

立法會

Legislative Council

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Panel on Transport

Subcommittee on Matters Relating to Railways

Minutes of special meeting on Friday, 13 July 2018, at 10:00 am in Conference Room 1 of the Legislative Council Complex

Members present : Hon Michael TIEN Puk-sun, BBS, JP (Chairman)
Hon CHAN Han-pan, BBS, JP (Deputy Chairman)
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Claudia MO
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Dr Hon KWOK Ka-ki
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon LAM Cheuk-ting
Hon Wilson OR Chong-shing, MH
Hon CHAN Chun-ying, JP
Hon Tanya CHAN
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon Jeremy TAM Man-ho
Hon Gary FAN Kwok-wai
Hon AU Nok-hin
Hon Tony TSE Wai-chuen, BBS

Members absent : Dr Hon Helena WONG Pik-wan
Hon LUK Chung-hung, JP

Public Officers attending : **Agenda item I**

Dr Raymond SO Wai-man , BBS, JP
Under Secretary for Transport and Housing
Transport and Housing Bureau

Mr Peter MAK Chi-kwong
Principal Assistant Secretary for Transport and
Housing (Transport)⁷
Transport and Housing Bureau

Mr Ralph LI Tsz-wai
Government Engineer /
Railway Development 1(Acting)
Highways Department

Attendance by invitation : **Agenda item I**

MTR Corporation Limited

Mr TM LEE
General Manager – SCL and Head of E&M
Constructions

Mr Jason WONG
General Manager – SCL Civil (EWL)

Mr Brian DOWNIE
General Manager – Legal (Ops & Growth
Business)

Mr Eric LEE
General Manager – Public Affairs

China Technology Corporation Limited

Mr Jason POON
Managing Director

Clerk in attendance : Ms Sophie LAU
Chief Council Secretary (4)2

Staff in attendance : Miss Joyce CHING
Senior Council Secretary (4)2

Ms Jacqueline LAW
Council Secretary (4)2

Miss Mandy LAM
Legislative Assistant (4)2

Action

I. Issues relating to the alleged substandard steel works at Hung Hom Station under the Shatin to Central Link project
(LC Paper Nos. CB(4)1395/17-18(01) and CB(4)1390/17-18(01))

The Subcommittee deliberated (index of proceedings at **Annex**).

2. On members' request, the Administration/the MTR Corporation Limited ("MTRCL") agreed to provide the following information:

- (a) apart from the diaphragm wall and platform slab construction works in question, details of other construction works included under the MTRCL's Contract No. 1112 of the Shatin to Central Link project;
- (b) the percentage of the construction works mentioned in item (a) above in the overall contract amount of Contract No. 1112;
- (c) the number of times for which the Government had refused to make payment to the contractor Leighton Contractors (Asia) Limited ("Leighton") due to the insufficient information provided in the relevant certificate submitted by MTRCL pursuant to the Entrustment Agreement; and

Action

- (d) whether the Government would continue to pay works fee to Leighton in accordance with the certificate to be submitted by MTRCL.

(At 11:42 am, the Chairman extended the meeting for 15 minutes to 12:15 pm.)

(Post-meeting note: the Chinese and English versions of the supplementary information were circulated to members vide LC Paper No. CB(4)408/18-19(01) on 11 January and 21 February 2019 respectively.)

II. Any other business

3. There being no other business, the meeting ended at 12:15 pm.

Council Business Division 4
Legislative Council Secretariat
29 April 2019

Panel on Transport

Subcommittee on Matters Relating to Railways

**Proceedings of the meeting
on Friday, 13 July 2018, at 10:00 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Issues relating to the alleged substandard steel works at Hung Hom Station under the Shatin to Central Link project</i>			
000743 – 001524	Chairman Mr LAM Chuek-ting Ms Tanya CHAN	<p>Opening remarks</p> <p>Mr LAM expressed dissatisfaction that the Chairman, Chief Executive Officer and Projects Director of the MTR Corporation Limited ("MTRCL") were absent from the meeting. Ms CHAN was also dissatisfied that the Secretary for Transport and Housing and Director of Highways did not attend the meeting.</p> <p>The Chairman reminded Mr Jason POON, Managing Director of the China Technology Corporation Limited ("China Technology"), that when addressing to the Subcommittee on Matters Relating to Railways ("the Subcommittee"), he was not protected by the privileges and immunities provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382).</p> <p>The Chairman said that after consulting the Legal Adviser to the Subcommittee, he reminded members that a Commission of Inquiry ("CoI") under the Commissions of Inquiry Ordinance (Cap. 86) ("the Ordinance") was appointed by the Chief Executive in Council to inquire into the steel reinforcement fixing works and any other works which raised concerns about public safety in respect of the diaphragm wall and platform slab construction works at the Hung Hom Station Extension under the Shatin to Central Link ("SCL") project implemented by MTRCL. Pursuant to section 11(1) of Cap. 86, every inquiry held under the Ordinance shall be deemed to be a judicial proceeding. The Chairman further reminded members to pay attention to Rule 41(2) of the Rules of Procedure that reference shall not be made to a case pending in a court of law in such a way as might prejudice the case. Members should try to ask neutral questions and avoid making comment or judgement concerning any matters pending the court's adjudications.</p>	

Time marker	Speaker	Subject(s)	Action required
001524 – 001934	Chairman Administration	Briefing by the Administration [LC Paper No. CB(4)1395/17-18(01)].	
001934 – 002019	Chairman MTRCL	Briefing by MTRCL.	
002019 – 002703	Chairman Mr LAM Cheuk-ting China Technology	<p>Mr LAM's enquiry and China Technology's response regarding:</p> <p>(a) the estimated number of threaded steel bars that were cut; and</p> <p>(b) whether and when the senior management of MTRCL was informed of the substandard steel reinforcement fixing works.</p>	
002703 – 003232	Chairman Mr Gary FAN China Technology	<p>Mr FAN expressed dissatisfaction at the refusal of the Chairman, Chief Executive Officer and Projects Director of MTRCL to attend this meeting.</p> <p>In reply to Mr FAN's question, Mr POON of China Technology responded that it was understood that MTRCL site staff had taken immediate actions to prevent the recurrence of similar incident, but declined to express opinion on the effectiveness of the actions taken by MTRCL inspectors.</p> <p>Mr FAN's questions and MTRCL's responses on:</p> <p>(a) the occasions where MTRCL site staff had identified the threaded section of reinforcement steel bars being cut;</p> <p>(b) details of the signing-off and confirmation arrangement of Request for Inspection and Survey Checks ("RISC") form before concrete was poured; and</p> <p>(c) supervision and inspection by the contractor, i.e. Leighton Contractors (Asia) Limited ("Leighton"), and MTRCL in respect of installation of the couplers and threaded reinforcement steel bars.</p> <p>MTRCL further advised that since the deficient couplers had been replaced by the contractor at the request of MTRCL and the irregularities had been rectified before concrete was poured, it was not necessary to report the issue to the Buildings</p>	

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		Department.	
003232 – 003736	Chairman Ms Claudia MO China Technology	<p>Ms MO's concern and China Technology's response regarding:</p> <p>(a) whether and when the senior management of MTRCL was informed of the substandard steel reinforcement fixing works; and</p> <p>(b) the motive for the parties concerned to carry out the substandard steel reinforcement fixing works.</p> <p>Responding to Ms MO's further question, China Technology considered that the incident report submitted by MTRCL to the Highways Department ("HyD") on 15 June 2018 did not contain all the facts relating to the construction issues found at the Hung Hom Station Extension. China Technology also took the view that the company itself was targeted in the report.</p>	
003736 – 004253	Chairman Mr YIU Si-wing Administration	<p>Mr YIU expressed that he had high expectation of the CoI to clear the doubts surrounding the incident and hoped that public concern about the safety of SCL could be allayed.</p> <p>Mr YIU's concern and the Administration's response regarding:</p> <p>(a) the engagement of external experts to support the investigation work of the CoI;</p> <p>(b) the fairness and independence of the investigation work of CoI, particularly the Administration's role in taking forward the investigation work; and</p> <p>(c) the potential impact of the remedial works to be carried out and the investigation work on the entire SCL project.</p>	
004253 – 004910	Chairman China Technology MTRCL	<p>The Chairman's question and China Technology's response regarding a photo from media reports showing that the protective plastic caps for some couplers used in the construction of Hung Hom North Approach Tunnels had not been removed.</p> <p>In reply to the Chairman's question as to whether MTRCL had discovered those protective plastic caps at the time when removing portion of the</p>	

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		concrete on the surface of the tunnel connection joint for inspection, MTRCL responded that it was possible to discover the protective plastic caps not being removed from the couplers given that some reinforcement steel bars were found not connected to the couplers. MTRCL stressed that full reinstatement works at the concerned locations had been completed.	
004910 – 005519	Chairman Ms Tanya CHAN MTRCL China Technology	Ms CHAN's questions regarding the defective steel reinforcement fixing works at Hung Hom North Approach Tunnels, and MTRCL's and China Technology's responses. Ms CHAN was dissatisfied that MTRCL did not include the statements given by China Technology in its incident report.	
005519 – 010024	Chairman Mr Alvin YEUNG MTRCL China Technology	MTRCL's and China Technology's responses to Mr YEUNG's further questions regarding the defective steel reinforcement fixing works at Hung Hom North Approach Tunnels.	
010024 – 010544	Chairman Mr CHAN Han-pan China Technology	Mr CHAN's enquiry and China Technology's response regarding: (a) whether the Projects Director of MTRCL had knowledge of the threaded steel bars being cut back in 2016; (b) whether China Technology had received any benefits from Leighton such that it acceded to Leighton's request to delete the photos showing that some of the threaded steel bars were cut short or not properly screwed into couplers on site; and (c) details in relation to the agreement between Leighton and China Technology, including Leighton's request for China Technology to delete the above-mentioned photos. In response to Mr CHAN's enquiry, China Technology advised that about 80GB information including photos, documents and video clips relating to the incident had been handed to the Police.	
010544 – 010727	Chairman Ir Dr LO Wai-kwok	Ir Dr LO's enquiry and the Chairman's response regarding the Chairman's reminders given to members in respect of questions to be asked at the	

Time marker	Speaker	Subject(s)	Action required
		meeting.	
010727 – 011250	Chairman Dr CHENG Chung-tai China Technology	<p>Dr CHENG's questions and China Technology's responses regarding:</p> <p>(a) whether China Technology had communicated with the Transport and Housing Bureau ("THB") about the cutting of threaded steel bars;</p> <p>(b) whether the Administration had knowledge of the agreement between Leighton and China Technology;</p> <p>(c) inspection by the relevant government departments in respect of works carried out at the interface between the diaphragm walls and the platform slab in question in mid-2016;</p> <p>(d) the role of THB and HyD in site supervision and inspection for the SCL project; and</p> <p>(e) issues relating to the termination of a works contract which was signed with China Technology by MTRCL following the revelation of the incident.</p>	
011250 – 011822	Chairman Mr Tony TSE Administration MTRCL	<p>Mr TSE requested MTRCL to provide the following supplementary information:</p> <p>(a) apart from the diaphragm wall and platform slab construction works in question, details of other construction works included under the MTRCL's Contract No. 1112 of the SCL project; and</p> <p>(b) the percentage of the construction works mentioned in item (a) above in the overall contract amount of Contract No. 1112.</p> <p>Mr TSE's enquiry on the interim measures to be undertaken to strengthen the monitoring of MTRCL's implementation of the SCL project prior to the completion of investigation by CoI, and the Administration's and MTRCL's response.</p>	MTRCL (Paragraph 2 of the minutes referred)
011822 – 012401	Chairman Mr CHU Hoi-dick China Technology MTRCL	<p>Mr CHU's questions and China Technology's responses regarding:</p> <p>(a) the remedial works carried out by Leighton to</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>rectify the substandard steel reinforcement fixing works;</p> <p>(b) the estimation on the number of threaded steel bars that had been cut, and whether the General Manager – SCL Civil (North South Line) had been informed of such estimation; and</p> <p>(c) photos taken by China Technology showing the locations at which the threaded section of reinforcement steel bars were suspected to be cut short.</p> <p>Mr CHU's request for MTRCL to produce relevant photos of the works to demonstrate that the irregularities of steel bar fixing works were rectified before concrete was poured, and MTRCL's response.</p>	
012401 – 012931	Chairman Mr AU Nok-hin China Technology MTRCL	China Technology's and MTRCL's response to Mr AU's concern that information in relation to the interview with China Technology was not included in the incident report prepared by MTRCL.	
012931 – 013535	Chairman Mr LAU Kwok-fan MTRCL Administration	<p>Mr LAU's enquiry and MTRCL's response regarding the follow-up actions taken after MTRCL on-site inspectors had identified that threaded section of reinforcement steel bars were cut short.</p> <p>In reply to Mr LAU's enquiry, the Administration advised that in accordance with the Entrustment Agreement, MTRCL was not required to report the construction issues to the Administration so long as such issues had been dealt with and rectified at the site working level.</p> <p>Mr LAU's further enquiry and the Administration's response regarding the role of the Monitoring and Verification ("M&V") consultant appointed by HyD.</p>	
013535 – 014052	Chairman Ir Dr LO Wai-kwok MTRCL	<p>Ir Dr LO's enquiry and MTRCL's response on the following issues:</p> <p>(a) measures to rectify the substandard steel reinforcement fixing works; and</p> <p>(b) the load test to be carried out by an independent third-party expert at the Hung</p>	

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		Hom Station Extension.	
014052 – 014653	Chairman Mr Jeremy TAM Administration MTRCL	<p>Mr TAM's question and the Administration's response regarding MTRCL's system on reporting to the Administration as prescribed under the Entrustment Agreement.</p> <p>MTRCL supplemented that the MTR Corporation Board of Directors had requested its Capital Works Committee, with the assistance of external consultants, to conduct a review of the management processes and procedures of the SCL project within its project integrated management system.</p>	
014653 – 015008	Chairman Mr LAM Cheuk-ting China Technology MTRCL	<p>Mr LAM's question and China Technology's response regarding the time when the Projects Director of MTRCL, General Manager – SCL and Head of E&M Constructions and General Manager –SCL Civil (EWL) were informed of the incident.</p> <p>In response to Mr LAM's enquiry, China Technology advised that it was able to identify the location of the concrete pour bays where the threaded section of reinforcement steel bars were suspected to be cut short.</p> <p>Mr LAM's suggestion and MTRCL's response regarding opening up part of the connection between platform slab and diaphragm walls for examination.</p>	
015008 – 015339	Chairman Ms Claudia MO China Technology MTRCL	China Technology's and MTRCL's response to Ms MO's enquiry on not including the statements given by China Technology in the incident report.	
015339 – 015708	Chairman Administration	<p>The Chairman's suggestion and the Administration's response on expanding the scope of the inquiry to be conducted by CoI to include Contract No. 1111 (Hung Hom North Approach Tunnels).</p> <p>The Chairman sought explanations and MTRCL's response regarding the situation under which the protective plastic caps for some couplers used in the construction of Hung Hom North Approach Tunnels had not been removed.</p>	

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015708 – 020009	Chairman Mr Gary FAN China Technology	Mr FAN's call for disclosing relevant photos taken at each and every process of the works in question, in particular those taken before the pouring of concrete, with a view to ascertaining facts and circumstances surrounding the incident and clarifying responsibilities of different parties concerned, and China Technology's response.	
020009– 020313	Chairman Ms Tanya CHAN Administration	<p>Ms CHAN expressed strong dissatisfaction that the Administration was not entitled to delay or refuse to make any payment specified in a certificate set out in an appendix of the Entrustment Agreement, once the certificate was certified by MTRCL in accordance with the Entrustment Agreement.</p> <p>The Administration advised that it would request MTRCL to supplement any further information to support the payment request specified in the certificate. The Administration would proceed to make payment in accordance with the terms of the Entrustment Agreement if the information contained in the certificate was certified correct and complete.</p> <p>Ms CHAN requested the Administration to provide the following information:</p> <ul style="list-style-type: none"> (a) the number of times for which the Administration had refused to make payment to Leighton due to insufficient information provided in the relevant certificate submitted by MTRCL pursuant to the Entrustment Agreement; and (b) whether the Administration would continue to pay works fee to Leighton in accordance with the certificate to be submitted by MTRCL. 	Admin (Paragraph 2 of the minutes referred)
020313 – 020649	Chairman Mr CHAN Han-pan China Technology Administration	<p>Mr CHAN's enquiry and China Technology's response on the following issues:</p> <ul style="list-style-type: none"> (a) the time when China Technology identified that certain threaded section of reinforcement steel bars being cut and raised the issue to MTRCL and Leighton; and (b) details relating to the subsequent concrete pouring process after China Technology identified the cutting of threaded steel bars. <p>Mr CHAN's question and the Administration's</p>	

Time marker	Speaker	Subject(s)	Action required
		response regarding the role of the M&V consultant in the incident.	
020649 – 021003	Chairman Dr KWOK Ka-ki Administration	<p>Dr KWOK's question and the Administration's response regarding whether the Administration would refer the suspected cover-up of the substandard steel reinforcement fixing works by the senior management of MTRCL to the Police for follow-up actions.</p> <p>Dr KWOK urged the Administration to make public the Entrustment Agreement for SCL project.</p>	
021003 – 021326	Chairman Dr CHENG Chung-tai China Technology MTRCL	<p>Dr CHENG's enquiry and China Technology's response regarding the reasons for MTRCL not including the statements given by China Technology in the incident report.</p> <p>MTRCL supplemented that given the limited timeframe, it had stated all information available in the incident report. Noting that the incident report submitted by MTRCL was not able to allay public concern, the MTR Corporation Board of Directors had tasked its Capital Works Committee to look into the projects management system. MTRCL would also fully cooperate with CoI in its investigation with a view to ascertaining facts and circumstances of the project involved.</p>	
021326 – 021629	Chairman Mr LAU Kwok-fan China Technology MTRCL Administration	<p>Mr LAU's question and China Technology's response regarding whether China Technology had taken any actions after discovering the cutting of threaded steel bars in July 2015.</p> <p>Responding to Mr LAU's question on whether MTRCL was aware that Leighton had once carried out the concreting works by its own staff, MTRCL advised that it had no such information on hand.</p> <p>Mr LAU's enquiry and the Administration's response on the following issues:</p> <p>(a) the arrangement of site inspections conducted by the M&V consultant; and</p> <p>(b) if there was any dereliction of duty on the part of the M&V consultant.</p>	
021629 – 021937	Chairman Mr Jeremy TAM	China Technology's and MTRCL's response to Mr TAM's enquiry about the work procedures in	

Time marker	Speaker	Subject(s)	Action required
	China Technology MTRCL	respect of the certification of RISC form before pouring concrete. In reply to Mr TAM's question as to whether MTRCL was aware of the refusal of China Technology to pour the concrete at a specific area in end 2016, MTRCL reiterated that it had no such information on hand. Mr TAM's question and China Technology's response regarding the abovesaid refusal.	
<i>Agenda Item II –Any other business</i>			
021937 – 022012	Chairman	Closing remarks	