

**COMMISSION OF INQUIRY INTO THE
CONSTRUCTION WORKS AT AND
NEAR THE HUNG HOM STATION EXTENSION
UNDER THE SHATIN TO
CENTRAL LINK PROJECT**

**SECOND WITNESS STATEMENT OF TUNG HIU
YEUNG
FOR
MTR CORPORATION LIMITED**

I, **TUNG HIU YEUNG (aka VICTOR TUNG)**, c/o MTR Corporation Limited, MTR Headquarters Building, Telford Plaza, 33, Wai Yip Street, Kowloon Bay, Hong Kong, **WILL SAY AS FOLLOWS:**

1. I am the same Tung Hiu Yeung who provided a **witness statement dated 15 May 2019 (“Tung 1st”) [BB5248-5260]**. I am again duly authorised by MTRCL to make this second witness statement on its behalf.
[BB8/5253, 5255, 5256-5257]
2. At **paragraphs 25-26, 33 and 35 of Tung 1st**, I made reference to my practice of using Whatsapp groups for tracking relevant contemporaneous information or records for the construction works under SCL Contract 1112. I also provided some examples to illustrate how that practice operated, in particular as to how it enabled me to fill out RISC forms despite Leighton’s late submissions.
3. In this statement, I wish to provide the Tribunal with a further example illustrating a situation where approval

was only given at a re-inspection after rectification of defects initially identified.

4. The relevant example concerns RISC No 1112-CIV-010452 in respect of the pre-pour check of the base slab at ST026 & 024 at “*Stabling Sidings below ground-HHS, Northern Underpass*”. My contemporaneous records show as follows:

(1) At 1:30 pm on 8 April 2016, I was informed by Mr Lam Wai Chung of Leighton (who was a participant in the Whatsapp group titled “*Inspection Group*” referred to at paragraphs 31 and 32 of Tung 1st) that [BB8/5254-5255] the relevant location was ready for inspection at 3:30 pm;

(2) Having liaised with Mr Lam at around 3:22 pm, Mr Lam and I carried out the inspection. The relevant Whatsapp entries are excerpted as follows:

16/4/8 13:30 - 禮頓林偉冲: *Sir, nnu staircase 024 & 26 base slab prepour check at 15:30*

16/4/8 13:37 - Victor Tung: 👍 , I'll follow

...

16/4/8 15:21 - Victor Tung: *I'll inspect NNU staircase base slab at 3:30*

16/4/8 15:22 - Victor Tung: 林偉冲 , 我宜家去 NNU

16/4/8 15:22 - 禮頓林偉冲: 我在現場

(3) During the inspection, I discovered that there was “*dust/waste to be clear, waterstop must adjust*”;

(4) I took photos and circled the locations of the defects and communicated the same to others in the Whatsapp group at 4:01 pm, and indicated that I would reinspect at 4:15 pm;

- (5) At 4:15 pm, I inquired as to the whereabouts of Mr Lam;
- (6) During the re-inspection, a defect still remained and I requested Mr Lam to stay behind to monitor the rectification works and to inform me when the same was completed and the situation was recorded in the Whatsapp group by the message at 4:21 pm;
- (7) At 4:59 pm, the defects were rectified and the situation was recorded in three photos taken by Mr Lam and sent to the Whatsapp group;
- (8) MTRCL only received the relevant RISC form on 27 April 2016, 19 days after the inspection took place on 8 April 2016;
- (9) Despite the lapse of time, I was able to fill out the relevant RISC form accurately based on the contemporaneous records referred to above.

The contemporaneous records referred to above are attached herewith as **Exhibit A**.

- 5. A further example concerns RISC No 1112-CIV-010454 in respect of the pre-pour check of the ST-024 & 026 walls at “*Stabling Sidings below ground-HHS, Northern Underpass*”. The relevant inspection took place on 14 April 2016 . This example illustrates how I used site photos as a reference to fill out a late RISC form.

[BB8/5250-5251]

- 6. At **paragraphs 10 and 14 of Tung 1st**, I referred to the fact that I maintained a set of record photos taken by me and which are stored on my own hard disk. On my hard disk, files numbered P4142468 to P4142474 are photos taken by me during the inspection. I understand that the first

character and the second to fourth digits “P414” of the file name was generated by my camera to denote and record the date of a photo.

7. The relevant records referred to in the preceding two paragraphs are attached herewith as **Exhibit B.**
8. Although the photos only include a date stamp but not a time stamp, my computer device in fact shows the time at which the photos were taken. I was therefore able to fill out the relevant RISC form accurately, including the time of inspection, despite the fact that it was only received on 27 April 2016, some 13 days after the relevant inspection.



TUNG HIU YEUNG

Date

6/6/2019.