

**Commission of Inquiry into Excess Lead Found in Drinking Water
("the Commission")**

**Opening Submissions by Counsel for the Commission
(for Substantive Hearing on 2 November 2015 at 10 am)**

1. We outline in these submissions the Commission's rules of procedure on the examination of witnesses and the provisional plan of the Commission on the order in which witnesses are to give oral evidence at the Inquiry.
2. The Commission has directed that:
 - (1) Oral evidence will be given under oath or affirmation.
 - (2) The Commission shall determine the sequence in which oral evidence be given in the Inquiry.
 - (3) In relation to witnesses called by the Commission (who are not involved parties legally represented or testifying for such an involved party):- Counsel for the Commission will lead the evidence of such witnesses; Counsel for any involved party may apply to the Commission for leave to question such witnesses; Counsel for the Commission may then re-examine.
 - (4) In relation to involved parties who are legally represented, or witnesses testifying for such an involved party:- Unless otherwise directed by the Commission, Counsel for such an involved party may lead the evidence of the involved party and witnesses who testify on behalf of such a party, after which

Counsel for the Commission may question such witnesses; thereafter, Counsel for the other involved parties may apply to the Commission for leave to question such witnesses; finally, Counsel for that involved party may re-examine.

- (5) Unless otherwise directed by the Commission, insofar as any witness wishes to adopt his or her witness statement as his or her evidence (with or without modification or elaboration), the contents of his or her witness statement are to be read out either by the witness or by his or her counsel.
 - (6) At any stage of the Inquiry the Commission may ask questions of any witness.
 - (7) The Commission may give directions to each party limiting the length of examination of witnesses and submissions.
 - (8) The Commission shall inform all involved parties as and when the witness statements and/or expert reports of the witnesses to be called by the Commission become available.
 - (9) The Commission may recall any person who has given oral evidence to answer further questions.
3. At the Preliminary Hearing, it was announced by the Chairman of the Commission that the Substantive Hearing will be held from today (2 November 2015) to 18 December 2015 (“**Part One**” of the Inquiry) and resume on 4 January 2016 (“**Part Two**” of the Inquiry).
 4. The Chairman also gave directions for the witness statements of the following parties to be filed by the dates below:

Due date of witness statement	Position of witness	Name of witness
26 Oct 2015 (submitted)	Deputy Director of Water Supplies/Chairman of the Water Supplies Department's Task Force on Excessive Lead Content in Drinking Water	Mr WONG Chung Leung
26 Oct 2015 (submitted)	Chief Waterworks Chemist of the Water Supplies Department (" WSD ")	Mr CHAN Kin Man
29 Oct 2015 (submitted)	Chairman of the Hong Kong Housing Authority (" HA ")	Professor Anthony CHEUNG Bing-leung
29 Oct 2015 (submitted)	Deputy Director of Housing (Development and Construction), Housing Department	Ms FUNG Yin-suen Ada
2 Nov 2015	Chairman of the Review Committee on Quality Assurance Issues Relating to Fresh Water Supply of Public Housing Estates (" HA Review Committee ")	Mr CHEUNG Tat-tong
2 Nov 2015	Chief Architect / Development and Standards, Housing Department (for Kai Ching Estate)	Mr YIM Yu-Chau
2 Nov 2015	Chief Building Services Engineer/2, Housing Department (for Kai Ching Estate)	Mr NG Tat-kwan
6 Nov 2015	Director of Water Supplies	Mr Enoch LAM Tin Sing
9 Nov 2015	Chief Architects of 5 Affected Estates	

9 Nov 2015	Chief Building Services Engineers of 5 Affected Estates	
9 Nov 2015	CEO/Managing Director/ Director of the 4 Main Contractors	
9 Nov 2015	CEO/Managing Director of the 3 Sub-contractors	
9 Nov 2015 (that of Mr LAM Tak Sum already submitted)	The 3 Licensed Plumbers	Mr LAM Tak Sum Mr NG Hak Ming Mr CHEUNG Tat Yam
10 Nov 2015	Chairman of the Advisory Committee on Water Resources and Quality of Water Supplies	Dr CHAN Hon Fai
10 Nov 2015	Chief Waterworks Chemist of WSD	Mr CHAN Kin Man
16 Nov 2015	Chief Architects of remaining 5 Affected Estates	
16 Nov 2015	Chief Building Services Engineers of remaining 5 Affected Estates	

5. As regards the 3 sub-sub-contractors involved in the construction of the Affected Estates, namely Wing Hing Plumbing Drainage (“**Wing Hing**”), Sum Kee Water-pipe Drainage Ltd. (“**Sum Kee**”) and Hang Lee Engineering Company (“**Hang Lee**”), none of which has responded to the Commission’s Salmon letters or letters requesting for witness statements, the Commission has issued Witness Summonses to summon their present/former owners to appear before the Commission on 9 November 2015 and thereafter on such dates as to be specified by the Commission to give evidence in respect of the Inquiry.

6. While the present owner of Hang Lee was personally served with the Witness Summons on 28 October 2015, the bailiff has so far been unable to effect personal service of the Witness Summonses on:
 - (1) the present owner of Wing Hing, MOK Hoi Kwong; and
 - (2) the former owners of Sum Kee, LEE Kui Sum and CHAN Kwai Ying. According to searches conducted on behalf of the Commission, Sum Kee was “dissolved by striking off” on 13 July 2012.
7. The Commission will nevertheless continue in its attempts to effect personal service of Witness Summonses on the abovementioned individuals.
8. The Commission is also in the process of identifying and gathering evidence from the suppliers of soldering materials for the Affected Estates, including Prosperity Building Materials Co. Ltd. (雋景建材有限公司) and Wo Hing Manufacturing Company (和興製品廠).
9. Broadly speaking, the Commission plans to first hear evidence in respect of the construction, installation and monitoring of water supply systems inside the Affected Estates. This will involve witnesses from the HA and the chain of construction contractors (subject to the interposing of Professor Bellinger – see below). Then they will be followed by evidence from the WSD and experts concerning both the Affected Estates and the wider regulatory and monitoring system in respect of drinking water in Hong Kong.
10. Subject to any subsequent changes which may have to be made and subject to any application by the residents of the Affected Estates (who

have been granted leave to participate) to call witnesses, the Commission plans to adopt the following order in which the first batch of witnesses are to give their oral evidence during Part One of the Inquiry.

- (1) Chairman of the Hong Kong Housing Authority (Professor Anthony CHEUNG Bing-leung);
- (2) Deputy Director of Housing (Ms FUNG Yin-suen Ada);
- (3) Chief Architect for Kai Ching Estate (Mr YIM Yu-Chau);
- (4) Chief Building Services Engineer for Kai Ching Estate (Mr NG Tat-kwan);
- (5) Chief Architects and Chief Building Services Engineers of the other 10 Affected Estates (order to be announced later);
- (6) Professor David Bellinger (expert instructed by the Commission (to be interposed in the week beginning on 14 December 2015));
- (7) CEO/Managing Director/Director of the 4 Main Contractors (order to be announced later);
- (8) CEO/Managing Director of the 3 Sub-contractors (order to be announced later);
- (9) Present/former owners of the 3 Sub-sub-contractors (order to be announced later);
- (10) The 3 Licensed Plumbers;

- (11) Chairman of the HA Review Committee (Mr CHEUNG Tat-tong).
11. Depending on the progress of the Inquiry, some of the above witnesses may be required to give evidence after New Year, i.e. during Part Two of the Inquiry, along with the remaining witnesses identified above, experts instructed by the Commission and any further witnesses who may be directed by the Commission to give oral evidence.
12. The Commission will update the provisional timetable of the Inquiry on its website (<http://www.coi-drinkingwater.gov.hk/eng/index.html>) from time to time.

Dated 2 November 2015.

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