

**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 KARL SPEED

I, KARL SPEED, of 39/F, Sun Hung Kei Centre, 30 Harbour Road, Hong Kong say as follows:

1. I refer to my First Witness Statement dated 14 September 2018 (“**First Witness Statement**”), my Second Witness Statement dated 14 September 2018 (“**Second Witness Statement**”), and my Third Witness Statement dated 18 October 2018 (“**Third Witness Statement**”). Unless otherwise stated or the context otherwise requires, any abbreviations shall bear the same meaning as in my Second and Third Witness Statement.
2. I make this statement in reply to the first witness statement of Mr. POON Chuk-Hung, Jason (“**Jason Poon**”) dated 3 September 2018 (“**1st Poon Statement**”), and the fourth witness statement of Jason Poon dated 25 October 2018 which includes a chronology of Jason Poon’s alleged background of events (“**4th Poon Statement**”).
3. Any allegations or matters raised in the 1st Poon Statement and 4th Poon Statement 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, information and belief.

Jason Poon’s allegations regarding Leighton’s financial position

5. In response to paragraphs 5 and 8 of the 4th Poon Statement, the allegations regarding Leighton’s financial position are false.

6. As the General Manager of Leighton, I confirm it is untrue that Leighton was at the relevant time, “*facing financial difficulty*”. I am not, and was not, aware that Leighton ever faced such “*financial difficulty*”.

Jason Poon’s allegations regarding meeting on 15 September 2017

7. In response to paragraph 5 of the 4th Poon Statement regarding the meeting on 15 September 2017, the allegations that “*Speed’s initial attitude was hostile when he was informed of the Defective Steel Works, and threatened Poon*” are untrue.

8. Contrary to Jason Poon’s allegations:

- (a) I reassured Jason Poon that (i) the China Tech JV was not blacklisted and (ii) we could work together in the future if the China Tech JV performed well on the Liantang Project; and
- (b) Jason Poon did not, at any time during the meeting, make any complaints or mention the allegation of the threaded ends being cut off reinforcement bars or any other allegations of malpractice.

9. As set out in paragraphs 9 and 10 of my Second Witness Statement:

- (a) Leighton wanted to continue its commercial relationship with China Technology at the relevant time in the hope that the China Tech JV would improve its performance on the Liantang Project. Therefore I would not have been “*hostile...and threatened*” towards Jason Poon;
- (b) According to my Outlook calendar on 15 September 2017, the meeting with Anthony Zervaas and Jason Poon was scheduled for half an hour from 5.15 PM to 5.45 PM (produced and marked Exhibit “**KS-2**”). From my recollection, Anthony Zervaas and Jason Poon met first and discussed the terms of the termination agreement before I joined the meeting. Therefore when I joined the meeting, it was only a short meeting which lasted for approximately 10 to 15 minutes;
- (c) During the meeting, I told Jason Poon that I wanted the China Tech JV to perform well on the Liantang Project. When Jason Poon told me that China Technology was blacklisted by Leighton, I reassured him that this was not true,

and we would look to work together in the future if the China Tech JV performed well; and

(d) I believe that at the end of the meeting, we left the meeting on fairly good terms.

Jason Poon's allegations regarding meeting on 18 September 2017

10. In response to paragraph 5 of the 4th Poon Statement alleging that "*Poon agreed not to disclose the matter to anyone, including the Government, thus entered into the Confidentiality Agreement with Leighton*":

- (a) As set out in paragraph 12 of my Second Witness Statement, the parties entered into the Confidentiality Agreement as Leighton has many contracts with suppliers and subcontractors in Hong Kong, and Leighton did not want other subcontractors to know about the terms of this confidential agreement of mutual termination of subcontract;
- (b) Jason Poon's allegation that the Confidentiality Agreement was to prevent him from disclosing the matter to anyone, including the Government, is wrong; and
- (c) Jason Poon has spoken very freely to the media about the alleged malpractice by Leighton and obviously does not believe that the Confidentiality Agreement restrains him from so doing.

11. In response to paragraph 5 of the 4th Poon Statement regarding the summary of events which allegedly took place on 18 September 2017:

- (a) I did not have any meeting with Jason Poon and Anthony Zervaas on 18 September 2017; see my Outlook calendar for 18 September 2017 (produced and marked Exhibit "KS-3"); and
- (b) Jason Poon alleged in his first witness statement that the meeting on 18 September 2017 took place at around 3PM. I had scheduled and attended a meeting in Shui On Centre from 3.30PM to 5PM in relation to another project (Exhibit "KS-3").

Dated the 5th day of November 2018.

Signed: K. R. Speed.

Karl Speed