

IN THE COMMISSION OF INQUIRY INTO THE  
DIAPHRAGM WALL AND PLATFORM SLAB CONSTRUCTION  
WORKS AT HUNG HOM STATION EXTENSION UNDER THE  
SHATIN TO CENTRAL LINK PROJECT

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**WITNESS STATEMENT OF MR. NGAI CHUN KIT**

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I, NGAI Chun Kit of [REDACTED]  
[REDACTED] say this:-

1. I am currently employed by China Technology Corporation Limited (“**Chinat**”) as a Quality Surveyor Manager (“**QS Manager**”). I have been holding the same position since the day I joined Chinat on 26 August 2015. From mid-October 2015 onwards, I acted as the QS Manager of Chinat in Contract No. 1112 under the Shatin-Central Link Project (“**SCL 1112**”).
2. I make this witness statement in reply to the first witness statement of Ms. Emily Cho dated 25 October 2018.
3. 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.

**Duties and responsibilities in SCL 1112**

4. As a QS Manager of Chinat in SCL 1112, I was primarily responsible for managing the back office of Chinat. I was in charge of matters other than the actual construction works under SCL 1112. I spent most of the time working in Chinat’s temporary office situated in the Hung Hom Station construction site (the “**Site**”), and I frequently attended Chinat’s internal lunch meetings held by Mr. Jason Poon.

### Electronic and non-electronic site access system

5. I refer to paragraph 7 of Ms. Emily Cho's first witness statement. As one of the sub-contractor personnel, I was issued a "White Card" by Leighton Contractors (Asia) Limited ("**Leighton**"). Upon entering and leaving the Site, I would normally scan my White Card against the card reader at the gate near Exit D of the Hung Hom Station, or "Gate No. 1" as Chinat's staff members call it, and then also scan my own palm using the device equipped at the same gate. This is the electronic site access system.
6. Gate No. 1 was the gate through which I most frequently pass in order to enter into the Site. As far as I am aware, there are in fact 2 other gates, one near the "Leighton Bridge", or "Gate No. 2" as we call it, as well as one on Cheong Wan Road, or "Gate No. 3" as we call it. I have previously entered into the Site using Gate No. 2 and Gate No. 3. My observation was that there were no palm-scanning devices at these gates.
7. At Gate No. 1, apart from the card reader and the palm-scanning device, there was also a security booth where a security guard was stationed. A register titled "SCL1112 Personnel Access Record" was placed inside the booth. This register was for those who have been issued a Registration Card or a White Card, but were unable to sign themselves in or out via the electronic site access system (either because they failed to produce the Card, or that the Card was faulty). They would then have to sign in or out in writing. This is the non-electronic site access system.
8. Chinat's common practice was that only construction workers would use the non-electronic system if they were unable to produce their Cards. Managerial and supervisory staff such as I rarely sign in or out using the non-electronic system despite not having brought along the Cards. I would still be allowed to enter the Site through Gate No. 1 if the security guard on duty recognised my face.
9. Where a worker has signed in or out using the "SCL1112 Personnel Access Record", his/her attendance would not be recorded back in to Leighton's computerised site attendance records. He/she would normally take a photograph of his/her own entry on the register, and would then pass the photograph on to Chinat's managerial and supervisory staff via WhatsApp messages.
10. There is now produced and shown to me marked **Exhibit "NCK-1"**, a photograph of the "SCL1112 Personnel Access Record" which contains the attendance record on 6 May 2016 of Chinat's concreting worker, Mr. Lau Man Lung. This photograph



was extracted to my personal desktop from my old personal mobile phone, LG G Pro 2, just before I had it traded in.

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11. There is also now produced and shown to me marked **Exhibit "NCK-2"**, a screenshot of a conversation on 6 May ~~2015~~ in a Chinat WhatsApp group named "1112 OT 中直", through which I received **Exhibit "NCK-1"** from Mr. Lau Man Lung. The screenshot is captured by me on my personal mobile phone, HUAWEI Mate 9, at 2121 hours on 6 November 2018.

#### **Inaccurate site attendance records**

12. I refer to paragraph 8 of Ms. Emily Cho's first witness statement and the site attendance records for personnel under Chinat between 2015 and 2017 in **Bundle C8 at C5689 – C6176** produced by Leighton and referred to in the same paragraph. The site attendance records provided by Leighton printed in June 2018 are largely inaccurate. I have never seen this set of records prior to Chinat's receipt of Leighton's bundles through its instructing solicitors in September 2018.
13. The only site attendance records I have seen prior to September 2018 were those that were sent from Leighton to Chinat via email by the end of each month during the time Chinat was engaged in SCL 1112. There is now produced and shown to me marked **Exhibit "NCK-3"**, copies of the contemporaneous site attendance records for Chinat personnel provided to Chinat by Leighton between August 2015 and March 2017.
14. My understanding is that the two sets of records mentioned in paragraphs 13 and 14 above should have been generated by the same electronic site access system at Gate No.1. However, I noticed that there are many discrepancies between the two sets of records almost every month, and it would be impracticable for me to list them out one by one in this witness statement. Nevertheless, to assist the Commission, I refer to the site attendance records in November 2015 in **Exhibit "NCK-3"** and in Leighton's **Bundle C8 at C5738 – C5750** which illustrate the following discrepancies:
- 14.1. Entries of all Chinat personnel on certain days are recorded in one set of records but missing from the other set, i.e. 4 November 2015, 10 November 2015, 11 November 2015 and 25 November 2015; and
- 14.2. Consequently, difference in the total number of "Work Day(s)" spent at the Site were recorded.

15. Apart from the above discrepancies, I also found many inaccuracies in the November 2015 site attendance records. They are:-

15.1. The number in the “Work Day” column does not match with the monthly entries;

15.2. Some arrival times past 0800 hours are not marked in red as late arrival, and those periods of time are therefore not reflected in the “Late (Minutes)” column;

15.3. Some departure times before 1800 hours were not marked in red as early leave, and those periods of time are therefore not reflected in the “Early (Minutes)” column; and

15.4. For some daily entries, either the arrival or departure time was missing.

16. The discrepancies and inaccuracies mentioned in paragraphs 15 and 16 above can be found not only in the site attendance records in November 2015, but almost every month from August 2015 all the way to March 2017.

#### **Sub-contractors often ignored Leighton’s electronic site access system**

17. Although Leighton had implemented an electronic site access system to record the site attendance of all personnel entering the Site, many subcontractors blatantly ignored the system. I have always been aware of this issue since I began working at the Site.

18. In fact, the safety officers of Leighton were also aware of this issue. During a Weekly Subcontractors Safety Meeting for SCL 1112 on 1 February 2016, Leighton’s safety officers expressed their concern.

19. I did not attend this Safety Meeting myself but I have read the Meeting Minutes dated 2 February 2016, a copy of which is now produced and marked **Exhibit “NCK-4”**.

20. Under 6.1 of the Minutes, it was recorded in Chinese that:-

“禮頓安全主任陳志偉提醒所有分判商：

1. 請確保你的工人每天在地盤工作已拍卡，有出席紀錄。因有些分判商的工人拍卡記錄與報數遠遠不平

2. ...”

21. Under 6.2 of the Minutes, it was recorded in Chinese that:-

“禮頓見習安全主任許家樂提醒所有分判商：

1. ...

2. ...

3. 全部工人進入地盤是都需要拍卡出入”

22. Despite these suggestions were made by Leighton’s safety officers in February 2016, I was aware that the discrepancies and inaccuracies mentioned in paragraphs 15 and 16 above persist until early March 2017. In or about early March 2017, I ceased working at the Hung Hom Station construction site.

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



(NGAI Chun Kit)