

**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 MAN SZE HO

I, MAN SZE HO, of 39/F Sun Hung Kai Centre, 30 Harbour Road, Hong Kong, say as follows:

1. I refer to my first witness statement on 26 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. But Ho-Yin Ian (“**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**”); and
 - (d) the witness statement of Mr. Thomas Ngai (“**Mr. Ngai**”) dated 27 September 2018 (“**Ngai 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

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5. As set out in my First Witness Statement, I only know of one occasion in or around November to December 2015 when rebars with the threaded ends cut off were identified and rectified.
6. Contrary to the allegations made in paragraphs 30 to 42 of the Poon Statement, and other than the one occasion 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. I am not sure who Mr. Leung is because there was so much turnover of CT’s staff. No CT staff ever spoke to me about any cutting of the threaded end of the rebar. I have never seen any Leighton staff cutting the threaded end of the rebar.
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. I have no knowledge or recollection of the incident alleged at paragraph 32 of the Poon Statement that *“Mr. Leung and Mr. Chu told me that they had reported the matter to MTRC”*.
11. Jason Poon alleged at paragraph 34 of the Poon Statement that:

“I approached the Persons who were using the grinding machine to cut the threaded rebars to install them to the couplers on the diaphragm wall. I attempted to stop them from doing what they were doing, but it was in vain as they ignored me.”

12. I have no knowledge or recollection of this alleged incident.
13. 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.”
14. I have no knowledge or recollection of this alleged incident. I recall Mr. But started to be on site around September 2015. I know him reasonably well because we spoke regularly about cast-in items and the erection of the formwork. However, he never mentioned to me about any cutting or shortening of the threaded ends of rebars. If this alleged incident happened, I am surprised that Mr. But did not report the cutting of the threaded ends of rebars at that time. I would have expected him to have said something at the time.
15. 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.”
16. I have no knowledge or recollection of Jason Poon reporting the alleged incident to Gabriel So or Khyle Rodgers. Neither of Gabriel So nor Khyle Rodgers mentioned the alleged incident to me.
17. Jason Poon alleged at paragraph 38 of the Poon Statement that:

“... in mid-September 2015, I myself again saw staff members of Leighton once again, cutting the threaded rebars.”
18. I have no knowledge or recollection of this alleged incident.
19. 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.”

20. I have no knowledge or recollection of this alleged inspection.

21. I have no knowledge or recollection of the alleged incident at paragraph 40 of the Poon Statement that:

“Mr. So stopped me and asked, rhetorically, “why would it be a problem to cut the threaded rebars?” Mr. So, in front of me, asked that staff member to continue with what he was doing, namely cutting the threaded rebars. I (secretly) took out a Huawei mobile phone, which belongs to Chinat, and took 2 photographs and a video clip of approximately 10 odd seconds.”

22. 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.”

23. Mr. Ngai is a superintendent from CT and the senior of Mr. But. Mr. Ngai was on site daily and I would speak to him occasionally. Mr. But spoke to Mr. Ngai many times during the day. Mr. Ngai never raised the allegation that the threaded ends of any rebars had been cut off or shortened.

Photographs provided by Jason Poon

24. 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...”

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

- (a) I do not recognise who is in the first photo in Exhibit PCHJ-5. I do not believe that the person in this photo is an employee of Leighton because the worker is wearing the protective clothing that was worn by Fang Sheung's workers. The yellow helmet of the worker indicates that he is a general worker;
- (b) I believe the workers in the second photo in Exhibit PCHJ-5 should be Leighton's direct labour / daywork labour but I do not know their names. They appear to be about to trim the vertical rebars in the diaphragm wall which were too long (higher than the cover zone for the air ducts). This was a necessary task. There is nothing wrong with the workers trimming this rebar. They are not cutting the threaded ends off rebars as alleged by Jason Poon. The two workers are wearing red helmets, which indicates that they are also qualified banksmen. One of their duties should be arranging the plant movement in their area;
- (c) The third photo in Exhibit PCHJ-5 appears to be the same scene as shown in photo 1 in Exhibit PCHJ-5;
- (d) I believe the fourth and fifth photos in Exhibit PCHJ-5 show the same scene.. I do know why these photos are relevant; and
- (e) Joe Cheung of Fang Sheung is in the left hand side of the fifth photo in Exhibit PCHJ-5. The two workers in blue shirt in the right hand side are from CT. The two workers next to the rebar are rebar fixers from Fang Sheung;
- (f) The sixth photo in Exhibit PCHJ-5 shows the construction joint of previous track slab with couplers. It is not very clear. I do not agree that this photo shows damaged couplers; and
- (g) I believe the workers in the seventh photo in Exhibit PCHJ-5 are rebar fixers from Fang Sheung but I do not recognise them. I do not agree that this photo shows cut rebars being installed into couplers. I cannot see any rebars with cut threaded ends in this photo

26. I cannot identify the location on the site where the photos in Exhibit PCHJ-5 were taken. I do not believe that the photos in Exhibit PCHJ-5 prove that the threaded ends of any rebars were cut off in order to avoid connecting those rebars to couplers.

Allegations of other witnesses from CT

But Statement

27. Mr. 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.”

28. Mr. 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.”

29. I have no knowledge or recollection of these alleged incidents. As noted at paragraph 14, Mr. But did not mention to me that the threaded ends of rebars were being cut off or shortened. I am surprised that Mr But says this now because at the time he never said anything to me about any cutting of the threaded ends of rebars and we spoke many times each day that we were working on the site.

30. Mr. But alleged at paragraph 23 of the But Statement that:

“... formwork-building would not be required in Area C3-2 and Area C3-4 because concrete had already been poured earlier on in these 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.”

31. I believe this is not correct. CT still needed to go back into those areas for more work, including on the construction joint, cast-in items and some formwork for the chamfer.

32. Mr. But alleged at paragraph 26 of the But Statement that:

“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.”

33. I have no knowledge or recollection of this alleged incident.

Chu Statement

34. 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.”

35. I have no knowledge or recollection of this alleged incident. I spoke to Mr. Chu, who is the leader of the carpenters for CT, on a daily basis and he never mentioned to me about any cutting of the threaded end of the rebars.
36. 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.
37. 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 recall that rebars were threaded on site at a Bosa yard and a protective cap was put on the threads. I do not recall seeing rebars with damaged threaded ends on site. In any event, if I came across any threaded end of a rebar that was damaged, I would have it replaced with a new piece of rebar.

Ngai Statement

38. 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.”

39. I have no knowledge or recollection of this alleged incident. As noted in paragraph 23 above, Mr. Ngai was on site daily and never mentioned this incident to me or the allegation that the threaded ends of rebar were cut off or shortened.

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: _____



Man Sze Ho