Wednesday, 12 June 2019

(10.01 am)

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

MTR's next witness is Ms Kappa Kang Pu.

Good morning, Ms Kappa Kang.

WITNESS: Good morning.

MS KANG PU, KAPPA (affirmed in Cantonese)

Examination-in-chief by MR BOULDING

MR BOULDING: It's correct, is it not, that you have provided a witness statement in this Inquiry for the learned Commissioners' assistance?

A. Yes.

Q. If we could go to BB14/9463, do we there see the first page of the witness statement that you've prepared?

A. 見到，係。

Q. If you would be kind enough to go on to page BB14/9467.

A. 見到。

Q. Do we see your signature below the date of 28 May 2019?

A. 係，冇錯。

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

A. 冇錯。

Q. Now I'd like to fix your position, if I may, in the overall organisation of MTR on SCL. For that purpose, could I take you, please, to bundle B2 at page 582.

You can see there, can you not, Ms Kappa Kang, the MTR SCL project management organisation chart as of 16 January 2017; correct?

A. 係，啱。

Q. Then if we go down the far left-hand column -- come in one set of photographs, if you will -- do we there see your photograph next to Chris Chan's photograph?

A. 冇錯，冇錯。

Q. If we look at the line of command, you tell us in your witness statement, do you not, that you reported to Chris Chan and ultimately to Joe Tsang; is that correct?

A. 冇錯。

Q. Thank you very much, Ms Kappa Kang. What's going to happen now is that Mr Pennicott or Mr Calvin Cheuk, counsel for the Commission, will ask you some questions. Then various other lawyers in the room get the opportunity to ask you questions. The learned Commissioners can ask you questions at any time they like. Then it might be the case that I'll have one or two questions for you at the end. Do you understand?

A. 明白。

MR BOULDING: Please remain seated there.

WITNESS: Thank you.

Examination by MR PENNICOTT

MR PENNICOTT: Ms Kang, good morning.

A. Good morning.

Q. My name is Ian Pennicott, as Mr Boulding has just indicated, and I act for the Commission; I'm one of the lawyers for the Commission.

First of all, thank you very much indeed for coming along to give evidence to the Commission this morning, and secondly, Ms Kang, if at any time you wish to have a short break, please tell me and we will have a short break.

A. Thank you.

Q. First of all, can I just ask you a few introductory questions, which are these. My understanding is that between August 2010 and August 2013, you were a graduate engineer with the MTR. Is that right?

A. Yes.

Q. And during that period, as I understand it, you worked on the Express Rail Link and the South Island Line project?

A. Yes.

Q. In August 2013 to May 2014, you were, I believe, a ConE III, a construction engineer III; is that right?

A. Yes.

Q. And can you tell us what responsibilities you had in that period?

A. I was assigned to SCL1112 project in that period, and I was assigned to be responsible for the concourse

modification works during that period.

Q. Thank you very much. Then, as I understand it, from around about June 2014 right up until June 2018, when I understand you left the MTR, you were a construction engineer II, ConE II --

A. Yes.

Q. -- initially responsible for the NAT area but then, from about mid-2015 onwards, also for the SAT EWL area; is that right?

A. Yes.

Q. And, as we've seen from the organisation chart that Mr Boulding took you to, you reported to Chris Chan and Joe Tsang?

A. Yes, during that period.

Q. During that period. Thank you.

Can I then, Ms Kang, deal with two -- a couple of topics that you don't refer to in your witness statement.

A. Mm-hmm.

Q. I'm going to deal with them very quickly --

A. Okay, no problem.

Q. -- not in any great detail. The first is that you attended very regularly between January 2015 and January 2017 a series of meetings called interface meetings. Do you remember that?

A. Yes.

Q. And I think you acknowledge that you attended most of those meetings, not all of them but most of them?
A. I'm not sure but I need to check the records.
Q. Okay. We can perhaps do that if we need to. And Mr Chris Chan, who gave evidence yesterday --
A. Mm-hmm.
Q. -- when I asked him a few questions about those meetings, indicated that he thought that since you were working with him as the ConE II, that it was just a good idea in principle --
A. Okay.
Q. -- that the two of you attended those meetings? Do you remember -- I don't know whether you were here yesterday or not.
A. Yes, I am here yesterday, I was here.
Q. So you perhaps heard him say that.
A. Mm-hmm.
Q. Was that your understanding of why you were asked to attend those meetings, that is that as the ConE II, matters may arise that may be relevant to your work?
A. Yes, know more about the works.
Q. And one of the topics, the many topics that was touched upon/discussed at those interface meetings were the stitch joints?
A. Mm-hmm.
Q. In the sense that, as we've seen with a number of

witnesses, including Mr Chan, the Gammon-Kaden Joint Venture provided certain details of the splicing assemblies that they were going to use on their side of the stitch joint. Do you recall that?

A. Mm-hmm. Yes, should be.

Q. Is that a matter that you paid particular attention to, Ms Kang, or not?

A. Can I see the minutes?

Q. Yes, of course you can. Let's look at CC2/772.

Ms Kang, I've taken you to this one because it was the first one you attended on 9 January 2015.

A. Okay.

Q. You can see your name there.

A. Mm-hmm.

Q. We can provide you with a hard copy or you can use the screen.

A. Yeah -- or I can use the screen? Okay, no problem. Thank you.

Q. And if we could scroll down, please -- there we are, thank you very much.

A. I see it.

Q. In this particular minute, 9.4.1, Ms Kang, we can see, under the second bullet point, there is a material submission from the GKJV, and it refers to mechanical splicing system of rebar resubmission, and that minute repeated itself in many future meeting minutes --

A. Mm-hmm.
Q. -- in broadly the same wording; it did change from time to time.
So do you remember that topic being discussed?
A. 我相信如果咁樣寫喺度嘅話，嗰個item嗰時有discuss過嘅，呢個會就係話1111就有呢份submission，就inform咗禮頓，呢份submission都pass咗畀禮頓，禮頓會check嗰個--check with the supplier regarding the capability in later stage，呢個係我嘅理解。
Q. Yes. And at the time, Ms Kang, of this meeting and the subsequent meetings, was that a matter that you paid particular attention to?
A. At that time, I didn't pay special attention to this sentence.
Q. Okay.
A. I wonder whether it is the first time to mention this item in the meeting?
Q. It was mentioned in one earlier meeting or perhaps two earlier meetings, but I'm taking you to this one because this is the first one you attended.
A. Okay, yes.
Q. What I would like to do, however, is take you to one other meeting in this series, which is meeting 19, which we will find at CC2/847.
A. 係，19，唔。
Q. And this is, you can see, meeting number 19, and it took

place about just over a year later than the previous meeting we just looked at, and it's 18 January 2016. Do you see that?

A. 見到。

Q. If we could scroll down, please, and go to page 849. I'm afraid, Ms Kang, it's a bit messy because of the Track Changes, but if we just read this minute here, it says:

"The following material submissions which would be used at 1111/1112 interface boundary advised by GKJV in previous interface meeting ..."

And then the second bullet point is the only one we are interested in:

"Mechanical splicing system of rebar ... T40 coupler is BOSA; others are Lenton ..."

Do you see that?

A. 睇到。

Q. Okay. Ms Kang, were you aware, at the time of this meeting, during the course of your duties on the project as ConE II, that Leighton were using BOSA couplers? Were you aware of that?

A. 你話任何嘅螺絲帽係喺呢個位置用嘅？

Q. Generally.

A. Generally. BOSA嘅coupler，應該係嘅。

Q. And you were aware that not just in the stitch joints

but generally speaking in the various areas of the project, Leighton were using BOSA couplers?

A. 其實我冇pay attention--special attention to which brand they use。

Q. Right. There's a mention here in this meeting minute of Lenton couplers.

A. Mmm.

Q. Did that mean anything to you at the time, Ms Kang?

A. 係嗰個時間，我嘅理解就係唔同牌子嘅coupler會用嘅，但係我唔太知into details唔同牌子嘅coupler會有咩嘢特別嘅唔同。

Q. Right. So you had no knowledge at the time of the differences between a BOSA coupler and a Lenton coupler?

A. 冇錯，因為我記憶中都冇好detail discuss啲spec.或者installation procedure喺嗰個interfacing meeting嘅。

Q. Okay. All right.

Okay, Ms Kang, the second matter that I just want to mention very briefly, hopefully without going to it, is that in May 2016, Leighton sent a request for information, an RFI, number 1510, to the MTR, and you had some involvement in dealing with the answer to that RFI. Do you remember that?

A. 應該話係RFI我一般都會--我會consolidate個reply出去嘅，for所有嘅RFI，關於NAT、SAT或者我負責嘅area，如果係頭先你講嗰隻RFI，我都想睇番係邊隻RFI。

Q. Of course. It's CC6/3333.

This is the RFI at 3333, and you will see from 3341, I think it is --

A. Yes, yes, I see it.

Q. -- the answer.

A. The answer? 係，冇錯，睇到。

Q. Right. And our understanding so far is that whilst you sent the answer under cover of this email or in this email, Mr Chris Chan was largely responsible for drafting the wording of the email. Is that right?

A. 冇錯。

Q. Okay. Thank you very much. You can put one that away. Thank you very much.

CHAIRMAN: Sorry, could I just ask --

MR PENNICOTT: Yes, sir.

CHAIRMAN: -- who did you think would eventually check regarding compatibility?

A. 兼容係指coupler，係咪，compatibility？

CHAIRMAN: Yes, as per the standard statement that started to appear in the interface minutes.

A. 因為我見個minute，就會禮頓會係check嗰個compatibility of the coupler嘅。

CHAIRMAN: And it wasn't reduced down to any particular personalities at any stage or any particular team within Leighton?

A. 呢個我唔清楚，如果禮頓邊一隊人會負責，我相信參與嗰個會議嗰啲人就會

返去check番個compatibility嘅。

CHAIRMAN: All right. So, from your perspective as an MTRCL person, Leighton had assumed responsibility and they would presumably discharge that responsibility at some stage?

A. 冇錯。

MR PENNICOTT: Now, Ms Kang, can I move on to ask you a few questions about routine inspections of the works. Ms Kang, did you yourself carry out routine or informal, as they are sometimes called, inspections of the rebar works generally? I'm not talking about the stitch joints yet. Generally speaking, did you carry out routine, informal inspections of the rebar?

A. Routine inspection, you mean? Routine inspection，如果我哋routine inspection，其實係會出去就睇好多嘢嘅，就睇progress of works，睇safety，睇environmental，如果佢有啲工序做，好似你講嗰啲rebar紮緊鐵咁樣，我哋都會同時睇一睇個condition嘅，general condition。

Q. Right. And would you carry out these types of inspections, routine inspections, on a regular basis?

A. 都係定期做嘅。

Q. How often, perhaps, during the course of the week would you go on a site walk and carry out a routine inspection?

A. 其實depends嘅，因為routine inspection，如果好似話safety咁樣，

inspection就每個禮拜四晏晝就一定會有嘅，有啲特--或者係有啲progress of works，可能大家比較concern嘅，就行得比較多啲，一個禮拜最少應該兩、三次，點樣都有嘅。

Q. Thank you very much. And what did you see was the primary purpose of carrying out those inspections? Why were you doing them? What was the purpose of those inspections?

A. 其實就好似我頭先講咁樣，routine inspection係一個general嘅condition of成個地盤嘅，作為一個engineer，我哋會喺地盤有好多地方需要關注，就同progress of works、safety、environmental、嗰啲compliance，全部都要睇嘅。

Q. All right. Would the routine inspections include looking at, in particular, the connection of threaded rebar into couplers?

A. 其實唔會特別去睇你話coupler嘅connection嘅，都係好general咁樣望一望。

Q. Right. Ms Kang, were you in the habit of taking photographs during the course of any of these routine inspections?

A. 其實有嘅。

Q. And once you've taken those photographs, what would happen to them?

A. 影咗相之後，大部分時間for我自己record嘅，如果有啲咩嘢問題，我就會send番呢啲相喺我哋其實有好嘅WhatsApp group咁樣send出去，就

話畀大家知，呢個就係。

Q. Okay. Just break that down a bit. Would you only take a photograph if you detected a problem or a potential problem?

A. 平時咁general photo咁都會影嘅，但係如果有咩嘢特別嘅、有問題嘅photo，就會send出去畀我哋WhatsApp group其他同事都知嘅。

Q. And if you didn't send the photographs to the WhatsApp group, what happened to the other photographs that you didn't send?

A. 我留番for自己record嘅。

Q. So you wouldn't send them to some general MTR storage facility for photographs; you would keep them for your own record, is that it?

A. 係，我自己嘅相係咁樣，因為我理解，其實港鐵嘅幫辦每日full-time喺地盤，會影好多嘅progress photo，佢哋就會擺上server，我哋都有個server叫"Site photos"，每一日喺每個area都有非常多嘅相會喺度嘅。

Q. But you didn't put your photographs on that server; is that right?

A. 冇錯。

Q. Now, in addition to the informal or routine inspections that took place, Ms Kang, I understand that you carried out formal hold-point inspections. Is that right?

A. 冇錯。

Q. And in particular you carried out hold-point inspections of the rebar?

A. Yes.

Q. And our understanding at the moment, I think confirmed yesterday, was that the general/usual division of responsibility was that the engineers, such as you, would carry out the hold-point inspections on the rebar, and the IOWs, the inspectors of works, would carry out inspections of the pre-pour concrete. Is that your understanding?

A. 我唔係太同意，因為我嘅理解係喺1112嚟講，係ConE II team同埋幫辦都會carry out個rebar inspection嘅。

Q. In what circumstances would the IOW, as opposed to a member of the ConE team, carry out a rebar hold-point inspection?

A. 係，因為一般喺邊啲情況會咁樣發生呢？就係工程師如果係我呢個case，NAT嗰位工程師就係Chris Chan同我，如果我哋兩個都唔得閒，喺其他會，就會delegate咗畀幫辦去睇鐵嘅。Sorry，I would like--幫辦都包括SIOW同埋幫辦同埋AIOW嘅。

Q. Right. Okay. So I think the answer to my question then is that ordinarily, if you or Chris Chan were available as engineers, you would carry out the rebar formal inspections, but if not, then an IOW, at whatever level, may be requested to do that inspection?

A. 係。

Q. All right.

Could we please look at BB9/6363. Ms Kang, this is

a document prepared by the MTR, and it contains various details in relation to the NAT area of the project. Is it a table/schedule that you have seen before?

A. 呢排見過。

Q. Okay. You will perhaps appreciate then that in the green areas, green shaded areas towards the top -- and I'm focusing on the "Rebar fixing" columns; do you see that? --

A. Mmm.

Q. -- there were a number of RISC forms issued/submitted in relation to the various -- certain bays in the NSL area --

A. 係。

Q. -- between about January 2016 and July 2016. Do you see that?

A. 見到。

Q. There were nine in total, and it is our understanding from having looked at those RISC forms that so far as the rebar inspection is concerned, you were responsible for at least seven of them. Have you had an opportunity of looking at those RISC forms recently?

A. 有。

Q. And do you agree with me that you were responsible for doing the rebar inspections for seven, at least seven, of those items?

A. 我同意。

Q. That's helpful. It will save us looking at them. Thank you to those who showed you the schedule.

Ms Kang, however, there is just one point I wanted to ask you about in relation to those seven or eight, and it's this. You are presumably aware or were aware that the MTR kept a RISC register. Is that something you were aware of back in 2015/2016?

A. 你話如果喺RISC form嘅register，我嗰時就唔太清楚嘅，係上年就係做remedial works嘅時候，差唔多上年年頭嘅時候，我知做緊remedial works嘅時候，就幫辦--我哋搵番啲RISC form嗰啲history嘅時候，幫辦先有攞呢份RISC register出嚟，我就知道嗰個RISC register喺我哋嘅server上面嘅。

Q. All right. Mr Tony Tang, who's going to give evidence, hopefully, later today has told us in his witness statement that it was the responsibility of either the construction engineer who did the inspection or the IOW who did the inspection of updating the RISC register and recording that the inspections had been carried out. Do you agree with that?

A. 我唔太同意，我可以講番成個我收RISC form嘅成個procedure，我一般收RISC form，類似呢啲RISC form，我會from 我哋SIOW嘅，就係Kobe Wong或者係Victor Tung嘅，我做咗inspection之後，填好咗呢張form，我會交番畀Kobe或者Victor，之後嗰啲嘢我就冇follow up㗎喇。

Q. Can I ask you, please, to be shown a page of the RISC

register. It's at BB13/8815.168.

Down the left-hand side, please could we find 10259. Scroll down a bit. There we are.

Ms Kang, can I just draw your attention to the number -- someone has helpfully put the hand on it; do you see that -- 10259? Okay? Ms Kang, that is one of the RISC forms, indeed it's the first RISC form, on the schedule at BB9/6363, which you were -- one of the ones that you were responsible for.

It's easier to see it on the screen, actually.

A. 係。

Q. If we can go to the right, please -- thank you very much -- we see that the various columns, where just above some initials and a "P" for pass and an "N" for no and a "Y" for yes -- against this particular RISC form on the schedule, all the boxes are blank. Do you see that?

A. 見到。

Q. And my understanding is that those columns represent the person who did the inspection, that's "YW", whoever that may be; P is a pass; N is that no follow-up action is required; and Y is closed out. We can pick that up from the columns heading at the top.

A. Mmm.

Q. So are you saying that you had no responsibility, so far as you were aware, to fill in those boxes?

A. 冇錯。

Q. So who do you say was responsible for filling in those boxes?

A. 因為我呢個表格係交番畀SIOW嘅，我唔清楚佢會唔會佢自己填咗，係交番畀我哋AA administrative assistant去填嘅，呢個我唔清楚。

Q. Okay. So your position, your evidence, is that you were not responsible for inputting anything into this schedule?

A. Yes.

Q. All right. That's going to save some time.

Can I ask you to go back to the schedule, please --

A. The summary?

Q. -- the summary schedule, please.

Ms Kang, can I just draw your attention, as I did to Chris Chan yesterday, to this point. As I mentioned a little while ago, the RISC forms that we do see towards the top of the page were issued during the period, as I indicated, 13 January to 26 July, and thereafter, in this particular area, in the NAT NSL and EWL areas, not one single RISC form was issued after 26 July, leaving aside the remedial works.

Were you aware of that situation, Ms Kang?

A. 我唔aware 全部都冇嘅，唔aware，當時唔aware。

Q. Right. Do the contents of the table in that respect surprise you?

A. 係，冇錯。
Q. Why didn't you insist on Leighton issuing RISC forms to trigger rebar inspections, Ms Kang?
A. 其實喺嗰時，最開始有啲時候冇RISC form嘅時候，我哋都不停咁樣提醒禮頓就快啲交嘅，佢都話畀我哋知「好嘅，好嘅，我哋會好快咁樣交上嚟嘅。」我都有escalate to我嘅senior，就Chris Chan、Joe Tsang，大家原來--同埋幫辦其實都有discussion嘅，大家都fully aware原來個RISC form都係lack of RISC form嘅。但係嗰個時間又冇人話畀我知，就或者我senior話畀我知如果冇RISC form，就唔去睇鐵嘅，所以一般我之後，都係收到禮頓engineer嘅電話話可能第二日要睇鐵，我都會去睇鐵嘅。
Q. I understand, Ms Kang, from those who are lucky enough to speak Cantonese, that you mentioned --
A. Do I need to speak in English?
Q. No, you don't, not at all, Ms Kang, but I understand you mentioned Chris Chan during the course of that answer; is that right?
A. 陳俊偉（譯音）。
MR BOULDING: It would seem there's something wrong with that translation.
MR PENNICOTT: Yes, that's what I've been told.
A. I can speak in English?
Q. You can speak English if you wish, Ms Kang, it's a matter for you, but the alternative is to repeat your answer, or I'll repeat the question and you can answer.
A. Thank you.

CHAIRMAN: Perhaps, Mr Pennicott, you can repeat the question.

MR PENNICOTT: My question was, Ms Kang -- I'll put it again; just think about it -- the question was: why didn't you insist on Leighton issuing RISC forms to trigger the rebar inspections? That was the question. Would you like to repeat your answer?

A. I think, at that time, the ConE team and the inspector teams were fully aware of the condition, the lack of the RISC form or late submission of the RISC form, but no senior asked me -- my senior didn't ask me to suspend the rebar inspection just due to the lack of the RISC form or late submission of the RISC form. So I still conduct the rebar inspection when I received the call from Leighton's engineer. That's my answer. Thank you.

Q. Thank you. And when you say, "No senior asked me", is that a reference to Chris Chan?

A. Chris Chan同埋Joe Tsang嘅，佢哋都係我senior。

Q. Right. Just a follow-up question on that, Ms Kang. Did you yourself receive telephone calls direct from the Leighton engineers?

A. 有。

Q. And if you received a direct call, did you just automatically then carry out the rebar inspection or did you first of all, before you made that decision, discuss

it with Mr Chan?

A. 我一般收到呢啲request for inspection嘅電話，我都會同Chris講嘅，因為佢係我senior，我都要話畀佢知我喺邊啲時間會唔喺office嘅，我要去--需要去地盤去睇鐵嘅，所以我都會話畀我senior知嘅。

Q. Okay.

Now, Ms Kang, can we now turn our attention to the stitch joints, and indeed the shunt neck joint. Let's start with the shunt neck joint.

My understanding of your evidence so far as the shunt neck joint is concerned is that you cannot remember whether you carried out the rebar fixing hold-point inspection. Is that right?

A. 係，我唔太記得。

Q. The rebar inspection of the shunt neck joint we understand from -- on this schedule, and if you look down at item 45 --

A. 係，冇錯，見到。

Q. -- probably took place on either 4 January or 5 January, on the basis that the rebar was completed on the 4th and the bay was concreted the following day, on the 5th. Do you see that, Ms Kang?

A. 睇到。

Q. Do you know whether you were in Hong Kong on 4 and 5 January 2017?

A. 我唔喺香港，我因為呢個時間去咗New Zealand honeymoon，所以我

記得好清楚。

Q. How long were you away for?

A. 16 days.

Q. Now, with that answer in mind, can I ask you, please, to look at a document, but before we do that can I just remind you, just in case you've forgotten -- you were a T3, as I understand it, Ms Kang, a T3 under the RGE inspection stream. Do you remember that?

A. NAT structure嘅T3嘅，RGE stream嘅T3，冇錯。

Q. Right. And, in that capacity, you had to fill in lots of sheets; do you remember that?

A. Yes.

Q. If we could first of all pick up the reference so the Commission has it. In BB4 at 2299, there's a letter of 15 April, Ms Kang -- I'm not suggesting you've seen it before, but it goes from Andy Leung to the Highways Department, and it's submitting the site supervision plan, do you see that, for the NSL tunnels and EWL structures in NAT; do you see that?

A. 睇到。

Q. Right. Then if we go over the page to page 2301, please, we see your name appearing as one of the two T3s; do you see that?

A. 睇到。

Q. And so far as the frequency level of site inspection is

concerned, it says "5 (full time)", and as I understand that, Ms Kang, what that really means is you were full-time on site, not necessarily full-time supervision, but full-time on site. Is that your understanding?

A. 如果跟呢個咁樣睇，係嘅。

Q. I think that's all we need really to look at for this purpose, Ms Kang.

The next documents we are going to look at are in a couple of places and unfortunately I have looked in the less convenient one but never mind. Could you please be shown BB9/6449.

A. 係，見到。

Q. Ms Kang, this is not for you, it's for the Commissioners, but sir, you may recall from part 1 of the Inquiry that we looked at a number of similar documents with witnesses during the course of the Inquiry, and here are some more.

Now, Ms Kang, at 6449 --

A. 係。

Q. -- so far as I can tell, this is the first sheet that you compiled or completed, and the sheets go on in the bundle right the way through to 6524, and stretch therefore from 18 January 2016 to 6 April 2018. As I understand it, you were the T3 for the whole of that period; is that right?

A. 係。

Q. So, going back to 6449, we see first of all, down the left-hand side of the document, Ms Kang, under the heading, "Item number" with the hash sign, we see "G2", "G3", "G6", and so forth; do you see that?

A. 睇到。

Q. Do you know what those refer to, "G2", "G3", and so forth?

A. 佢應該係refer to我哋政府有一份2009 site supervision plan，佢有寫番RGE stream嘅T3需要有咩嘢responsibility要做嘅，呢個應該係點解喺G1、2、G3--可能冇G2咁樣，佢就係話呢個works可能需要做啲咩嘢、carry咩嘢duties嘅，呢個係我嘅理解。

Q. Yes. That is entirely right. And I'm not going to go to it but the reference for that, if anybody wants it, is B5, that's the old bundle, 2676 to 2770.

CHAIRMAN: Sorry, Mr Pennicott -- when you say "the duties", rather than me going to it, they describe what sort of duties? Like, for example, what G5 meant.

MR PENNICOTT: Sir, can I, for example --

CHAIRMAN: Just to bring me up to speed on it.

MR PENNICOTT: G1 and G2 don't appear but they are simply routine duties, but G3 says, for example:

"Verify non-conformity and instruct rectification works immediately. Notify all relevant parties in respect of the non-conformity and monitor that

rectification measures are properly carried out."

It's that sort of thing.

CHAIRMAN: Yes, that sort of thing.

MR PENNICOTT: One recognises that this is under the RGE stream, which is the registered geotechnical engineer, so some of this is quite technical, and I'm not -- I emphasise I am not using these sheets or Ms Kang's position as a T3 in support of any contention that she was responsible alone for inspecting the rebar. That's a different matter entirely.

CHAIRMAN: Yes.

MR PENNICOTT: All I'm doing is, having looked at these documents, what they do help us to ascertain is when Ms Kang was on the site.

CHAIRMAN: Good. Thank you.

MR PENNICOTT: Do you understand that, Ms Kang?

A. Yes.

Q. Just to pick up on another point, Ms Kang -- if there was a weekend and you weren't working, presumably we won't find a reference on these sheets?

A. 係，冇錯。

Q. Similarly for a public holiday?

A. Yes，冇錯。

Q. What about if you were on annual leave; what would happen then?

A. 都唔會喺上面。

Q. Right. Could I ask you, please, to go to, by way of example only, page -- just to make sure I've not missed something -- 6475.

Now, you will see at the foot of this page, Ms Kang, that you've put "Kappa" on 4 October; do you see that?

A. Yes.

Q. The initials that we then see along the rest of the columns, are those your initials or somebody else's?

A. 冇錯。

Q. Sorry, they are yours?

A. Mine, my signature.

Q. All right. Well, that's a relief. Good.

To get to the point where we had left off a moment ago, if we go, please, to 6482.

A. 見到。

Q. If we look at the dates along -- towards the top, we see the dates of 22, 23 December, then I assume there were some public holidays over Christmas, and then we see 28 and 29 December; do you see that?

A. 係，見到。

Q. Then there is a gap to 9 January; do you see that?

A. Mmm.

Q. And subject to one point --

A. Yes.

Q. -- I will mention in a moment, is that simply because you were not on the site at least for some of that

period?

A. Yes.

Q. Okay. All right. And we know that, as I indicated earlier, the shunt neck bay track slab at least must have been -- well, I say "must have been" -- should have been inspected on 4 or 5 January?

A. 唔，冇錯。

Q. And it appears that you were not there?

A. 係，冇錯。

Q. But can I point out this, Ms Kang, so again we don't miss something: there was an interface meeting on 6 January 2017 which you are recorded as attending.

A. 我相信...

Q. I can show you the minutes if you wish. Do you have any recollection of being at that meeting on 6 January 2017?

A. 因為琴日其實我睇番啲document，琴日我其實已經發現咗呢個問題，我double check番，我嗰日真係唔喺香港嘅，所以我都query嗰個meeting minutes record係出咗錯嘅，可能係之前嗰啲同事，因為我知佢係draft by two contractors，佢可能唔記得咗delete我嘅名，所以喺嗰個meeting minutes嘅record都仲係有我嘅名嘅，但係嗰一日我應該係唔喺香港嘅。

Q. All right.

Ms Kang, in an endeavour to shortcircuit things, when you mentioned, as you just did, that you were looking up documents yesterday, you discovered the same

problem, you double-checked and you are sure you were out of town, did you look at these documents that I'm now showing you as part of your research yesterday?

A. 呢個冇睇過，呢個冇睇過，琴日我係睇咗interfacing meeting minutes嗰個record。

Q. All right. Now, that was the shunt neck.

Now, so far as the three stitch joints are concerned, I have looked through all of these sheets, with perhaps one exception in relation to a particular wall, and it appears that you were in Hong Kong and on the site when the rebar fixing had been completed.

A. 呢個我都要check一check，因為我...

Q. I was afraid you would say that. So let's just test it this way.

A. Yes, no problem.

Q. If one looks at -- let's do the internal stitch joint first, 1112/1112 stitch joint. If you could go, please, to BB9/6495, we see that -- we know from our chart that the rebar started on 29 May, which doesn't appear on here in your sheet. But the rebar to the roof of that stitch joint -- sorry; yes -- finished on 29 July, which is also, if we go to 6501, not shown on your chart, largely because it was a Saturday.

A. 係。

Q. The concreting we can see on that stitch joint did not

take place until sometime later, on 9 September. Do you see that?

A. Yes.

Q. And so, on one view, the rebar inspection presumably could have taken place anywhen between 29 July, or 30 July, perhaps, and 8 September?

A. Yes.

Q. So, Ms Kang, do you have any recollection at all of carrying out the rebar inspection on that internal stitch joint between those dates?

A. 冇印象。

Q. Do you positively say that you didn't inspect that stitch joint, the rebar in that stitch joint?

A. 其實當我收到COI畀咗我咁多嘅問題，喺5月二十幾號嘅時候，我已經係try my best想recall my memory咁樣去諗，但係就真係我最後都係唔記得，因為我可以咁樣講，其實但係我witness statement入面都寫過嘅，我一般睇鐵做rebar inspection嘅practice係收到電話，我會同Chris講，一般睇鐵，我都會同幫辦一齊嘅，睇埋冇問題之後，我usually都會send番個WhatsApp message，就話我睇咗邊個位置嘅鐵，喺個WhatsApp group入面嘅，就有個record畀咗ConE team同埋IOW知嘅，所以其實因為今次嗰個，我都要諗番我之前其實有冇做過呢個rebar inspection，所以其實我自己手機又唔見咗，就搵咗MTR嘅，MTR好彩嗰個幫辦就SIOW Victor Tung就留低咗好多WhatsApp message嘅，就check咗佢嘅WhatsApp message，就見唔到我喺呢幾個位置我有

send咁樣嘅message出嚟。所以我唔確定，如果base on嗰啲message，我唔可以確定我真係喺嗰個地方睇過鐵嘅。

Q. All right.

With regard to the NSL 1111/1112 stitch joint, that's the interface stitch joint, we can see that the rebar, from our sheet at number 51, was carried out on 5 and 6 July.

A. 係。

Q. If we look at 6499, in the other file, in B9, we can see that you were at least present on site on 5, 6 and 7 July; do you see that?

A. 我應該有返工嘅。

Q. Yes. Again, Ms Kang, thinking back, do you have any recollection at all of carrying out the rebar inspection at that interface stitch joint?

A. 我真係唔記得，因為我都想再講少少，就係因為其實我喺NA--我喺1112有負責嘅位置就好大嘅，有NAT、NFA同埋SAT嘅，除咗嗰個tunnel structure，仲有好多嘅cooling tower、transformer room、utilities，就好多嘅鐵要睇嘅，你話真係要我recall番一個exact嘅位置我有冇睇過鐵呢，我就真係、真係try my best，我都諗唔起嘅。

Q. But, Ms Kang, these stitch joints are very discrete, particular areas. They are not unique because there are three of them. But --

A. 係，我...

Q. -- they are special, they are different to just the

ordinary run of bays that you would be expecting on a day-to-day basis. They are different. Does that not help you to remember whether or not you inspected these areas?

A. 其實我有諗過呢個問題，首先stitch joint係咪一個好特別嘅位置、好critical或者好special嘅一個construction detail呢，我又唔係太咁樣覺得，因為好多時我哋睇嘅鐵嘅位置可能真係一個20 metre乘30 metre嘅bay咁樣，呢個stitch joint我再--近排睇番嗰啲，應該係一個好細嘅location嚟嘅。你話係咪一個好特別嘅位置，我就唔咁樣--就冇咩野太深刻嘅印象，關於呢個位置，係喇，有冇睇過呢個位置嘅鐵。

Q. Right. Just to complete the exercise, Ms Kang --

A. Mm-hmm.

Q. -- the EWL interface stitch joint -- if we look at our sheet, the track slab -- it's 58a on our sheet here -- was carried out, the track slab was carried out between 22 January and 24 January, and concreted on the same day, 24 January, that's 2017. And we can see from page 6484 in BB9 that you were present on the site --

A. 冇錯。

Q. -- on those dates or on that day. So this time, obviously it's the EWL stitch joint -- it hasn't got a roof, it's just in an open trough.

A. 冇錯。

Q. Again, any recollection at all of inspecting the rebar there? It's the same answer?

A. Same answer. 係。

Q. If you are feeling okay, Ms Kang, we'll probably be breaking in about ten minutes anyway, so you're okay.

A. 哦，thank you，十分鐘，okay，thank you。

Q. Could I ask you, please, to be shown a photograph, in BB14/9505.

A. 見到。

Q. Ms Kang, this is a photograph we understand to have been taken by Mr Tony Tang. I understand it was taken on 24 January 2017. And I understand, therefore, that it was taken at the EWL stitch joint essentially, it appears to me, after the track slab rebar had been completed. Do you see that?

A. 睇到。

Q. First of all, Ms Kang, do you know which is Gammon's side and which is Leighton's side?

COMMISSIONER HANSFORD: That's my question.

A. 我唔知佢呢個喺邊個角度咁樣take過嚟，所以我都cannot say。

MR PENNICOTT: Right. Having shown you this photograph, Ms Kang, does it jog your memory as to perhaps whether you saw and inspected this area back in or on 24 January 2017?

A. 我都係唔記得。我都想問，2017年1月24號呢個日子--點講？或者其他同事係咪都喺地盤㗎？

Q. Maybe they were, Ms Kang, but the problem we have is

this. Mr Chris Chan is quite clear in his own mind that he did not carry out the inspection of any of the stitch joints, although there is some contrary evidence from Leighton which perhaps contradicts that. You can't remember whether you inspected the stitch joints. I understand Mr Tony Tang's evidence is that he didn't inspect the rebar of the stitch joints but he does accept that he did the pre-pour checks.

And so we are left wondering who amongst the MTRC's personnel, if anyone, inspected these three stitch joints. That is our problem, Ms Kang, and that's why I'm asking you these questions.

A. 明白，明白，thank you。

Q. Okay.

Ms Kang, can I ask you, please, to be taken to the exhibit to your witness statement. That's at BB14/9468.

A. Yes.

Q. This is exhibit 1, where you attach a number of WhatsApp messages. And, as I understand it, those are WhatsApp messages that you have retrieved with the assistance of Mr Victor Tung. Is that right?

A. 冇錯。

Q. If one, as it were, looks then at page 9473, where you've scheduled out various areas -- my understanding is, just trying to piece them all together, that the first one, the first WhatsApp message, relates to

number 5, 28 October?

A. Yes.

Q. The next one relates to the first of -- is it 18 November, you see on the right-hand side, before 9471?

A. For bay 6 and 7 --

Q. Yes.

A. -- should be 13 November.

Q. I see. Beg your pardon, yes. Which is the other one, it's either the 1st or the 18th?

A. 另外就係7嗰個18th November，bay 2。

Q. Right, so it's the 18th. Yes.

So, Ms Kang, with regard to -- so we can get three WhatsApp messages that tie into numbers 5, 7 and 8 on the schedule. I've had some difficulty understanding where the other areas actually are.

Let's just take you one at random -- the second one, 9 September; do you see that?

A. 9月9號，睇到。

Q. It says: "MTR Kappa: rebar of sp4 was inspected. Targeted to pour on Monday."

Do you recall where that is?

A. "sp4" means sump pit 4. 我唔係太記得呢個係EWL定係NSL一個 sump pit。

Q. NSL sump pit, okay, all right.

CHAIRMAN: Sorry --

A. 我唔清楚係EWL定係NSL，I need to check the drawing because my memory. But it's a sump pit for the tunnel structure.

MR PENNICOTT: All right. Then one we were particularly puzzled by was number 4, 6 October, where it says, "MTR Kappa: rebar at bay 9 and 10", because we haven't managed to find anywhere that has a bay 9 and 10, but we are ready to be corrected.

A. 我理解，應該係NFA就係North Fan Area，North Fan Area就係HHS出面嗰個有個三角形位置嘅，有noise enclosure嘅位置，應該喺呢個位置先有bay 9同埋bay 10嘅。

Q. Right, so that would be in the NFA?

A. 冇錯。

Q. Understood. Thank you very much.

And I imagine that number 6 is the same location as number 2 but a different aspect of the work. This was a wall this time.

A. 係，it's a wall。

Q. All right.

So, as I understand it, Ms Kang, what you've done here is you've, with Mr Tung's assistance, or the assistance of his phone, tried to list out every message where you can see that your name appears and you were involved?

A. 唔，冇錯。

MR PENNICOTT: Understood. Okay.

Sir, I am happy to say that I have finished, so perhaps we could have a break now.

CHAIRMAN: Yes. How long would you --

MR PENNICOTT: 15 minutes is okay.

CHAIRMAN: Good. A 15-minute break.

Ms Kang, when you are giving your evidence and we have these breaks, you are not entitled to discuss your evidence with anybody else during those breaks; okay?

WITNESS: Okay. No problem.

CHAIRMAN: Thank you.

WITNESS: Thank you.

(11.27 am)

(A short adjournment)

(11.49 am)

Cross-examination by MR TSOI

MR TSOI: Ms Kang, I act for Wing & Kwong, the rebar fixing sub-contractors. I have a few questions for you.

Can I just turn your mind back to one of the answers that you gave this morning, in relation to the issue of routine inspection carried out by yourself. I think your answer was you would do two or three times a week of these routine inspections on the site. Is that right?

A. At least.

Q. At least two or three times.

Now, in relation to the coupler connection, you said this: that we would not look in particular about the coupler connection. Can I ask you about that answer. You obviously know that the Leighton engineer would carry out daily routine inspection; is that right?

A. 禮頓工程師應該每日都喺地盤嘅。

Q. Right, and they would carry out a daily routine inspection?

A. 我相信係，如果係禮頓嘅工程師。

Q. So if there was any issue in relation to coupler connection, would you expect the Leighton engineer to inform you about it?

A. 會。

Q. So perhaps is that why you would not concentrate in particular on the coupler connection on your own routine inspection, perhaps because you would rely on the Leighton engineer to inspect those things?

A. 你話係咪倚賴個禮頓嘅工程師，應該話我react我自己嘅role去睇我需要睇嘅嘢。

Q. Right, but in relation to coupler connection, is it the case that because if there was a problem you would expect the Leighton engineer, in terms of any problems with the coupler connection, to inform you, so when you did your own routine inspection you won't look in particular at the coupler connection? Is that a fair

way to put it?

A. 我相信所有喺地盤負責呢單project嘅人，會睇到有問題，都會提出嚟，唔理係MTR嘅engineer...

Q. Right.

A. ...或者幫辦或者係禮頓嘅engineer或者其他任何人都係。

Q. Right.

Next I want to ask you about your interaction with the Leighton engineers in situations where you will be requested via mobile phone, I think, to conduct a rebar fixing check, but when there's no RISC form; right? So that's the particular situation I want to ask you about.

So in terms of procedure, you would receive a phone call from a Leighton engineer?

A. 係嘅，如果冇RISC form，一般都係收到電話嘅。

Q. Right. And in that situation, after you receive the call, you said you would inform Chris Chan?

A. 冇錯。

Q. And then you yourself would attend the rebar fixing hold-point inspection?

A. 我一般會搵埋幫辦一齊同禮頓嘅engineer一齊做hold-point inspection嘅。

Q. So I want to ask you about that. So in terms of the rebar fixing check, is it only you from MTR or is it you and an inspector of works from MTR who would jointly conduct the rebar fixing check?

A. 一般嚟講，應該係我、幫辦、禮頓嘅engineer，都有機會我同Chris一齊嘅，如果我哋都喺地盤嘅話，一齊去做呢個inspection嘅。

Q. And if you did conduct the rebar fixing check with an inspector of works, who would that normally be?

A. 幫辦一般就係IOW就係Tony Tang嘅，我記憶中，都--其他SIOW或者AIOW都有機會嘅。

Q. So this is the rebar fixing check, not the pre-pour check?

A. 係，冇錯，冇錯，睇鐵嘅。

Q. Now, it's no criticism against you whatsoever, but it's just that Mr Tang has said in his witness statement that he did not conduct rebar fixing checks in relation to at least the three stitch joints and the shunt neck joint. So obviously, if it were the case that you did inspect them, you didn't inspect it with him?

A. 我唔清楚佢witness statement係話嗰三個位置佢有冇--佢冇做Inspection喇你嘅意思係，但係general嚟講，佢都有睇過鐵嘅，但係我唔清楚佢係咪喺嗰三個位置佢有睇鐵嘅。

Q. Will there be situations where, when MTR is requested to conduct a rebar fixing hold-point check, that only one representative of MTR would be present? So let's say the construction engineer I or construction engineer II, like yourself, or an inspector of works, but just one representative from MTR; would there be situations like that?

A. 都有嘅，因為好多--有啲時候應該係可能幫辦有其他works要做，真係唔得閒嘅時候，都有試過自己一個人去同禮頓嘅engineer睇睇鐵嘅。

Q. Then can I pinpoint on that type of situation. So one would -- a construction engineer like yourself would receive a call from a Leighton engineer, and then if there's no one else that could accompany you from MTR, then you would go and inspect the rebar fixing works at the hold point?

A. 都有機會嘅。

Q. Now, we know that your practice is, after you have conducted a rebar hold-point inspection, you would take a picture of it and then you would WhatsApp it to a group in MTR to say that you've inspected the works. Is that your practice?

A. 係，唔一定話影相嘅，但係個message會send出去嘅。

Q. Did everyone from MTR who conducted rebar fixing hold-point check do the same thing, or it's not necessarily the case?

A. 都唔係一定嘅，但係我都有見過啲message from Tony嘅。

Q. So can I just get this right, that there would be situations where although an MTR representative may have conducted a rebar fixing hold-point check, he does not in fact necessarily have to send a WhatsApp to other members of MTR to confirm that he has conducted the check? There might be a situation like that?

A. 呢個係我嘅practice，會send個WhatsApp出去，我自己嘅practice，其他人就唔一定嘅。

Q. After the hold-point inspection for the rebar, we understand that some further works will be CA尸rried out at the location and then there will be what we call a pre-pour hold-point check. Now, you yourself did not conduct the pre-pour hold-point check; is that right?

A. 你話pre-pour check？

Q. Yes.

A. 唔會，唔做，呢個唔係我嘅duty。

Q. As you understand the situation, is it the case that a Leighton engineer would sometimes call up the MTR inspector of works to conduct this pre-pour check?

A. 可能如果真係detail，你要問番個inspector會清楚啲。

Q. What I'm trying to understand, Ms Kang, is that could there be a situation where a Leighton engineer would call an inspector of works from MTR to conduct a pre-pour check, when the inspector of works has not been informed whether there had been a rebar fixing check completed already? That's the situation I'm trying to drive at. Could there be such a situation?

A. 其實因為如果係同我睇鐵咁樣，同我--如果我睇鐵咁樣，因為好多時--真係好多時，我會搵埋幫辦一齊嘅，睇完鐵，如果係acceptable嘅condition，佢喺我隔籬㗎嘛，佢都well known係有呢個鐵係睇晒之後，或者我send個message出去，就已經睇咗，就suppose就已經

過咗，或者我之前，喺睇鐵之前同Chris講過，如果我之後又冇話畀佢知有咩嘢特別嘅情況嘅話，大家應該都知鐵就係睇過，係呀，呢個係我理解。

Q. I thank you for that answer. It's very clear to us what your practice it.

A. Yes.

Q. I've got no question or quarrel with your practice.

A. 係。

Q. Because we have a situation here where Mr Tony Tang confirmed that he did the pre-pour hold-point checks for the three stitch joints and the shunt neck joint, but he did not conduct the rebar fixing hold-point check for those locations. So we now have a situation, as confirmed in his evidence, that there may not be an inspector of works who conducted the rebar fixing check, you see. So I want to ask you about those kinds of situation.

Now, because we know from the Leighton side, most likely it is going to be the same Leighton engineer who conducts the rebar fixing hold-point check, and it's the same engineer who would then conduct a pre-pour check, you see.

A. 你嘅意思係rebar inspection同埋pre-pour check禮頓都係一個人負責嘅？

Q. From the Leighton side, yes.

A. 係咪一個呢？係，咁就係，係一個。

Q. I can tell you that's been confirmed, for example, by Mr Henry Lai who said that he did the rebar fixing hold-point check and also the pre-pour check.

A. 就--明白，okay。

Q. So the situation I'm trying to explore is whether it's a possibility -- because of course the MTR pre-pour check individual, the individual from MTR who's responsible for the pre-pour check, he may rely on information being passed to him by the Leighton engineer, you see.

A. 我唔同意，我相信佢都會check番港鐵嘅係咪真係有睇過鐵，你頭先嘅意思係幫辦係倚賴禮頓嘅工程師係再下一步嘅工作？

Q. No, not quite. Perhaps you should wait for the question. Sorry, that was my fault; it's completely my fault.

The situation I'm trying to explore is -- because the Leighton engineer would sometimes directly contact the inspector of works to do a pre-pour check, and it happened in this case, could it be the case that the Leighton engineer would call up the inspector of works of MTR, no fault of MTR's, right, but the Leighton engineer says, "It's ready for a pre-pour check", without the inspector of works actually knowing or confirming that the rebar fixing check has been completed satisfactorily. Could there be a situation like that? Not the fault of MTR or your own, but

because of the request from the Leighton engineer.

A. Sorry，我都有少少唔明，就係你嘅意思係禮頓嘅工程師直接搵IOW吖...

Q. Yes.

A. 呢個係好正常嘅，佢會直接搵IOW，係好正常嘅。IOW會唔會唔知港鐵有睇完鐵，就已經話「好喇，你可以去pre-pour check落石屎喇」？

Q. Not right. Can I clarify that?

A. 又唔啱，我-- yes, I listened the English...

Q. No, sorry. Okay, it's my fault.

COMMISSIONER HANSFORD: We need gaps so we can get --

MR TSOI: I'm so sorry, I'm having a conversation with the witness. I shouldn't do.

COMMISSIONER HANSFORD: You are, yes.

MR TSOI: I'm so sorry.

MR SHIEH: I thought the witness has not misunderstood, but anyway ...

MR TSOI: Maybe I misunderstood myself which is usually the case. Okay.

In a situation where the Leighton engineer calls up the inspector of works directly for a pre-pour check --

A. Yes.

Q. -- because the Leighton engineer supposedly had already conducted the rebar fixing check -- we know that because it's the same engineer --

A. Okay.

Q. -- is it not natural that the Leighton engineer, when

asking for a pre-pour check, to tell the inspector of works, "The rebar fixing check is done, you can now come for a pre-pour check"? Because it's the same engineer from the Leighton side.

A. Yes.

Q. So that would be normal, because you can't ask for a pre-pour check unless you have done the rebar fixing check?

A. Yes, but the IOW, the inspector of works, should be well known whether the rebar inspection was carried out or not, to carry out. Then he can carry out the next step of the works.

Q. Exactly. So, if the Leighton engineer who conducted the rebar fixing check calls the inspector of works and says, "We have done the rebar fixing check, it's now done, you can now come and do the pre-pour check", that's possible, isn't it?

A. Yes. He can contact him directly, of course.

Q. Right. That's what I'm getting at. Then the inspector of works would go and do the pre-pour check; that's normal?

A. Yes.

Q. Right. So, in fact, it could be the case, it's possible, not that it happened all the time, it's possible, that the inspector of works took the word of the Leighton engineer to say that the rebar fixing check

has been done, and then he then goes on to do the pre-pour check?

It's possible?

A. Possible? 係咪有呢個可能性，係咪呀？

Q. Again, I wish to emphasise, I'm not putting fault on MTR whatsoever. But it's possible?

A. But the IOW has a responsibility -- have the duty to check whether the rebar inspection had been carried out or not.

Q. Yes.

A. Yes.

Q. But he can check that with the Leighton engineer.

A. And also -- he should check with MTR engineer or other inspector of works.

Q. Yes, in the normal situation, in a perfect world he should, but he could also just believe the Leighton engineer; is that right?

A. I can't comment.

Q. It's all right. As I say, I'm just trying to explore the situation, the possibilities, without any fault on MTR whatsoever. Right.

In terms of situations where there is no RISC form request but there's a request for inspection, would you say that MTR, to a certain extent, would rely on the Leighton engineer in relation to the information about works? So, for example, the rebar fixing is ready or

the pre-pour check is now ready to be conducted?

A. 其實唔會嘅，因為我哋幫辦係full-time on site嘅，佢每日會send好多相，就係progress photo喺嗰個WhatsApp group，每日都會有個daily summary of daily progress，有相，有summary，有嗰啲bullet point，其實港鐵每一個人well known嗰個progress of works嘅，喺現場嘅，我唔需要depends on禮頓engineer係睇番啲progress或者佢係咪真係已經到咗邊個stage。

Q. Perhaps as a final question: if those responsible in MTR conducted the rebar fixing checks at the three stitch joints and the shunt neck joint, would one expect there to be photographic evidence sent by those individuals to an MTR group, to confirm that they have completed the rebar fixing check in those locations?

A. 頭先就話如果係做完rebar inspection會唔會send出嚟一個咁樣for record嘅，呢個就係我嘅practice嚟，其他人都好似冇呢個--真係一個practice咁樣做。

Q. So there may be no evidence that they did in fact conduct the rebar fixing check?

A. 冇證據，所以呢個都係我哋都搵--所以我想睇番手機或者係大家都想睇番手機嗰啲record。

MR TSOI: That's all the questions I want to ask. Thank you very much.

WITNESS: Thank you.

MR SHIEH: Mr Chairman, in the normal course of events it

should be our turn, but in view of the way the government has put some of its questions, I don't want to say "no questions" now, only for me to ask to reopen, so can I ask to decide after I have heard the government's questions?

CHAIRMAN: I can certainly see that. That's seeking to save time, as opposed to gain a tactical advantage. There's no tactical advantage in the Commission of Inquiry as such. It's not an adversarial contest.

Yes, are you happy to proceed now?

MS PANG: Yes, I don't mind going first.

CHAIRMAN: Good.

Cross-examination by MS PANG

MS PANG: Good afternoon, Ms Kang.

A. Good afternoon.

Q. My name is Ellen Pang and I represent the government. I have a couple of questions I would like to explore with you.

First of all, just for my benefit, I would like to understand a bit more about your duties as an engineer. You mentioned earlier that you would conduct routine inspection and we know that you also carried out hold-point inspection for the rebars, and we know that you attend interface meetings. So is that all that you would need to cover as an engineer, or are there also other works that you would need to do as an engineer?

A. As an engineer, we need to make sure that the construction project deliver within -- to meet the programme. Sorry. 係，我哋有呢個職責係deliver個project嘅，我哋平時需要做嘅嘢就係make sure construction--如果我係construction呢，就according--就喺現場就in accordance with many regulations，according with approve plans、drawings同埋有啲make sure個現場嘅safety、environmental、compliance，好多好多唔同嘅，係喇，唔同嘅duties。

Q. That's a lot to do. Would you say that hold-point inspection or conducting hold-point inspection is a matter that you would normally prioritise, because if you don't do the hold-point inspection then it might affect the progress, so would that normally take priority over other work?

A. 我相信地盤其實好多嘢都非常之重要嘅，係咪會prioritise，呢個就唔係咁樣講嘅，因為你有啲時候可能我哋被call到，要做rebar inspection，你可能有其他嘅duties，有其他嘅meetings，你都會相應的搵番啲其他負責嘅同事咁樣去做呢個rebar inspection嘅，而唔係話我會將其他所有嘢擺低咁去做rebar inspection嘅。

Q. I understand. Perhaps one last question on this topic. Would you say that conducting rebar inspection is a main part of your duties?

A. 呢個係我嘅duty，係咪主要部分？都係一個重要嘅duty。

Q. Thank you. Ms Kang, have you ever attended any training

sessions given by BOSA?

A. 我冇參加過任何關於BOSA嘅training。

Q. If I remember correctly, you joined MTR as a graduate engineer; right? I'm just wondering who gave you instruction or who told you how to conduct inspection of the connection between rebar and couplers?

A. 冇人教過我。

Q. To you, what would be a proper connection between a rebar and a coupler, or how would you determine if a rebar has been properly connected to a coupler?

A. 如果喺嗰個時候，你話係2016、17嘅時候，我冇呢個knowledge係知個coupler或者係rebar係點樣為之為properly connected。

Q. So is it the case that when you conduct hold-point inspection for rebar works, you would only focus on spacing, number of rebars, et cetera, but you would not check that a rebar has been fully screwed into a coupler? Is it the case? Or perhaps it might be easier if you tell us what you would look for when you are conducting a hold-point inspection for rebar.

A. Rebar inspection嘅時候我會睇啲咩嘢？就係攞番最update嘅working drawing或者係叫construction drawings，就make sure佢現場啲bar size、bar diameter、bar spacing、length spacing、lap length係align with construction drawings，呢個就係我要睇嘅嘢。

Q. So is it right to say that you would not focus particularly on the connection between a rebar and

a coupler? That would not be your focus?

A. 係，可能會--會general睇下佢有冇真係連埋一齊，但係唔會係detail咁樣去check嘅。

Q. I see.

From the evidence we have just heard, it appears that there are, if I can say, three candidates who may conduct rebar inspection for the stitch joints and also the shunt neck joint: Chris Chan, yourself and Mr Tony Tang. Is that right?

A. 我相信ConE team同埋inspector team都可以做嘅，ConE team就包括Chris、我同埋我哋嘅senior construction manager，就係--senior construction engineer Joe Tsang嘅，如果幫辦嗰team就有大幫，嗰時嘅大幫係咪Kenneth Kong？下低係Victor Tung，下低有Tony Tang，再下低AIOW應該有耀永、阿聰，我記得啲名就係呢啲。

Q. So all of these people may have conducted hold-point inspection for rebar?

A. 係，冇錯。

Q. I would like to focus on Tony Tang. Do you recall that I think my learned friend Mr Tsoi has asked you whether Mr Tony Tang was involved in the hold-point inspection for rebars, and your answer to him was he was involved in the rebar inspection. Do you recall that exchange?

A. 係呀，我記得我講過。

Q. I'd just like to clarify, if you can recall, which area Mr Tony Tang was responsible for insofar as rebar

inspection is concerned. I ask you this because Mr Tony Tang mentioned in his witness statement that he was only responsible for rebar inspection for the NFA area but not the other areas for the NAT. So I'd like to see if you can help us on that.

A. 其實我唔係話specify佢一--佢會睇NFA或者NAT或者出面嘅utilities 嘅鐵嘅，但係我自己嘅理解就係喺成個1112範圍之內，幫辦都係可以睇鐵嘅，我都有見過佢啲WhatsApp message send咗喺個WhatsApp group，就佢有睇過邊個位置嘅鐵嘅，但係我唔記得個exact嘅location。

Q. So you can only say that you have a general impression that he was involved in the rebar inspection, but you cannot say whether he has been involved in a particular area or not?

A. 可能--或者係咁樣，因為喺我prepare我份witness statement嘅時候，我都有--頭先都提過我嗰啲WhatsApp message係from嗰個Victor Tung嘅WhatsApp group嘅資料嘅，喺嗰個WhatsApp group啲資料都之前都有睇到Tony Tang有send過類似啲佢有inspect過邊個位置嘅，可能要再check番佢exact--你話係邊個位置嘅話，可能會再check番。

Q. I see. So moving on to how a hold-point inspection is actually carried out -- I would like to focus on the communication within the ConE team and between the ConE team and also the IOWs. You recall telling us earlier that sometimes you would receive a phone call directly from Leighton engineer about rebar inspection; that's correct, right?

A. (Nodded head).

Q. And we have also heard from Mr Chan yesterday that sometimes he would receive a phone call, and if he's unavailable then he would delegate to you. As far as you're aware, that happens as well; is that right?

A. 佢如果唔得閒嘅時候，我都會幫佢係睇鐵嘅。

Q. Would there be a situation where a Leighton engineer contacts an IOW directly for rebar inspection? I'm talking about rebar inspection.

A. 呢個我唔清楚會唔會直接搵幫辦嘅，可能，呢個要check番禮頓工程師有冇直接搵幫辦去睇鐵嘅。

Q. Is it fair to say that there is no fixed point of contact on the part of MTR for rebar inspection? So sometimes it might be Chris, it might be you, and possibly IOW?

A. 冇錯。

Q. After you finish conducting rebar inspection, if there is no RISC form, how would you record the result of the inspection? For example, pass or fail, and on some occasions you might have some notes to add; where would you record that information?

A. 因為好似我頭先講咁樣，我一般都會send番個WhatsApp喺個group嗰度，或者我自--其實自己都會take番啲相咁樣嘅，就會--如果之後睇番相，有真係喺邊個時間睇過邊個位置，可能--如果可能過咗幾個禮拜或者一個月睇番，都會知嗰張我睇過，呢個係acceptable嘅。

Q. Right. That's helpful.

Can I ask you to had take a look at one of your paragraphs in your witness statement at BB9465, paragraph 11. We have looked at this with Mr Chris Chan yesterday, so you might have an impression. The last sentence on this page:

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

Now, first of all focusing on the means of communication, do you agree that while you may send a WhatsApp message reporting on the results of the inspection, sometimes you may -- or you may not do so for every single occasion; there would be occasions where you only reported orally or in person?

A. 冇錯。

Q. And here you say you usually inform the ConE team or inspector of works. So am I right in saying that you would not notify everybody on every single occasion, so there would be occasions when you only notified the ConE team, not the inspector of works? It is possible, is it?

A. 如果喺WhatsApp group嘅話，應該ConE team同埋幫辦都會睇得到。

咁有冇情況話你話只會知會一個party嘅呢？因為個practice好似

頭先講咁樣，我第一個會話畀Chris，Chris就係知嘅，點樣都會知嘅，我同幫辦一齊睇鐵，幫辦都會知嘅。

有冇case話，可能有一part，唔知喇，或者都會打個電話咁樣同佢講番。

Q. Perhaps I will ask this. Can you rule out the possibility that there would be a situation where you've only informed the ConE team but perhaps not the IOW? Could that happen?

A. 都唔係冇機會嘅。

Q. Would you accept that, in that situation, how does MTR ensure that every single area has been inspected either by ConE or IOW or both? If you would not -- or you may not communicate with each other on every single occasion, then is there a mechanism, or how can MTR ensure that every single area has in fact been inspected?

A. 我相信呢個溝通一般都係做到大家都知嘅，如果真係你話頭先嗰個情況，就係ConE team知，但係幫辦唔知，但係幫辦見到佢如果喺現場做下一步嘅工作或者做formwork或者佢被要求去做pre-pour check嘅時候，佢應該都有嗰個責任去verify係咪真係呢個位置有做過rebar inspection，先會畀佢做下一步嘅工作。

CHAIRMAN: I think the question may be how would they verify.

A. 就MTR ConE team點樣去確認，呢個message pass--Is this your

question?

CHAIRMAN: No. You have said, I think, "Now, the inspectors would be on site, and when they are requested to do a pre-pour check, they would have to verify whether a rebar hold-point check had already taken place." So they receive a request, "Can we do a pre-pour check?" They need to make sure that there has already been a hold-point rebar check. Question: how do they check that out?

A. 佢其實如果我send個WhatsApp，佢可能喺WhatsApp入面已經見到嗰個位置做過rebar inspection，如果佢見唔到呢啲message，佢可以打個電話畀ConE team嘅，或者其實我哋坐喺同一個office，佢都好易可以搵到我哋，就話「你有冇做過呢個inspection呀？佢出面已經準備落石屎囉喎。」咁樣一個好簡單嘅communication其實已經可以做到呢個效果。

CHAIRMAN: Could I ask this: was it then part of the inevitable procedure that if a request like this was received for the pre-pour check, that the inspector of works would always go back to the MTR ConE team and say, "Can you confirm that the rebar inspection has already taken place"?

A. 如果係佢真係唔知嗰個鐵有冇inspect過，佢就應該會咁樣做嘅。

CHAIRMAN: But there's nothing built into the system that says they must do that?

A. 我相信procedure wise可能就冇寫得咁死嘅。

CHAIRMAN: So somebody comes along -- I'm just wondering if

people may just assume that if they are asked to do a pre-pour check, then there must have been a rebar check earlier?

A. 可能要問番個幫辦會唔會咁樣假設。

CHAIRMAN: All right.

MS PANG: Ms Kang, if there is a RISC form, then the IOW would be able to tell from the RISC form that rebar inspection has been completed so he need not check with you separately; is that correct?

A. 都係嘅，如果個RISC form係on time嘅話，我相信就可以check得到嘅。

CHAIRMAN: Sorry, could I just ask one question. You have to forgive me asking this because I'm not an engineer, but some major projects which require teams of people to operate, in the command centre, if I can call it that, they might often have a big chart up on the wall where everybody could go to the chart and you would see, you know, "Bay 20: delay" or something; "Bay 21: hold-point check on rebars confirmed on the 15th", a ready source of visual reckoning. Anything like that in your offices there? Because you shared offices with Leighton.

A. 我記憶中就冇嘅。

CHAIRMAN: Thank you.

MS PANG: To follow up on my earlier question -- so, if there is no RISC form or if a RISC form is not submitted on time, then you said you would expect the IOW to check with the ConE team. You've told us earlier --

basically, you have given us a list of people who might be responsible for conducting rebar inspection. So you are expecting the IOW to go through the list and check with each of them to see if a rebar inspection has been conducted? Is that what you are saying?

A. 我嘅意思就係如果佢真係唔清楚嗰個將要落石屎嗰個bay有冇做過rebar inspection，佢就應該要咁樣去check、verify嗰個bay係咪真係有inspect過嘅。

Q. Ms Kang, would you accept that in an ideal world where RISC forms are submitted on time, then the IOW need not do that? That you would agree with me. So presumably there would have been nothing built into MTR's system to require an IOW to check with the ConE team separately before a pre-pour check, it's not a specific requirement in PIMS; would you agree with that?

A. 呢個可能再要detail check下嗰個港鐵嗰個PIMS或者係general specification有冇呢個要求嘅，因為呢個係幫辦嘅responsibility，所以我都唔係特別清楚，但係我理解，應該喺現場我哋都係咁樣做嘅。

Q. Do you recall that my learned friend Mr Tsoi asked you earlier about a situation where an IOW was not involved in the rebar inspection; do you remember that?

A. (Nodded head).

Q. Do you specifically recall situations where Tony Tang or other IOWs calling you up to ask, "Hi, Kappa, it would be nice to do a pre-pour check for this area; have you

already completed the rebar inspection"? Do you recall those situations?

A. 我都有呢啲memory嘅，都有幫辦試過打電話畀我verify嘅，你話係咪Tony或者係一個specify邊個人嘅，我就唔記得嘅，但係我有收過類似嘅電話。

CHAIRMAN: You remember that, do you?

A. 係，我記得有呢啲電話，但係我唔記得係邊個人打畀我嘅。

MS PANG: So presumably for those areas you have not sent a WhatsApp message to the group and that's why the IOW needs to check with you; right?

A. 我相信就係佢唔知係邊個睇咗鐵，佢就會verify嘅。

Q. Right. Ms Kang, if you had sent a WhatsApp message to the group, and I assume the group would also include IOWs; right?

A. (Nodded head).

Q. If you had sent a message, then presumably they would know you had inspected; right?

A. (Witness nodded).

Q. So my question is, for those situations when they had to call you separately, would you accept that you did not send a WhatsApp message informing everyone that you conducted rebar inspection?

A. Sorry，我唔係太明你嘅問題。

Q. Perhaps I can try again. So the WhatsApp group would include both members from ConE team and the IOW; right?

A. Yes.
Q. So if you had sent a message to the group saying, "I have conducted rebar inspection for area A", et cetera, then the IOW would also be able to see that; right?
A. Yes.
Q. And if they had seen that, they need not call you separately to check who did the rebar inspection for area A?
A. Mm-hmm.
Q. Would you agree?
A. Yes.
MS PANG: I think that's all that I need to ask.
CHAIRMAN: Sorry, just one final question from me. Looking back on all of this now, it appears to me, as a non-engineer, that without the RISC forms being filled out as they should have been prior to hold-point inspections taking place, once they were no longer therefore operative, the other methods for checking who had done inspections and who hadn't were all a bit casual. Would you agree with that or not?
A. 同意。
COMMISSIONER HANSFORD: Can I just say it appears to me, as an engineer, that they were a bit casual.
I have one question for you, Ms Kang. Did you ever receive training in PIMS?

A. 我唔太記得，當我做唯一個graduate engineer入MTR有冇induction course for呢個PIMS嘅，但係就算有嘅話，都係一個鐘頭或者好快一樣，就話「你哋可能可以喺邊個位置搵到啲類似呢啲document。」但係冇go into details。

COMMISSIONER HANSFORD: So at most you received one hour training on PIMS?

A. 我相信係，我相信係。

COMMISSIONER HANSFORD: Okay. Thank you.

CHAIRMAN: I suspect -- Mr Shieh, is there anything that arises?

Cross-examination by MR SHIEH

MR SHIEH: I have one topic to explore with the witness.

Ms Kang, earlier on you remember you were asked about whether you were in Hong Kong during certain periods in January 2017. Do you remember?

A. Yes.

Q. And you referred specifically to an interface meeting minute that you had reviewed I think before coming to this hearing and you said someone might have forgotten to delete your name from the list of attendees on behalf of MTRC. Do you remember that?

A. Yes.

Q. Can I ask you to look at that document. It is at BB3, page 1791.

A. 係，見到。

Q. I believe that it is this document, this set of minutes, which Mr Pennicott in front of me was intending to show to you, which is dated 6 January 2017, which shows your name. You see your name there, Ms Kang?

A. Yes, I see.

Q. This is the document you reviewed, correct, which you say incorrectly shows you were present when in fact you were not?

A. Yes.

Q. Thank you. Can I just then cross-check a certain document with you: BB9/6482.

You remember looking at this document earlier this morning?

A. Yes.

Q. Now, this document showed that you were present on site on 29 December 2016; correct?

A. Yes.

Q. It showed, again, that you were on site on 9 January 2017; correct?

A. Yes.

Q. Now, you said that you were in New Zealand on honeymoon for I think 16 days; correct?

A. Yes.

Q. Now, there was not 16 days between 29 December and 9 January, so can I perhaps suggest to you that maybe you had misplaced your -- could it be that you had

misplaced your 16 days of honeymoon? It's not -- that period of honeymoon doesn't actually cover 4 or 5 January but covered maybe a later period in January? Could that be the case?

A. I need to check. I remember it's during Christmas to early January.

Q. Right, no, because -- we can count, but --

A. Yes.

Q. But anyway ...

A. I am also ...

MR SHIEH: I have no further questions for you, Ms Kang. Thank you very much.

WITNESS: Thank you.

MR BOULDING: I have no further questions. Thank you very much, Ms Kang.

Sir, I don't know whether you've got any further questions, or Professor?

COMMISSIONER HANSFORD: No.

CHAIRMAN: No. Thank you very much. Your evidence is completed now. Thank you for your assistance.

WITNESS: Thank you so much.

CHAIRMAN: Thank you. You can leave now.

(The witness was released)

MR BOULDING: My next witness, sir, is Mr Tony Tang.

MR TANG SIU HANG, TONY (affirmed in Cantonese)

Examination-in-chief by MR BOULDING

Q. Good afternoon, Mr Tang.

A. Yes.

Q. I assume you are going to give your evidence in Cantonese?

A. 係，冇錯。

Q. You have produced two witness statements for the assistance of the learned Commissioners in this Inquiry. Please can we go to the first statement which is at bundle BB1/121.

There do we see the first page of your first statement, Mr Tang?

A. 係。

Q. Then if we can go on to page BB138, there do we see your signature under the date of 2 May 2019?

A. 係，正確。

Q. Then if we could go back, please, to page 121. We see, do we not, in paragraph 1, that you tell the learned Commissioners that you are an inspector of works on the SCL project; correct?

A. 正確。

Q. Then in paragraph 3 you give, do you not, a potted history of your career with the MTR from when you joined in 2010 through to the current time?

A. 係，冇錯。

Q. Then if we can look at your supplemental statement,

please, and if we can go for that purpose to BB14/9495. There do we see the first page of your supplemental witness statement, Mr Tang?

A. 正確。

Q. Then if we go on to the second page of that document, 9496, do we see your signature under the date of 3 June 2019?

A. 正確。

Q. I'm right in thinking, am I not, that in that supplemental statement you qualify the evidence set out in your first statement so far as what you say could be seen in various photographs to which you refer? Does that summarise what you do?

A. 係，冇錯。

Q. Now, subject to those qualifications, do you confirm that the contents of those statements are true to the best of your knowledge and belief?

A. 完成正確。

Q. I just want to ask you one further question, and that is by reference to the MTR organisation chart. We'll find that at B2/582.

If you look in the top left-hand corner, you can see, can you not, that this is the organisation chart for MTR as of at January 2017; do you see that?

A. 睇到。

Q. Then if you look at the top, you will see Michael Fu at the very top as construction manager, but just come down. If you follow that line down, do we there see your face, a photograph of your face? I think you're the fifth photograph down; is that you, Mr Tang?

A. 係，睇到。

Q. And do we understand from your evidence that you report to the senior inspector of works who at that time was a Mr Kenneth Kong?

A. 正確。

Q. Thank you. I have no further questions for you at this stage, but Mr Pennicott, who is the counsel to the Commission of Inquiry, will ask you some questions first. Then there are various other lawyers in the room who have the opportunity to ask you questions. Prof Hansford and the Commissioner can ask you questions at any time. Then it might be that I'll have some further questions for you in due course. Do you understand that?

A. 明白。

MR BOULDING: Please sit there and listen carefully to the questions.

Examination by MR PENNICOTT

MR PENNICOTT: Mr Tang, good afternoon.

A. 午安，你好。

Q. As Mr Boulding has indicated, my name is Ian Pennicott, I'm one of the counsel to the Commission; I'm going to ask you some questions. First of all, thank you very much for coming along to give evidence to the Commission today.

Mr Tang, as I understand it, you were an inspector of works on the SCL project, and on contract 1112, from June 2013 right up to date; is that right?

A. 正確。

Q. A period of some, now, six years. And since around September/October 2013, you have been responsible primarily for the NAT area but also the NFA; is that right?

A. 實際嘅年期應該喺嗰個statement都講咗，應該啱嘅。

Q. Right. And I think also you say in your statement that you've had, since about April 2018, some involvement with the HHS area?

A. 正確。

Q. And I imagine, by the time you arrived in the HHS area in April 2018, essentially all the civils work had finished; is that right?

A. 大部分都完成。

Q. Right. Now, can we just understand this point, Mr Tang. My understanding is that your evidence is that you were not involved in the formal rebar fixing inspections in

the NAT area, including the three stitch joints and the shunt neck joint. Is that correct?

A. 如果NAT嘅EWL同埋NSL，係。

Q. Right. But you say in I think your second witness statement you had some limited involvement in formal rebar fixing inspections in the NFA. Is that correct? Have I understood that correctly?

A. 正確。

Q. So that we understand it, what was your limited involvement in the formal rebar inspections in the NFA? What part did you play?

A. 其實最主要都係我哋嘅engineer去負責番睇鐵嘅，但係如果有時--因為喺做NSL或者EWL嘅時候，我就負責--我有好多地盤嘅巡查，有好多嘅progress我要報，所以其實我冇呢個時間可以去睇一大棚，即係比--我覺得係比較複雜嘅鐵，因為如果我想做一個rebar嘅hold-point inspection，係一啲好複雜嘅structure，我要用好多時間，係咁喇。

Q. Right. My understanding is, from your evidence, that so far as the NAT areas are concerned, including the stitch joints, your expectation was that the formal hold-point inspections of the rebar would be carried out by one of the engineering team. Is that right?

A. 冇錯。

Q. Right. That might be a ConE I or a ConE II; is that right?

A. 冇錯。

Q. Okay. As you tell us in your witness statement, you -- and I'm focusing on the NAT area generally at the moment, Mr Tang -- conducted routine daily surveillance on site, and you tell us what aspects of the work that you focused on. That's the general works being constructed, general progress, general site management, and safety; those are the matters that you focused on?

A. 冇錯。

Q. What you did do during the course of your site surveillance, Mr Tang, was take lots of photographs. Is that right?

A. 係。

Q. Right. Indeed, a bundle that we have in the hearing, BB10, has 594 of your photographs, or something of that order, practically a whole file full of photographs. We are going to be looking at some other photographs in a moment.

A. Okay，好。

Q. But, as a general point, Mr Tang, what was the purpose of taking all of these photographs? Were you required to do that? Did you do it as a matter of interest? What was your purpose in taking all these photographs?

A. 其實我覺得我作為一個幫辦，其實一返工第一樣嘢要行一行個地盤先，我要知道當日地盤嘢有冇咩嘢一切嘅--係咪即係地盤係好正常，有冇啲咩嘢特別問題，所以我會--我嘅routine嘅inspection，我第一--返工第

一樣嘢就係行咗地盤先，到而家嗰個習慣都係咁樣。

Q. Right. Were these photographs taken on principally your mobile phone or did you have a special camera, or what did you use?

A. 其實早期我就係用我自己嘅手--電--唔係，唔係，自己嘅數碼相機嘅，其實我都帶咗--即係喺呢個地盤，我已經用咗兩部我自己私人嘅數碼相機，後期因為WhatsApp比較普遍啲，所以我因為又要報進度、報番地盤嘅嘢，我就轉咗用數碼--唔係，用咗手機去影相。

Q. Okay. I understand. And am I right in thinking that all or at least most of those photographs would be uploaded onto the MTRC server?

A. 我影嘅，係。

Q. All right. Now, in paragraph 15 of your witness statement, first witness statement, starting at the very bottom of page BB1/123, you set out, in a series of subparagraphs, your evidence in relation to the RISC form process. Do you see that, Mr Tang?

A. 睇到。

Q. Right. I just wanted to ask you about subparagraph (7) on page 124. You say there:

"The IOW/ConE would update the RISC form register recording: (i) who conducted the relevant inspection; (ii) outcome of the inspection; and, (iii) whether re-inspection was required, or the RISC form had been closed out."

Do you see that, Mr Tang?

A. 睇到。

Q. Now, when you say, "The IOW/ConE would update the RISC form register", do you mean the IOW or the ConE that had actually carried out the inspection?

A. 我嘅意思係不論IOW好或者ConE好，佢做完嗰個inspection，佢就有責任去簽番張form，咁嗰張form其實簽完之後，係需要喺嗰個register度話番畀人聽嗰個status係點樣。

Q. Who inputs the information into the register, Mr Tang?

A. 據我嘅認知，就係邊位同事負責睇嗰個--即係去做嗰個hold-point inspection嗰位同事要負責番。

Q. I ask you this, Mr Tang, because we've just heard from Ms Kappa Kang, who indicated to us that she did not at any time input any information into the register. Now, she carried out a lot of hold-point inspections, it would appear. She says that once she had filled in the part C of the form, she would have given it back to an IOW, such as yourself, to allow you to do -- or the IOW, not necessarily you personally, Mr Tang -- to input the information. Is that wrong?

A. 應該簽完張form唔會畀番幫辦，應該簽完張form係畀番大幫，SIOW。

Q. All right. So would it be the SIOW, perhaps, who inputted the information into the RISC register?

A. 呢個我其實應該--即係頭先我講過，因為--其實呢個register係邊一位同事負責去做嗰個inspection，就係應該嗰位同事去負責番，大幫淨係

check一check嗰啲嘢有冇問題，跟住就countersign喺下低我唔記得part幾，會去countersign番張form。

CHAIRMAN: Sorry, can you help me again. Which form are we talking about?

MR PENNICOTT: The RISC form, sir.

CHAIRMAN: Because we are talking about a register and a RISC form.

MR PENNICOTT: Yes.

CHAIRMAN: My understanding was you got the RISC form and you took information and you put it into a separate register.

MR PENNICOTT: Correct.

CHAIRMAN: I've got a little confused as to the two.

MR PENNICOTT: That's entirely right.

Mr Tang, can we just test the process in this way. Can I ask you please to be shown the RISC form at BB1/329.

Now, this is, or should be, RISC form 10625. Do you see that, Mr Tang?

A. 睇到。

Q. Right.

Sir, for your information, it's one of the RISC forms on the NAT pour summary.

If we scroll down, we can see -- a bit further down, please -- that so far as MTR is concerned, the rebar inspection was carried out by Kappa Kang, the ConE II,

on 19 May 2016, described as "satisfactory". Do you see that, Mr Tang?

A. 睇到。

Q. Right. Then if we could please look at the RISC register, at BB13/8815.175.

If we can focus on the RISC form 10625 that we've just looked at -- do you see that, Mr Tang?

A. 睇到。

Q. So submitted, it says, 19 May, which is right.

If we can then scroll over to the right-hand side of the register, rather than seeing what I thought we might see, "KK", which is Kappa Kang, in the "Inspection by", we see your initials, "TT"; do you see that?

A. 係，冇錯。

Q. Can you explain what's happened?

A. 可能有啲typing error，其實呢個register我覺得係應該係睇form邊位簽，所--嗰個先可以核實到。

Q. Do you recall yourself, Mr Tang, inputting information into this register?

A. 我有，我有，我有，記得。

Q. So is this a situation where Ms Kang may have passed the RISC form to you, you've inputted the information, but you have incorrectly recorded your own initials rather than Ms Kang's? Is that a possibility?

A. 有呢個機會。

Q. Okay.

CHAIRMAN: Is this an opportune moment?

MR PENNICOTT: Just one more question, sir.

CHAIRMAN: Of course.

MR PENNICOTT: There are -- and I can show you some examples if necessary, Mr Tang -- a number of instances where -- I think we may even be able to pick one up here on this page, by coincidence -- instances where the various columns under "Inspection" and "Action require" are blank. There's one there. You need to scroll to the left just to pick up whether it is a separate item. A bit further, please. Yes.

And presumably, Mr Tang, if there are no entries in the "Inspection" or the "Action" column, somebody has omitted, forgotten to input the information from the RISC form into the register; is that right?

A. 有呢個機會。

MR PENNICOTT: Okay. Sir, that would be a convenient moment.

CHAIRMAN: Good. Thank you.

How are we doing time-wise?

MR PENNICOTT: Sir, we are doing well. I just wonder -- I know it's 1.05 and we have a witness in the witness box, but I wonder if it might be worth just mentioning what the proposed plan is for the rest of the week.

CHAIRMAN: Yes.

MR PENNICOTT: -- which I know we discussed briefly this morning.

Sir, I have taken the view, for a number of reasons, that the work we should do for the rest of this week is to complete all of the MTR's witnesses. An optimistic view would be that we might complete them tomorrow evening, Thursday, or perhaps the more realistic and perhaps a little bit pessimistic view is we will complete them sometime on Friday.

Sir, I am of the view that when we complete the MTR's witnesses, whenever that may be, we should, as it were, adjourn and then resume with the Pypun witnesses, followed by the government witnesses, on Monday morning.

I have mentioned that to one or two of my learned friends, not many of them, certainly not all of them.

Sir, so that's what I would recommend. On that basis, I am very confident that the two Pypun witnesses and the three government witnesses will certainly comfortably be dealt with in the three days next week. Indeed, I think it more than likely that we can finish those five witnesses in two days rather than three and I think that's a view that's shared by others.

So, sir, that -- I thought I should just mention how we are doing on timing -- is one answer to the question.

CHAIRMAN: That's good to hear, that we are within our schedule.

MR PENNICOTT: I think we are, sir.

Another by-product of that approach is it will give Pypun some certainty that they will be required on Monday morning and won't be perhaps hanging around on Friday, depending on of course where we get to with the MTR witnesses.

CHAIRMAN: All right. Good. And I think this afternoon we are going to adjourn just a little early.

MR PENNICOTT: A little early, sir, maybe by 10 or 15 minutes.

CHAIRMAN: Right. We will run through until 4.45, and being as we are not being squeezed against a wall for time and it's now nearly quarter past -- it's 1.10 one -- we will resume at 2.30; would that be all right?

MR PENNICOTT: Yes.

CHAIRMAN: Good. Thank you.

Mr Tang, you are in the middle of giving your evidence at the moment, and this is a statement that I give to all the witnesses: during the breaks that occur, you are not entitled to discuss your evidence with anybody else, okay, including any lawyers or friends or anything like that. Okay? You have to, you know -- in other words, it's not like a football match. You can't go outside and have the coach come up and say, you know, "You should do this", or, "You should have done that." Do you understand me?

WITNESS: 完全明白。

CHAIRMAN: Thank you.

(1.10 pm)

(The luncheon adjournment)

(2.34 pm)

MR PENNICOTT: Mr Tang, good afternoon.

A. 午安。

Q. If we could please look at paragraphs 16 and 17 of your first witness statement. That's at BB125.

After having given the description of the RISC form process in paragraph 15, you then say:

"However, it should be noted that the majority of the formal hold-point inspections that I conducted in NAT were carried out without the relevant RISC forms being in place at the time. This was because on many occasions, I received phone calls from Leighton's frontline staff (including Regina Wong, Isaac Ng, and Henry Lai) requesting that I conduct the necessary inspection on their promise that the relevant RISC forms would be submitted shortly thereafter for my signature.

In order not to hold up the construction progress at site, I acceded to these requests and conducted the necessary inspections, and where I was satisfied with the conditions, I gave the relevant permission for works to proceed to the next stage, with the understanding that I would receive the corresponding RISC forms

shortly thereafter for my signature."

So, in short, Mr Tang, you permitted, as I understand it, Leighton to verbally initiate the inspection process; is that right?

A. 係，但係都係講番佢哋承諾咗話會喺短時間內畀番啲form我，其實我覺得係可以嘅。

Q. Yes. But by doing that and adopting that approach, you in effect relaxed the RISC form process?

A. 都唔算係放寬嘅，其實大家都係一個承諾囉。

Q. Did anyone authorise -- sorry, did anyone at MTR authorise you to adopt this approach?

A. 冇。

Q. So you did this on your -- off your own bat, was it, Mr Tang?

A. 即係其實我可唔可以講多少少成個入form嗰個程序？

Q. Of course, but I'd like you to address the question as to why you thought you were entitled to adopt this approach.

A. 因為其實入form嗰個程序就比較需時嘅，其實喺我嘅證人陳述書都講咗，由禮頓喺INCITE gen.個RISC form秤巴出嚟，跟住禮頓嘅engineer或者入form嗰位同事就寫番一啲相關嘅嘢，再經佢哋嘅--禮頓嘅document control，再喺佢哋嘅system register，再跟住由--嗰啲form係由佢哋嘅--我記得應該係一啲document control，再交去我哋嗰邊AA register，register完，再交番畀大幫，大幫再countersign收form

嗰個日子，先再派番落嚟，其實呢個途程都比較耐啲，所以喺嗰個時間，其實呢一個方法係比較可行啲。

Q. What I'm interested in, Mr Tang, is this. You adopted this approach which you have described to us, and I'm assuming, but tell me if I'm wrong, that your senior, your boss, knew about it. Is that right?

A. 我相信我嘅大幫會知道呢個程序，其實喺好早期嘅時候，我哋--我記得係Dick Kung，係已經容許咗四個鐘入form畀我哋，但係其實呢個四個鐘其實都係唔足夠，都係頭先我所講嗰個程序，再返番嚟就比較耐少少。

Q. At one point, I think Kenneth Kong was the senior inspector of works; is that right?

A. 唔係Kenneth Kong，係Dick Kung，係好--應該係佢喺15年10月嘅離咗職嘅。

Q. That was October 2015. Did Dick Kung know about this process?

A. 你指係Dick Kung，係咪？

Q. Yes.

A. 定係Kenneth Kong？Dick Kung知嘅，其實知。

Q. Right. Who took over from Dick Kung?

A. Dick Kung走咗之後，應該係Pedro So。Pedro So其實佢係--其實我哋最早期係有兩位大幫，一個係叫做Dick Kung，一個叫Pedro So。

Q. Did Pedro So know about the practice, the approach?

A. 應該知道。

Q. Did you discuss it with him?

A. 呢個我冇乜印象，應該都有嘅，其實佢應該都會知。

Q. Right.

CHAIRMAN: Could I ask you just one question. The evidence indicates that a lot of the RISC forms that were promised to you either came very late to you or did not come at all. Did that alter your attitude towards allowing further inspections without RISC forms?

A. 你指係禮頓嗰方面，係咪？定係我嗰方面？

CHAIRMAN: About the RISC forms coming late from Leighton or not at all, and whether that changed your attitude.

A. 冇，我都係相信大家講嘅嘢嘢，即係佢應承咗喺儘快畀我，我亦都繼續相信。

MR PENNICOTT: In your witness statement, you do mention Mr Kenneth Kong, who you spoke to prior to him sending an email of 24 March 2017, which we've looked at a number of times. So did Mr Kenneth Kong, in his position of senior inspector of works, did he know about this practice generally?

A. 應該都知。

Q. Okay. In paragraphs 18 and 19, and indeed for the next few paragraphs in your witness statement, Mr Tang, you explain how you dealt with the RISC forms that you did receive, and in particular how you would record a late submission, if that was appropriate. Do you recall all that?

A. 記得。

Q. Right. Then, at paragraph 25 of your witness statement, you say this:

"For most of the inspections that I conducted in NAT (other than the North Fan Area), Leighton never submitted any RISC form."

Mr Tang, you -- I can show you the document if necessary, but you may be aware that on the NAT area, after about July 2016, no RISC forms at all were submitted so far as the rebar is concerned and I think the pre-pour inspections as well in the NAT area. Is that something that you were aware of in 2016 or 2017?

A. 知嘅。

Q. Right. And you say in paragraph 25:

"Between 2016 and 2017, I made repeated oral complaints to Henry Lai, Chan Hon Sun, and Joe Tam (construction manager of Leighton) in relation [to] the outstanding RISC forms, but to no avail."

Now, so far as Henry Lai is concerned, you say "repeated oral complaints" -- was this over a long period of time, Mr Tang, or a number of complaints in a short period of time? Can you explain to us the nature of the repeated complaints you made to Mr Lai, first of all?

A. 其實當Henry Lai同我講話要做任何嘅hold-point inspection，我都係答好，跟住我會再同佢講「麻煩交番RISC form，記得入番RISC

form畀我。」所以其實呢個做法係不斷不斷係咁重複。我亦都試過同陳漢新講，陳漢新我記得係17年6月嗰佢已經走咗，其實喺後段都冇乜點同佢講。我亦都試過去搵Joe Tam，因而我哋寫字樓比較近，我諗我行過去都可以同佢講到，不過我用口頭上。

Q. Yes. Just focusing on Henry Lai for the moment, what was his reaction to your constant and repeated complaints?

A. 佢每一次都答「好，我儘快畀番你喇。」咁樣，其實我都有試過用WhatsApp去同佢講，不斷都係咁繼續提佢。

Q. All right. So far as Joe Tam is concerned -- obviously he's more senior, he's the construction manager of Leighton for the particular area we're concerned with -- what was his reaction when you spoke to him?

A. 佢都係話得喇，佢會提番Henry Lai咁樣，都係咁--係咁上下。

Q. All right.

Then you refer to the email that was sent by Kenneth Kong. And, as I understand it, Mr Tang, from your evidence, it may well have been as a result of a conversation that you had with Mr Kong that he sent that email. Is that right?

A. 其實我同Kenneth Kong嘅對話或者話畀佢聽或者可以講話投訴，話冇RISC form呢樣嘢其實唔止一次嘅，其實喺佢嚟咗跟住冇耐，我發現到有RISC form嘅問題，我都同佢講過。

Q. Right. So it was possible that the email that we've seen was prompted by your discussions and your

complaints to Mr Kong; is that right?

A. 呢個我比較印象深刻啲，因為我喺個寫字樓同佢講，講完之後，佢話「好，我即刻幫你send個email畀對家。」即係send番畀禮頓，佢跟住send完之後，佢同我講「嗱，我做咗嘢呀，嗱。」咁囉，即係我好記得呢樣嘢。

Q. All right.

And as you say in paragraph 27, first sentence, of your witness statement:

"Unfortunately, despite [your] repeated oral complaints and Kenneth Kong's written protest, the situation did not improve."

And you stand by that evidence, Mr Tang; is that right?

A. 唔好意思，可唔可以再問多一次？

Q. Yes. You say that despite your oral complaints and Mr Kong's protest in the email, the situation did not improve. And you stand by that, as I understand it, Mr Tang; is that correct? You are still of that view?

A. 冇錯。

Q. Now, moving on to the stitch joints, Mr Tang -- my understanding is that you personally carried out the formal hold-point inspections in respect of the pre-pours to all three stitch joints. Is that right?

A. 我記憶所及，就係，可以都有同事落去幫手望一望，我記得我係有做。

Q. Right. What about the shunt neck: is the position the same, that you carried out the pre-pour check to the

shunt neck joint?

A. 係。

Q. I wonder if you could look at that sheet that's just in front of you there. It's BB9/6363.

If we look at item 45 on the sheet, towards the bottom of the page, Mr Tang, you will see that the shunt neck bay 3 track slab, the commencement of the rebar and indeed the completion of the rebar was on 4 January 2017. Do you see that?

A. 睇到。

Q. And the concrete was poured, if you go to the right-hand column, on 5 January, the following day; do you see?

A. 冇錯。

Q. So I deduce from that that you must have done the pre-pour inspection either late perhaps in the day on 4 January or perhaps early in the morning on 5 January. Would that be right?

A. 都啱嘅。

Q. Right. Mr Tang, do you -- this all happened in a very short space of time so far as the track slab in bay 3 is concerned, just over two days, it would appear. Do you have any recollection, specific recollection, as to who did the rebar hold-point inspection as opposed to the pre-pour?

A. 因為呢個都17年發生咗，因為又發生咗一啲RISC form嘅缺失，其實都

我唔肯定邊一位工程師去做。

Q. All right. Do you recall what steps, if any, you took to ascertain whether the rebar fixing hold-point inspection had in fact taken place?

A. 其實喺做pre-pour之前，我有個習慣，都係會問番一啲相關嘅engineer究竟睇咗鐵未，即係其實呢個資料來源其實都係可能一啲工程師又或者禮頓嘅黎家灝，即係Henry Lai，我會問番佢究竟邊位同事睇咗，我亦都會打電話去confirm番究竟佢睇咗未咁樣。

Q. Do you have any recollection of whom you may have spoken to in relation to the inspection, rebar inspection, of the shunt neck at bay 3 track slab?

A. 呢個冇乜印象。

Q. And I assume that you have no record of any conversation or anything of that nature?

A. 我冇，因為我個電話壞過，所以啲WhatsApp全部冇晒，所以冇任何紀錄。

Q. All right.

Again, Mr Tang, if we look at item 58a on this schedule, you will see that this is the EWL stitch joint, the interface stitch joint on the EWL track slab, was carried out so far as the rebar is concerned between 22 and 24 January, and again the concrete was poured on 24 January. Do you see that?

A. 睇到。

Q. Again, Mr Tang, do you have any recollection of who carried out the rebar inspection in relation to that

item?

A. 應該係我哋嘅工程師，我真係冇印象邊個做或者我打過電話畀邊個工程師。

Q. Again, let's just get this clear, Mr Tang: your evidence is that before you carried out the pre-pour inspection, you would have found out from somebody that the rebar inspection had taken place; is that right?

A. 係。

Q. Did you make that an invariable practice of yours, to make sure that the rebar inspection had taken place, before you were prepared to do the pre-pour inspection?

A. 如果我去做pre-pour--呢個pre-pour inspection，我係有呢個習慣去confirm番邊位同事做過，先再去幫手睇嗰個pre-pour。

Q. All right.

Now, Mr Tang, you tell us in your witness statement that -- and we've touched on this earlier -- you were in the habit also of taking a lot of photographs. We've discussed that briefly earlier. Do you remember that?

A. 記得。

Q. In paragraph 36 of your first witness statement, you say that during the course of your daily surveillance, and in your hold-point inspection, that's the pre-pour inspection as I understand it, you took various photographs in the stitch joints and the shunt neck?

A. 都有。

Q. And you say in paragraph 36 of your original witness

statement:

"... the now known defective coupler connections at the three stitch joints were not readily apparent to the naked eye during my daily surveillance."

Then you make reference to the photographs that are included.

Now, in paragraph 4 of your second witness statement, I think you have now qualified that observation. That's at BB9495. That's BB14. Because you now say:

"I have now had an opportunity to study the photos taken at the three stitch joints during the rebar fixing and concreting works of the track slabs as retrieved from MTR's server. I wish to clarify that having now carried out a detailed and close examination of these photos and upon reflection, it is possible that some of these photos may show defective coupler connections."

Obviously I recognise that you make that clarification while reiterating various points that you make in paragraph 5.

Unfortunately, Mr Tang, I'm going to need some help from you to identify the photographs which you say may show defective coupler connections; all right? For which purpose, we need to go to, as I understand it, B14, starting at 9499.

First of all, Mr Tang, can I just confirm with you,

as it were, in overall terms, what we are about to look at. First of all, Mr Tang, I understand that the first five photographs -- that's 9499 to 9503 -- are five photographs dealing with the shunt neck. Can you just first of all confirm that?

A. 啱嘅。

Q. Then we have two photographs, at 9504 and 9505, which deal -- or the subject matter of which is the EWL stitch joint. Is that right?

A. 係。

Q. We will look at some of those in a moment. I'm just trying to get the parameters.

Then, Mr Tang, from 9506 to 9512, there are seven photographs dealing with the NSL 1111/1112 stitch joint, that is the interface stitch joint in the NSL area. Is that correct?

A. 啱嘅。

Q. Then the remainder of the photographs, from 9513 onwards, that is up to page 9532, all concern the internal 1112 stitch joint?

A. 啱嘅。

Q. Now, back to the shunt neck photographs, and we'll need to take these in a particular order to understand the sequence, I think. So if we could start, please, with 9503. This is a photograph, one of the few, that is

actually dated in this series, dated 24 December 2016. Do you see that, Mr Tang?

A. 睇到。

Q. Christmas Eve. What work can we see being done in this photograph?

A. 呢個係做緊一啲waterproofing嘅工序。

Q. Okay. Just to confirm, this is in the shunt neck joint, in bay 3 shunt neck?

A. 啱。

Q. All right.

COMMISSIONER HANSFORD: Can I just be clear: is the concrete we're looking at part of contract 1111? The far end of that waterproofing, is that 1111?

A. 正確。

COMMISSIONER HANSFORD: Right.

MR PENNICOTT: Yes. So we are looking north.

COMMISSIONER HANSFORD: We are looking north, yes. I understand.

MR PENNICOTT: Then the photograph at 9502, showing a similar situation, no date, but we assume taken probably on the same day.

Then we fast-forward a number of days. If we go to, I think, just to pick up the date, but I'm not sure it's the first one in the sequence -- if you go to 9501, we are now at 5 January 2017; do you see that, Mr Tang?

A. 睇到。

Q. It seems to me that the sequence is in fact 9499 goes first.

A. 啱。

Q. Then possibly 9500, which perhaps is the last one.

A. 應該係喺950--呢個係--last one，即係9501之後先再9500，個次序。

Q. Yes, understood. Yes. So the last one is 9500, where I think we can see, can we not, the concreting works taking place?

A. 冇錯。

Q. Okay. First of all -- perhaps the only question I need to ask after all that -- we've not been able to detect any possible sightings of defective rebar in those photographs. Is that right, Mr Tang, or have you been able to spot something?

A. 其實shunt neck我影嘅相就真係睇唔到嘅。

Q. They are at least helpful photographs to pinpoint the dates when this work was carried out, so that's very helpful.

COMMISSIONER HANSFORD: Sorry, just so that I understand that -- so each of these photographs is dated, then, is it?

MR PENNICOTT: Sir, it's quite complicated. In this sequence that we've been given in this file, only very few are dated. However, if one takes the additional

step of going to the folders that have the site diaries in, whilst I don't think they are part of the site diaries, there are lots of photographs in the same folders. From there, one can sometimes pick up the dates of the photographs. Indeed Mr Lam is, as it were, tracking as I am speaking the photographs that are in the box in the diaries.

For example, we know that 9499 -- assuming that the annotation in the diary box is right, the 9499 photograph was taken on 4 January, which would seem to fit.

COMMISSIONER HANSFORD: It fits.

MR PENNICOTT: Yes.

COMMISSIONER HANSFORD: And the next one, where the concreting is --

MR PENNICOTT: Is 5 January.

COMMISSIONER HANSFORD: -- is presumably 5 January?

MR PENNICOTT: Correct. That's right.

COMMISSIONER HANSFORD: Okay. I understand.

MR PENNICOTT: Yes. It is, by reference to the other file, 5 January, yes, that's right.

COMMISSIONER HANSFORD: So, sorry -- so we understand or we've been told, Mr Pennicott, that between 9499 and 9500, two hold points were passed?

MR PENNICOTT: Correct. That is right, yes. Both the rebar and the pre-pour. That must be right, yes.

COMMISSIONER HANSFORD: Well, that's what we've been told.

MR PENNICOTT: Told, yes.

Then moving on, Mr Tang, could we go, please, to photograph 9504. As I understand it -- which we cannot track a date for, but we will perhaps propose a date in a moment, as a matter of deduction. What I understand we're looking at at 9504, Mr Tang, is a shot of the EWL stitch joint. Is that right?

A. 啱。

Q. First of all, can you tell us which side is Leighton's and which side is Gammon?

A. 簡單啲講，藍色嗰邊係--你會見到有條藍色嘅waterstop，嗰邊就係1111嘅contract嘅，其實比較易分啲。

Q. That's very helpful.

COMMISSIONER HANSFORD: We are looking west.

MR PENNICOTT: We are looking west, sir.

COMMISSIONER HANSFORD: At the Polytechnic building in the background.

MR PENNICOTT: We are indeed, sir. A very good spot. We had worked that out as well, at least -- I say "we" -- those either side of me had worked that out.

COMMISSIONER HANSFORD: Yes.

MR PENNICOTT: So on the left-hand side -- L for Leighton, left for Leighton -- the south side, we can see a series of rebar going into what appear to be holes in the concrete. Mr Tang, on this photograph, can one detect

any potentially defective rebar, rebar fixings?

A. 其實我簡單啲，我講番影番呢張相，我記得我係影係佢哋有工人喺度打緊禮頓嗰邊嘅coupler出嚟，即係去expose番嗰個coupler，你見到下低其實都未紮晒嘅啲鐵，應該就係紮鐵嗰個係on progress緊。

Q. Right. When you say "at the bottom" -- we can zoom in or we have a gadget that points us at these areas. (Using magnifying device).

COMMISSIONER HANSFORD: It's the far end, underneath the scaffolding, I think.

A. 係，冇錯。

MR PENNICOTT: All right. And what about on the Gammon side: are there any problems here? (Using magnifying device).

A. 都係喺--我影相嗰陣，其實都係--即係可能會見到一啲咁嘅嘢，但係我再講，其實而家嗰個紮鐵係繼續進行中，我又冇好aware，即係冇留意嗰啲鐵係點樣，其實最主要我影嘅目的就係話畀相關同事聽而家紮鐵進行中，而家打緊一啲coupler出嚟嘅啫。

Q. All right.

Then if we go to the next photograph, which is the one I showed Ms Kang this morning -- sir, we can reasonably confidently tell you that according to the MTR, this photograph was taken on 24 January 2017, which is the date, according to the sheet, when the rebar on the track slab of the EWL stitch joint was completed.

COMMISSIONER HANSFORD: And indeed the date of the

concreting.

MR PENNICOTT: And indeed the date of the concreting, that's right.

First of all, Mr Tang, I think I'm right in saying, am I not, that we've now switched around and we are looking in the other direction; is that right?

A. 正確。

Q. So Gammon now left, Leighton right?

A. 係。

Q. So we can see at the far end, presumably the east end, the vertical rebar for the eastern wall; is that right?

A. 冇錯。

Q. Back to the question -- or let's, before we get there -- is this, in your view, to your recollection, a photo of the completed rebar in the track slab area of the EWL?

A. 我記得我影呢張相，我send畀--即係用WhatsApp send，我係寫--好似我寫個approximate唔知幾多個per cent complete咁樣，我記得。

Q. Right. Do you recall what percentage that was?

A. 我記得應該係80至90咁上下。

Q. All right. But as was just mentioned -- obviously, one is assuming that the details on the table are correct -- this was the date upon which not only was this rebar completed, but also, as Prof Hansford just mentioned, the concrete was also poured.

A. 應該係同日嚟，我睇番個concrete pour summary，係呀。

Q. So, to adopt Prof Hansford's observation a short while ago, between this photograph, whatever time it was taken, and the end of the day, another two inspections should have taken place, that is the rebar fixing and the pre-concrete pour?

A. 係。

COMMISSIONER HANSFORD: Well, actually, it's between this photo and not the end of the day, because --

MR PENNICOTT: No.

COMMISSIONER HANSFORD: -- you've got to allow time for the concreting.

MR PENNICOTT: That was my next question.

This area, Mr Tang, I appreciate was about 2 to 3 metres across, of that order; is that right?

A. 我記得應該係兩米，係。

Q. 2 metres. Okay. How long would it take -- if you have any knowledge of this -- how long would it take to concrete this sort of area?

A. 如果我睇番呢個concrete pour，應該30 metre應該okay，即係如果roughly咁估，30 metre石屎嘅，都有。

Q. Yes. So how long do you think that would take to pour?

A. 要好睇番石屎廠畀你--畀石屎嗰個車量，因為有時石屎咁冇車，可能會等好耐。

Q. Yes. But assuming a reasonably continuous operation, which I understand this normally would have to be, we're just talking a few hours or what?

A. 幾個鐘應該okay。

Q. Okay. Now to the question: do you say that any potential defective connections can be seen in this photograph?

A. 都有機會。

Q. Can you point to anything in particular? (Using magnifying device).

A. 喺左邊--即係如果而家我再睇番呢張相，我都--係喇，都--我記得左手--左下角嗰度嗰條，係喇，呢度，最下低都見到。

COMMISSIONER HANSFORD: Sorry, what is it we're looking at? I can see where we are looking, but what is it you are pointing out to us?

A. 可能會見到一啲牙露咗出嚟。

COMMISSIONER HANSFORD: Really?

MR PENNICOTT: By and large would you agree, Mr Tang -- this is the Gammon side -- it is difficult to see any couplers themselves, but the rebar does appear to be going into the concrete or into the wall?

A. 可唔可以問多一次個問題？

Q. Sure. If one just runs one's eye up there and uses the gadget if necessary, you can see that the rebar appears at least to be going into the wall, into the concrete, and we can't see, it seems to me, any particular couplers obvious. But nonetheless the rebar does seem to be going into the concrete; do you see?

A. 大部分。

COMMISSIONER HANSFORD: Sorry, Mr Tang, based on your previous answer, can you point out any threads here? I'd just like to see what you think is a picture of a thread being exposed. It would be helpful if you could point that out to us.

A. (Using magnifying device)即係喺嗰張相嘅左下角，其實我而家就係由--喺呢個位置最下低嗰條其實都可能會睇得到，因為而家我有好多時間去再望番一啲相關嘅相片，可能會見到，係咁。

COMMISSIONER HANSFORD: Can you put that back again, sorry.

A. (Using magnifying device)呢度，呢一個，係。

MR PENNICOTT: And on the Leighton side, any potential problems running down the Leighton side, on the right, Mr Tang?

A. 禮頓嗰邊就我睇番張相，就應該冇乜問題。

Q. All right.

Now, on the next series, 9506 to 9512 -- now, Mr Tang, you've got the hard copies of the photographs in front of you there, and I would invite you, to try to make this process a little bit quicker, to just look at the seven photographs that we've got there of the interface NSL stitch joint and invite you to point out any potential defects on any of the photographs. Take your time.

A. 應該係BB9511。

Q. Right. So what are you pointing out to us -- what do you wish to point out to us, Mr Tang?

A. 呢個--呢張相都係其實都係紮鐵嗰個工序未完成嘅，但係即係如果留心啲望呢(using magnifying device)，可能真係會望到一啲疑似牙--即係露咗啲牙出嚟嘅物體，即係喺呢啲地方。

COMMISSIONER HANSFORD: I'm not sure my eyesight is good enough.

MR PENNICOTT: We should also have started by asking: is that the Leighton or the Gammon side we're looking at?

A. 呢邊係金門嗰邊，因為其實你再睇番張相嘅上高呢個位置，...

Q. Yes, I can see the waterproofing.

A. ...都係藍色嘅waterstop，其實好易分嘅咋。

Q. Thank you.

So, looking at the photograph in the diary box, we are told that this was taken on 6 July 2017.

COMMISSIONER HANSFORD: Which is the date for completion of the track slab steel; is that right?

MR PENNICOTT: Correct, sir. And obviously, if that's Gammon on the left, we are looking -- we can see the East Wall in the distance, I guess. Although we just have "wall" on the sheet.

COMMISSIONER HANSFORD: And the track slab is shown to have been concreted two days later.

MR PENNICOTT: On the 8th, yes, that's right.

Mr Tang, are there any other points in relation to

the seven photographs that you would wish to draw the Commission's attention to as showing potential defects in the fixings?

A. 其他嗰啲就比較難睇啲，係啱啱頭先我所講嗰張BB9511就可能會睇得到。

Q. Okay.

Then if we could go, please, to 9513. We are now moving on to the internal stitch joint. And presumably, looking at 9513, Mr Tang, this is rebar still in progress, is that right, or would that be its completed situation?

A. 你所講嘅係BB9513，係咪？

Q. Yes, I do.

A. 應該落緊石屎。

Q. Concrete pouring? All right. Sorry.

COMMISSIONER HANSFORD: Just so that I can understand, this orange pipe that we see laying on top of the steel, is that for the pumping of the concrete?

A. 橙色嗰條係石屎喉，冇錯。

MR PENNICOTT: Sorry, yes, Mr Tang is clearly right. This photograph, we are told, is taken on 7 June, which tallies with the date at line 54 for the concrete pour of the track slab on the internal stitch joint.

COMMISSIONER HANSFORD: Indeed. Reinforcement having been completed the previous day.

MR PENNICOTT: It appears so, yes. Yes.

And at 9514, I assume that is the concreting operation continuing. This time, with plenty of people in sight.

Then, Mr Tang, I think one can move over a number of photographs, because one can't actually see much, if any, rebar in place, but can I just ask you this. 9516. This is obviously taken, Mr Tang, before the rebar had started; would that be right?

A. 冇錯。

Q. What is the worker doing on the right-hand side there?

A. 我睇番張相，應該係一啲紮鐵師傅喺度開始撩緊嗰啲coupler蓋，應該係。

Q. All right. So some preparatory works before the rebar starts?

A. 係，冇錯。

Q. Okay. Now, if you go to 9519 -- sorry, sir, I should have mentioned, at 9516, the date of that photograph is 31 May.

Now, 9519 -- again, Mr Tang, can I just ask you to flick through the remainder of the photographs and take your time, and draw our attention to anything that you think is relevant to potential defective connections.

A. 我相信打後嗰啲應該都睇唔到。

MR PENNICOTT: Right.

Thank you very much, Mr Tang.

Sir, I have no further questions.

COMMISSIONER HANSFORD: I have one question at this point. Mr Tang, you have shown us or you have pointed out to us where you should be able to see some defective couplers. There was one photograph, the bottom left-hand corner, where you said, "You should be able to see defective coupling with some threads exposed"; is that correct?

A. 係。

COMMISSIONER HANSFORD: Are you saying that should have been visible to those doing the pre-pour hold-point inspection?

A. 其實如果去做pre-pour嗰陣，其實我個focus就係喺下低，望清楚下低有冇垃圾，其實如果--我就冇乜點留意番嗰啲鐵，因為其實有相關嘅同事或者engineer睇過，我嘅focus就係喺下低，我就好少再留意番啲鐵，就係咁樣。

COMMISSIONER HANSFORD: I see. Thank you.

MR PENNICOTT: Sir, can I just -- I've just been helpfully reminded that before lunch I put a point to Mr Tang which was not wholly accurate. It was all to do with what Ms Kang had said in terms of where the RISC forms or to whom the RISC forms were passed when the engineer had filled in the details on the RISC forms.

What she actually said was that when she received a RISC form, it would be from the senior inspector of works, either Kobe Wong or Victor Tung, and that when she had completed the form she would hand it back to

Kobe or Victor.

So not back to you, Mr Tang, but back to one of the senior inspectors of works, and I think that's probably consistent with your understanding of the position; is that right, Mr Tang?

A. 可唔可以再講多次？唔好意思。

Q. Yes. If the engineers, having filled out a RISC form, returned it to anyone, it wasn't you they returned it to, it was to one of the senior inspectors of works?

A. 正常程序，係。

MR PENNICOTT: Thank you very much.

Sir, I see it's 3.40, so maybe ten minutes. I'm not sure what others -- who else has questions.

CHAIRMAN: Could I just check on that?

MR TSOI: I have some questions, Chairman.

CHAIRMAN: Okay. And government?

MR CHOW: Yes, we do have several questions.

MR PENNICOTT: Ten minutes.

CHAIRMAN: Ten minutes. Thank you.

(3.40 pm)

(A short adjournment)

(3.56 pm)

Cross-examination by MR TSOI

MR TSOI: Mr Tang, I act for Wing & Kwong, the rebar fixing sub-contractor in this case, and I do have a few questions.

Can I first of all ask you about your interaction with the Leighton engineers, when you were asked to conduct the pre-pour hold-point checks.

As I understand the situation, is it this, that a Leighton engineer, perhaps Regina Wong or Henry Lai, would call you after they themselves have conducted the rebar fixing check, and they would then call you and invite you to conduct the pre-pour check; is that right?

A. 係。Yes.

Q. Now, presumably you know that, for example -- let's take Henry Lai as an example. He was the engineer from Leighton who also conducted the rebar fixing check, in terms of the hold-point inspections; are you aware of that?

A. 喺我嘅認知，佢係。

Q. So presumably what happened was Henry would call you after he has conducted the rebar fixing check, presumably with an MTR engineer, so he would call you and say, "We have conducted the rebar fixing check, now we invite you to come to do the pre-pour check"; is that how that would happen, normally?

A. 佢哋--Henry Lai同我哋嘅工程師睇完之後，佢係會搵我嘅，但係我喺做pre-pour之前，我係會打電話畀我啲工程師去confirm係真係睇咗鐵未。

Q. The question I want to ask you is this. When Henry calls you at the time, what would he say to you, if he

were to invite you to conduct a pre-pour check?

A. 佢話「Tony Sir，我想約你」幾時、幾時去邊度、邊度，即係某個位置去做inspection，跟住我會再嗌佢入form，睇個form，跟住我問佢睇鐵未、問咗邊個，即係如果佢講到個名畀我聽，我直接打電話畀負責嗰位工程師--即係睇--做hold point嗰位工程師，confirm咗，我先會再做。

Q. You said just in your answer there -- I'm not trying to catch you out -- but you said that if he could give the name of the MTR engineer who did the check with him; is that right? If Henry Lai could give you that name, then you would call that engineer; is that right?

A. 係。

Q. Were there occasions where Henry Lai simply told you, "We have conducted the rebar fixing check", without specifying who the team of engineers were who conducted the rebar fixing check?

A. 呢個唔會喇，因為頭先所講，因為絕大部分喺NAT嘅NSL或者EWL，佢當時係得番佢一個engineer，其實佢好清楚搵咗邊位去睇嘅，佢問完--佢講咗個名之後，我相信佢唔會記錯。

Q. On this part, for this part -- you see, you may have heard that there is conflicting evidence between Henry Lai and your Chris Chan in terms of whether Chris Chan did the rebar fixing check. I'm not sure if you're aware of that. So, on the one hand, Henry Lai said he did the rebar fixing checks on the three stitch joints and the shunt neck joint with Chris Chan, but

Mr Chan says that he did not do so.

My question for you is this: can you now recall whether, when you received the call from Henry Lai to do the pre-pour check, he said to you, "I have conducted the rebar fixing check with Chris Chan" or not?

A. 以我認知，喺NAT，多數嘅鐵多數都係Kappa--康璞睇嘅，至於我有冇--Chris Chan有睇過，呢個我真係唔係太印象，呢個。

Q. Sure. It's not your fault, it's a long time ago.

Can you yourself recall on any occasion, before you did the pre-pour checks for the three stitch joints and the shunt neck joint, whether you spoke to Chris Chan to confirm with him that he did the rebar fixing check or not?

A. 我記得都有，因為我淨係得呢兩位工程師，其實唔係康璞，就係Chris Chan。

Q. I understand that. I'm trying to be quite specific. Can you recall specifically whether you spoke to Chris Chan about the rebar fixing check, before you yourself did the pre-pour check? If you can't remember, that's fine, but if you can, then you can of course inform us.

A. 呢個我真係唔記得，陳俊偉呢個，因為其實頭先我所講，多數都係康璞嘅。

Q. All right. Now I want to change to a completely separate topic. For this, first of all, I would like to take you to an MTR site diary entry, which we can find -- and it's a long reference -- at page

CC5657.11972.

Yes, Chairman, I was as shocked as you when I saw there were 10,000 pages in that little page reference.

So have we got that? Yes. This I think is the MTR site diary record for the HHS area for 30 June 2017, and we see your name, I think, as the prepared individual, the individual who prepared; I think we can see your name there, Tony Tang. Do you see that? Is that your signature?

A. 係。

Q. So you prepared this on 30 June; is that right?

A. 關於site diary，我想要講多少少。

Q. Sure.

A. 因而其實喺我去咗1112嘅時候，我係被指派係要負責去consolidate，去print出嚟，...

Q. Sure.

A. ...簽名，再交畀大幫再countersign嘅。其實裏面所包含嘅內容，我淨係負責一頁嘅啫，多數都係NAT或者NFA嘅site activity，...

Q. Right.

A. ...其他嗰啲就係各區嘅同事負責去input番一啲地盤日常做緊嘅工序。

Q. Sure. In fact, just to put your mind at ease, I'm not going to criticise the content of it. I just want to take you through one or two entries, to make sure I understand the site entries. All right?

So if you go to page CC5657.11981, which is entry

number 12 of the site diary. Now, the bits with the red highlight, can we see that there's a casting concrete of the base slab of the VRV room within gridline S/0-1?

A. 係。

Q. So that would signify that an individual from MTR informed you that there was casting of the concrete of the VRV room area; is that right?

A. 呢個其實係相關HHS裏面嘅同事嘅，佢係寫番一啲地盤嘅嘢，...

Q. Yes.

A. ...其實唔係通知我，係我哋--佢哋係負責input。

Q. If you go to the lower-right corner, we again see your signature, I think, at the individual who prepared it as the inspector of works, and we see your name there; right?

A. 係，冇錯。

Q. Right. I just want to clarify one thing with you. You might not have seen the RISC form for this VRV room, by want to show you it. Can I now take you to, first of all, the Leighton version of the RISC forms, which we can find on the next page, .11982.

This is the Leighton version, and we see that this is a pre-pour check RISC form that has been printed out, and the engineer is Lam Wai Chung; do you see that?

A. 見到。

Q. But that's unsigned.

If you now turn to the next page -- yes, this is the rebar fixing inspection RISC form for the same area, I think. This one is signed and it's also by Lam Wai Chung from Leighton; do you see that?

A. 係。

Q. Then we see there that the bits that were completed by MTR -- it says, "Incomplete fixing of coupler"; do you see that?

A. 睇到。

Q. I just want to show you that this is the Leighton version of it, but now I want to show you the MTR version of it, which we can find at page -- let's go to the pre-pour one because that's not the same, at page BB5796.

This is the same pre-pour RISC form for the VRV room; do you see that?

A. 睇到。

Q. Again it's 30 June and the engineer, Lam Wai Chung, certified that it's ready for inspection at 2.30 on 30 June; do you see that?

A. 睇到。

Q. The rebar fixing one is at page BB5794. So, just to put it in context, the rebar fixing RISC form, the MTR version, is the same as the one we find in the Leighton version; all right? So this is a rebar fixing RISC form

for the VRV room.

Do you see?

A. 睇到。

Q. We understand what happened was this RISC form was not in fact issued on 30 June. It was issued on 4 July, a few days later, but of course you may not know that. But if you look down the entry, it's the same entry I showed you -- the parts to be completed by MTR, we see the comment is "Incomplete fixing of coupler", and lower down there we see a tick next to "Permission to carry out the proposed work outlined in (4) above is not given"; do you see that?

A. 睇到。

Q. Now, I want you to go to now two pages on, BB5796. That's the MTR version of the pre-pour RISC form.

Unlike the Leighton version, this one has the signature of the engineer, Lam Wai Chung.

A. 係。

Q. Now, that shouldn't happen, is that not right? Because Lam Wai Chung is the person who issued the rebar fixing RISC form, and he knew it has not been passed, but here he is putting his signature on a form that says, "I confirm the work is ready for a pre-pour check at 2.30." So that shouldn't have happened, should it?

A. 睇番呢張form，係。

Q. If we move down more, we see the comments here which we don't find in the Leighton version:

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

Then we have an asterisk:

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

Do you see that?

A. 睇到。

Q. Right. So from what we read from the RISC form, what happened was the rebar fixing check was in fact rejected and then there was no pre-pour check?

A. 呢張form，係。

Q. Right.

Now, if I can take you to the RISC form register, that we can find at BB8815.210. We see that on 30 June 2017, these two RISC forms are listed; can you see that? That's at 12444 and 12445. These two are the RISC forms we just looked at. These are the VRV room, the rebar fixing of the VRV room, and the cleanliness check of the VRV room; do you see that?

A. 睇到。

Q. If we move on to the right, the information is not there about who inspected it, what happened to the form, things like that; do you see that?

A. 見到。

Q. I suppose you were not the one who was meant to insert the information, so you don't know why it's empty?

A. 應該我好似今朝Mr Pennicott問過呢個問題。

Q. Yes.

A. 呢個其實register，即係RISC form嘅register理論上係由相關做咗inspection，不論佢pass唔pass好，...

Q. Yes.

A. ...邊位睇，邊個就要去input番一啲資料返入去個RISC form度。

Q. Sure.

Now, if I can go back then to my original issue, which is the MTR site diary entry -- I can repeat the page; it's at page CC5657.11981 -- now, this is the VRV casting of the concrete. That is the entry of the work.

So, having seen the RISC forms and the records, as I say, we know that the VRV room's rebar fixing check did not in fact pass inspection, it failed inspection; right? Then the concrete -- I'm sorry, then the pre-pour check in fact never happened?

A. 照呢個site diary講--唔係，同埋頭先睇嗰張RISC form，係。

Q. Right. But yet we see an entry in the site diary that there was a casting concrete of the base slab of the VRV room; right?

A. 係。

Q. So is this right, that the fact that a particular item

of work is in the MTR site diary does not mean that it had passed inspection. In fact, the example we just looked at, it failed inspection and it's still in the site diary.

A. 即係我再講番呢份site diary其實反映番地盤實際嘅activity，就係咁。

Q. Yes, exactly. But my question is more specific. My question is: can you now confirm that the fact that there's an entry of an item of work, like the casting of the concrete or the VRV room, doesn't mean that piece of work has passed inspection? In fact, it could fail inspection and still find its way in the diary?

A. 呢個我真係...

Q. Well, it's there.

A. 我真係答你唔到，因為唔係我寫，亦唔係我睇嗰區，我真係唔可...

Q. As you may appreciate, I have to ask you because the page says it was prepared by you, so that's why I have to ask you. But can you now confirm that that was the case, that there is an item of casting concrete of the VRV room but in fact it failed inspection?

A. 如果睇番頭先嗰啲RISC form，再睇番呢個site diary，其實你講嘅嘢係啱嘅。

Q. Right. Please don't take me wrong, I'm not trying to criticise you whatsoever. It's just that before you there was a Mr Karl Speed from Leighton who claimed that if a piece of work is included in the site diary, it

means it's been inspected. Now we show that it's not in fact the case.

CHAIRMAN: Sorry, could I ask --

MR TSOI: Sure.

CHAIRMAN: -- so far as the dates are concerned --

MR TSOI: The 30th.

CHAIRMAN: They are all on the same day, are they?

MR TSOI: Yes, 30 June. In fact, Chairman, if you have any residual doubt about that, we can go to the pour summary of the HHS, which is not Mr Pennicott's favourite page --

CHAIRMAN: That's perfectly all right. I just wanted to clear from my mind the possibility that it failed inspection; was then fixed up and was given a pass without any of the formalities, perhaps.

MR TSOI: No, because as Ms Pang, I think -- Ms Pang questioned Mr Ronald Leung on this point, and he confirmed that in fact there was no remedial work for this VRV room.

So we know that this problem was never fixed.

CHAIRMAN: All right. Thank you very much.

MR TSOI: But just to put your mind at ease, can I actually take you to the pour history, which is at page CC5651.

If you look at entry 64, you see that's the VRV room slab concreting work. So that's 30 June.

CHAIRMAN: Oh, I see that, yes. Thank you. And, sorry, the

VRV room base slab. So one is 20 October, but that's bay 1.

MR TSOI: Yes.

CHAIRMAN: So we are looking at bay 2.

MR TSOI: Yes.

CHAIRMAN: Okay.

MR TSOI: I've been helpfully reminded by Ms Lau that that is the only concreting work on 30 June in HHS.

That's all I wanted to ask. Thank you so much.

Cross-examination by MR CHOW

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

CHAIRMAN: Yes.

MR CHOW: Good afternoon, Mr Tang. I represent the government and I have some questions for you.

My learned friend Mr Tsoi, acting for the steel fixers, has just taken you to a few RISC forms, so I would then start by dealing with the issue of RISC forms.

Earlier, you told us that you have a habit of, whenever you were verbally requested by Leighton's engineer to carry out pre-pour check hold-point inspection, you have a habit of ascertaining whether there were rebar hold-point inspection taken place, and you ascertained the engineer who conducted the rebar hold-point inspection. You remember that?

A. 記得。

Q. And you would then phone up the engineer, whoever carried out the hold-point inspection for the steel fixing work, to confirm; correct?

A. 係。

Q. So that would apply to a situation where no RISC form had been issued by Leighton for the pre-pour check; correct?

A. 可唔可以再問多一次？唔好意思，因為頭先嗰個翻譯比較遲咗，唔好意思。

Q. Of course. About your habit of phoning up the engineer to confirm that rebar hold-point inspection had taken place, am I right in thinking that you would only do that if on that particular occasion you received verbal request from Leighton for pre-pour check, then you will phone up the engineer to confirm that there had been rebar fixing checked; is that right?

A. 係。

Q. We know that there were also occasions that Leighton managed to issue RISC forms for requesting inspection; right?

A. 係。

Q. For those occasions, would you also have done the same, by phoning up the engineer to confirm that the rebar hold-point inspection had taken place?

A. 因為我再講多少少喇，因為其實就算佢入咗form，我哋收嗰張form嘅時候都比較遲，所以其實我覺得打電話問會--即係一定可以問到個答案，即係

究竟佢睇咗未、未睇呀諸如此類嘅嘢。

Q. In other words, whenever you were required to carry out the hold-point inspection, the pre-pour inspection, you would invariably phone up the engineer to confirm that there had been hold-point inspection for the steel fixing works; right?

A. 係。

Q. Now, you also mentioned that as far as you are concerned, it is the duty of whoever is conducting the hold-point inspection to update the RISC register. Do you recall that?

A. 係。

Q. Now, the system of the RISC register, is it right that it is independent from Leighton's INCITE system?

A. 禮頓INCITE嘅system同我哋港鐵個register冇關係。

Q. Okay. So even if Leighton fails to issue any RISC form, there's nothing to prevent MTR, having done the hold-point inspection, to update the MTR's own RISC register; right?

A. Sorry，可唔可以再問多一次？真係唔好意思，我聽唔清楚。

Q. Now, as the two systems are independent -- the INCITE system of Leighton and the RISC register system of MTRC, they are two separate systems -- right? So in case where Leighton fails to issue any RISC form for a particular inspection, so there won't be any number,

RISC number, there's no number for MTRC, and yet MTRC, according to the verbal request, conducted the hold-point inspection. For example, the pre-pour inspection that you did.

Having done that inspection, whether it is passed or failed, you could always update MTR's own RISC register; right?

A. 唔會嘅，唔會嘅，因為如果禮頓冇gen.嗰個RISC--即係我get到個問題就係話禮頓如果冇發出呢個RISC form，我哋係咪可以任何時間都可以去更新嗰個register，其實唔係，呢個係INCITE--即係佢哋攞張form過嚟畀我哋，我哋AA小姐係會register咗，先再畀大幫，我哋睇完之後先會再返去個server度--即係嗰個register度update番個status。

Q. I see. So, in other words, if Leighton failed to issue RISC form, so your administrative assistant would not have created a number in your own system; is that right? And that's why you cannot update or do anything with the RISC register; is that what you are saying?

A. 如果禮頓冇入form，我哋嗰個register度應該係嗰個秣巴係會紅色嘅，如果input咗一啲嘢，即係代表我哋收咗張form，應該就會變番黑色，我嘅印象就係咁樣。

Q. Okay.

CHAIRMAN: Sorry, so are you saying that if Leightons didn't submit a RISC form in advance but merely telephoned asking for an inspection, that the member of MTR who received that request and granted it would then enter

details in the register, but would do so in red, on the basis that the formalised RISC form had not yet been received?

A. 我再講多一次，其實唔係咁樣嘅。首先，其實禮頓嘅員工係要入佢哋個INCITE度攞一個--嗰個RISC form嘅冧巴，跟住就去input番一啲嘢，先可以--即係input番相關嘅地點、睇啲乜嘢，跟住再畀番佢哋嘅小姐再交番過嚟畀我哋嘅，其實如果禮頓嘅員工佢攞咗個冧巴，冇入到張form，即係嗰個冧巴已經冇咗，喺佢哋嘅system裏面，但係--冇咗嘅；如果另外一位同--即係禮頓嘅人再去個INCITE度攞咗個冧巴入咗張form，我哋個register先會睇到嗰個冧巴，你明唔明我意思呀？Complicate咗，唔好意思。

CHAIRMAN: That's all right. What I'm trying to understand is -- and I'm clearly wrong, and I stand corrected, by myself. It is to this effect. I thought that if they were under pressure, then they wouldn't go through any form of formality with the RISC forms or anything similar, but would simply telephone the MTR and say, "Look, can you do an inspection of bay 27 this afternoon at 4 o'clock and I'll get the forms across to you as soon as possible thereafter." What you are suggesting, I think, is that there still had to be some sort of shortened or truncated form whereby a number was seized and extracted from the INCITE system. Is that right?

A. 等我慢慢再解釋多一次，因為可能我會有啲緊張，即係講嗰個唔係講得咁好。首先係禮頓嘅員工就要入佢哋嘅INCITE裏面個--即係INCITE嘅

system度攞一個RISC form嘅秣巴，跟住就去gen.張form出嚟，跟住佢哋搞掂咗之後，就要交番畀佢哋嘅document control，佢哋會--我嘅知道，就係佢哋會scan咗張form先再交番畀我哋MTR嘅港鐵--MTR嘅AA小姐，跟住AA小姐就會入番相關嘅RISC form秣巴，打後嗰啲就係...

CHAIRMAN: Okay. That's doing it the proper way, isn't it? That's doing it where you get the number, get the form, and then you submit the request before there's been any form of inspection?

A. 係。

CHAIRMAN: Now, if you don't want to do that because you are under pressure and you want to get the whole thing moving, you don't do any of that; you just get on the telephone and you phone somebody in MTR, like yourself, for example, and you say, "Can you please do an inspection and then I will deal with all the technical bumpf, extracting numbers and everything else from INCITE, I'll deal with that tomorrow", and then you say, "Okay, fine, we appreciate you are under pressure; I'll do the inspection."

A. 都係都係做inspection之前，都係我都係會提番佢哋一定要入番張form，咁--係喇 。

CHAIRMAN: Well, okay. Fine. You would remind them and say, "Come on, guys, remember now, please submit the form; okay?" But if you were going to do it without the RISC form, as I understand it, there appears to have

been no form of formality that had to be fulfilled prior to the physical inspection; correct?

A. 即係如果冇表格都去做，其實唔係一個合--即係正確嘅做法，但係我都係相信禮頓嘅員工嘅承諾。

CHAIRMAN: Sorry, Mr Chow. Thank you very much.

MR CHOW: But in actual fact on many occasions you did agree to conduct the inspection with Leighton without a RISC form; right?

A. 首先我再講，其實係好--有兩個case嘅，其實NAT係Henry Lai，大家知喇，NFA一個叫做Isaac Ng嘅人，兩者都係我管轄嘅地方，但係Isaac Ng佢就入嘅form都好足下嘅，我聽過話係超過九成，所以--Isaac Ng都會遲入嘅，但係好似頭先我所講，大家有個互信，即係你傾咗話係咁--即係會畀番我，我哋--我亦都相信。

Q. All right. It doesn't matter. What I would like to ask you is, for those occasions where there was no RISC form but you agreed to conduct inspection with, for example, Henry Lai, which you did conduct the inspection -- now, after the inspection, would you be able to input your inspection result into the RISC register? Was it allowable under the RISC register system?

A. 唔得㗎，唔得㗎。

Q. Okay. So for those occasions, have you kept any record of the inspection result for future purposes?

A. 如果我做過inspection，我會有影相，其實睇番啲相，我都可以知道我嗰日做咗啲乜嘢。

Q. Okay. Have you been trained in the PIMS system, the requirement of PIMS?

A. 呢個我冇咩嘢印象。

Q. Are you aware that under PIMS you, as an inspector of works, if you have carried out inspection, you need to keep a record of the inspection results?

Perhaps it's easier for me to refer to the relevant part of PIMS. Bundle B3, page 1670, please. This is exhibit 7.15.

You see the first item on the page, "Inspection requests and results". If we just -- yes. So the "P" stands for -- if we can go back one page, perhaps we can see what "P" stands for, I think. Yes, "P" is the preparer and "R" is the reviewer; do you see?

Now if we can then go to the second page, it shows that -- now, the inspector of works, the senior inspector of works, has to prepare the inspection request and to keep the -- and the results.

So am I right in saying that under the requirements of PIMS, if inspection was carried out, some form of record has to be kept for the result of the inspections? I originally thought that the RISC register is where you can keep all the results of records, but I have just learned from you that under the PIMS system, even if you wanted to do so, you were not allowed to do so, so long as there is no RISC form number.

So that's the position; right?

A. 係。

Q. Okay.

CHAIRMAN: Sorry -- I just want to see if I understand this. The contractor is very busy and they phone you for a pre-pour hold-point inspection; okay?

A. (Nodded head).

CHAIRMAN: You take them at their word that they will supply the necessary RISC form later; okay? You come along and you -- shall we say, you see a particular thing wrong, but it can be fixed immediately. So you all stand around until it's fixed and then you go home; okay?

Now, nothing has gone into any register, any formalised register. You've got photographs but whether those photographs are like a movie and tell a tale or whether they are slightly disparate documents, we are not sure. There's no big chart up in the office showing what's happened. And this particular pre-pour, nobody sends you the RISC form, everybody forget about it, and, shall we say, a year later somebody says, "Where is that RISC form"?

Okay? Do you understand me so far?

A. 暫時明。

CHAIRMAN: Now, at that stage, as I understand it, there's really no clear and obvious way of discovering who even inspected, because your record is a purely personal

record which is a bunch of photographs; right? There's no document, there's no electronic document.

A. 如果有RISC form，RISC form可以證明到，但係而家個問題就係冇晒RISC form。

CHAIRMAN: That's the point I'm making. I say let's assume this one fell through the cracks and a year later we didn't have that RISC form but we still suddenly needed to find out what had happened. There would be no way of finding out other than going through each of the inspectors and asking them if they can think back over a year, and the inspectors probably, understandably, would say no. So then everybody is looking through their photographs to see if that particular batch of photographs meets that particular inspection; right? But otherwise there's no form of easy documentation which will, like a satnav in a car, unerringly lead you to your destination.

A. 文件就冇，如果我影嘅相，我做過inspection，我有習慣係--即係我會係喺嗰張相度打番啲description嗰張相係for咩嘢。

CHAIRMAN: Okay.

A. 如果真係要搵番，我都可以搵得番。

CHAIRMAN: All right. Okay. But there's nothing else that you can think of that was clearly and regularly done?

A. 冇。

CHAIRMAN: Fine. Thank you.

MR CHOW: Mr Chairman, I note the time, but can I just ask one last question before we adjourn, just to finish off this topic?

CHAIRMAN: I'm not quite sure --

MR PENNICOTT: Sir, the imperative to finish early no longer exists.

CHAIRMAN: Okay.

MR CHOW: Good.

Just to finish off this topic. Other than the photo on which you just mentioned that you would put down some notes, there is another very important information that you mentioned that you obtained from Leighton's engineer. It's the identity of the engineer from MTR who conducts the rebar hold-point inspection.

Have you kept record of the identity of the engineer who had carried out the rebar fixing hold-point inspection?

A. 我冇。

Q. Right. Can I now move on to the photos. Just now, you have been shown a number of photos. Can I just quickly take you to two of the photos. Bundle BB14, pages 9504 and 9505, please. Yes.

Now, Mr Tang, just now you confirm that these two photos show the stitch joint in EWL slab; right?

A. 係。

Q. The one which is put on the screen, on the right side is

the contract 1111 side; right?

A. 係。

Q. If you look at the next photo, 9505, please. So we are looking at the same stitch joint; correct?

A. 係。

Q. Am I right in saying that these two photos were taken on the same day?

A. 係。

Q. So they are looking at the opposite direction; is that right?

A. 係。

Q. Earlier, you also mentioned that as far as you are concerned, the progress of the steel fixing work, at that stage, you noted as around 80 per cent to 90 per cent completion. Do you recall that?

A. 記得。

Q. Am I right in thinking that you arrive at 80 to 90 per cent is because the part that is shown in photo 9504 had not been completed? That accounts for 10 to 20 per cent outstanding steel fixing work; is that correct?

A. 係。

Q. But for the part shown in photo 9505, that part was completed at the time when you took the photo; is that right?

A. 睇番落去，係。

Q. All right. Now, I observed that, for example, the photo at 9505, the one that is shown on the screen, on the left side the concrete surface has been roughened by chipping. Is that correct?

A. 係。

Q. Was it done by Gammon or was it done by Leighton?

A. 呢個我唔肯定。

Q. And the surface was roughened as per the requirement of the contract; is that right?

A. 呢個亦都係一個CJ，係。

Q. Can I just quickly take you to the relevant part of the specification, at bundle C5, page 3717.

This is part of MTRC's Material and Workmanship Specification. Clause 8.24 is about the preparation of the surface of the construction joint, and if we turn over -- go to the bottom of the page, subparagraph (5), it says:

"At all construction joints the surface shall be ..."

If we can turn over the page, please.

"... roughened to expose the aggregate, care being taken to avoid damaging the aggregate, water bar and the arris of the joint. Wherever possible laitance and all loose material shall be removed ..."

So this is -- as per the requirements of this provision that the surface of the construction joint has to be roughened.

If we can now go back to the photo.

So is this the kind of thing you have to check during pre-pour inspection?

A. 其實呢張相係反映番嗰個進度，其實唔係嗰個最後個樣嚟。

Q. Yes, but my question is, is this the kind of thing that you need to check and make sure, that the surface is roughened, as part of your pre-pour inspection?

A. 係。

Q. Okay. Now, on the right side, that is Leighton's side, the way I see it, it doesn't seem to me that the surface has been roughened. Do you agree with me?

A. 如果呢張相睇，係。

Q. Just now, you confirmed that for the part of reinforcement we see in the photo has been completed, and I would imagine it would be very difficult for someone to go back, to go under the reinforcement to roughen the surface. Do you agree?

A. 係。

Q. Did you notice that at the time of the inspection?

A. 呢度我可能忽略咗。

Q. Just now, you have identified to us the couplers that you think the connections were defective.

I wonder whether I can borrow Mr Pennicott's gadget. I don't know whether it works on my machine.

MR PENNICOTT: It should do.

MR CHOW: This is completely new to me. I never knew that we can do that. You can blow up certain parts of the photo by pointing at it.

COMMISSIONER HANSFORD: I would like one for my birthday!

MR CHOW: So when is your birthday?

COMMISSIONER HANSFORD: It's gone!

MR PENNICOTT: You need a steady hand.

MR CHOW: Okay. So this (using a magnifying device) is the part where you indicated we can possibly tell there's some problem with the connection; right?

A. 係。

Q. For those who know what threaded bar looks like -- actually, it is pretty obvious to me that those are exposed threads. Now, you were pretty familiar with the threaded bars at the time when you were working on site, because you have been seeing these materials day in and day out; is that correct?

A. 其實我想講番，其實喺呢個stitch joint有呢啲咁嘅問題嗰陣，做嗰陣我係唔知道係有Lenton coupler呢樣嘢，我成日都以為淨係得BOSA，因為冇人同我講過話嗰啲coupler係Lenton，其實點解我會認知呢個Lenton coupler呢，我係喺到做remedial work嘅時候，我先知道嗰啲係Lenton coupler，呢個我真係唔知。

因為喺重做嘅時候，我知道嗰啲係尖頭，仲要其實係有個--要做torque test，去check佢個tightening，我先知道，所以其實我真係冇pay--即係好注意番啲位置。

Q. In your second statement, you mention that you were also involved in steel reinforcement inspection in NFA area, NAT Fan Area; right? Paragraph 2 of your second statement. In paragraph 2, at the end of paragraph 2, I believe, you said:

"... but I was involved in some of the rebar fixing inspections in NFA."

Do you see that?

A. 見到。

Q. Do you mean the formal hold-point inspection for rebar?

A. 唔係，一部分。

Q. Sorry. What do you mean?

A. 你講緊NFA係咪全部嘅紮鐵係我去負責，係咪？

Q. No. I'm just asking, when you say you were involved in some of the rebar fixing inspections, the inspections that you refer to were the formal hold-point inspections; is that right?

A. 係。

Q. Were there any couplers used in the NFA area?

A. 我睇嘅就冇。

Q. Have you ever attended any training session organised by BOSA for inspection of BOSA's coupler connections?

A. 喺重做嘅時候有，即係remedial works嗰陣，特登邀請咗我記得仁和嗰個先生，叫做阿Paul，佢嚟現場話畀我哋聽嘅，同埋再brief番嗰班steel fixer點樣為之叫扭得緊咁樣，喺之前就冇。

Q. So before the remedial works of the stitch joint, have you received any -- or did you have any knowledge of how to inspect a properly installed coupler assembly?

A. Formal就冇，但係我問過我位同事叫Kobe Wong，應該都知邊位，其實佢都解釋過畀我聽，因為點解我會問佢呢？因為我知道喺HUH，即係佢管轄嘅範圍裏面係比較多用呢樣嘢，所以佢亦都講過畀我聽扭盡--即係當然係一定扭晒入去喇，但係佢哋講話BOSA呢樣嘢係唔需要做任何--用一啲torque、用啲嘢，亦都見到一、兩道牙都okay嘅咁樣，佢咁同我講。

Q. At the time when you carried out your pre-pour inspection of the stitch joints and the shunt neck joint, did you have knowledge of how to inspect properly connected coupler assemblies?

A. 如果正式嘅，冇。

Q. How about informal, from Kobe Wong?

A. 即係頭先我所講，係做--即係喺NAT用嗰個coupler，其實我係問過Kobe Wong，但係BOSA嗰邊我係知嘅，但係Lenton嗰邊我真係唔知。

Q. Okay. Do you agree that after a rebar was threaded, the thread part became shiny, because the surface rust was sort of removed during the threading process?

A. 呢樣我又冇特別去留意。

Q. Now, just now, when you were asked to look at the

photos, you said, well, perhaps we can notice from the photos that there are some defects in the couplers, and then you pointed out to us those one or two at the lower part of the right-hand corner of the photos.

Now, I appreciate what you said, at the time when you carried out the pre-pour inspection, you didn't pay attention to the couplers; you just focused at the bottom of the stitch joint, to make sure it is clean and there are no foreign objects before concreting.

I appreciate that is your evidence.

What I want to ask you is, at the time you knew what the threaded bars looked like; right? If you had turned your mind to the couplers, when you carried out or when you took those two photos that we looked at, do you agree with me then the exposed threads would be very obvious to you and you would not have missed it; do you agree?

A. 如果我影嗰張相嗰陣我真係冇aware--即係冇特別留意，但係過後我真係有好多--即係有啲機會再翻查番啲相，我先睇到，喺嗰個時候，我真係睇唔到。

Q. We have looked at the photos. Just imagine now you are standing at the same location as if you had looked at the couplers, do you agree that the kind of defects that we see today would be very obvious to you; you would have spotted it? Do you agree?

A. 要留心望先望得到，因為喺相度睇。

Q. I would like to move on to the last topic, about

material testing. In paragraphs 54 and 55 of your first statement, you said:

"I was not involved in the ordering of rebars, but I was involved in the sampling process of the ordered rebars for material testing in NAT."

Then in paragraph 55 you said:

"When a batch of rebars ordered by Leighton arrived at NAT, Leighton frontline staff would orally request in person or over the phone that I ... conduct sampling of rebars for material testing. Formally, there should be a RISC form for the sampling of each batch of rebars."

Now, what happened if Leighton forgot to notify you of the arrival of a new batch of rebars? Now, Mr Michael Fu told us that MTR's inspectors, of course including you, when their inspector conduct a routine site surveillance, they would have noticed the arrival of this reinforcement. Can you confirm that?

A. 係傅先生係咁講過。

Q. In actual fact, can you confirm that when you conduct general site surveillance, you would notice the arrival of new reinforcement?

A. 其實係比較難啲嘅，因為其實紮鐵場係一啲比較--個位置唔係咁--喺我嚟講，係偏僻少少嘅。至於你問我有冇--如果真係我發現到，我真係冇好特別去留意，因為我--因為紮鐵場有鐵，其實都係好平常。

Q. So what you are saying is that even if there are newly

arrived reinforcement, you might not be able to notice that? Because first of all the steelyard was quite remote and secondly it would not strike you because it is quite normal to see reinforcement in a steel fixing yard; right?

A. 其實我想補充多少少，其實禮頓係--如果嚟嗰批鐵，禮頓應該係要通知我哋，但係如果佢唔通知我，我會比較難啲去睇到。

MR CHOW: I have no more questions. Thank you very much.

MR SHIEH: We have no questions.

CHAIRMAN: Thank you.

MR BOULDING: We have no re-examination, sir. Thank you.

CHAIRMAN: Good. Thank you very much indeed. Your evidence is completed. Sorry we've kept you a little bit late. But you don't need to return tomorrow. Okay?

WITNESS: 唔該晒。

(The witness was released)

CHAIRMAN: And tomorrow we start with ...?

MR PENNICOTT: We start with Victor Tung tomorrow morning.

CHAIRMAN: 10 am.

COMMISSIONER HANSFORD: Sorry, could you give us an indication of the order -- expected order of our witnesses from now on?

MR PENNICOTT: Victor Tung, because he has been given a 10 o'clock fixture tomorrow morning. Then Jacky Lee. Then Cano Ngai, then Kit Chan and then Dr Ewen.

COMMISSIONER HANSFORD: Right. So we have five?

MR PENNICOTT: We do.

COMMISSIONER HANSFORD: Thank you.

CHAIRMAN: Good. 10 am tomorrow morning. Thank you very much.

(5.06 pm)

(The hearing adjourned until 10.00 am the following day)

INDEX