

**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 MALCOLM PLUMMER

I, MALCOM PLUMMER, of [REDACTED] say as follows:

1. I was, from its commencement until my retirement in October 2016, the Project Director 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 am a qualified civil engineer. I hold a degree in civil engineering. I have over 46 years of experience in construction.
4. I joined Leighton in 1989 as Project Manager. I was promoted to Project Director in the early 1990s and served in that role for Leighton on numerous projects, including the West Kowloon reclamation, Tseung Kwan O station and the Central reclamation

My role and responsibilities

Duties and responsibilities

5. As the Project Director, it was my responsibility to manage Contract SCL 1112 for Leighton. This involved two key aspects: first, particularly in the early stages of the Project, managing the programme side (e.g. hiring subcontractors to undertake the work),

and secondly, managing the commercial side and ensuring that Leighton delivered on the projected profitability of the Project. A big part of the role was making sure that the subcontractors made the required progress on their jobs. I also had overall responsibility for ensuring that the Project was delivered in accordance with Leighton's statutory and legal obligations.

6. Contract SCL 1112 was unusual in that it was a "partnering" contract between Leighton and MTRCL with some risk and profit sharing between us. This also meant that MTRCL also had to sign-off on the hiring of subcontractors such as Fang Sheung Construction Company ("**Fang Sheung**"), which was one of two subcontractors responsible for installation of the reinforcement, and China Technology Corporation Limited ("**China Technology**"), which was one of several subcontractors responsible for erecting the formwork and concreting works.
7. My responsibilities extended to all areas of the Project, including the East West Corridor platform slab ("**EWL Slab**") and the North South Corridor platform slab ("**NSL Slab**").

My routine / supervision of the Project

8. My formal working hours were 8am to 6 pm, but I routinely worked longer to do my job properly. I would generally work in the site office, where I would monitor the performance of the Project and have meetings or calls with MTRCL, the subcontractors or my colleagues at Leighton. I would also normally visit the site once or twice per week.
9. I reported to Paul Freeman, the Leighton Operations Manager. Paul performed that role in the latter stages of the Project. Prior to that, I reported to his predecessor in that role.
10. The Operations Manager and I would generally meet in person at the site office each week and have telephone conversations several times for week. These discussions would cover the progress of the Project (particularly in its early stages) and any issues of concern that had arisen. We would also discuss (particularly in the later stages of the Project) the commercial aspects and profitability of the Project.

11. There were a number of staff that reported directly to me. These included the Deputy Project Director, the Quality & Environmental Manager, the Project Safety Manager and the Commercial Manager.
12. I would hold weekly meetings with representatives of all aspects of the Project. This would comprise the Deputy Project Director, the Area Site Managers, the Quality Assurance and Environment Manager, the Safety Manager, the Commercial Manager together with backup staff. This totaled around 12 to 15 persons. These meetings would last around one and a half hours. The attendees would report on the progress within their areas of responsibility and discuss any issues that had arisen that week. I do not recall anyone raising at one of those progress meetings, questions or issues regarding rebar fixing or the allegation that the threaded ends of rebars were cut off or shortened.
13. The site office was relatively compact. There was a lot of interaction between the Leighton staff and with the MTRCL staff who occupied the other half of the same office. I tried to engender a culture of openness in the Leighton staff about issues that arose on the Project. I wanted to know if there was a problem as soon as possible. It was very important to Leighton's relationship with MTRCL that where issues arose they were dealt with jointly as soon as possible.
14. We held a monthly quality and environment meeting at Leighton head office in Hong Kong at which all the sites project directors attended. We discussed quality concerns raised by Head Office and the sites. We also tracked the number of non-conformance reports ("NCR") issued by Leighton over the course of the previous month in each area.
15. In addition, we had a weekly on-site safety inspection with MTRCL plus a formal safety meeting. I would usually attend the site visits and the meeting. The matters to be inspected were decided by MTRCL and we would jointly conduct an inspection of the relevant areas of the site. From time to time, these visits would have included an inspection of the rebar fixing, as part of the wider inspection.

Jason Poon / China Technology

16. Jason Poon ran China Technology, the subcontractor responsible for erecting formwork and concreting works. I am aware that it is Poon that has made various allegations regarding defective rebars.
17. I was involved in the hiring of China Technology. They submitted a very competitive tender for the role – significantly lower than the competition. Although I was not familiar with China Technology, Jason Poon had some reasonably innovative ideas about how the works could be performed which appeared to justify his lower costs. MTRCL also agreed to using China Technology.
18. The difficulties that China Technology had in doing the work mainly flowed from shortages of money. We agreed to pay them fortnightly and, from those payments, Jason Poon would pay his workers. The Leighton quantity surveyors needed to work fast to calculate the payment certificate to enable the fortnightly payments to be made on time. For this reason, I sometimes got involved with the quantity surveyors to make sure Poon got enough money to pay his men and keep going on the job.
19. Whilst Jason Poon did complain frequently about many things, including things that were done or not done by other subcontractors which allegedly prevented China Technology from making the progress that it needed to make, he never mentioned to me that there were defects in the rebar connections or that the threaded ends of rebars had been cut off or shortened. If he had mentioned this, my response would have been immediate. I would have informed MTRCL straight away and taken with them steps to investigate the allegations and rectify any issues. He did not so.

Allegation of the threaded ends being cut off reinforcement bars

20. I heard about allegations that the threaded ends of reinforcement bars (“rebars”) were cut off, instead of the bars being screwed into couplers, around June 2018. One of my former colleagues called me to ask if I knew anything about subject of the allegations. I told him that I did not.
21. Until very recently, I was not aware of any threaded ends of rebars being cut off. I have been told that there were three occasions from around September to December 2015

when a very small number of defective rebars were identified by Leighton and MTRCL staff in Area C of the EWL Slab and rectified immediately. I am unable to comment on these occasions. I would not have been specifically told about operational rectifications (especially one that was rectified immediately) unless there was an issue that needed the input of the Project Director. I certainly never instructed or permitted anyone to cut off or shorten the threaded ends of rebars. I do not know of any one at Leighton who gave or would have given an instruction, or allowed a person, to cut off or shorten the threaded ends of rebars.

Allegations by Joe Cheung of Fang Sheung

22. As part of MTRCL's investigation in June 2018 (which led to the MTRCL's report dated 15th June 2018), I understand that Joe Cheung made comments which suggested that Fang Sheung had cut the threads of rebars with longer threaded ends to make them the same length as the threads of rebars with shorter threaded ends.
23. I have never heard of that allegation before on the Project. I see no reason why anyone would want to do this.

The works are safe

24. In my personal opinion, I am satisfied with Leighton's and my supervision of the Project. We implemented a thorough system of supervision and inspection to ensure that the EWL Slab and NSL Slab are safe and properly constructed.

Dated the 1st day of October 2018.

Signed: 
Malcolm Plummer