

IN THE COMMISSION OF INQUIRY INTO THE
DIAPHRAGM WALL AND PLATFORM SLAB CONSTRUCTION WORKS
AT HUNG HOM STATION EXTENSION UNDER THE
SHATIN TO CENTRAL LINK PROJECT

WITNESS STATEMENT OF MR. BUT HO-YIN IAN

I, BUT Ho-Yin Ian of [REDACTED] say this:-

A. Background

1. I was born in Hong Kong. I am now 25 years of age. I undertook my training at the Construction Industry Council and subsequently obtained my Intermediate Trade Test qualifications in the field of Carpentry (Formwork-Construction). I joined China Technology Corporation Limited (“**Chinat**”) in August 2015 as an Assistant Foreman upon graduation from the Construction Industry Council as an apprentice. It was at that time came to know Mr. Poon Chuk-Hung (“**Mr. Poon**”) as he was the managing director of Chinat.
2. I left Chinat in November 2017 and was re-employed recently at its Sheung Shui Reservoir Project recently in August 2018.
3. I am aware that on 10 July 2018 the Chief Executive in Council appointed the Commission of Inquiry investigating the diaphragm wall and platform slab construction works at Hung Hom Station extension under the Shatin

to Central Link Project pursuant to s.2 of the Commissions of Inquiry Ordinance (Cap.86). I now give this witness statement for and on behalf of Chinat.

4. I have had the opportunity to read the witness statement and the supplemental witness statement of Mr. Poon dated 3 September 2018 and 14th September 2018 respectively. I agree that the facts deposed therein are true. I wish to supplement the followings. Unless otherwise stated, I shall adopt the nomenclature and abbreviations used in Mr. Poon's witness statement.

B. Works in Chinat

5. Since September 2015 I began working at the Hung Hom Station Construction Site (the "site"). Inside the site, I saw a variety of workers from different organisations at the site. All of them were wearing different uniforms that reflected the organisations that had engaged them:-

- 5.1 Workers of Chinat wore a light-blue T-shirt with a logo in blue with a dragon printed near the left-upper region of the T-shirt. The back of the T-shirt is printed with the name "China Technology Corporation Limited" and the dragon logo. Workers of Chinat do not wear reflective safety vests as the T-shirt itself had reflective trimmings.

- 5.2 Workers of Leighton wore a T-shirt which is dark blue in colour with some trimmings and Leighton's logo (which is a big letter "L" in orange colour) printed near the left-upper region of the T-shirt. Workers of Leighton also wore an orange reflective safety vest with the two Chinese characters 「禮頓」 (the Chinese name of Leighton)

printed at the back.

5.3 Workers of Fang Sheung did not wear any form of uniforms, they usually wore casual clothing of their own or did not wear any upper clothing. Workers of Fang Sheung also wore different colors safety vests with the two Chinese characters 「泛迅」 (the Chinese name of Fang Sheung) printed at the back.

6. All workers working inside the site have to wear safety helmets. Workers would wear yellow coloured helmets whilst foremen or engineers would wear white coloured helmets. These helmets are purchased by the workers themselves. Amongst other things, the helmets of workers of Leighton would bear Leighton's logo (which is a big letter "L" in orange colour) at the front.
7. It is common practice of Chinat to have lunch meetings almost every day in the temporary offices of Chinat in the site ("**Lunch Meeting**"). Those meetings were held between Mr. Poon and Chinat employees who were above the rank of foreman. On most occasions, I would also attend the lunch meetings.

C. Witnessing Non-conformance Practices

C1. Incidents in September 2015

8. In or about mid-September 2015, I was transferred from the South Island Line Admiralty Station construction site to the site. I was assigned to assist Mr. Cheung Wai-Lam ("**Mr. Cheung**") as an Assistant Forman. During that period, I was responsible for monitoring construction formwork and the pouring of concrete at the site.

9. I recalled that in September 2015 near Area C1, I saw 2 to 3 workers of Leighton wearing reflective safety vests using a cutting/grinding machine to cut the threaded rebars of the steel threads. The cutting/grinding machines were red in colour and about 30cm x 50cm in size. At that time, I was about 8 metres apart from the workers and could see precisely what they were doing. I saw the workers cutting approximately 10 threaded rebars and screwing them into the couplers on the diaphragm wall.

10. With my training and knowledge in the construction industry, I am aware that the threaded rebars of the threaded bars are about 8 cm long. As the remaining part of the threaded rebars would drop to the floor after they have been cut, I would therefore be able to estimate how much of the threaded rebars were cut by the workers. According to what I saw, I estimated that the workers had cut about 6 cm of the threaded rebars and about 2 cm of the threaded rebars remained on the threaded bars. I could easily estimate the length of the threaded rebars as they are silver in colour whilst the threaded bars are dark brown in colour.

11. The incidents I observed as stated in paragraphs 9~10 herein above happened on two occasions in September 2015. Although I found the cutting of the threaded rebars abnormal, I did not tell anyone nor did I stop them at that time as these were not works that Chinat were responsible for.

12. In a Lunch Meeting in or about late-September 2015, Mr. Poon mentioned that he saw workers of Leighton cutting the threaded rebars in Area C1. I together with Mr. Chu Ka-Kam (“**Mr. Chu**”), and Mr. Man Chung Kwan (“**Mr. Man**”) also indicated that we saw similar incidents occurring.

13. After the Lunch Meeting, Mr. Poon said he would report the matter to

MTRC. He also asked all foremen to report the matter to MTRC frontline officers should we see similar incidents in the future.

C2. Incidents in October to December 2015

14. In October 2015, I was assigned to work in Area A to supervise workers in the formwork-building tasks and the pouring of concrete. There were about 10 Chinat workers in Area A. In Area A, Mr. Leung Kin was the foremen responsible for Area A. Mr. Chu was responsible for formwork-building construction whilst a Nepalese foreman Mr. Thapa Debin was responsible for the pouring of concrete.
15. In or about late-October 2015, Mr. Poon once again mentioned in a Lunch Meeting that he saw workers in Leighton uniform cutting threaded rebars in Area C1. In the meeting, Mr. Chu echoed what Mr. Poon had stated and said he also saw similar incidents happening.
16. In or about mid-November 2015, Mr. Leung was transferred to work in Area C, whereas Mr. Man was transferred to work in Area A.
17. In or about mid-December 2015, Area A was substantially completed. I and Mr. Man were therefore transferred to Area B. There were approximately 20 Chinat workers at Area B.
18. Between October to December 2015, I did not witness any cutting of threaded rebars during this period.

C3. Incidents in February 2016

19. In or about early-February 2016, Area B was substantially completed. I

was transferred to Area C3. In Area C3, I was assigned to work with Mr. Thomas Ngai to supervise workers in formwork-building and the pouring of concrete. When I arrived in Area C3, I realized that couplers in Area C3-5 to Area C3-1 were already on the diaphragm wall.

20. In Area C3, Chinat workers were responsible for formwork-building. After Chinat workers completed all the assigned tasks, workers of Fang Sheung would be responsible for screwing the threaded bars into the couplers.
21. When workers of Fang Sheung completed this process, officers of Leighton and MTRC would jointly inspect the quality of the work completed. During the inspection, all workers of Chinat, Leighton, and MTRC would be present. If inspectors of MTRC were satisfied with the quality of works, they would orally inform representatives of Leighton to pour the concrete. On the other hand, if the inspectors of MTRC were not satisfied with the works, representatives of Leighton would ask the responsible subcontractor to rectify the problem immediately. The rectification works would continue until inspectors of MTRC were satisfied with the construction works.
22. As far as I know, inspectors of MTRC would only orally inform representatives of Leighton that concrete could be poured within the assigned section of the works. Then, representatives of Leighton would inform Chinat to pour concrete in those sections of the works. Usually the pouring would be done the following day.
23. I wish to emphasize that formwork-building would not be required in Area C3-2 and Area C3-4 because concrete had already been poured earlier on in those regions. As such, Chinat would not be required to do any works

within those regions. It would only be necessary for workers of Fang Sheung to screw the threaded bars into the couplers.


24. In or about early-February 2016, I saw on two separate days that workers wearing Leighton uniforms were holding a cutting/grinding machine to cut the threaded rebars. The cutting/grinding machine was the same as the one that I had observed the workers using in September 2015: see paragraph 9 hereinabove. The workers cut threaded rebars 2 to 3 times on each of those two days.
25. On one of those occasions, I saw a worker approaching an area in C1 where there was a large polyethylene cloth. When this worker flipped over the polyethylene cloth, I saw about 20 threaded rebars lying on the floor.
26. In a Lunch Meeting in or about February 2016, Mr. Ngai mentioned to Mr. Poon that he saw similar incidents happening. Mr. Poon indicated that he would inform senior officials of MTRC about this matter.

C4. Incidents in April 2016

27. In or about mid-April 2016, I was transferred to Area A, HKC, and Area B to supervise workers of Chinat.
28. In or about mid-April 2016, I once saw that there were about 30 threaded bars placed in HKC with only about 2 cm of threaded rebars remaining on each of them. The following day I went to work, those threaded bars I saw the day before were not to be seen again..

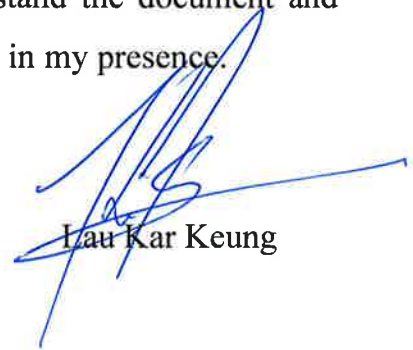
I believe that the facts stated in this witness statement are true. I also enclose herewith copy of my police statement taken on 12th July 2018 for the Commission's reference.

Dated this the 19th day of September 2018.



(**BUT Ho-yin, Ian**)

I certify that I, Lau Kar Keung, solicitor of 2nd Floor, Beautiful Group Tower, 74-77 Connaught Road Central, Hong Kong have translated the contents of this document to Mr. But Ho-yin who appeared to understand the document and approved its content as accurate and made his signature in my presence.



Lau Kar Keung