

**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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**SECOND WITNESS STATEMENT OF RAYMOND AU KOON-SHAN  
FOR  
MTR CORPORATION LIMITED**

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I, **RAYMOND AU KOON-SHAN**, of MTR Corporation Limited, MTR Hung Hom Building, 8 Cheong Wan Road, Hung Hom, Kowloon, Hong Kong, **WILL SAY AS FOLLOWS:**

1. I am the same Raymond Au who gave a reply statement for MTRCL dated 12 October 2018 (**[B16/B13674-B13676]**).
2. I am providing this witness statement in response to certain matters arising from the oral testimony of Mr. POON Chuk-Hung, Jason (“**Mr. Poon**”) during the inquiry hearing but are not referred to in Mr. Poon’s statements, and certain outgoing<sup>1</sup> call records of Mr. Poon disclosed by China Technology (**[D1/D722-D726]**). Save as otherwise stated, I confirm that the contents of this statement are within my personal information knowledge and belief and are true. To the extent that they are not, they are true to the best of my personal information knowledge and belief based on the contemporaneous documents kept by MTRCL.

**Telephone calls with Mr. Poon**

3. Mr. Poon mentioned repeatedly on Day 11 of the hearing that he had many telephone calls with me from December 2016 onwards<sup>2</sup>. He produces his redacted telephone records purporting to show (a) three telephone calls he made to me on 6 and 7 January 2017 and (b) five telephone calls which he made to me that lasted between 3 to 12 seconds on 15 September 2017.

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<sup>1</sup> See Day 11 transcript page 26 (lines 23 to 25)

<sup>2</sup> See Day 11 transcript page 21 (line 5), page 23 (line 15), page 24 (line 17) and page 27 (line 2).

Telephone call in December 2016

4. On page 25 (line 7 to 17) of the transcript of Day 11 of the hearing, Mr. Poon said that on 9 December (which I believe he was referring to 9 December 2016), he called Dr. Philco Wong and raised two points about payment and cutting of bars, and that he said I called him within one or two hours of him speaking to Dr. Philco Wong.
5. It is quite impossible for me to make a return call to Mr. Poon "*within one or two hours*" after the alleged telephone call he had with Dr. Philco Wong. This is because I had never met Mr. Poon before, nor did I have any prior knowledge of the commercial issues raised. I therefore had to first speak to my colleagues concerning the commercial issues raised, retrieve any available and relevant documents, and understand the background of those commercial issues before approaching Mr. Poon. All these actions could not have been done within one or two hours.
6. I repeat paragraph 5 of my reply statement that the conversation I had with Mr. Poon in late 2016 was very short and he told me that there was no longer any problem and that everything was resolved. This is in line with the resolution of the commercial disputes between Leighton and China Technology at the time as recorded in the Milestone and Final Account Payment Schedule (**[C12/C7843]**).

Telephone calls in January 2017

7. In paragraph 8 of my reply statement, I said that my only conversation with Mr. Poon was the one I referred to at paragraph 5 of my reply statement which took place in late 2016. I still recollect that I only made one call to Mr. Poon and that call was made in late December 2016.
8. I have read the telephone call records that China Technology has disclosed in the hearing bundle showing three alleged telephone calls Mr. Poon made to me on 6 and 7 January 2017. I do not recollect any of these telephone calls but since these telephone calls allegedly took place almost two years ago, I cannot rule out the possibility that Mr. Poon might have called me in January 2017 and we might have had more than one telephone conversation.



9. I never saw the 6 January 2017 e-mail from Mr. Poon to Mr. Joe Tam of Leighton until the time when I prepared this statement. I did not call Mr. Poon after he sent that e-mail to Leighton. Mr. Poon might have called me on 6 and 7 January 2017, although I do not recall having spoken to him on those dates. To the extent that he did have conversations with me on 6 and 7 January 2017, I did not say "*stop pushing Leighton*" and such conversation (if any) would only concern commercial matters and not technical or construction issues, as these issues are beyond my scope of duties. I also note that the amendment to the Milestone and Final Account Payment Schedule between Leighton and China Technology (**[C12/C7944]**) was concluded around the same time.

#### Telephone calls in September 2017

10. As to the five September 2017 telephone calls, I categorically deny that I had any conversations with Mr. Poon. I now produce in "**ARKS-2**" my IDD roaming records for September 2017 kept by my secretary. These records show that I was in the United Kingdom from 11 to 19 September 2017. In particular, on 15 September 2017 there was no connected telephone call received by me. After 7 January 2017, I had no telephone conversation with Mr. Poon.
11. My secretary kept these IDD roaming records for me only for periods when I was abroad to track the roaming charges incurred. I do not have any record of incoming or outgoing phone calls made to or by me in December 2016 and January 2017 as I was in Hong Kong during that period. I have also checked with my mobile phone service provider through MTRCL's administration department and understand that records of incoming and outgoing phone calls made more than 90 days ago can no longer be retrieved.

#### Tender for Exhibition Station under Contract 1123

12. In pages 21-22 of the transcript of Day 11 of the hearing, Mr. Poon said that I deliberately arranged for Mr. Poon to place a bid in relation to the Exhibition Station in Wan Chai, under Leighton, in order to relieve the tension between Mr. Poon and Leighton. He said that it was through my arrangement and that it was me who put China Technology on the tender list. This is totally untrue.

13. I did not arrange to put China Technology back on Leighton's tender list. I spoke to my colleagues in my team and was told that it was Leighton's project director of Contract 1123 (Mr. Brian Shepstone) who added China Technology back to the tender list for that project.

**Proposed remedial measures of reinforcement issues**

14. On Day 8 page 25 line 20 of the transcript of the hearing, Mr. Poon said that I told him Leighton and MTRCL were studying the concerns that he raised about bar-cutting, including the remedial works and that Leighton had an independent technical team to study the matter with MTRCL.
15. On Day 9 page 106 line 8 of the transcript of the hearing, Mr. Poon also said that Leighton was investigating the matter, coming up with a remedial proposal and that I asked him not to get involved in it any further.
16. These allegations are entirely untrue. I am not a technical/structural professional and I am not qualified to discuss technical matters of this nature nor any matter related to the so-called remedial proposal with Mr. Poon. It is not within my duties as the Principal Contracts Administration Manager to deal with technical or construction issues mentioned by Mr. Poon and I would not have discussed such matters with him.

Dated the 27 day of November 2018.



Raymond Au Koon-Shan