

Witness Statement of CHENG Nim-tai, Raymond
(ex-Principal Assistant Secretary for Transport and Housing (Transport) 7)

I, CHENG Nim-tai, Raymond, Head (Airport Expansion Project Coordination Office) of the Transport and Housing Bureau (“**THB**”) of the Government of the Hong Kong Special Administrative Region, do say as follows:-

1. I make this statement pursuant to directions given by the Commission of Inquiry 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. Save as otherwise stated, the matters stated in this statement are either within my knowledge or obtained from perusal of the relevant file records of the THB which I have access to, and are true to the best of my information, knowledge 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 the Principal Assistant Secretary for Transport and Housing (Transport) 7 of the THB between 13 May 2013 and 9 October 2017. My duties included, among other things, overseeing the progress of construction of the SCL Project.
4. On 15 September 2017 at 1117 hours, I received an email from Ms Vanessa Lai (“**Ms Vanessa Lai**”), Executive Officer of the Secretary for Transport and Housing’s Office (“**STHO**”), enclosing an email from a Mr Jason POON (“**Mr Jason Poon**”) of China Technology Corporation Limited (“**CT**”) sent to the STHO dated 15 September 2017 at 1106 hours (“**CT’s email**”) for my follow up action and reply. In CT’s email, Mr Jason Poon requested for an urgent meeting with the senior representatives of the THB, the MTR Corporation Limited (“**MTRCL**”) and the Main Contractor Messrs. Leighton the next morning, i.e. Saturday 16 September 2017, 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. Ms Vanessa Lai also copied her email to Mr Keith Giang, the then

Administrative Assistant to Secretary for Transport and Housing) and Mr LEUNG Sai-ho, the then Assistant Secretary for Transport and Housing (Transport) 7B (**“Mr SH Leung”**). A copy of CT’s email is produced in Mr SH Leung’s witness statement to the Commission as **“LSH-1”**. Copy of the email from Ms Vanessa Lai is produced as **“LSH-2”**.

5. I did not know what issue Mr Jason Poon was referring to in CT’s email as I did not recall that he had ever approached the THB before the said email. I had no knowledge of either Mr Jason Poon or CT or his/its involvement in the SCL Project prior to receiving CT’s email.

6. In light of the above, I instructed Mr SH Leung to gather more information about the issue mentioned in CT’s email first. I understood that Mr SH Leung had thereafter briefly discussed the matter with Mr Jonathan Leung (**“Mr Jonathan Leung”**), Government Engineer of the Railway Development Office (**“RDO”**) of the Highways Department (**“HyD”**) over the phone, and an email was sent by Mr SH Leung to Mr Jonathan Leung (which was copied to me) at 1124 hours on the same day seeking Mr Jonathan Leung’s urgent advice on CT’s email.

7. At 1154 hours of 15 September 2017, Mr SH Leung reported to me by email that he had asked HyD and MTRCL to provide input in relation to the issue, and that according to a quick verbal response from HyD, the issue might be related to the use of reinforcement at SCL site. Mr SH Leung suggested that HyD, as the technical department, might be in a better position to handle the issue in the first place, and that subject to further information, he would recommend the way forward for my consideration. A copy of Mr SH Leung’s email to me dated 15 September 2017 at 1154 hours is produced in his witness statement to the Commission as **“LSH-4”**.

8. At 1540 hours of 15 September 2017, Mr SH Leung sent an email to Ms Rebecca Pun, Deputy Secretary for Transport and Housing (Transport) 1 (**“Ms Rebecca Pun”**) (which was copied to me), reporting to her about CT’s email and his subsequent discussion with Mr Jason Poon over the phone. Mr SH Leung reported, among other things, that Mr Jason Poon had revealed that the issue was about the poor quality of couplers. In view of the technical nature of the issue, Mr SH Leung suggested asking HyD to correspond directly with Mr Jason Poon and make further enquiries.

9. Subsequently, Ms Rebecca Pun discussed with me and Mr SH Leung the way forward in a telephone conference, and agreed to the suggestions put forward by Mr SH Leung in his aforesaid email at 1540 hours of 15 September 2017. I do not have a written record of the said telephone conference. An email was sent by Ms Rebecca Pun to Mr SH Leung (copied to me) at 1556 hours of 15 September 2017 instructing Mr SH Leung to proceed as discussed.

10. At 1610 hours of 15 September 2017, Mr SH Leung forwarded to me and three senior colleagues of the RDO of the HyD (namely, (a) Mr Jimmy Chan, Principal Government Engineer, (b) Mr Ralph Li, Chief Engineer (RD)1-1, and (c) Mr Jonathan Leung) a copy of his email to Mr Jason Poon of 15 September 2017 at 1608 hours for our information. Mr SH Leung confirmed in the email that Mr Jason Poon agreed to discuss with the professional staff of HyD, and that Mr Vincent Chu, who was the Senior Engineer of the HyD looking after the SCL Project, would approach Mr Jason Poon shortly. A copy of said email from Mr SH Leung is produced in his witness statement to the Commission as “LSH-8”.

11. On 18 September 2017 in the morning, I verbally checked with Mr SH Leung whether colleagues of HyD had contacted Mr Jason Poon and whether further information had been collected. Mr SH Leung verbally advised me that colleagues of HyD had tried to contact Mr Jason Poon quite a number of times over the weekend but Mr Jason Poon either could not be contacted or was engaged in meetings. I do not have a written record of the said conversation.

12. At 1931 hours of 18 September 2017, Mr SH Leung forwarded to me an email from Mr Jason Poon of even date at 1922 hours stating 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.

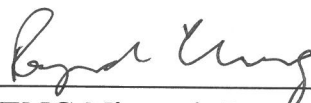
[...]

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 Mr SH Leung’s email to me of 18 September 2017 at 1931 hours is produced in his witness statement to the Commission as “**LSH-17**”.

13. At 1937 hours of 18 September 2017, Mr SH Leung sent me another email (copied to Ms Rebecca Pun) reporting that the request from Mr Jason Poon for an urgent meeting with the senior representatives of the THB should have been resolved. A copy of the said email is produced in Mr SH Leung’s witness statement to the Commission as “**LSH-18**”. In view of Mr Jason Poon’s email quoted in paragraph 12 above, I considered the issue to have been resolved and the case could be closed, and did not take further actions.

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



CHENG Nim-tai, Raymond

7 September 2018