

IN THE MATTER OF
COMMISSION OF INQUIRY INTO THE CONSTRUCTION WORKS AT AND UNDER THE HUNG HOM
STATION EXTENSION UNDER THE SHATIN TO CENTRAL LINK PROJECT
(FORMERLY 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)

THIRD WITNESS STATEMENT OF YUENG WAI HUNG

I, Yueng Wai Hung of 24/F and 25/F ADP Pentagon Centre, 98 Texaco Road, Tsuen Wan, Hong Kong, state as follows:

Introduction

1. I am duly authorised to make this witness statement on behalf of PYPUN-KD & Associates Limited ('**PYPUN-KD**'), in response to the requests set out in the letter from Lo & Lo (the Solicitors for the Commission of Inquiry ('**Commission**')) dated 4 April 2019 to PYPUN-KD in relation to the South Approach Tunnels ('**SAT**'). For convenience, I will adopt the terms and abbreviations as defined in my first witness statement dated 13 November 2018 ('**my first statement**'), my second witness statement dated 14 May 2019 (in relation to the North Approach Tunnels ('**NAT**')) ('**my second statement**'), and the Witness Statement of Mak Yu Man dated 13 November 2018 ('**Mr Mak's statement**'). I have read the Witness Statement of Chiu Chung Lai in final draft form ('**Mr Chiu's statement**'), which refers to the various engagements entered into by PYPUN-KD and the RDO supplementary to the M&V Agreement, and I agree with the content of Mr Chiu's statement.
2. Matters stated herein are within my personal knowledge and are true.
3. Unless otherwise stated, I adopt the matters stated in my second statement.

The issue on which PYPUN-KD was requested to respond

4. I set out below my response to Lo & Lo's letter dated 4 April 2019 on SAT. For convenience, certain defined terms defined in Lo & Lo's letter are adopted.

In relation to Issue 3 and on SAT onlyParagraphs 1.2 to 1.5

5. I would repeat paragraphs 102 to 107 of my second witness statement. In relation to the requirements for the submission of materials testing records by MTRCL for: (a) concrete cubes, (b) rebars, and (c) mechanical couplers, **Annex 16** hereto is a copy of a letter from the Buildings Department dated 25 February 2013 to MTRCL. For submission requirements as to concrete cube test reports and reinforcement bar test reports, see 'Appendix II' to the letter. For submission requirements as to mechanical coupler test reports, see 'Appendix X' (for couplers without ductility requirement (Type I)) and 'Appendix IX' (for couplers for ductility requirement (Type II)).
6. PYPUN-KD had prior to March 2018 checked the concrete cube test reports, reinforcement bar test reports, and mechanical coupler test reports, and found the results of the available reports to be satisfactory. Such checks were carried out from time to time as reports were submitted by MTRCL to the BO Team. A full set of the reports is only available at the time of the completion of the works.

Paragraph 1.6

7. I would repeat paragraph 108 of my second witness statement.

Paragraph 1.7*Rebars*

8. As noted in paragraph 5 above, the BD's submission requirements as to rebars test reports are set out in 'Appendix II' to the BD's letter dated 25 February 2013.
9. To fulfil the RDO's submission requirements, MTRCL (its Competent Person) submitted the following documents: stockist's certificate, mill certificate of chemical composition, tensile test report, and the Competent Person's statement confirming:
 - (i) *All steel reinforcing bars used for the construction and the test specimens covered by the test reports are in accordance with the types and grades of steel shown in the agreed proposal.*
 - (ii) *Sampling and testing of steel reinforcing bars used have been carried out in accordance with PNAP APP-45 [for compliance with CS2:1995].*
 - (iii) *The acceptance criteria appropriate to each type and grade of steel reinforcing bars used have been complied with.*
 - (iv) *All steel reinforcing bars tests have been carried out by a laboratory accredited under the HOKLAS.'*

10. MTRCL on about 12 February, 19 April, 7 July and 2 November 2017 submitted to the BO Team four batches of material testing records for rebars, which were passed on to PYPUN-KD. PYPUN-KD checked such records soon after receipt, and found them to be in order.

Couplers

11. As noted in paragraph 5 above, the BD's submission requirements as to coupler test reports are set out in 'Appendix X' (for couplers without ductility requirement) and 'Appendix IX' (for couplers for ductility requirement) to the letter dated 25 February 2013.
12. I repeat paragraphs 113 and 114 of my second statement.
13. MTRCL on about 13 February and 19 April 2017 submitted to the BO Team two batches of material testing records for couplers, which were passed on to PYPUN-KD. PYPUN-KD checked such records soon after receipt, and had the following findings:
 - 13.1 Both Type I and Type II couplers were used in the works, as proposed in MTRCL's design submission and approved by the BO Team.
 - 13.2 MTRCL included QSP for Type II coupler works in the material testing records, but the corresponding QSR was not submitted . The timing of the submission of the QSR is dealt with at paragraph 107 of my second statement.
 - 13.3 Statements from the Competent Person of MTRCL confirming that the *'the acceptance criteria appropriate to the tests have been complied with'* and that *'quality supervision has been adequately provided'* had not been submitted. These would also be submitted later under the procedure for completion.
14. PYPUN-KD conveyed its findings to MTRCL via phone call. A full set of documents is not required to be submitted until the completion of the works as explained in my second statement.

Paragraph 1.8

15. So far as its obligations under the M&V Agreement is concerned, PYPUN-KD had performed those obligations prior to discovery of the problems. Under the supplementary engagements as explained in my second statement, PYPUN-KD has since then carried out some work in relation to the RISC forms.
16. The role and responsibilities of PYPUN-KD under the supplementary engagements are as set out in the documents referred to at paragraphs 10, 14 and 21 of Mr Chiu's statement, and Annex 13 to my second statement. See the same documents for reports and findings of PYPUN-KD on Issue 3.

PYPUN-KD's recommendations as the M&V Consultant (SAT)

Paragraph 2.1

17. I would repeat paragraphs 119 and 120 of my second statement.

Signed: 

Yueng Wai Hung

Date: _____
14 May 2019

IN THE MATTER OF
COMMISSION OF INQUIRY INTO THE CONSTRUCTION WORKS
AT AND UNDER THE HUNG HOM STATION EXTENSION UNDER
THE SHATIN TO CENTRAL LINK PROJECT
(FORMERLY 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)

THIRD WITNESS STATEMENT OF YUENG WAI HUNG

Dated the 14th day of May 2019

MinterEllison LLP
Solicitors for PYPUN-KD & Associates Limited
Level 32 Wu Chung House
213 Queen's Road East
Hong Kong
Tel : 2841 6888
Fax : 2810 0235
Ref: MTC/1220650

GG289