

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

**WITNESS STATEMENT OF KANG PU
FOR
MTR CORPORATION LIMITED**

I, **KANG PU** of 12/F, South Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Mei Tei, Kowloon, Hong Kong, **WILL SAY AS FOLLOWS:-**

1. I was Construction Engineer II - Civil ("**ConE II**") of MTR Corporation Limited ("**MTRCL**") for the Shatin to Central Link Project ("**SCL Project**") when I left MTRCL in or around June 2018.
2. I obtained a Bachelor Degree in Civil Engineering in 2010 and a Master Degree in Infrastructure Project Management from the University of Hong Kong in 2015.
3. I have been a member of the Institution of Civil Engineers since May 2014 and a member of the Hong Kong Institution of Engineers since March 2015.
4. I joined MTRCL as Graduate Engineer in or around August 2010. During my tenure with MTRCL, I was involved:-
 - (1) in various MTRCL Projects, including the Express Rail Link Project and the South Island Line Project, as Graduate Engineer between August 2010 and August 2013; and
 - (2) in the SCL Project as Construction Engineer III – Civil between August 2013 and May 2014 and as ConE II between June 2014 and June 2018.
5. During the period of the construction works of the 3 Stitch Joints and Shunt Neck Joint in NAT, I was the ConE II assigned to the works at NAT under Contract 1112 and I reported to Mr. Chris Chan (ConE I) and Mr. Joe Tsang (SConE).

6. On 20 May 2019, I received a letter (the “**Letter**”) from Messrs. Lo & Lo, Solicitors, who I understand are the solicitors acting for the Commission of Inquiry into the Construction Works at and near the Hung Hom Station Extension under the Shatin to Central Link Project (“**Commission of Inquiry**”). I am providing this witness statement in response to the following questions contained in the Letter:-

- (1) Confirm whether you did carry out the rebar fixing hold point inspections for the stitch joints/construction joints at the NAT and if so, describe and explain how such inspections were carried out;
- (2) Confirm whether you were aware of any defect or non-compliances at the time;
- (3) If the answer is yes, describe and explain what you did afterwards;
- (4) If the answer is no, please explain why you were not aware of the defects or non-compliances that were subsequently discovered;
- (5) Confirm whether RISC forms were prepared at the time for the rebar fixing hold point inspections;
- (6) If not, please explain why you had allowed that to happen;
- (7) Please identify who was involved from Leighton in the hold point inspections;
- (8) Identify and include in the witness statement any other relevant matters that should be explained to the Commission of Inquiry concerning the construction of the original stitch joints.

7. Insofar as I can deal with the matters raised in the Letter, I address them based on my first-hand observations and personal involvement in the SCL Project since August 2013 and I confirm that this statement is true to the best of my knowledge and belief. For the purpose of preparing this witness statement, I have requested, and have been provided with, a number of documents from MTRCL’s legal team to refresh my memory. There are occasions when I can only speak to matters by reference to these documents, in which case I believe the contents of the same to be true and accurate.

8. During my time at NAT, rebar fixing hold point inspections were usually carried out by the ConE Team. Whoever in the ConE Team was requested by Leighton’s

responsible Engineer to conduct a particular rebar fixing inspection, and was available at the time, would conduct the inspection. Sometimes when members of the ConE Team were unavailable, they asked the Inspectors of Works to carry out the rebar fixing hold point inspections. During the period of the construction works of the 3 Stitch Joints and Shunt Neck Joint in NAT, the ConE Team members included Mr. Joe Tsang (SConE), Mr. Chris Chan (ConE I) and myself (ConE II). The Inspectors of Works included Mr. Kenneth Kong (SIOW I), Mr. Victor Tung (SIOW II) and Mr. Tony Tang (IOW).

9. When Leighton's Engineer considered that the rebar fixing works at a particular location were ready for inspection, he or she would request MTRCL's ConE Team to conduct the rebar fixing hold point inspection. Leighton was required to make a request for hold point inspection by way of submitting a RISC form in advance of the proposed date and time of inspection.
10. Where Leighton had submitted a RISC form, the responsible Engineer of Leighton would follow up by a telephone call, in person or WhatsApp message to the ConE Team to confirm the exact time of inspection. Where Leighton did not submit a RISC form in advance of the proposed date and time of inspection, the responsible Engineer of Leighton would make the request verbally through a telephone call, in person or WhatsApp message, and sometimes with the promise that the corresponding RISC forms would be issued shortly to MTRCL. At that time, the ConE Team was aware of and discussed the problem of Leighton's failure to submit RISC forms in advance of inspection. My seniors did not ask me to suspend hold point inspection just because of the lack of RISC forms. I therefore conducted the relevant rebar fixing hold point inspections, with or without a RISC form.
11. When I conducted rebar fixing hold point inspections, I would carry with me the most up to date drawings, and inspect the number, sizes, spacing, and lapped lengths of rebars fixed at the relevant locations to ensure that they were in compliance with the relevant drawings. Where I was satisfied with the conditions of the relevant works, I gave verbal permission for the works to proceed to the next stage. Where I had identified any defects, I rejected the works and requested Leighton to carry out remedial works for my re-inspection. For minor defects, I might have delegated the re-inspection to the IOWs. After I conducted a rebar fixing hold point inspection, I would usually inform the ConE

Team or Inspectors of Works, or both, by way of a WhatsApp message, or orally in person or telephone call.

12. I understand that the ConE Team and the Inspectors of Works had all along been complaining about the lack of and late submission of RISC form by Leighton. In particular, in or around March 2017, Mr. Kenneth Kong (the SLOW at the time) issued an email (which I was copied in) entitled “*Notice of works/submit of RISF*” to a number of representatives of Leighton to put on record MTRCL’s complaint regarding Leighton’s default in terms of issuing the necessary RISC forms. I have been shown a copy of an email dated 24 March 2017 issued by Mr. Kenneth Kong [BB2245-2247] and I confirm that this is the email that I refer to.
13. As part of my duty, I also conducted site walks around NAT to check and monitor progress of works, site safety, environmental performance and quality. If I observed any deficiency, I would raise it with Leighton and request that they rectify the deficiency.
14. I understand that the Commission of Inquiry has requested that I confirm whether I carried out the rebar fixing hold point inspections for the 3 Stitch Joints and the Shunt Neck Joint. The rebar fixing works for the 3 Stitch Joints and the Shunt Neck Joint took place around two years ago (in 2017). I conducted many rebar fixing hold point inspections and site walks in NAT (including access roads, underground utilities and transformer room) and other areas such as NFA and SAT (including access roads, underground utilities and cooling tower building). As such, I cannot remember whether I carried out rebar fixing hold point inspections at the 3 Stitch Joints and the Shunt Neck Joint.
15. In an attempt to refresh my memory, I tried to retrieve the relevant WhatsApp groups. Although I no longer possess all the WhatsApp groups because I lost two mobile phones in the past few years, I managed to retrieve some WhatsApp groups in one of my old mobile phones and looked through the relevant WhatsApp groups (which cover the period from 17 December 2016 to 21 June 2018). I am not able to find any WhatsApp messages sent out by me relating to the rebar fixing hold point inspections at any of the 3 Stitch Joints and the Shunt Neck Joint. I also requested Mr. Michael Fu to retrieve my WhatsApp messages in relation to NAT. I understand that Mr. Michael Fu has

received from Mr. Victor Tung three WhatsApp messages sent out by me regarding rebar fixing hold point inspections at NAT. I now exhibit these messages as Exhibit KP-1. These rebar fixing hold point inspections took place at NAT EWL Bay 1 (p. 1 of Exhibit KP-1), NAT NSL Bay 6/7 roof (p. 2 of Exhibit KP-1) and NAT EWL Bay 2 (p. 3 of Exhibit KP-1). Separately, MTRCL's legal team also received from Mr. Victor Tung a chat log of a relevant NAT WhatsApp group (which covers the period from 12 April 2016 to 24 January 2018). I looked through these chat log and identified eight WhatsApp messages sent by me reporting on rebar fixing hold point inspections. I now exhibit these messages as Exhibit KP-2. None of the messages in the available WhatsApp groups show that I conducted rebar fixing hold point inspections at any of the 3 Stitch Joints and the Shunt Neck Joint.

16. In or around 2017, Leighton's Engineers whom I conducted rebar fixing hold point inspections with in NAT, to the best of my recollection, included Mr. Henry Lai, Mr. Billy Ng, and Mr. Chan Hon Sun. However, I do not know whether any of Leighton's Engineers (and if so, who) conducted the rebar fixing hold point inspections at the 3 Stitch Joints and the Shunt Neck Joint.
17. I have nothing further to add in relation to the construction of the 3 original Stitch Joints and the Shunt Neck Joint.

Dated 28 May 2019

A handwritten signature in blue ink that reads "Kappa Kang". The signature is written in a cursive style and is positioned above a horizontal line.

KANG PU