

**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**

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**FIRST WITNESS STATEMENT OF KHYLE RODGERS**

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I, KHYLE RODGERS, of [REDACTED] say as follows:

1. I was, from 1 June 2015 until 15<sup>th</sup> April, a superintendent for Leighton Contractors (Asia) Limited (“**Leighton**”), the main contractor 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 joined Leighton on 1 June 2015 as superintendent of the HUH section of the Project. The HUH section included the East West Corridor platform slab (“**EWL Slab**”) and the North South Corridor platform slab (“**NSL Slab**”).
4. Prior to joining Leighton, I have work all through Australia on various notable construction projects including EastLink Melbourne, Mascot International Airport, Woronora Bridge and Adelaide Superway as a General superintendent. I was also involved with the construction of Chep Lap Kok airport project as Apron Superintendent. I have about 30 years’ experience in the construction industry.

**My role and responsibilities**

*Working hours*

5. My working hours on the Project were from 8am to 6pm Monday to Saturday. However, I would generally work from around 7.30 am to 6.30 pm or later if there was a critical activity taking place, such as a concrete pour.

#### *Duties and responsibilities*

6. As superintendent, my first priority was the safety of the Project. In particular, I would ensure that work was being performed safely and in accordance with Leighton's systems. My role was also to ensure that the works were kept to the programme, were properly resourced and were within the regulations relating to working conditions (e.g. - relating to noise levels and working restrictions). I also helped oversee construction quality generally on the site.
7. For the safety aspects, I would do daily "walk arounds" that I explain further below. For the resourcing of the works, I would refer to the programme to completion for the Project that set out the milestones that had to be met and the steps we needed to take to meet them.
8. I reported to the General Superintendent, Gabriel So. Gabriel's superior was Dale Rodgers. The Construction Manager for my areas of the site was Gary Chow.
9. I supervised the site generally. I was responsible for Leighton's on-site supervisors, foremen and junior foremen in my areas. Their roles were to look after various sections of the job, supervise the on-site activities of the subcontractors, make sure that materials were available and that there was access to the site and deal with safety issues.
10. I worked closely with the subcontractors working in my area. These included Fang Sheung Construction Company ("**Fang Sheung**"), who were responsible for rebar fixing, and China Technology Corporation Limited ("**China Technology**"), who were responsible for formwork and falsework erection, scaffolding and concreting.

#### *My daily routine*

11. I would arrive in the office around 7.30 am. I would check my emails and deal with anything that needed my attention. Around 8.30 am, I would head down to the site or earlier if I was going to attend a pre-start meeting at 8 am. I would walk around from one area to

the next with the Supervisor for that area observing the works taking place and discussing any problems or issues with safety , production or working conditions .

12. For the safety aspects, I would check that the workers are doing what they are supposed to be doing. If they were not doing the right thing, I would stop the activity. If the issue was minor, such as not working according to the JSA, we might have a re-brief and make sure everyone knows what is required. Other issues might need something more than a re-brief if scaffold access was not erected properly posing a fall from heights hazard I would stop the work until the area was made safe. We would also conduct periodic safety audits. There was a weekly combined safety walk with MTR , Monthly overall site inspection , Stride for life walks conducted by various managers from site and head office.
13. I would speak to one of Dale Rodgers, Gabriel So and Gary Chow frequently, probably hourly. We would discuss any issues that had arisen or how we could do the programme better and what resources we might need. If I encountered an issue with a subcontractor, I would probably speak to Dale first. These were usually related to manpower.
14. If I observed any issue with the works, or if it was raised by my team or the subcontractors, we would discuss the issue and find solutions. I might attend a pre-start meeting with a subcontractor where we would walk through a new task to be done. The visits would generally last a couple of hours, sometimes longer.
15. I would return to the office around 10.30 am to 11 am and do some paperwork. For “day labour” and plant, Leighton used a timesheet system which I had to review and sign-off. After lunch, around 1 pm, I would visit the site again and do another walk through.
16. I would have meetings every day, usually at 4:30 pm, with my senior supervisors, Leighton’s engineers and representatives of Fang Sheung and China Technology. We would discuss all issues of the day, from construction issues, resources and general logistics. We might also discuss quality issues with subcontractors’ work and how to avoid encountering the same issues again. I would be involved in these discussions because I wanted to make sure that the site ran smoothly and safely.



17. All the Leighton staff attended a weekly safety meeting each Friday. This addressed safety issues, quality matters and also discussed the upcoming work schedule.

*Jason Poon / China Technology*

18. China Technology was run by Jason Poon. In the early stages of the Project, I would have contact with Poon around once or twice per week. After that, he tended to report to Dale Rodgers or Gary Chow and I would have contact with China Technology's site superintendent.
19. As a general rule, China Technology tried hard to perform their job properly. I recall that they had tendered significantly less than the other subcontractors for the concreting and formwork package for the work. China Technology brought different working techniques than other concreting and formwork contractors to the job which it believed were more efficient. However, as money became an issue for China Technology, I believe Jason Poon reduced the grade of workers that did attend site. On occasions, I felt that China Technology were using workers who did not have the skills required for the techniques that China Technology were employing.
20. As the Project ramped up, China Technology was unable to cope properly and experienced an increased number of quality, workmanship and safety issues. In response, both Leighton and MTRCL were often pushing China Technology to put more men on the job.
21. Jason Poon complained a lot about other people on the Project causing difficulties for China Technology. The whole process was driven by the rebar fixers (i.e. Fang Sheung). The quicker they went, the quicker China Technology had to work, and the more people Poon had to put onto the job. Equally, there were things he could not do until the rebar fixers were finished. He had to wait until they were finished before China Technology could do the formwork. However, at no point did he ever say to me that there were issues with defective rebars. He never said that the threaded ends of rebars had been cut off. It never came up in one of our daily meetings (which China Technology attended) and none of my site team, the Leighton engineers or MTRCL staff ever reported that Poon or any China Technology staff had raised the issue.

22. In January 2017, I recall that Poon was under a lot of pressure to get the job done. He was turning over his supervisors quickly because of his abrasive manner and because I understood he was not paying them on time. I heard that some of his staff had taken him to the Labour Tribunal for unpaid wages. He had other problems too with the works. I remember some of the formwork that China Technology had prepared collapsed. This all added to the financial pressure on China Technology.
23. Personally, I found Jason Poon to be an aggressive and manipulative individual. He generally found a way to get what he wanted commercially. This culminated in a physical altercation between him and me after Chinese New Year 2017. China Technology had not properly performed a site clean-up before the handover of an area to the track subcontractors. Therefore, other people were brought in to move his materials from the site. Poon accused those people of stealing his materials. I was on site and saw Poon harassing another subcontractor and generally acting very aggressively. I approached him and remonstrated with him. He responded by jabbing his finger into my chest. To my regret, I responded by pushing him away. The police were called and we were both arrested. I was charged and bound over. I believe that Jason Poon similarly charged and bound over.

**Allegation of the threaded ends being cut off reinforcement bars**

24. I only recently heard about the allegations made by Jason Poon that the threaded ends of reinforcement bars had been cut off, instead of the bars being screwed into couplers.
25. While I was working on the Project, I was never aware of any threaded ends of rebars being cut off. I know now that one of Leighton's engineers, Edward Mok, identified rebars with the threaded ends cut off on three occasions from around September to December 2015 and had them rectified immediately. I would generally only find out about defects that were addressed immediately (i.e. as work-in-progress rectifications) if I came across them during my rounds of the site. I am therefore not surprised that I did not learn about the defective rebars identified by Edward Mok.
26. I understand that Jason Poon made allegations about my knowledge of these issues in an email that he sent to Anthony Zervaas on 7 January 2017. I have been told that he said that

I was “*well aware*” and was “*directing the activity*” of cutting the threaded ends of rebars. That statement or any statement to that effect, is categorically and completely false. It is simply a barefaced lie. I reject it entirely.

**Allegations by Joe Cheung of Fang Sheung**

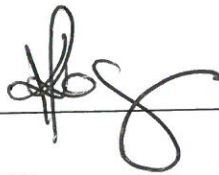
27. As part of MTRC’s investigation in June 2018 (which led to the MTRC’s report dated 15<sup>th</sup> June 2018), I understand that Joe Cheung made comments which suggested that Fang Sheung had cut short the longer-threaded ends of rebar with “Type B thread” to make them the same length as the threaded ends of rebars with “Type A thread”, which is shorter.
28. I have never heard of that allegation before on the Project or any other project. I see no reason why anyone would want to do this.

**The works are safe**

29. I have complete confidence that the EWL Slab and NSL Slab are safe and properly constructed. In my opinion, Leighton maintained very high standards on the Project. There is nothing that I have been seen that would lead me to believe otherwise.

Dated the 2 day of October 2018.

Signed: \_\_\_\_\_



Khyle Rodgers