline S/0-1?</p> <p>25 A. Yes.</p>
<p>Page 114</p> <p>1 not?</p> <p>2 A. I recall, yes, there were such occasions, because there</p> <p>3 were just two engineers. It's either Kappa Kang or</p> <p>4 Chris Chan.</p> <p>5 Q. I understand that. I'm trying to be quite specific.</p> <p>6 Can you recall specifically whether you spoke to</p> <p>7 Chris Chan about the rebar fixing check, before you</p> <p>8 yourself did the pre-pour check? If you can't remember,</p> <p>9 that's fine, but if you can, then you can of course</p> <p>10 inform us.</p> <p>11 A. I honestly do not recall about Chris Chan because, as</p> <p>12 I said, on most occasions it was Kappa Kang.</p> <p>13 Q. All right. Now I want to change to a completely</p> <p>14 separate topic. For this, first of all, I would like to</p> <p>15 take you to an MTR site diary entry, which we can</p> <p>16 find -- and it's a long reference -- at page</p> <p>17 CC5657.11972.</p> <p>18 Yes, Chairman, I was as shocked as you when I saw</p> <p>19 there were 10,000 pages in that little page reference.</p> <p>20 So have we got that? Yes. This I think is the MTR</p> <p>21 site diary record for the HHS area for 30 June 2017, and</p> <p>22 we see your name, I think, as the prepared individual,</p> <p>23 the individual who prepared; I think we can see your</p> <p>24 name there, Tony Tang. Do you see that? Is that your</p> <p>25 signature?</p>	<p>Page 116</p> <p>1 Q. So that would signify that an individual from MTR</p> <p>2 informed you that there was casting of the concrete of</p> <p>3 the VRV room area; is that right?</p> <p>4 A. Well, this, there were colleagues --</p> <p>5 Q. Yes.</p> <p>6 A. -- in relation to HHS, writing something about the site.</p> <p>7 It's not that they informed me but rather they were</p> <p>8 responsible for inputting the information.</p> <p>9 Q. If you go to the lower-right corner, we again see your</p> <p>10 signature, I think, at the individual who prepared it as</p> <p>11 the inspector of works, and we see your name there;</p> <p>12 right?</p> <p>13 A. Yes, correct.</p> <p>14 Q. Right. I just want to clarify one thing with you. You</p> <p>15 might not have seen the RISC form for this VRV room, by</p> <p>16 want to show you it. Can I now take you to, first of</p> <p>17 all, the Leighton version of the RISC forms, which we</p> <p>18 can find on the next page, .11982.</p> <p>19 This is the Leighton version, and we see that this</p> <p>20 is a pre-pour check RISC form that has been printed out,</p> <p>21 and the engineer is Lam Wai Chung; do you see that?</p> <p>22 A. Yes, I see it.</p> <p>23 Q. But that's unsigned.</p> <p>24 If you now turn to the next page -- yes, this is the</p> <p>25 rebar fixing inspection RISC form for the same area,</p>

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<p>1 I think. This one is signed and it's also by Lam 2 Wai Chung from Leighton; do you see that? 3 A. Yes. 4 Q. Then we see there that the bits that were completed by 5 MTR -- it says, "Incomplete fixing of coupler"; do you 6 see that? 7 A. Yes. 8 Q. I just want to show you that this is the Leighton 9 version of it, but now I want to show you the MTR 10 version of it, which we can find at page -- let's go to 11 the pre-pour one because that's not the same, at 12 page BB5796. 13 This is the same pre-pour RISC form for the VRV 14 room; do you see that? 15 A. Yes, I see it. 16 Q. Again it's 30 June and the engineer, Lam Wai Chung, 17 certified that it's ready for inspection at 2.30 on 18 30 June; do you see that? 19 A. Yes, I see it. 20 Q. The rebar fixing one is at page BB5794. So, just to put 21 it in context, the rebar fixing RISC form, the MTR 22 version, is the same as the one we find in the Leighton 23 version; all right? So this is a rebar fixing RISC form 24 for the VRV room. 25 Do you see?</p>	<p>1 "No invitation for general condition inspection of 2 formwork of footing (rejected)." 3 Then we have an asterisk: 4 "Leighton please review your ITP system and brief to 5 your front staff, it is totally unacceptable, and please 6 tell me how to prevent the problem occur again." 7 Do you see that? 8 A. Yes. 9 Q. Right. So from what we read from the RISC form, what 10 happened was the rebar fixing check was in fact rejected 11 and then there was no pre-pour check? 12 A. Yes, that's the case in this form. 13 Q. Right. 14 Now, if I can take you to the RISC form register, 15 that we can find at BB8815.210. We see that on 30 June 16 2017, these two RISC forms are listed; can you see that? 17 That's at 12444 and 12445. These two are the RISC forms 18 we just looked at. These are the VRV room, the rebar 19 fixing of the VRV room, and the cleanliness check of the 20 VRV room; do you see that? 21 A. Yes, I see it. 22 Q. If we move on to the right, the information is not there 23 about who inspected it, what happened to the form, 24 things like that; do you see that? 25 A. Yes, I see that.</p>
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<p>1 A. Yes, I see it. 2 Q. We understand what happened was this RISC form was not 3 in fact issued on 30 June. It was issued on 4 July, 4 a few days later, but of course you may not know that. 5 But if you look down the entry, it's the same entry 6 I showed you -- the parts to be completed by MTR, we see 7 the comment is "Incomplete fixing of coupler", and lower 8 down there we see a tick next to "Permission to carry 9 out the proposed work outlined in (4) above is not 10 given"; do you see that? 11 A. Yes. 12 Q. Now, I want you to go to now two pages on, BB5796. 13 That's the MTR version of the pre-pour RISC form. 14 Unlike the Leighton version, this one has the 15 signature of the engineer, Lam Wai Chung. 16 A. Yes. 17 Q. Now, that shouldn't happen, is that not right? Because 18 Lam Wai Chung is the person who issued the rebar fixing 19 RISC form, and he knew it has not been passed, but here 20 he is putting his signature on a form that says, 21 "I confirm the work is ready for a pre-pour check at 22 2.30." So that shouldn't have happened, should it? 23 A. Looking at this form, yes, it's the case. 24 Q. If we move down more, we see the comments here which we 25 don't find in the Leighton version:</p>	<p>1 Q. I suppose you were not the one who was meant to insert 2 the information, so you don't know why it's empty? 3 A. This morning, Mr Pennicott asked the same question. 4 Q. Yes. 5 A. Well, for the RISC form register, in theory, those 6 who've done the inspection, whether the inspections were 7 passed or not -- 8 Q. Yes. 9 A. -- whoever did the inspection would input the 10 information in this RISC form. 11 Q. Sure. 12 Now, if I can go back then to my original issue, 13 which is the MTR site diary entry -- I can repeat the 14 page; it's at page CC5657.11981 -- now, this is the VRV 15 casting of the concrete. That is the entry of the work. 16 So, having seen the RISC forms and the records, as 17 I say, we know that the VRV room's rebar fixing check 18 did not in fact pass inspection, it failed inspection; 19 right? Then the concrete -- I'm sorry, then the 20 pre-pour check in fact never happened? 21 A. According to the site diary and the RISC form, yes. 22 Q. Right. But yet we see an entry in the site diary that 23 there was a casting concrete of the base slab of the VRV 24 room; right? 25 A. Yes.</p>

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<p>1 Q. So is this right, that the fact that a particular item 2 of work is in the MTR site diary does not mean that it 3 had passed inspection. In fact, the example we just 4 looked at, it failed inspection and it's still in the 5 site diary. 6 A. I repeat, this site diary, it just reflects the actual 7 activities in the site. That's all. 8 Q. Yes, exactly. But my question is more specific. My 9 question is: can you now confirm that the fact that 10 there's an entry of an item of work, like the casting of 11 the concrete or the VRV room, doesn't mean that piece of 12 work has passed inspection? In fact, it could fail 13 inspection and still find its way in the diary? 14 A. I can't answer that. 15 Q. Well, it's there. 16 A. I didn't draft this. I wasn't responsible for that 17 area. 18 Q. As you may appreciate, I have to ask you because the 19 page says it was prepared by you, so that's why I have 20 to ask you. But can you now confirm that that was the 21 case, that there is an item of casting concrete of the 22 VRV room but in fact it failed inspection? 23 A. If we look at the RISC forms and look at the site diary, 24 then what you say is correct. 25 Q. Right. Please don't take me wrong, I'm not trying to</p>	<p>1 take you to the pour history, which is at page CC5651. 2 If you look at entry 64, you see that's the VRV room 3 slab concreting work. So that's 30 June. 4 CHAIRMAN: Oh, I see that, yes. Thank you. And, sorry, the 5 VRV room base slab. So one is 20 October, but that's 6 bay 1. 7 MR TSOI: Yes. 8 CHAIRMAN: So we are looking at bay 2. 9 MR TSOI: Yes. 10 CHAIRMAN: Okay. 11 MR TSOI: I've been helpfully reminded by Ms Lau that that 12 is the only concreting work on 30 June in HHS. 13 That's all I wanted to ask. Thank you so much. 14 Cross-examination by MR CHOW 15 MR CHOW: Mr Chairman, I have a few questions for Mr Tang. 16 CHAIRMAN: Yes. 17 MR CHOW: Good afternoon, Mr Tang. I represent the 18 government and I have some questions for you. 19 My learned friend Mr Tsoi, acting for the steel 20 fixers, has just taken you to a few RISC forms, so 21 I would then start by dealing with the issue of RISC 22 forms. 23 Earlier, you told us that you have a habit of, 24 whenever you were verbally requested by Leighton's 25 engineer to carry out pre-pour check hold-point</p>
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<p>1 criticise you whatsoever. It's just that before you 2 there was a Mr Karl Speed from Leighton who claimed that 3 if a piece of work is included in the site diary, it 4 means it's been inspected. Now we show that it's not in 5 fact the case. 6 CHAIRMAN: Sorry, could I ask -- 7 MR TSOI: Sure. 8 CHAIRMAN: -- so far as the dates are concerned -- 9 MR TSOI: The 30th. 10 CHAIRMAN: They are all on the same day, are they? 11 MR TSOI: Yes, 30 June. In fact, Chairman, if you have any 12 residual doubt about that, we can go to the pour summary 13 of the HHS, which is not Mr Pennicott's favourite 14 page -- 15 CHAIRMAN: That's perfectly all right. I just wanted to 16 clear from my mind the possibility that it failed 17 inspection; was then fixed up and was given a pass 18 without any of the formalities, perhaps. 19 MR TSOI: No, because as Ms Pang, I think -- Ms Pang 20 questioned Mr Ronald Leung on this point, and he 21 confirmed that in fact there was no remedial work for 22 this VRV room. 23 So we know that this problem was never fixed. 24 CHAIRMAN: All right. Thank you very much. 25 MR TSOI: But just to put your mind at ease, can I actually</p>	<p>1 inspection, you have a habit of ascertaining whether 2 there were rebar hold-point inspection taken place, and 3 you ascertained the engineer who conducted the rebar 4 hold-point inspection. You remember that? 5 A. Yes. 6 Q. And you would then phone up the engineer, whoever 7 carried out the hold-point inspection for the steel 8 fixing work, to confirm; correct? 9 A. Yes. 10 Q. So that would apply to a situation where no RISC form 11 had been issued by Leighton for the pre-pour check; 12 correct? 13 A. Could you ask the question once again? The 14 interpretation came late. 15 Q. Of course. About your habit of phoning up the engineer 16 to confirm that rebar hold-point inspection had taken 17 place, am I right in thinking that you would only do 18 that if on that particular occasion you received verbal 19 request from Leighton for pre-pour check, then you will 20 phone up the engineer to confirm that there had been 21 rebar fixing checked; is that right? 22 A. Yes. 23 Q. We know that there were also occasions that Leighton 24 managed to issue RISC forms for requesting inspection; 25 right?</p>

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<p>1 A. Yes.</p> <p>2 Q. For those occasions, would you also have done the same,</p> <p>3 by phoning up the engineer to confirm that the rebar</p> <p>4 hold-point inspection had taken place?</p> <p>5 A. Let me elaborate a little bit. So even after they</p> <p>6 submit the form, when we receive the form it would be</p> <p>7 late, so making a phone call, I would get a definite</p> <p>8 response, that is whether they had inspected or not, and</p> <p>9 so on.</p> <p>10 Q. In other words, whenever you were required to carry out</p> <p>11 the hold-point inspection, the pre-pour inspection, you</p> <p>12 would invariably phone up the engineer to confirm that</p> <p>13 there had been hold-point inspection for the steel</p> <p>14 fixing works; right?</p> <p>15 A. Yes.</p> <p>16 Q. Now, you also mentioned that as far as you are</p> <p>17 concerned, it is the duty of whoever is conducting the</p> <p>18 hold-point inspection to update the RISC register. Do</p> <p>19 you recall that?</p> <p>20 A. Yes.</p> <p>21 Q. Now, the system of the RISC register, is it right that</p> <p>22 it is independent from Leighton's INCITE system?</p> <p>23 A. The Leighton INCITE system and our MTR register are not</p> <p>24 related.</p> <p>25 Q. Okay. So even if Leighton fails to issue any RISC form,</p>	<p>1 have created a number in your own system; is that right?</p> <p>2 And that's why you cannot update or do anything with the</p> <p>3 RISC register; is that what you are saying?</p> <p>4 A. If Leighton didn't submit a form, our register, the</p> <p>5 number would be in red. So if you input something, it</p> <p>6 means that we received a form, and it would be black.</p> <p>7 That's what I recollect.</p> <p>8 Q. Okay.</p> <p>9 CHAIRMAN: Sorry, so are you saying that if Leightons didn't</p> <p>10 submit a RISC form in advance but merely telephoned</p> <p>11 asking for an inspection, that the member of MTR who</p> <p>12 received that request and granted it would then enter</p> <p>13 details in the register, but would do so in red, on the</p> <p>14 basis that the formalised RISC form had not yet been</p> <p>15 received?</p> <p>16 A. Let me explain it again. That's not how it works.</p> <p>17 First of all, Leighton staff must go into their INCITE</p> <p>18 system and get a RISC form number, and then they have to</p> <p>19 input something, that is the relevant location, what's</p> <p>20 to inspect, and so on. Then they would have to give it</p> <p>21 to their office lady and then that lady would pass it to</p> <p>22 us. If Leighton staff has got a number but then they</p> <p>23 did not submit the form, then that means in the system</p> <p>24 that number has gone. And let's say there's another</p> <p>25 person from Leighton who goes to INCITE again to get</p>
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<p>1 there's nothing to prevent MTR, having done the</p> <p>2 hold-point inspection, to update the MTR's own RISC</p> <p>3 register; right?</p> <p>4 A. Could you ask the question again? I'm sorry.</p> <p>5 Q. Now, as the two systems are independent -- the INCITE</p> <p>6 system of Leighton and the RISC register system of MTRC,</p> <p>7 they are two separate systems -- right? So in case</p> <p>8 where Leighton fails to issue any RISC form for</p> <p>9 a particular inspection, so there won't be any number,</p> <p>10 RISC number, there's no number for MTRC, and yet MTRC,</p> <p>11 according to the verbal request, conducted the</p> <p>12 hold-point inspection. For example, the pre-pour</p> <p>13 inspection that you did.</p> <p>14 Having done that inspection, whether it is passed or</p> <p>15 failed, you could always update MTR's own RISC register;</p> <p>16 right?</p> <p>17 A. No, because if Leighton did not generate -- the question</p> <p>18 I'm getting is if Leighton didn't issue a RISC form, can</p> <p>19 we at any time update the register? Actually, no. They</p> <p>20 would submit the information and our administrative</p> <p>21 assistant would hand it over to the senior inspector of</p> <p>22 works, and then we would go back to the server -- the</p> <p>23 register and update the status.</p> <p>24 Q. I see. So, in other words, if Leighton failed to issue</p> <p>25 RISC form, so your administrative assistant would not</p>	<p>1 a number and submit the form, then it's only then, on</p> <p>2 our register, we would see the number.</p> <p>3 Do you get what I'm trying to say? It's</p> <p>4 complicated. My apology.</p> <p>5 CHAIRMAN: That's all right. What I'm trying to understand</p> <p>6 is -- and I'm clearly wrong, and I stand corrected, by</p> <p>7 myself. It is to this effect. I thought that if they</p> <p>8 were under pressure, then they wouldn't go through any</p> <p>9 form of formality with the RISC forms or anything</p> <p>10 similar, but would simply telephone the MTR and say,</p> <p>11 "Look, can you do an inspection of bay 27 this afternoon</p> <p>12 at 4 o'clock and I'll get the forms across to you as</p> <p>13 soon as possible thereafter." What you are suggesting,</p> <p>14 I think, is that there still had to be some sort of</p> <p>15 shortened or truncated form whereby a number was seized</p> <p>16 and extracted from the INCITE system. Is that right?</p> <p>17 A. Let me try to explain it again slowly. Perhaps I'm</p> <p>18 a bit nervous so I didn't put it quite clearly.</p> <p>19 First of all, a Leighton staff member has to go into</p> <p>20 the INCITE system to get a RISC form number and then</p> <p>21 generate a form. Then, after they have dealt with the</p> <p>22 form, then they will have to hand it to their document</p> <p>23 control. My understanding is that the document control</p> <p>24 would scan the form before passing the form to the AA</p> <p>25 lady of the MTR, and then our AA lady would input the</p>



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<p>1 relevant RISC form number. 2 (Chinese spoken) -- 3 CHAIRMAN: Okay. That's doing it the proper way, isn't it? 4 That's doing it where you get the number, get the form, 5 and then you submit the request before there's been any 6 form of inspection? 7 A. Yes. 8 CHAIRMAN: Now, if you don't want to do that because you are 9 under pressure and you want to get the whole thing 10 moving, you don't do any of that; you just get on the 11 telephone and you phone somebody in MTR, like yourself, 12 for example, and you say, "Can you please do 13 an inspection and then I will deal with all the 14 technical bumpf, extracting numbers and everything else 15 from INCITE, I'll deal with that tomorrow", and then you 16 say, "Okay, fine, we appreciate you are under pressure; 17 I'll do the inspection." 18 A. Now, before the inspection, I would remind them to 19 generate the form. 20 CHAIRMAN: Well, okay. Fine. You would remind them and 21 say, "Come on, guys, remember now, please submit the 22 form; okay?" But if you were going to do it without the 23 RISC form, as I understand it, there appears to have 24 been no form of formality that had to be fulfilled prior 25 to the physical inspection; correct?</p>	<p>1 of the inspection result for future purposes? 2 A. If I had carried out inspection, I would have taken 3 photos, and then from the photos I would know what 4 I have done on that day. 5 Q. Okay. Have you been trained in the PIMS system, the 6 requirement of PIMS? 7 A. I don't have much recollection of that. 8 Q. Are you aware that under PIMS you, as an inspector of 9 works, if you have carried out inspection, you need to 10 keep a record of the inspection results? 11 Perhaps it's easier for me to refer to the relevant 12 part of PIMS. Bundle B3, page 1670, please. This is 13 exhibit 7.15. 14 You see the first item on the page, "Inspection 15 requests and results". If we just -- yes. So the "P" 16 stands for -- if we can go back one page, perhaps we can 17 see what "P" stands for, I think. Yes, "P" is the 18 preparer and "R" is the reviewer; do you see? 19 Now if we can then go to the second page, it shows 20 that -- now, the inspector of works, the senior 21 inspector of works, has to prepare the inspection 22 request and to keep the -- and the results. 23 So am I right in saying that under the requirements 24 of PIMS, if inspection was carried out, some form of 25 record has to be kept for the result of the inspections?</p>
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<p>1 A. If there's no form and we still do it, it's not a proper 2 procedure, but I would believe that Leighton -- I would 3 believe in Leighton's promise. 4 CHAIRMAN: Sorry, Mr Chow. Thank you very much. 5 MR CHOW: But in actual fact on many occasions you did agree 6 to conduct the inspection with Leighton without a RISC 7 form; right? 8 A. Let me say this again. There are two scenarios, two 9 cases. NAT is Henry Lai, we all know that. NFA, that's 10 an Isaac Ng. Both areas were under my charge, but for 11 Isaac Ng, he submitted almost all the forms. I heard it 12 was over 90 per cent of forms that were submitted. 13 So, for Isaac Ng, he would also submit forms late, 14 but as I said earlier there's mutual trust. We agreed 15 that forms would be given to me later, so I believed in 16 that. 17 Q. All right. It doesn't matter. What I would like to ask 18 you is, for those occasions where there was no RISC form 19 but you agreed to conduct inspection with, for example, 20 Henry Lai, which you did conduct the inspection -- now, 21 after the inspection, would you be able to input your 22 inspection result into the RISC register? Was it 23 allowable under the RISC register system? 24 A. No, it can't be done. 25 Q. Okay. So for those occasions, have you kept any record</p>	<p>1 I originally thought that the RISC register is where you 2 can keep all the results of records, but I have just 3 learned from you that under the PIMS system, even if you 4 wanted to do so, you were not allowed to do so, so long 5 as there is no RISC form number. 6 So that's the position; right? 7 A. Yes. 8 Q. Okay. 9 CHAIRMAN: Sorry -- I just want to see if I understand this. 10 The contractor is very busy and they phone you for 11 a pre-pour hold-point inspection; okay? 12 A. (Nodded head). 13 CHAIRMAN: You take them at their word that they will supply 14 the necessary RISC form later; okay? You come along and 15 you -- shall we say, you see a particular thing wrong, 16 but it can be fixed immediately. So you all stand 17 around until it's fixed and then you go home; okay? 18 Now, nothing has gone into any register, any 19 formalised register. You've got photographs but whether 20 those photographs are like a movie and tell a tale or 21 whether they are slightly disparate documents, we are 22 not sure. There's no big chart up in the office showing 23 what's happened. And this particular pre-pour, nobody 24 sends you the RISC form, everybody forget about it, and, 25 shall we say, a year later somebody says, "Where is that</p>

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<p>1 RISC form"?</p> <p>2 Okay? Do you understand me so far?</p> <p>3 A. Yes.</p> <p>4 CHAIRMAN: Now, at that stage, as I understand it, there's</p> <p>5 really no clear and obvious way of discovering who even</p> <p>6 inspected, because your record is a purely personal</p> <p>7 record which is a bunch of photographs; right? There's</p> <p>8 no document, there's no electronic document.</p> <p>9 A. If there were RISC forms, the RISC forms would be</p> <p>10 proved, but the question now is that there are no RISC</p> <p>11 forms.</p> <p>12 CHAIRMAN: That's the point I'm making. I say let's assume</p> <p>13 this one fell through the cracks and a year later we</p> <p>14 didn't have that RISC form but we still suddenly needed</p> <p>15 to find out what had happened. There would be no way of</p> <p>16 finding out other than going through each of the</p> <p>17 inspectors and asking them if they can think back over</p> <p>18 a year, and the inspectors probably, understandably,</p> <p>19 would say no. So then everybody is looking through</p> <p>20 their photographs to see if that particular batch of</p> <p>21 photographs meets that particular inspection; right?</p> <p>22 But otherwise there's no form of easy documentation</p> <p>23 which will, like a satnav in a car, unerringly lead you</p> <p>24 to your destination.</p> <p>25 A. No documentation, but for the photos I took and if I've</p>	<p>1 inspection?</p> <p>2 A. No, I didn't keep the record.</p> <p>3 Q. Right. Can I now move on to the photos. Just now, you</p> <p>4 have been shown a number of photos. Can I just quickly</p> <p>5 take you to two of the photos. Bundle BB14, pages 9504</p> <p>6 and 9505, please. Yes.</p> <p>7 Now, Mr Tang, just now you confirm that these two</p> <p>8 photos show the stitch joint in EWL slab; right?</p> <p>9 A. Yes.</p> <p>10 Q. The one which is put on the screen, on the right side is</p> <p>11 the contract 1111 side; right?</p> <p>12 A. Yes.</p> <p>13 Q. If you look at the next photo, 9505, please. So we are</p> <p>14 looking at the same stitch joint; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Am I right in saying that these two photos were taken on</p> <p>17 the same day?</p> <p>18 A. Yes.</p> <p>19 Q. So they are looking at the opposite direction; is that</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. Earlier, you also mentioned that as far as you are</p> <p>23 concerned, the progress of the steel fixing work, at</p> <p>24 that stage, you noted as around 80 per cent to</p> <p>25 90 per cent completion. Do you recall that?</p>
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<p>1 done inspection, I have the habit I would do this. That</p> <p>2 is, I would put some descriptions on photos. That is</p> <p>3 what the photos are for.</p> <p>4 CHAIRMAN: Okay.</p> <p>5 A. So, if I have to look into that, I would find it.</p> <p>6 CHAIRMAN: All right. Okay. But there's nothing else that</p> <p>7 you can think of that was clearly and regularly done?</p> <p>8 A. No.</p> <p>9 CHAIRMAN: Fine. Thank you.</p> <p>10 MR CHOW: Mr Chairman, I note the time, but can I just ask</p> <p>11 one last question before we adjourn, just to finish off</p> <p>12 this topic?</p> <p>13 CHAIRMAN: I'm not quite sure --</p> <p>14 MR PENNICOTT: Sir, the imperative to finish early no longer</p> <p>15 exists.</p> <p>16 CHAIRMAN: Okay.</p> <p>17 MR CHOW: Good.</p> <p>18 Just to finish off this topic. Other than the photo</p> <p>19 on which you just mentioned that you would put down some</p> <p>20 notes, there is another very important information that</p> <p>21 you mentioned that you obtained from Leighton's</p> <p>22 engineer. It's the identity of the engineer from MTR</p> <p>23 who conducts the rebar hold-point inspection.</p> <p>24 Have you kept record of the identity of the engineer</p> <p>25 who had carried out the rebar fixing hold-point</p>	<p>1 A. Yes.</p> <p>2 Q. Am I right in thinking that you arrive at 80 to</p> <p>3 90 per cent is because the part that is shown in photo</p> <p>4 9504 had not been completed? That accounts for 10 to</p> <p>5 20 per cent outstanding steel fixing work; is that</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. But for the part shown in photo 9505, that part was</p> <p>9 completed at the time when you took the photo; is that</p> <p>10 right?</p> <p>11 A. Yes, looking at the picture.</p> <p>12 Q. All right. Now, I observed that, for example, the photo</p> <p>13 at 9505, the one that is shown on the screen, on the</p> <p>14 left side the concrete surface has been roughened by</p> <p>15 chipping. Is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Was it done by Gammon or was it done by Leighton?</p> <p>18 A. I'm not sure.</p> <p>19 Q. And the surface was roughened as per the requirement of</p> <p>20 the contract; is that right?</p> <p>21 A. If that were a CJ, yes.</p> <p>22 Q. Can I just quickly take you to the relevant part of the</p> <p>23 specification, at bundle C5, page 3717.</p> <p>24 This is part of MTRC's Material and Workmanship</p> <p>25 Specification. Clause 8.24 is about the preparation of</p>

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<p>1 the surface of the construction joint, and if we turn 2 over -- go to the bottom of the page, subparagraph (5), 3 it says: 4 "At all construction joints the surface shall 5 be ..." 6 If we can turn over the page, please. 7 "... roughened to expose the aggregate, care being 8 taken to avoid damaging the aggregate, water bar and the 9 arris of the joint. Wherever possible laitance and all 10 loose material shall be removed ..." 11 So this is -- as per the requirements of this 12 provision that the surface of the construction joint has 13 to be roughened. 14 If we can now go back to the photo. 15 So is this the kind of thing you have to check 16 during pre-pour inspection? 17 A. The picture reflects the progress, not the final 18 outcome. 19 Q. Yes, but my question is, is this the kind of thing that 20 you need to check and make sure, that the surface is 21 roughened, as part of your pre-pour inspection? 22 A. Yes. 23 Q. Okay. Now, on the right side, that is Leighton's side, 24 the way I see it, it doesn't seem to me that the surface 25 has been roughened. Do you agree with me?</p>	<p>1 Q. For those who know what threaded bar looks like -- 2 actually, it is pretty obvious to me that those are 3 exposed threads. Now, you were pretty familiar with the 4 threaded bars at the time when you were working on site, 5 because you have been seeing these materials day in and 6 day out; is that correct? 7 A. Well, I'd like to elaborate. At the stitch joint, when 8 these defects were identified, I wasn't aware that they 9 were Lenton couplers. I always thought they were BOSA 10 couplers. Nobody told me that there were Lenton 11 couplers. So why was I aware of Lenton couplers? It 12 was when I was doing remedial work, I was aware that 13 they were Lenton couplers, but I didn't know previous, 14 prior to that. 15 When the works were done again, I realised they were 16 tapered bars and they needed a torque test to check the 17 tightening. Then I was aware. But previously I didn't 18 pay a lot of attention to these areas. 19 Q. In your second statement, you mention that you were also 20 involved in steel reinforcement inspection in NFA area, 21 NAT Fan Area; right? Paragraph 2 of your second 22 statement. In paragraph 2, at the end of paragraph 2, 23 I believe, you said: 24 "... but I was involved in some of the rebar fixing 25 inspections in NFA."</p>
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<p>1 A. Looking at this picture, yes. 2 Q. Just now, you confirmed that for the part of 3 reinforcement we see in the photo has been completed, 4 and I would imagine it would be very difficult for 5 someone to go back, to go under the reinforcement to 6 roughen the surface. Do you agree? 7 A. Yes. 8 Q. Did you notice that at the time of the inspection? 9 A. I might have overlooked that. 10 Q. Just now, you have identified to us the couplers that 11 you think the connections were defective. 12 I wonder whether I can borrow Mr Pennicott's gadget. 13 I don't know whether it works on my machine. 14 MR PENNICOTT: It should do. 15 MR CHOW: This is completely new to me. I never knew that 16 we can do that. You can blow up certain parts of the 17 photo by pointing at it. 18 COMMISSIONER HANSFORD: I would like one for my birthday! 19 MR CHOW: So when is your birthday? 20 COMMISSIONER HANSFORD: It's gone! 21 MR PENNICOTT: You need a steady hand. 22 MR CHOW: Okay. So this (using a magnifying device) is the 23 part where you indicated we can possibly tell there's 24 some problem with the connection; right? 25 A. Yes.</p>	<p>1 Do you see that? 2 A. Yes. 3 Q. Do you mean the formal hold-point inspection for rebar? 4 A. No. Part of it. You are referring to all the rebar 5 works in NFA, whether I was responsible for that? 6 Q. No. I'm just asking, when you say you were involved in 7 some of the rebar fixing inspections, the inspections 8 that you refer to were the formal hold-point 9 inspections; is that right? 10 A. Yes. 11 Q. Were there any couplers used in the NFA area? 12 A. Not that I saw. 13 Q. Have you ever attended any training session organised by 14 BOSA for inspection of BOSA's coupler connections? 15 A. When the remedial works were done, the BOSA 16 representative called or invited us and he came to the 17 site and he briefed the steel fixers on how to tighten 18 the rebar, but not before that. 19 Q. So before the remedial works of the stitch joint, have 20 you received any -- or did you have any knowledge of how 21 to inspect a properly installed coupler assembly? 22 A. Not formally, but I had asked my colleague Mr Kobe Wong 23 and he had explained it to me. 24 So why did I ask him? It's because, in the HUH area 25 that he supervised, they used a lot of this material,</p>

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<p>1 and he told me, "You should screw it all in", and he 2 said that with BOSA material we didn't need to do torque 3 test; you could see if -- there were one or two threads 4 exposed, it would still be acceptable. 5 Q. At the time when you carried out your pre-pour 6 inspection of the stitch joints and the shunt neck 7 joint, did you have knowledge of how to inspect properly 8 connected coupler assemblies? 9 A. Not formally. 10 Q. How about informal, from Kobe Wong? 11 A. Well, the description I gave just now, in NAT the 12 couplers used, I had asked Kobe Wong. But I was aware 13 of the BOSA requirement but not for Lenton. 14 Q. Okay. Do you agree that after a rebar was threaded, the 15 thread part became shiny, because the surface rust was 16 sort of removed during the threading process? 17 A. I didn't pay particular attention to that. 18 Q. Now, just now, when you were asked to look at the 19 photos, you said, well, perhaps we can notice from the 20 photos that there are some defects in the couplers, and 21 then you pointed out to us those one or two at the lower 22 part of the right-hand corner of the photos. 23 Now, I appreciate what you said, at the time when 24 you carried out the pre-pour inspection, you didn't pay 25 attention to the couplers; you just focused at the</p>	<p>1 rebars for material testing in NAT." 2 Then in paragraph 55 you said: 3 "When a batch of rebars ordered by Leighton arrived 4 at NAT, Leighton frontline staff would orally request in 5 person or over the phone that I ... conduct sampling of 6 rebars for material testing. Formally, there should be 7 a RISC form for the sampling of each batch of rebars." 8 Now, what happened if Leighton forgot to notify you 9 of the arrival of a new batch of rebars? Now, 10 Mr Michael Fu told us that MTR's inspectors, of course 11 including you, when their inspector conduct a routine 12 site surveillance, they would have noticed the arrival 13 of this reinforcement. Can you confirm that? 14 A. Mr Fu said that. 15 Q. In actual fact, can you confirm that when you conduct 16 general site surveillance, you would notice the arrival 17 of new reinforcement? 18 A. It's rather hard, because in the rebar yard, the 19 location, it's not that accessible. It's rather remote. 20 Now, if you ask me if I detected a batch of delivery -- 21 I didn't focus on that because having rebars in the yard 22 is very normal. 23 Q. So what you are saying is that even if there are newly 24 arrived reinforcement, you might not be able to notice 25 that? Because first of all the steelyard was quite</p>
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<p>1 bottom of the stitch joint, to make sure it is clean and 2 there are no foreign objects before concreting. 3 I appreciate that is your evidence. 4 What I want to ask you is, at the time you knew what 5 the threaded bars looked like; right? If you had turned 6 your mind to the couplers, when you carried out or when 7 you took those two photos that we looked at, do you 8 agree with me then the exposed threads would be very 9 obvious to you and you would not have missed it; do you 10 agree? 11 A. When I took the pictures, I didn't pay special 12 attention, but subsequently, when there were 13 opportunities for me to review the pictures, I could see 14 it, but at that point I didn't see it. 15 Q. We have looked at the photos. Just imagine now you are 16 standing at the same location as if you had looked at 17 the couplers, do you agree that the kind of defects that 18 we see today would be very obvious to you; you would 19 have spotted it? Do you agree? 20 A. You would have to pay very close attention. 21 Q. I would like to move on to the last topic, about 22 material testing. In paragraphs 54 and 55 of your first 23 statement, you said: 24 "I was not involved in the ordering of rebars, but 25 I was involved in the sampling process of the ordered</p>	<p>1 remote and secondly it would not strike you because it 2 is quite normal to see reinforcement in a steel fixing 3 yard; right? 4 A. If I may add a bit more. Now, if there's a batch of 5 rebars that's arrived, Leighton should have informed me, 6 but if they don't do so, it would be hard for me to find 7 out. 8 MR CHOW: I have no more questions. Thank you very much. 9 MR SHIEH: We have no questions. 10 CHAIRMAN: Thank you. 11 MR BOULDING: We have no re-examination, sir. Thank you. 12 CHAIRMAN: Good. Thank you very much indeed. Your evidence 13 is completed. Sorry we've kept you a little bit late. 14 But you don't need to return tomorrow. Okay? 15 WITNESS: Thank you very much. 16 (The witness was released) 17 CHAIRMAN: And tomorrow we start with ...? 18 MR PENNICOTT: We start with Victor Tung tomorrow morning. 19 CHAIRMAN: 10 am. 20 COMMISSIONER HANSFORD: Sorry, could you give us 21 an indication of the order -- expected order of our 22 witnesses from now on? 23 MR PENNICOTT: Victor Tung, because he has been given 24 a 10 o'clock fixture tomorrow morning. Then Jacky Lee. 25 Then Cano Ngai, then Kit Chan and then Dr Ewen.</p>

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1 COMMISSIONER HANSFORD: Right. So we have five?  
2 MR PENNICOTT: We do.  
3 COMMISSIONER HANSFORD: Thank you.  
4 CHAIRMAN: Good. 10 am tomorrow morning. Thank you very  
5 much.  
6 (5.06 pm)  
7 (The hearing adjourned until 10.00 am the following day)  
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