

**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**

SECOND WITNESS STATEMENT OF EDWARD MOK

I, EDWARD MOK, of 39/F Sun Hung Kai Centre, 30 Harbour Road, Hong Kong, say as follows:

1. I refer to my first witness statement on 14 September 2018 (“**First Witness Statement**”). Unless otherwise stated or the context otherwise requires, any abbreviations shall bear the same meaning as in my First Witness Statement.
2. I make this second witness statement in reply to the following statements submitted to the Commission of Inquiry and to address any relevant matters raised in these statements:
 - (a) the first witness statement of Mr. Poon Chuk-Hung, Jason (“**Jason Poon**”) dated 3 September 2018 (“**Poon Statement**”);
 - (b) the first witness statement of Mr. Ian But (“**Mr. But**”) dated 19 September 2018 (“**But Statement**”);
 - (c) the witness statement of Mr. Chu Ka-Kam (“**Mr. Chu**”) dated 27 September 2018 (“**Chu Statement**”);
 - (d) the witness statement of Mr. Thomas Ngai (“**Mr. Ngai**”) dated 27 September 2018 (“**Ngai Statement**”);
 - (e) the witness statement of Mr. Wong Chi Chiu (“**Kobe Wong**”) dated 20 August 2018 (“**Kobe Wong Statement**”); and
 - (f) the witness statement of Mr. Wong Kai Wong, Andy (“**Andy Wong**”) dated 12 September 2018 (“**Andy Wong Statement**”).
3. Any allegations or matters raised in the statements mentioned in paragraph 2 above (or any other statements) which are not addressed in, or are inconsistent with, my witness statements are denied. If I do not address any allegations or matters raised in other witness statements, it should not be construed as an admission on my part.

4. 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.

Allegations by Jason Poon of the cutting of the threaded ends of rebars

5. As set out in my First Witness Statement, I only know of three occasions when rebars with the threaded ends cut were identified and rectified.
6. Contrary to the allegations made in paragraphs 29 to 42 of the Poon Statement, and other than the three occasions noted in my First Witness Statement, I have not seen or heard of any threaded ends of any rebars being cut off or shortened. I have also not seen or heard of any rebars that were installed or intended to be installed that had the threaded ends cut off or shortened.
7. Jason Poon alleged at paragraphs 30 and 31 of the Poon Statement that:
- “In mid-August 2015 ... Mr. Leung [Kin] reported to me orally that he saw in late July 2015 someone cutting the threaded rebars using cutting/grinding machines at Bay 2 and Bay 4 of Area C 1. At the same time, Mr. Chu also corroborated with what was said by Mr. Leung and told me that he also witnessed similar incidents happening.*
- I asked Mr. Leung and Mr. Chu as to how was/were the person(s) cutting the threads. Both Mr. Leung and Mr. Chu told me that they were staff member(s) of Leighton.”*
8. I have no knowledge or recollection of this alleged incident. Mr. Leung worked in Area C for approximately 2 months. I do not recall the exact period when he was on site. During this time, I would speak to Mr. Leung every day and he never mentioned to me that he saw anyone cutting the threaded ends off rebars. Mr. Chu was the carpenter from China Technology. I would see him every day on site and speak to him when necessary, but he never mentioned to me that he saw anyone cutting the threaded ends of rebars.

9. I was on site for many hours each day in Area C. If this alleged incident happened, I am surprised that I did not see it or hear about it.
10. The majority of workers on site wore safety clothing or equipment with the Leighton logo. However, these workers were not all employed by Leighton. If this alleged incident happened, I do not know how Mr. Leung or Mr. Chu would have been able to identify the people alleged to be cutting the threaded rebars as “staff member(s) of Leighton”.
11. Jason Poon alleged at paragraph 33 of the Poon Statement that:
- “In or about August 2015, I visited Area C1 of the Hung Hom Station Construction Site for site inspection purposes. At a position between Bay 2 and Bay 3, I witnessed three male persons wearing reflective safety vests of Leighton using a grinding machine to cut the threaded rebars one after another.”*
12. I have no knowledge or recollection of this alleged incident. As noted, I was on site for many hours each day in Area C during this period. If this alleged incident happened, I am surprised that I did not see it or hear about it.
13. As noted at paragraph 10 above, the majority of workers on site wore reflective safety vests showing the Leighton logo. This does not mean they were employed by Leighton.
14. Jason Poon alleged at paragraph 35 of the Poon Statement that:
- “In or about early September 2015, Mr. But also reflected to me that similar incidents occurred. He also attempted to stop those doing what they were doing, namely cutting the threaded rebars but, again, to no avail.”*
15. I have no knowledge or recollection of this alleged incident. I recall that Mr. But mainly worked in Area A and his work in Area C was limited to coordinating concreting trucks. Mr. But did not mention to me that the threaded ends of any rebars had been being cut off or shortened.
16. Jason Poon alleged at paragraph 36 of the Poon Statement that:

“In September 2015, I reported the incidents in August 2015 to Mr. So Yiu Wai (“Mr. So”), the then superintendent of Leighton, and Mr. So’s superior Mr. Khyle Rodgers (“Mr. Rodgers”), the then senior superintendent of Leighton. I indicated to Mr. So and Mr. Rodgers that staff members of Leighton were cutting the threaded rebars.”

17. I have no knowledge of Jason Poon reporting the alleged incident to Gabriel So or Khyle Rodgers. I would speak to Khyle Rodgers daily. I would also speak to Mr. So regularly. Neither of them mentioned the alleged incident to me or any allegation that the threaded ends of rebars were cut off or shortened.

18. Jason Poon alleged at paragraph 39 of the Poon Statement that:

“Between 15 to 20 September 2015, I invited both Mr. So and Mr. Rodgers for a site inspection. During the inspection, all three of us saw one staff member of Leighton cutting the threaded rebars using a hydraulic disc cutter.”

19. I have no knowledge of this alleged inspection. Neither Khyle Rodgers or Gabriel So mentioned the alleged inspection to me or any allegation that the threaded ends of rebars were cut off or shortened.

20. Jason Poon alleged at paragraph 42 of the Poon Statement that:

“In September 2015, Mr. Thomas Ngai told me that he still saw staff members of Leighton cutting the threaded rebars and/or pretending they had properly installed the threads into the couplers. Nonetheless, these practices were no longer done in the morning and/or the afternoon. Rather, they were done at night.”

21. Mr. Ngai is a superintendent from China Technology. He was responsible for an area covering the SAT to Area C. He was on site daily and I would speak to him daily. He never mentioned the allegation that the threaded ends of any rebars had been cut off or shortened.

Photographs provided by Jason Poon

22. Jason Poon alleged at paragraph 41 of the Poon Statement that:

“On 22 September 2015, I, again, saw staff of Leighton cutting the threaded rebars with hydraulic disc cutter. I (secretly) used my personal Huawei mobile phone to take 7 photographs... There is now produced and shown to me marked exhibit “PCHJ-5”, the 7 photographs which I took on 22 September 2015...”

23. In response to paragraph 41 of the Poon Statement, I note that:

- (a) The workers shown in the photos in Exhibit PCHJ-5 marked 22 September 2015 were not Leighton workers;
- (b) The first photo in Exhibit PCHJ-5 was apparently taken at 6.18pm on 22 September 2015 (according to the time and date shown on the photo). I do not recognise who is in the photo. I believe this is an employee of Fang Sheung, because the worker is wearing the protective clothing that was typically worn by Fang Sheung workers. I believe this shows the same scene as the third photo in in Exhibit PCHJ-5, except it was taken from a different angle and further away. I cannot say what the worker is doing in photo because it is unclear;
- (c) The second photo in Exhibit PCHJ-5 was apparently taken at 9.05am on 4 September 2015 (according to the time and date shown on the photo). I can see that the worker is holding a battery powered cutting tool that was the property of Fang Sheung. This cutting tool was used by Fang Sheung’s workers for legitimate reasons, such as cutting rebar (i.e. not the threaded ends) to ensure it was the correct length to be installed into openings in the slab (i.e. such as manholes). The workers shown in the photo are from Wai Kei, which is a direct labour supplier. The two labourers are wearing red helmets, which indicates that they are also qualified banksmen. I recall that these workers were trimming the excess lengths off the vertical reinforcement installed in the diaphragm wall (approximately 100mm). The supervisor or the foreman would have instructed these workers to trim this vertical reinforcement. This was an appropriate and legitimate task. As the reinforcement was part of the diaphragm wall, it is not within the scope of work for Fang Sheung. This is why direct labour would have been used for the task. I assume that the workers would have borrowed the cutting tool from Fang Sheung;

- (d) The third photo in Exhibit PCHJ-5 shows the same scene as the first photo, except it appears to have been taken from a closer angle. I believe this worker is from Fang Sheung;
 - (e) The fourth photo in Exhibit PCHJ-5 was taken at 6.18pm on 22 September 2015 (according to the time and date shown on the photo). It is very unclear. I do not know why this photo is relevant; and
 - (f) The fifth photo in Exhibit PCHJ-5 was taken at 6.19pm on 22 September 2015 (according to the time and date shown on the photo). It appears that Joe Cheung of Fang Sheung is in the left hand side of the photo. I do not know why this photo is relevant;
 - (g) The sixth photo in Exhibit PCHJ-5 was apparently was taken at 6.19pm on 22 September 2015 (according to the time and date shown on the photo). It is not very clear. I do not agree that this photo shows damaged couplers; and
 - (h) The seventh photo in Exhibit PCHJ-5 was apparently was taken at 6.19pm on 22 September 2015 (according to the time and date shown on the photo). I do not agree that this shows workers installing defective or cut rebars into couplers. They look like Fang Sheung workers. It is not possible to see whether the threaded ends of the rebars in the photo have been cut or shortened. I do not know why this photo is relevant.
24. Generally, it is not possible to identify the location on the site where the photos in Exhibit PCHJ-5 were taken. In addition, I do not believe that the photos in Exhibit PCHJ-5 prove that the threaded ends of any rebars were cut in order to avoid connecting those rebars to couplers.

Allegations of other witnesses from China Technology

25. Ian But alleged at paragraph 9 of the But Statement that:

“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 ... I saw the workers cutting approximately 10 threaded rebars and screwing them into the couplers on the diaphragm wall.”

26. Ian But alleged at paragraphs 24 and 25 of the But Statement that:

“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 ... The workers cut threaded rebars 2 to 3 times on each of those two days.

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.”

27. I have no knowledge or recollection of these alleged incidents. As noted at paragraph 15, Mr. But did not mention to me that the threaded ends of rebars were being cut off or shortened. I was on site for many hours each day in Area C during this period. If these alleged incidents happened, I am surprised that I did not see or hear of it.

28. As noted at paragraph 10 above, the majority of workers on site wore safety clothing or equipment with the Leighton logo. However, these workers were not all employed by Leighton.

29. Mr. Chu alleged at paragraph 11 of the Chu Statement that:

“On a day in or about late-October 2015 at around noon, I saw two workers at or about Area C wearing dark orange uniforms and reflective safety vests, similar to those worn by Leighton employees, cutting threaded rebars ... One of the workers was holding a green grinding/cutting machine and using it to cut the threaded rebars. Those threaded rebars were very easy to identify as they were silver in colour whilst the steel threads were dark brown in colour ... the threaded rebars were initially about 7 cm long. Around 2 cm of the threaded rebars were trimmed by these two workers. The two workers placed the steel threads on the floor after they have finished cutting them.”

30. I have no knowledge or recollection of this alleged incident. As noted in paragraph 8 above, I would see Mr. Chu every day on site and speak to him when necessary, but he never mentioned to me that he saw anyone cutting the threaded ends of rebars.

31. I was on site for many hours each day in Area C during this period. If this alleged incident happened, I am surprised that I did not see or hear of it.
32. As noted at paragraph 10 above, the majority of workers on site wore safety clothing or equipment with the Leighton logo. However, these workers were not all employed by Leighton.
33. At paragraph 12 of the Chu Statement, Mr. Chu alleges that it may be necessary to cut the threaded rebars as they might have been damaged during transport to site. I do not recall seeing any threaded ends of rebars that were damaged upon delivery to the site. The threaded ends are covered with a protective plastic cap during transport. In any event, if the threaded end of a rebar was damaged, the subcontractor would have used another threaded rebar instead.
34. Mr. Ngai alleged at paragraph 9 of the Ngai Statement that:
- “On a day in December 2015 at or about 1900 hours, I was at Area C of the Hung Hom Station Construction Site and saw two male workers (I forgot what uniforms they were wearing at that time) using a grinder/cutter to cut the threaded rebar. The threaded rebar on the steel thread were about 7 to 8 cm long and in silver colour. The two male workers cut about 3 to 4 cm of the silver threaded rebar away. I was not acquainted with these two male workers.”*
35. I have no knowledge or recollection of this alleged incident. As noted in paragraph 21 above, Mr. Ngai was on site daily and I would speak to him daily. He never mentioned this incident to me or the allegation that the threaded ends of rebar were cut off or shortened.

Allegations of Kobe Wong

36. The Kobe Wong Statement describes a number of incidents involving the discovery of defective rebar. I set out in my First Witness Statement the three occasions when I identified rebar with cut threads. I note that both Kobe Wong and I agree that all defective rebars were rectified and, in particular, that Leighton always took action to do so immediately.

37. Contrary to paragraph 72 of the Kobe Wong Statement, I do not recall the need to break concrete in order to rectify the defective rebar. However, I agree with Kobe Wong that it was MTRCL's practice that quality matters would only be escalated if they could not be resolved on site.

Allegations of Andy Wong

38. There are some minor differences in how I and Andy Wong recall the events of 15 December 2015 when five defective rebars were identified and rectified in Bay C3-2 and C3-3 of the EWL Slab. I disagree with Andy Wong about the following:
- (a) contrary to paragraph 17 and 18 of the Andy Wong Statement, I recall identifying the defective rebars around the same time as Andy Wong during an informal inspection;
 - (b) contrary to paragraph 20, I believe that Andy Wong is mistaken when he says that he called a Leighton site staff to report that the identification of the defective rebars. I was with Andy Wong when the defective rebars were identified;
 - (c) contrary of paragraph 21 of the Andy Wong Statement, after identifying the defective rebars, I do not recall that it was necessary to unscrew any of the defective rebars to identify that the threaded ends had been cut off. I also do not recall that 4 or 5 Leighton staff attended the site or that Sasa Leung was involved in this incident; and
 - (d) contrary of paragraph 23 of the Andy Wong Statement, I had Fang Sheung's workers immediately replace the defective bars.
39. I have no knowledge or recollection of the alleged second incident when Andy Wong states that he identified defective rebars, as described at paragraphs 25 to 30 of Andy Wong Statement. I was on site for many hours each day in Area C. If this alleged incident happened, I am surprised that I did not see it or hear about it.

Conclusion

40. Other than as noted in my First Witness Statement, I repeat that:

- (a) I am not aware, and have not heard, of any Leighton staff who gave or would have given any instructions to any person to cut off or shorten the threaded ends of any rebars, or allow such threaded ends to be cut off or shortened, that were installed in or intended to be installed in the slabs and diaphragm walls of the Project;
- (b) I have not seen the threaded end of any rebars being cut off or shortened; and
- (c) I have also not seen any rebars that were installed or intended to be installed that had the threaded ends cut off or shortened.

Dated the 18 day of October 2018.

Signed: _____



Edward Mok