

**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 JOE TAM

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

1. From 5 January 2015, I worked as the Construction Manager with Leighton Contractors (Asia) Limited (“**Leighton**”) for several areas of the Hung Hom Station Extension contract (Contract SCL 1112) (“**Project**”) under the Shatin-Central rail link project throughout my involvement in the 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 civil engineer. I completed the higher certificate in civil Engineering in 1996, Bachelor of Engineering Technology in 2008 and Master of Engineering Science in 2013. I joined Leighton as an apprentice in August 1993 and have over 25 years of experience in construction.
4. I worked on the East West Line platform slab (“**EWL Slab**”) and the North South Line platform slab (“**NSL Slab**”) from April 2016 to July 2017. I was then transferred to another project, when most of the RC structure were completed in SCL1112. This transferal arrangement was also in accordance with the revised demobilization plan although I was still working on the SCL1112 on part-time basis in August and September 2017.

My role and responsibilities

Working hours

5. My usual working hours on the Project were from 8am to 8pm. But most of the time I started from 7am or sometimes even earlier than 7am.

Duties and responsibilities

6. As Construction Manager of the Project, I was one of the leaders of Leighton's construction engineering team. I was responsible for managing the site agents, the sub agents, and the engineers below them, assisting them in resolving any issues that they raised with me. I reported up to Ian Rawsthorne (Project Manager) at Leighton.
7. One of my duties was to carry out site walks with staff of the MTRCL. Generally, every Monday we would walk with Aidan Rooney (General Manager), and every Thursday afternoon we would walk with TM Lee (General Manager); I started attending the Thursday walks in April 2017. There would also be occasional non-scheduled inspection site walks with inspectors from the MTRCL. During these site walks, I would generally check the number of workers working in different areas of the site, the progress of the work, and general check on the quality of the work.
8. I communicated with subcontractors of the Project almost on a daily basis, including Fang Sheung Construction Company ("**Fang Sheung**") who was responsible for rebar fixing, and China Technology Construction Limited ("**China Tech**") who was responsible for concreting-related works, including formwork and falsework erection. For Fang Sheung, I mostly dealt with Joe Cheung. For China Tech, I mostly dealt with Jason Poon Chuk Hung ("**Jason Poon**") and his site supervisors.
9. I would talk to Jason Poon every day or every two days. I cannot not recall specifically the contents of our conversations, but I recall having to deal with him and China Tech on a much more frequent basis than other subcontractors. This was because China Tech, which was responsible for concreting-related works, was a major contributor to the civil structure completion for the EWL Slab and NSL Slab, but it put a lot of pressure on the overall job completion due to the poor progress of its works. China Tech also had friction with several other subcontractors of the Project, such as Fang Sheung, Bik Hoi Civil Engineering Company Limited, Hills Construction Limited, Palgo Company Limited, etc. There were also two or three occasions when China Tech pulled out their workers from the site.

Allegations that the threaded ends were cut off rebars

10. 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.
11. I learnt subsequently from reviewing an email dated 7 April 2016 (a copy of which is produced and marked **Exhibit "JT-1"**) of one occasion on 15 December 2015 when rebars with the threaded ends cut off were identified in Area C of the EWL Slab. I understand from the non-conformance report ("NCR") issued on 17 December 2015 that the five defective rebars (identified on 15 December 2015) were rectified on the same day. I did not have any direct involvement in this matter. I only heard about it after the rectification work had been done.
12. I have not been told at the time that there is a problem with the threaded ends of rebars being cut off or shortened, particularly in my areas of the site. I spoke with my team and the subcontractors daily and they would report any issues.
13. 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.

Allegations by Joe Cheung of Fang Sheung

14. I have been told that in the course of the MTRCL interview, part of its investigation into these matters, Joe Cheung made comments which suggested that Fang Sheung had cut part of the threaded ends off rebars with longer threaded ends to fit them into couplers that were designed for rebars with shorter threaded ends.
15. Joe Cheung never made any such comments or allegations to me during our regular communication in the course of carrying out the Project.
16. Both the rebars with the longer threaded ends and shorter threaded ends are the same diameter and can both be screwed into the same type of couplers. The only difference

is that the threaded section is longer to prevent the hook at the end of the rebar from hitting the adjacent rebar when the latter rebar was being screwed into the coupler.

17. If a rebar with longer threaded ends was screwed into a coupler, the only issue is that it would have a more of the threaded end exposed out of the coupler. This would make it look like it was not properly screwed into the couplers. However, in that situation, the subcontractor could simply notify Leighton that it was using a rebar with longer threaded ends, so that Leighton knew more of the threads would stick out of the coupler when it was fully connected.
18. There is no reason to shorten the threaded ends of a rebar in order to connect it to a coupler.

Allegations by Jason Poon of China Tech

19. On 6 January 2017, Jason Poon sent an email to Anthony Zervaas (the Project Director of the Project) and copied to me (though the email was addressed to me), alleging that due to purported rebar/coupler installation malpractice of staff of Leighton in September 2015, that "*Leighton labour had cut away the threading section of the threaded lapping bar and pretending secured installation*" on the diaphragm wall, the structural integrity of the EWL Slab may be in question. He demanded feedback by the end of the day including records proving structural integrity, or he would report the finding directly to the Legislative Council Panel on Transport and ask for public investigation the following morning. Anthony Zervaas replied to this email on the same day to note that, even though Jason Poon was raising these allegations late, Leighton would carry out an investigation into the allegations. A copy of both Jason Poon's email and Anthony Zervaas' reply email is produced and marked **Exhibit "JT-2"**.
20. Jason Poon's email dated 6 January 2017 was the first time I had ever heard of any such allegations. Jason Poon had never raised them with me previously, even though we were in regular communication and were speaking almost daily throughout the Project.
21. I already knew at the time that Anthony Zervaas was dealing with the allegations made in Jason Poon's email dated 6 January 2017, although I cannot remember whether I have discussed the allegations with him. I recall Stephen Lumb (Head of Engineering) and his team coming to site to conduct an investigation, but I do not recall the results.

22. I recall that Jason Poon's email dated 6 January 2017 came at the time when China Tech was not performing well on the Project and had pulled its workers from the site. I believe that Jason Poon was playing a game by sending this email to Leighton in order to renegotiate the terms of China Tech's subcontract and obtain more payments from Leighton.
23. On 15 September 2017, Jason Poon emailed Anthony Zervaas (produced and marked "**Exhibit JT-3**"). I was copied on the email. In that email, Jason Poon referred to his email dated 6 January 2017 and asked for a response. By that time, I had left the Project and was working on another Leighton project in Lam Tin, so I did not follow up on or deal with the email.
24. On 29 May 2018, Jason Poon emailed Anthony Zervaas (produced and marked Exhibit "**JT-4**"). I was copied on that email. In that email, Jason Poon again repeated his allegation of malpractice by Leighton in his 6 January 2017 email. I was not in the Project and I did not follow up on or deal with it.
25. On 12 June 2018, I received a WhatsApp message from Alex Ngai, who was the Quantity Surveyor of China Tech, asking for a call to speak about certain scaffolding issues and injuries on site in the Project. He then called me and said the main purpose of the call was not in relation to the matters raised in his WhatsApp message, but that Jason Poon would like to find a reason to speak to me, and he passed the phone to Jason Poon. I made a file note of our telephone conversation and emailed it to Colman Wong (Leighton's Operations Manager) on the same day (produced and marked **Exhibit "JT-5"**). The file note showed that during our telephone conversation, I asked Jason Poon when he would finish playing the game (by that I meant making allegations to the media against Leighton in relation to the Project). I also told him why his allegation that the threaded ends were cut off rebars could not be correct, which he seemed to understand.

Dated the 2nd day of October 2018.

Signed: _____



Joe Tam