

**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 RAYMOND BREWSTER

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

1. I refer to my first witness statement dated 2 October 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 second witness statement of Mr. Ho Hon Kit (**“Mr. Ho”**) dated 16 October 2018 (**“Mr. Ho’s 2nd Statement”**) submitted to the Commission of Inquiry and to address any relevant matter raised in this statement.
3. Any allegations or matters raised in the statements mentioned in paragraph 2 above (or any other statements) which 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, information and belief.

Allegations from Mr Ho regarding non-compliance with QSP and requirement specified by BD

5. In paragraphs 6 and 7 of Mr. Ho's 2nd Statement, he refers to the QSP and sets out the requirements of the *"MTRC TCP-T3 Independent Checklist for On-site Assembly of BOSA Seisplite Couplers in Any Location"*. This checklist document references panel numbers, the arrival date of threaded rebar (which is stated to be *"Based on Purchase order for each panel from Intrafor"*) and includes a column titled *"Verticality checking for coupled rebars (10% per column)"*. This indicates that this checklist document was intended to be used for couplers in the diaphragm walls. In fact, all of the couplers used to connect rebar in the slabs to those in diaphragm walls or at construction joints in the slabs were horizontal. Thus, there was no prescribed form of checklist for the couplers that were used to connect the rebar installed in the slab. In this context, Leighton used a different set of forms (Leighton's Pre-Pour Quality Control Checklist and MTRCL's prescribed RISC forms) to record the inspections done on rebar and couplers in the slabs. This is consistent with Leighton's obligations under the BD consultation letters [C8229-8309], which merely require that Leighton "devise its own checklists".
6. In paragraph 9 of the Mr. Ho's 2nd Statement, he states *"neither MTRCL nor Leighton had recorded the inspection as required by the QSP. This constitutes a material non-compliance with Parts 5 and 6 of the QSP and paragraph 1(d) of Appendix VIII to BD's acceptance letter dated 25 February 2013"*. This is incorrect. Leighton complied with the requirement under paragraph 1(d) of Appendix VIII to the second BD consultation letter dated 25 February 2013 [C8303] by maintaining or completing the following (in addition to the "log book" maintained by Intrafor):
- (a) site supervision plans, which recorded the names and qualifications of Leighton's nominated TCPs;
 - (b) organisational charts, which recorded details of Leighton's site supervision and construction engineering teams who supervised the works

- (including the engineers who conducted routine and formal inspections of the reinforcement installed in the slabs with MTRCL's engineers/Inspectors of Works);
- (c) BOSA's thread preparation records (i.e. in the form at Annexure C to the QSP); and
 - (d) Leighton's Pre-Pour Quality Control Checklist and MTRCL's prescribed RISC forms to record the inspection of the reinforcement in the slabs.
7. The documents referred to in paragraph 6 above collectively satisfied the requirements for a "log book" for the purposes of paragraph 1(d) of Appendix VIII to the second BD consultation letter dated 25 February 2013¹. This collection of documents has been available on the site for inspection by BD.
8. In paragraph 10 of Mr. Ho's 2nd Statement, he states "*Therefore, the quality control supervisor should inform the CP and record such failure of keeping inspection log book as non-conformity and the CP should issue instruction to Leighton to rectify the non-conformity*". As I have described in paragraph 7 of this statement, Leighton kept a collection of documents which satisfied the requirement for a "log book". I disagree that there has been any alleged non-conformity by Leighton.
9. In response Mr. Ho's suggestions that Leighton and MTRCL's records do not satisfy the requirements of the QSP, I note that neither MTRCL nor BD informed Leighton during construction of diaphragm walls and slabs (and for a long time thereafter) that the collection of documents referred at paragraph 6 above were inadequate or not in an appropriate form to satisfy the requirements of the QSP. This suggestion from Mr. Ho has only been raised in his statement.
10. In paragraph 11 of Mr. Ho's 2nd Statement, he quotes paragraph 4(c) of the Appendix VIII to the second BD acceptance letter dated 25 February 2013, as

¹ The same words in paragraph 1(d) are adopted in the first BD consultation letter dated 25 February 2013 and the third BD consultation letter dated 25 June 2014.

follows: “...a report is required to be submitted to BD upon completion of the mechanical splice works, which should include “a quality supervision report signed by the [CP] to confirm that the quality supervision has been adequately provided with, the inspection log book of the quality control supervisors representing the [CP] and the RGBC/RSC for the mechanical coupler works.”

11. Paragraph 4(c) of the Appendix VIII to the second BD acceptance letter dated 25 February 2013 is not clearly worded and does not reflect how BD had applied this paragraph for the diaphragm wall. In particular, BD had not requested the production of the inspection log book when it reviewed and approved the quality supervision report in May 2017. Mr. Ho’s interpretation of paragraph 4(c) of the Appendix VIII to the second BD acceptance letter dated 25 February 2013 is also inconsistent with the requirement in the same letter that the log book should be available for inspection. If the log book was required to be submitted to BD, there would be no need to ensure that it was also available for inspection after BD had received a copy of the log book with the report. It would also be an impractical and cumbersome exercise to submit the log book to BD. Presumably, this is why BD required the log book to be made available for its inspection.

Dated the 2nd day of November 2018.

Signed:  _____

Raymond Brewster