

## Witness Statement of Leung Sai-ho

I, LEUNG Sai-ho, Chief Engineer / Railway Development 1-2 of Highways Department (“**HyD**”), of UG Floor, Ho Man Tin Government Offices, 88 Chung Hau Street, Ho Man Tin, Kowloon, do say as follows: -

1. I make this statement pursuant to directions given by the Commission of Inquiry (“**COI**”) into the Diaphragm Wall and Platform Slab Construction Works at the Hung Hom Station Extension under the Shatin to Central Link (“**SCL**”) Project of 1 August 2018 (“**1 August Letter**”). Save where otherwise stated, the facts deposed hereto are either within my personal knowledge or are derived from office files and records and sources to which I have access, and are true to the best of my knowledge, information and belief.

2. This witness statement addresses Question 12 at page 17 of the 1 August Letter concerning the events set out in a press release published by the Transport and Housing Bureau (“**THB**”) on 9 June 2018.

3. I was holding the position of the Assistant Secretary (Transport) 7B (“**AS(T)7B**”) of THB from 15 October 2012 to 26 July 2018. My job duties included, among other things, handling issues in relation to the SCL Project. When I was AS(T)7B, I was working under the direct supervision of Mr Raymond Cheng, the then Principal Assistant Secretary (Transport) 7 (“**Raymond Cheng**”), who was the head of one of the three teams under Ms Rebecca Pun, the Deputy Secretary (Transport) 1 (“**Rebecca Pun**”).

4. Schedule 1 to this statement is a list of all emails relevant to THB’s handling of an email sent by Mr Jason Poon of China Technology Corp Ltd (“**CT**”) to THB dated 15 September 2017, including emails not sent by or to me for the sake of completeness. I understand that other witnesses will refer to the emails in Schedule 1 instead of producing them separately in their statements to the Commission for the avoidance of duplication.

5. By an email of 15 September 2017 at 1117 hours, Ms Vanessa LAI Wai-yin, the Executive Officer (Secretary for Transport and Housing's Office) ("**Vanessa Lai**"), wrote to Raymond Cheng. The e-mail was a referral from the Office of Secretary for Transport and Housing ("**STHO**") on a request made by another e-mail from a person named Jason Poon, who stated that he was writing for and on behalf of CT to request for a joint interview in presence of the senior representatives of THB, MTR Corporation Limited ("**MTRCL**"), Leighton Contractors (Asia) Limited ("**Leighton**") and CT for the purpose of reviewing and discussing an important issue on the execution of the works the CT found and reported in January 2017 related to the interest of the public ("**CT's 1<sup>st</sup> email**"). Jason Poon also stated that CT was a subcontractor responsible for the works of formwork and concreting to the extension works of Hung Hom Station under SCL Contract No. 1112 ("**Contract**"). The above email from Ms Vanessa Lai is at **LSH-2**.

6. I then had a discussion with Mr Jonathan Leung, Government Engineer / Railway Development (1) ("**Jonathan Leung**") of HyD, the contents of which I cannot now recall. I then wrote to him at around 1124 hours on the same day seeking his urgent advice on the matter. A copy of my said email is at **LSH-3**.

7. I recall making attempts to contact MTRCL by calling a Ms Prudence Chan, Senior Manager – Projects and Property Communications of MTRCL, as she was the usual contact point at MTRCL when I need to seek information or make enquiry with MTRCL on matters relating to SCL. I was however unable to reach Ms Prudence Chan at that time.

8. I reported to Raymond Cheng by email at 1154 hours on the same day. A copy of my said email to Raymond Cheng is at **LSH-4**. In the email, I mentioned that I had asked HyD and MTRCL to provide input on the matter and that I got a quick verbal response from HyD that the issue might be related to the use of reinforcement at SCL site. I considered that HyD, as the technical department, might be in a better position to handle this issue in the first place and that, subject to further

information, I would recommend a way forward for Raymond Cheng's consideration.

9. At around 1400 hours on 15 September 2017, I received a call from Vanessa Lai of STHO, who told me that Jason Poon had made a phone call to STHO, given his telephone number and requested for a reply. Hence, I made a return call to Jason Poon. As far as I can remember, Jason Poon told me that the issue was about the poor quality of couplers used in the Contract. He said he had asked Leighton to rectify the problem but in vain. Jason Poon also said he did not approach HyD or any Government officers on this issue until CT's 1<sup>st</sup> email was sent. He considered that it was his last resort before he would approach the media. Jason Poon indicated that he would welcome officers from HyD with professional knowledge to discuss the issue with him.

10. After the above telephone conversation with Jason Poon, I had a discussion with Raymond Cheng on how to take the matter forward. Subsequently on the same day, I reported the case to Rebecca Pun via an email at 1540 hours with copy to Raymond Cheng. A copy of my said email to Rebecca Pun is at LSH-5. In addition to reporting the case to Rebecca Pun, Raymond Cheng and I recommended HyD, which was equipped with the essential technical knowledge, to have a direct dialogue with Jason Poon in order to follow up on the matter. We also planned to issue an email acknowledging Jason Poon's request for STHO.

11. In a telephone discussion with Raymond Cheng and myself, Rebecca Pun agreed with our recommendation and she then replied by email instructing us to proceed with the case as discussed. A copy of Rebecca Pun's email is at LSH-6. Then, I replied to Jason Poon by an e-mail which briefly recorded my telephone conversation with him, and proposed to arrange a professional staff of HyD to have a discussion with him, noting that his concerns "*would be technical in nature about the site works of Contract No. 1112*". I also advised Jason Poon the name and rank of the officer of HyD, Mr Vincent Chu, the Senior Engineer / Shatin to Central Link (7) ("**Vincent Chu**") who would be approaching him, and included the e-mail address of Vincent Chu in the copy list. A copy of

my email to Jason Poon at 1608 hours on 15 September 2017 is at **LSH-7**.

12. After sending the said e-mail to Jason Poon, I forwarded the same to Raymond Cheng and seniors officers of HyD for their information (namely, Mr Jimmy Chan, Principal Government Engineer / Railway Development, Mr Ralph Li, Chief Engineer / Railway Development 1-1, and Jonathan Leung). A copy of my said email sent at 1610 hours on 15 September 2017 is at **LSH-8**.

13. Subsequently, Vincent Chu sent an email to Jason Poon, which was copied to me, recording that Vincent Chu had made three attempts to contact Jason Poon but Jason Poon was not available. Jason Poon replied by email saying that he was engaged in a meeting when Vincent Chu was calling him and he would return call to Vincent Chu at 0900 hours on 16 September 2017. The said email correspondences are at **LSH-10** and **LSH-11** respectively.

14. On 16 September 2017, Ms Christie Wong, Engineer / Shatin to Central Link (2) ("**Christie Wong**"), reported to Vincent Chu by email (copied to me) that she called Jason Poon at around 0915 hours on 16 September 2017 as Jason Poon did not call back at 0900 hours as scheduled. She reported that Jason Poon said he preferred to discuss the issue with Vincent Chu on 18 September 2017 and he should be able to call Vincent Chu at around 1100 hours on 18 September 2017. Thereafter Christie Wong wrote an email to Jason Poon, which was also copied to me, recording Jason Poon's preference to discuss with Vincent Chu at 1100 hours on 18 September 2017. The said emails are at **LSH-12** and **LSH-13** respectively.

15. On 18 September 2017 at 1710 hours, Vincent Chu wrote an email to Jason Poon, which was copied to me, recording that Vincent Chu had made two attempts to contact Jason Poon but Jason Poon was not available. At 1920 hours on the same day, Vincent Chu sent another email to Jason Poon, which was also copied to me, recording that Vincent Chu had a telephone discussion with Jason Poon at around 1845 hours on 18 September 2017 and Jason Poon agreed to provide information of the

issue in writing within an hour for follow up actions by HyD. The said emails from Vincent Chu to Jason Poon are at **LSH-14** and **LSH-15**.

16. Subsequently, Jason Poon sent an e-mail at 1922 hours on 18 September 2017 (“**CT’s 2<sup>nd</sup> email**”), replying to the email issued by me on 15 September 2017 at 1608 hours. CT’s 2<sup>nd</sup> email stated the following:

*“During these few days we are working tight and hard on the suspecting technical issue with Messrs Leighton and had reached satisfactory understanding and full clarification. ie the suspecting subject had been cleared now and no significant impact is retained.*

*In order to avoid any unwanted impact and due to the good progress observed, we thus kept silent on the investigation from Messrs HyD and we had did [sic] our best endeavor on our act of non-disclosure.*

*We believe it is a full and final end of the issue and may we invite to close all relevant files accordingly.*

[...]

*by copy of this email, may I express my sincere acknowledgement on the prompt and professional services being maintained by both Mr S H Leung of THD [sic] and Mr Vicent [sic] Chu of HyD”.*

A copy of CT’s 2<sup>nd</sup> email is at **LSH-16**.

17. After receiving CT’s 2<sup>nd</sup> email, I forwarded it to Raymond Cheng. A copy of my email to Raymond Cheng at 1931 hours on 18 September 2017 is at **LSH-17**. As I considered it appropriate to report the matter to Raymond Cheng by copying in Rebecca Pun, I wrote another email to Raymond Cheng, which was copied to Rebecca Pun, reporting that the request for meeting from Jason Poon should have been resolved. No further action was thereafter taken. A copy of my email to Raymond Cheng at 1937 hours on 18 September 2017 is at **LSH-18**.

18. I confirm that the contents of this Witness Statement are true to the best of my knowledge, information and belief.

Dated this 7<sup>th</sup> day of September 2018.



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LEUNG Sai-ho