

**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**

FOURTH WITNESS STATEMENT OF ANTHONY ZERVAAS

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

1. I refer to my first witness statement dated 13 September 2018 (“**First Witness Statement**”), my second witness statement dated 15 October 2018 (“**Second Witness Statement**”) and third witness statement dated 29 October 2018 (“**Third Witness Statement**”). Unless otherwise stated or the context otherwise requires, any abbreviations shall bear the same meaning as in my First, Second and Third Witness Statement.
2. I make this fourth witness statement to clarify and correct matters set out in my First, Second and Third Witness Statement.
3. Any allegations or matters raised in the statements submitted by Jason Poon to the Commission of Inquiry which are not expressly dealt with in this statement are denied and shall 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.

Meeting on 18 September 2017

5. As the meeting of 18 September 2017 was over a year ago, and Jason Poon alleged that the meeting took place at around 3PM with myself and Karl Speed, I did not recall that a meeting did take place at 5.15PM (without Karl Speed) until I spoke to Mark Manning (Leighton’s Commercial Manager), who also attended the meeting, and checked the internal records. I would like to correct and clarify:

- (a) Paragraph 26 of my First Witness Statement;

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- (b) Paragraph 12 of my Second Witness Statement; and
- (c) Paragraph 18(a) - (c) of my Third Witness Statement.

6. Referring to paragraph 12 of my Second Witness Statement and paragraph 18 of my Third Witness Statement:

- (a) I attended a meeting with Jason Poon and Mark Manning in the late afternoon around 5:15PM on 18 September 2017 (the “**Meeting**”) after attending the Liantang Project site meeting and another meeting in Wanchai;
- (b) Karl Speed did not attend the Meeting;
- (c) All the details of the discussions, alleged by Jason Poon, are false. During the Meeting:
 - i. Karl Speed did not reassure “*Poon that the Defective Steel Works will be rectified*”;
 - ii. Jason Poon did not agree “*not to disclose the matter [the alleged cutting of threaded ends of rebars] to anyone, including the Government*”;
 - iii. During the Meeting, neither I nor Mark Manning:
 - a. requested Jason Poon to keep confidential the alleged cutting to anyone in any of our discussions with Jason Poon;
 - b. requested Jason Poon to delete any videos or photos;
 - c. requested to review or amend any draft email to the Transport and Housing Department; or
 - d. impose any conditions at all in reaching a settlement with Jason Poon;
 - iv. Jason Poon signed the Confidentiality Agreement on 18 September 2017 during the Meeting.

7. Referring to paragraph 26 of my First Witness Statement, I now recall that:


- (a) The final account (Exhibit “**AZ-16**”) was signed by Jason Poon during the Meeting;
- (b) As Jason Poon’s wife was required to sign the Confidentiality Agreement as one of the directors of China Technology, and was not present at the Meeting, I asked Jason Poon to request that his wife contact Sam O’Malley (Leighton’s

legal counsel at the time) and arrange to sign the Confidentiality Agreement on 19 September 2017;

(c) I did not meet Jason Poon's wife on 19 September 2017 when she signed the Confidentiality Agreement at Leighton's offices in Wanchai.

8. I also repeat that I did not stop Jason Poon from sending the proposed response to Apple Daily regarding the alleged cutting of threaded ends of rebars, and did not respond further to Jason Poon when he confirmed that he would "*feedback freely*" to Apple Daily "*when Leighton confirmed that there is no malpractice on our [the] Confidentiality Agreement*" as this was not the purpose of the Confidentiality Agreement (Exhibit "**AZ-22**" and "**AZ-23**" of my First Witness Statement).

Dated the 5th day of November 2018.

Signed:  _____

Anthony Zervaas