

**Commission of Inquiry into the Diaphragm Wall and Platform Slab Construction
Works at the Hung Hom Station Extension under the Shatin to Central Link Project**

FIRST WITNESS STATEMENT OF GARY CHOW

I, **GARY CHOW** of 39/F Sun Hung Kai Centre, 30 Harbour Road, Hong Kong, will say as follows:

1. I was, at the times relevant to this statement, the Construction Manager of Leighton Contractors (Asia) Limited (“**Leighton**”) for the Hung Hom Station Extension contract (Contract SCL 1112) (“**Project**”) under the Shatin-Central rail link project. The project manager for the Project is MTR Corporation Limited (“**MTRCL**”).
2. Unless otherwise stated, the facts stated herein are within my personal knowledge and are true. Where the facts and matters stated herein are not within my own knowledge, they are based on the stated sources and are true to the best of my knowledge, information and belief.

My qualification and experience

3. I am a qualified civil engineer with Bachelor of Engineering Technology, Master of Science in Civil Infrastructural Engineering and Management, Member of America Society of Civil Engineers, Member of Hong Kong Institute of Construction Managers and Registered Construction Manager. I have over 20 years of experience in construction. I joined Leighton in October 2011.
4. From about late March 2015 to April 2016, I worked as the Construction Manager on Areas B, C1, C2, C3 and HKC (Hong Kong Coliseum) Section of the East West Corridor platform slab (“**EWL Slab**”) and the North South Corridor platform slab (“**NSL Slab**”). I left the Project in April 2016 in order to work on another project for Leighton, it was to commence the construction of reinforced concrete structure for the Passenger Clearance Building at Boundary Crossing Facilities of Hong Kong-Zhuhai-Macao Bridge.

My role and responsibilities

Working hours

5. My usual working hours on the Project were 8 am to 6 pm but I would work longer hours when necessary in order to perform my role properly.

Duties and responsibilities

6. As Construction Manager on the Project, I was generally responsible for looking after Leighton's senior site agents, site agents, sub agents, and the engineers below them, to ensure that they were doing their jobs and adequate progress was being made.
7. On average, I would visit the Project site about twice a week for two hours each time.
8. At least once a week, we would have a progress site walk with the MTRCL which I would attend. I would not do the whole walk. I would wait in my responsible areas and then join the walk. The whole walk would be done by Malcolm Plummer (Project Director) and Ian Rawsthorne (Project Manager) for Leighton. From the MTRCL, as far as I could recall it would be attended by Aidan Rooney (General Manager - NSL), Kit Chan (Construction Manager) and Brandon Reilly (Project Manager). The subcontractors would also attend. I am sure that Jason Poon of China Technology Corporation Limited ("**China Tech**") joined from time to time. I could not remember precisely whether anyone from Fang Sheung Construction Company ("**Fang Sheung**") attended, but if they did then it was likely to be Joe Cheung.
9. There would be a daily progress meeting every afternoon at around 4 pm at the site office with Fang Sheung (attended by Joe Cheung) and China Tech (initially attended by Jason Poon, and later by a foreman, or other staff member, of China Tech).
10. Kit Chan, James Ho (Senior Construction Engineer), and Derek Ma (Construction Engineer I) would also always talk to the subcontractors directly on work progress.

Allegations that the threaded ends were cut off rebars


11. I understand the Commission of Inquiry is concerned about the connection between rebars and couplers, in particular relating to allegations that the threaded ends of rebars were cut off, instead of the bars being screwed into couplers.

12. On 15 December 2015, Kobe Wong (Senior Inspector of Works) of MTRCL emailed Joe Leung (Site Agent), Andy Ip (Sub Agent), Kevin Harman (Quality and Environmental Manager) and Edward Mok (Graduate Engineer) of Leighton. It is apparent that this email (produced and marked **Exhibit "GC-1"**) was copied to a number of others including me. It reported that five defective rebars with the threaded ends cut off were identified in Bay C3-2 and C3-3 of the EWL Slab. The email noted that remedial works were conducted immediately, and asked for strengthening of internal quality checks and keeping of a high level of quality control. I have no recollection of receiving or acting on this email at that time. I understand from this email that a non-conformance report ("NCR") was issued to Fang Sheung regarding this incident (produced and marked **Exhibit "GC-2"**). The NCR was signed off by Ian Rawsthorne. I have no recollection of preparing this NCR or the circumstances under which it was prepared or issued.
13. I have no independent recollection of the above incident. Other than as noted above, I do not know of any rebars where the threaded ends had been cut off or shortened. I do not recall anyone (including in particular any of subcontractors in our site walks, weekly progress meetings with MTRCL, daily progress meetings with subcontractors as referred to in paragraph 9 above) telling me that they had discovered the threaded ends of rebars being cut.
14. I did not instruct, or allow any person, to cut off or shorten the threaded ends of rebars. I do not know of any person (from Leighton or otherwise) who would have given that instruction or would have allowed the threaded ends of rebars to be cut off or shortened. I do not believe that someone from Leighton would have instructed or allowed any person to cut off or shorten the threaded ends of rebars. I also do not know of any reason why someone from Leighton would give such an instruction.

The works are safe

15. In the areas that I was responsible for (which is all that I can comment on), I am satisfied with Leighton's supervision of the Project. In my opinion, from what I observed during my involvement in the Project, the EWL Slab and NSL Slab are safe and properly constructed based on agreed or approved drawings/sketches and methods.

Dated the 2nd day of October 2018.

Signed:  _____

Gary Chow