

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

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**WITNESS STATEMENT OF KONG SEBASTIAN SAI KIT  
FOR  
MTR CORPORATION LIMITED**

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I, **KONG SEBASTIAN SAI KIT**, of MTR Corporation Limited, MTR Headquarters Building, Telford Plaza, 33 Wai Yip Street, Kowloon Bay, Hong Kong, **WILL SAY AS FOLLOWS:**

1. I am currently a Construction Engineer II of MTR Corporation Limited (“**MTRCL**”) for the Shatin to Central Link Project (the “**SCL Project**”). I am duly authorised by MTRCL to make this statement on its behalf.
2. Having graduated from Imperial College, London with a Master’s degree in Civil Engineering in June 2013, I immediately returned to Hong Kong and joined MTRCL in August 2013 as a Graduate Engineer on a 3-year graduate scheme.
3. As part of the graduate scheme, I was assigned to Contract 1112 in or around August 2014 and worked on Contract 1112 until around July 2015.
  - (a) For the period from August 2014 to January 2015, I worked under Ms. Carman Fu (Acting Senior Construction Engineer) and mainly assisted her in the construction works relating to the diaphragm walls. I also assisted in preparing PowerPoint presentations for the purpose of progress reporting.
  - (b) For the period from January 2015 to July 2015, I worked under Mr. Joe Tsang Wing Wai (“**Mr. Joe Tsang**”) (Senior Construction Engineer (“**SConE**”)) and

Mr. Ben Chan Yiu Bun (“**Mr. Ben Chan**”) (Construction Engineer I (“**ConE I**”)) mainly for the work at the Hung Hom Stabling Sidings (“**HHS**”).

4. After July 2015, also as part of the graduate scheme, I was seconded to Ove Arup & Partners Hong Kong Limited and worked in a property development project in Tai Wai for a year. My 3-year graduate scheme ended in July 2016. I was then retained by MTRCL and was assigned to Contract 1128 as Construction Engineer III.
5. In September 2017, I was promoted to Construction Engineer II (“**ConE II**”), and in January 2018, I became Technical Assistant to the Projects Director. In November 2018, I was assigned to Contract 1112 to help with the preparation for the Commission of Inquiry into the Diaphragm Wall and Platform Slab Construction Works at the Hung Hom Station Extension under the SCL Project. I returned to my role as ConE II for Contract 1112 in around March 2019.
6. I am providing this witness statement in response to a letter dated 22 March 2019 in relation to HHS (the “[BB1/34-44] **HHS 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 SCL Project (“**Commission of Inquiry**”).
7. While I am aware of the matters raised in the HHS Letter based on my first-hand observations and personal involvement in the SCL Project, and I confirm that the contents of this statement are true to the best of my knowledge and belief, there are occasions when I can only speak to matters by reference to MTRCL’s documents due to the lapse of time, in which case I believe the contents of those documents are true and correct.

**HHS Letter’s Item 2.8: Explain the mechanism and procedures in place on the part of MTRCL to ensure that RISC form inspections would actually take place at the relevant checkpoints, that the relevant RISC forms would be properly endorsed by the appropriate parties in a timely manner thereafter and that copies of the RISC form would be maintained as part of MTRCL’s records in its database.**



**HHS Letter’s Item 2.12: Explain why such a vast amount of RISC forms are missing in relation to HHS. Identify and provide a summary of all the check points relating to the missing RISC forms for HHS.**

**HHS Letter’s Item 2.13: While RISC forms are not now available in relation to those identified checkpoints:**

**Item 2.13.1: confirm and explain whether RISC form inspections have actually taken place at the relevant checkpoints;**

**Item 2.13.2: provide evidence that inspections have actually been carried out; and**

**Item 2.13.4: confirm whether, and on what basis, the inspectors were satisfied that the works for those particular check points have complied with the Requirements, Standards and Practice and the quality required under Contract 1112.**

8. From January 2015 to July 2015, I worked under Mr. Joe Tsang (SConE) and Mr. Ben Chan (ConE I) on Contract 1112. My primary responsibility was to assist Mr. Ben Chan (ConE I), including by conducting rebar fixing hold point inspections at the Accommodation Blocks at the HHS. I also conducted several rebar fixing hold point inspections at the track slab and underpasses at the HHS.

9. At the beginning of my posting, Mr. Ben Chan took me with him during his: (1) routine site walks (which took place around two to three times a week); and, (2) rebar fixing hold point inspections. By way of explanation as to what these walks and inspections involved I say as follows:

(a) The main purpose of the routine site walks was to carry out site surveillance as per the PIMS guidelines<sup>1</sup> and to keep ourselves up-to-date as to the progress of the construction works. In particular, these site walks enabled the ConEs to ascertain whether any rebar fixing works were ready for formal hold point inspections. In addition, Mr. Ben Chan carried out site surveillance and discharged his duties as one of the Technically Competent Persons (“TCPs”) under the relevant Site Supervision Plans (“SSPs”).

(b) The rebar fixing hold point inspections were conducted as follows:

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<sup>1</sup> In accordance with PIMS/PN/11-4/A5, “Monitoring of Site Works”, paragraph 5.7.1: ‘Site surveillance is to be carried out by site inspectorate teams to monitor day-to-day site works of the Contractor. The intention is to have site issues identified early for prompt remedial action by the Contractor, in additional [sic] to and prior to the formal inspection of the Works [...]’.

- (i) Before we went on site to carry out an inspection, we had to make sure that we had the most up-to-date working drawings (together with any relevant design amendment sheets (“**DAmS**”) and/or responses to requests for information (“**RFI**”)) for the relevant works to be inspected, to which we had electronic access through the ePMS system. We took those working drawings (together with any relevant DAmS and/or RFI responses) with us when we conducted inspections.
  - (ii) Then, at the site, we checked the diameter, spacing and layering of the rebars being fixed, and the arrangement of starter bars (if any) and shear links (if any), against the drawings. We also looked at the lapping of the rebars and checked whether the lap length was sufficient. We had to satisfy ourselves that the works were compliant with the working drawings.
  - (iii) If we were satisfied with the rebar fixing works, we would give Leighton permission to proceed. If we were not satisfied, we would require Leighton to rectify the problems and fix another time (usually on the same or the next day) for a further round of inspection – to that end, we would typically communicate with Leighton’s engineers (usually Mr. Hugh Harrington (Senior Engineer), Mr. Matthew Tse (Engineer) and Mr. Jeff Li (Engineer)) in person on site, or by phone or WhatsApp. The permission to proceed and any request for rectification were mostly given verbally on site, as Leighton failed to submit RISC forms timeously or at all in respect of a large number of the rebar fixing hold point inspections (as elaborated below).
10. After the first few routine site walks and rebar fixing hold point inspections (which Mr. Ben Chan and I conducted together as mentioned above in order to familiarise me with the site surveillance and inspection process), Mr. Ben Chan delegated part of his responsibilities to me, and I began to carry out routine site walks and rebar fixing hold point inspections mainly at the Accommodation Blocks at the HHS on my own. Mr. Ben Chan and I kept each other informed as to any issues identified at the site and which areas had or had not been inspected. I wish to also point out that while rebar fixing hold point inspections were usually carried out by the ConEs, Mr. Victor Tung



Hiu Yeung (Senior Inspector of Works (“SIOW”) II) also at times provided assistance on request and carried out hold-point inspections for relatively simple rebar fixing works, especially during periods when the ConE team had a large number of other daily tasks to attend to – for example, the review of Leighton’s submissions (including but not limited to material submissions, RFIs and submission of construction records) and attendance at various site meetings.

11. My practice of conducting routine site walks and rebar fixing hold point inspections was the same as what is described in paragraph 9 above. If I identified any issues (e.g. workmanship or safety), I would raise the issues with Leighton’s engineers in person on site or occasionally over the phone, and would ask them to rectify the issues. The engineers of Leighton whom I mainly dealt with were Mr. Hugh Harrington (Senior Engineer), Mr. Matthew Tse (Engineer) and Mr. Jeff Li (Engineer). From time to time, I also discussed any issues that I encountered at site with Mr. Ben Chan when I got back to the office.
12. As regards rebar fixing hold point inspections, my understanding from Mr. Ben Chan was that Leighton should normally request inspection by submitting a RISC form to MTRCL in advance of the intended date of the hold point inspection, and MTRCL’s SIOW was responsible for distributing the RISC forms to the relevant ConE or Inspector of Works (“IOW”) to conduct the necessary hold point inspections.
13. However, contrary to the normal practice expected of Leighton, as far as I can recall, a large number of the rebar fixing hold point inspections were carried out without a RISC form having been submitted by Leighton before the rebar fixing hold point inspections took place.
14. Rather, I frequently received phone calls from Leighton’s engineers (mostly Mr. Matthew Tse and Mr. Jeff Li), and they only verbally requested me to carry out rebar fixing hold point inspections on a given date and time. I recall that on a number of occasions when I received such phone calls from Mr. Matthew Tse or Mr. Jeff Li, I asked whether they had already submitted a RISC form, and Mr. Matthew Tse or Mr. Jeff Li replied “Yes” or “We are going to do so soon” (or words to that effect). Relying upon their representation or promise that the RISC forms were in place or would be

forthcoming, and also in order not to hold up the construction progress, I then carried out the hold point inspections as requested and (where the works inspected were considered to be satisfactory) gave verbal permission to proceed to the next stage of the works.

15. However, when I went back to the office and checked, it was often the case that Leighton had not actually submitted any RISC form. I recall that on a number of occasions I reminded Mr. Matthew Tse and Mr. Jeff Li to submit the relevant RISC forms for me to sign off when I met them at the site or during telephone conversations. Notwithstanding, as far as I can recall, they only submitted some (but not all) of them.
16. I understand that Mr. Ben Chan also encountered the same problem, and the problem persisted throughout my time with Mr. Joe Tsang and Mr. Ben Chan on Contract 1112 (i.e. from January 2015 to July 2015). As a Graduate Engineer, however, I was not involved in any follow-up action vis-à-vis Leighton in this regard.
17. Finally, I would like to mention the following:
  - (a) Some of the events in question and which form the subject matter of the Commission of Inquiry took place several years ago and my recollection of every detail is not therefore perfect.
  - (b) Accordingly, in preparing this witness statement I have reminded myself of the events in question by reference to various hard copy and electronic documents and materials. I understand these materials were retrieved by MTRCL's Legal Department, with the assistance of the MTRCL's external lawyers, Mayer Brown.

**Dated 16 May 2019**



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**KONG SEBASTIAN SAI KIT**