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2015年11月3日

上午10時05分恢復聆訊

出席人士：石永泰資深大律師、許偉強大律師及鄭欣琪大律師，為外聘律師，代表食水含鉛超標調查委員會

殷志明大律師，由羅夏信律師事務所延聘，代表香港房屋委員會

李柱銘資深大律師、譚俊傑大律師及吳思諾大律師，由何謝韋、李偉業律師事務所延聘，代表啟晴邨及葵聯二邨公屋居民代表 Lee Pui Yi、Chong So Nga 及 Lui Hui Ping

麥高義資深大律師及許佐賓大律師，由的近律師行延聘，代表保華建築營造有限公司

林國輝大律師，由孖士打律師行延聘，代表瑞安承建有限公司

林定韻大律師，由孖士打律師行延聘，代表中國建築工程（香港）有限公司

陳樂信大律師及羅頌明大律師，由律政司延聘，代表水務署署長

鍾建康大律師，由顧增海律師行延聘，代表有利建築有限公司、明合有限公司及伍克明

主席：係，我哋可以繼續重召張炳良先生。張炳良先生，唔該。張先生，可以繼續作供。

石大律師。

石先生：係。

香港房屋委員會第一證人：張炳良教授（運輸及房屋局局長）宣誓繼續作供

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石先生繼續盤問

問：張先生，咁我尋晚返去，我再睇番我原本我諗住問嘅問題，同埋我考慮番其他嘅證人，包括馮女士嘅證供。咁我其實唔打算再今朝問你好多嘅問題，除咗一樣之外，我哋而睇嘅就係公共屋邨，我哋今次呢個調查委員會。

答：唔，唔。

問：咁但係其實而家其中一樣睇咗可能嘅原因，其實就係話原來係喺接駁啲喉管嘅時候嘅焊料係有問題。

答：唔。

問：咁焊料有問題，咁我哋而家唔好咁快妄下判語去講話係主承辦商定係下面嘅分判商，定係啲啲工人嘅問題。咁但係如果個問題係出現喺焊料嗰度嘅話，咁其實原則上，呢個問題唔係淨係可能適用於公共嘅屋邨個嗰，可能其實你私人樓宇，咁你又同埋一咋嘅承辦商，可能佢都係搵同埋一班人嘅工人去做，你同唔同意？其實即係潛在--即係發現個問題就係因為喺公共屋邨發現，但係原則上，呢個問題其實係可以係應用於一啲私人樓宇嗰度可以？

答：可以咁講，我所知就房委會嘅檢討委員會喺佢哋嗰個探討過程裏面，...

問：係。

答：...都係有諗見幾位承建商嘅代表嘅。

問：係。

答：咁當然呢幾個承建商，雖然喺公屋興建方面佢哋都係好活躍喇，...

問：係。

答：...但係同樣佢哋都係有接一啲私人嘅...

問：私樓，係，係。

答：...屋--屋宇嘅發展嘅，咁所以我相信佢哋喺--無論喺為房委會嘅工程所用嘅準則、標準，我相信應該係同佢建私樓唔應該有分別。

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問：唔。咁所以如果喺公營嘅房屋方面出現咗呢一個嘅問題，認知不足嘅話，...

答：係，唔。

問：...咁同樣嘅「認知不足」吓，即係用番 in quotation mark，...

答：唔，唔，係，係。

問：...即係都會可能係出現咗喺一啲新樓嗰度，私人嘅樓宇嗰度？

答：唔，我不排除呢個可能性。

問：不排除呢個可能性。咁順口問一問，跟住我就作結。

答：唔，唔。

問：就咁即係私樓嘅住戶就自求多福㗎咋嘅，其實係？因為即係公營樓宇就話可以搵政府，因為政府係業主。

答：唔，唔。

問：咁但係私樓咁就即係驟眼咁樣講，你會點提議呢？

答：喺--事實上，喺公屋屋邨入面發生食水有含鉛嘅超標嘅樣本，即係如果你從另外個角度嚟睇，就係房委會即係個業主。

問：係，冇錯。

答：當個業主發現咗，咁我哋就儘快做嘢。

問：嘎。

答：咁但係好似你所講，由於房委會係一個公共機構，咁所以房委員嘅租戶，佢對房委員個要求可能同一個私人屋苑嘅業--嘅租客又好，住--或者佢嘅小業主呢，可能佢--佢本身嘅發展商或者要求唔一樣。但係點都好，從房委會嚟講，當我哋一旦發現係有某個屋邨、某一座，如果佢有食水含鉛超標嘅樣本，其實我哋係即係日就即刻係啟動各樣嘅舒緩機制，即係我哋覺得一定要確保居民係有安全嘅食水，所以點解第一樣做就係派發呢個樽裝水。咁同時就我哋--呢個係初頭未掌握，但係後尾我哋做到，就要求個承建商由個天台水箱搭喉到每一戶，咁等啲住戶唔需要落去街裏面--街喉攞水咁樣。但係當然喺天台

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搭喉去每一層係需要時間嘅；咁同埋我哋接住都睇下有咩嘢方法可以減低對居民嘅不便。咁因此就係物色一啲可能佢個型號係可靠嘅，有足夠嘅認證嘅，嘎，咁最後我哋揀咗呢個美國國家衛生基金會認證嘅一個除鉛嘅濾水器。咁但係我哋都唔安心就咁拎個型號嚟去用，因為如果係咁嘅時候，可能公眾或者房委會嘅住戶都話，「你介紹呢個型號嘅，係咪有問題呢？」咁所以就亦都係搵咗政府化驗所去驗、去測試過，覺得係應該可靠嘅。咁而由於有啲住戶仍然係擔心，「你安咗呢啲濾水--濾水器，係咪真係啲水安全咗呢？」咁所以最近我哋將凡係安裝咗濾水器啲住戶，我哋再將啲食水再測試一次，咁證實係有呢個超標嘅鉛含量。

問：因為我問呢個問題，即係係比較籠統嘅可能就係話。

答：唔，唔，唔。

問：因為我見到譬如話美國，你尋日見到 1993 年...

答：係。

問：...嗰個有一份文件，咁佢都接受就係有陣時會有漏網之魚，咁佢就畀咗啲叫做即係實際嘅意見，一啲 practical advice，...

答：係，係。

問：...嗰啲即係市民大眾叫佢即係隔咗夜嗰啲水唔好用住，嗱咁啲去先喇。

答：唔，唔。

問：咁就在香港嚟講，我哋撇除究竟係公營定係唔公營，譬如話你係唔公營，唔當--唔當係公營先，因為公營嗰啲頭先你講咗政府...

答：係。

問：...主動地可能有好多嘅對策。

答：唔。

問：咁如果唔係公營嗰啲咁你會有咩嘢提議畀佢哋呢？

答：其實係咁樣嘅，如果係私人樓宇，如果佢發現，即係佢可以自己進行驗水喇吓。

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問：係。

答：然後呢就佢如果發現有超標樣本嘅樓宇，咁當然佢係需要作出改善。
咁如果...

問：邊個需要作出改善？

答：有關嘅業主，已經係業主。

問：業主，係。

答：就等房委會嘅公屋屋邨化驗所，因為房委會係有責任嘅。咁但係就如果...

問：公屋個房委會係成躉佢--佢擁有，咁佢係大業主喇。咁但係私樓嘅業主賣咗層樓，咁佢有咩嘢責任？

答：咁佢有業主立案法團，同埋如果嗰個私人樓宇佢進行維修，呢啲咁嘅決定都係由業主法團...

問：係，得，我明白，係，冇錯，係。

答：...或者委員會去作決定喇。

問：Okay，係。

答：咁所以個性質同房委會係相近。

問：得，明白，我呢個明，係。

答：咁但係，如果話有啲--譬如某一個私人樓宇，佢嘅--驗到有食水含鉛超標嘅樣本。喺房委會轄下嘅屋苑、屋邨，咁我哋嗰啲所謂風險比較高類別嘅人士，譬如話六歲以下嘅兒童，咁喺 8 月我哋就--即係衛生署更正咗，係用實齡 8 歲，咁同埋呢啲孕婦呀，...

問：餵飼母乳呀。

答：...哺乳嘅婦女。咁呢啲就係屬於比較--風險比較高，喺咁嘅情況底下，咁就可以安排呢個驗血嘅。咁同樣如果私樓係有嘅話，咁呢啲人士都係可以安排同佢驗血。

問：唔。好，咁但係至於啲喉管點樣去糾正，呢個就真係要搵番自己嘅...

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答：嗰啲要私人業主去做，冇錯。

問：...發展商嗰啲去做嘞？

答：冇錯，冇錯。

問：或者自己買個濾水機嘞？

答：可以咁講，係。

問：係，okay，好。

石先生：Okay。張局長，我有第二啲問題問你嘞。但係其他嘅涉案人士可能會有，所以請你繼續作答。

張先生：好。

主席：唔該晒。下一位想發問嘅就係陳大律師，陳大律師就選擇用英文發問，咁你亦都可以用廣東話回答。

張先生：好。

陳先生盤問

問：Mr Cheung, I know that as chairman of the Housing Authority, your perspective on its work is generally from a high-level perspective. So I just wish to ask you a few broad questions, to confirm or to clarify the Housing Authority's public law and certain of its powers and procedures as may be relevant to this inquiry.

Firstly, I would invite you to confirm that the Housing Authority's essential role is the provision of public housing to eligible persons, and in particular those from low income families; is that

correct?

答：對。房委會嘅法定職權或者職責呢，就係為低收入家庭係提供呢個資助嘅居所。咁當然房委會喺佢呢個職權底下，咁佢就要界定咩嘢為之有需要嘅人士，咁同埋提供嘅受資助嘅房屋都係分兩大類嘅，包括係出租嘅公營房屋（簡稱「公屋」）；咁同埋係出售嘅房屋，咁通常出售房屋係以呢個「居者有其屋計劃」嘅居屋咁嘅形式係提供。

問：And it's correct, isn't it, that the Authority is in fact a statutory body, and its main powers and duties are set by legislation and specifically the Housing Authority Ordinance?

答：冇錯。房委會嘅職權同埋組成，都係由《房屋條例》去界定。

問：Now, Ms Ada Fung, Deputy Director of Housing of the Housing Department, has said in writing that it is always a top priority of the Housing Authority to ensure safe and healthy living environment for its public housing developments.

You will no doubt agree, Prof Cheung, that ensuring safety and health is an entirely proper policy and indeed priority for the Authority?

答：對。房委會一直以嚟都係--個目標都係提供一個安全、適切同埋係有關嘅人士可以負擔得到嘅居所。

問：Yes.

答：咁房委會每年都係有佢個機構計劃，“Corporate Plan”，咁裏面每一年都係講出佢個願景係乜嘢，佢不同範疇嘅目標係點樣樣。

問：Yes. Now, the answer to my next question might be thought obvious, but may I please just confirm with you that when the Authority refers to public housing, that embraces all the structures and systems that are necessary for safe and healthy habitation? So in particular that would include a properly functioning plumbing system; is that correct?

答：房委會嘅建造同埋--設計、建造同埋係嗰個事後嘅管理，關於個出租嘅公屋方面，其實等如所有社會上有關嘅建築物，都係要遵守相關嘅法定嘅規定，同埋呢個有關規管機構嘅規定嘅。唯一有個分別就係嘅《建築物條例》嘅應用方面，房委會我相信過去因為佢係一個法定機構，咁所以豁免呢個條例，但係房委會亦都係話希望主動地係要求同呢個建築物監督--佢建築事務監督佢所作嘅一啲規定係看齊嘅。所以嘅運輸及房屋局底下，係有一個獨立嘅審查組，咁就作為一個類似建築物--建築事務監督咁樣角色。所有事務監督佢要求嘅規定，呢個獨立審查組都係會採納嚟到去監管房委會呢方面嘅工作。

問：Thank you. We will get to the slightly more detailed procedures of the Authority in just a moment, but is it correct that at a broad level, the Housing Authority has indeed been given very wide powers to enable it to fulfil its role as a provider of safe and healthy public facilities? So, for example, the Housing Authority Ordinance confers powers upon the Authority to acquire and hold property directly and to do all other acts as are reasonably necessary for the exercise and performance of all or any of the powers and duties of the Authority under the Ordinance.

So would you agree that the Authority has been given very wide powers to enable it to fulfil its role as a provider of safe and healthy public housing?

答：房委會嘅權力一定係建基於嗰個法例所賦予嘅，當然嗰個法例所賦予嘅權力係房委會--即係而家嘅房委會嘅 1970 年代設立以嚟，亦都經歷過唔同嘅階段，包括嘅八十年代後期係能夠獲得呢個財政嘅自主權，原本居屋計劃係政府委託房委會去興建同埋管理嘅--處理嘅，後尾就係將整個計劃就納去房委會嘅職能之一，所以都有唔同嘅階段。房委會係財政獨立嘅，但係如果房委會係佢執行佢個職能嘅時候，係發覺係遇到呢個財政上嘅局限、困難嘅時候，咁過去或者到今天嘅做法都係話咁政府方面就要考慮係咪需要對房委會作出一個資助。

問：I think your answer just now contained possibly some of the answer to my next question, which is this. We noted just a few moments back that the Housing Authority is a statutory body, but really to describe the position a bit more fully, the Authority is indeed

an independent statutory body, it has its own separate existence; is that correct?

答：呢度我要係講多啲，因為嗰個結構個情況係比較複雜。喺直到大抵上2002年嘅，應該咁講，房委會最早成立嘅時候，佢個主席係一個政府管員，係一個當時叫做司級官員，即係相等於而家嘅局長，咁到八十年代後期，佢就改為一個非官員做主席，當時第一任嘅非官員做主席就係退咗休嘅前任官員，就鍾逸傑爵士。然後就到九十年代，都係一個非官員做主席；然後到咗2002年，當時有個機構嘅檢討，政府做一個檢討，咁亦都係因應當時政府嘅其他嘅房屋政策方面嘅一啲轉變，咁就決定咗房委會主席係由負責房屋事務嘅局長去兼任，呢個就...

問：Thank you.

答：...所以我而家係兼任房委會嘅主席。但係執行部門亦都係有啲變化嘅，譬如舉例九十年代嘅房屋署，同喺政府嘅--我哋叫「政府總部」而家，以前叫呢個「布政司署」，裏面負責房屋嘅局係分開嘅，但係到咗大抵2003年嘅，如果我有記錯，當時喺政府裏面，就有一啲--幾個局同埋署就實行局署合併，所以變咗喺而家嘅房屋署，佢一方面係房委會嘅執行機構，但係佢有少部分嘅高層嘅官員，譬如話我用署長--房屋署署長，佢同時亦都係呢個運輸及房屋局負責房屋嘅常任秘書長，所以佢有啲職能係唔屬於房委會嘅，因為房委會有佢法定嘅職能。咁喺房屋署裏面亦都有一啲少量嘅一啲官員，佢唔係執行房委會工作嘅，例如有一個助理署長嘅職位，佢係負責私人房屋嘅，咁私人房屋呢個係屬於政府政策嘅一個部分，喺房屋方面，但係就唔屬於房委會嘅職能，咁所以係呢度有少少唔係話好似一般即係我哋正常嚟睇佢咁樣分工。

問：In terms of public housing estates, physical sites, the physical buildings, is it correct that these are developed and managed by the Authority and vested directly in the Authority rather than any other body, whether it's public or private?

答：啱，如果係公營，譬如話呢個出租嘅公屋，咁呢個當然係房委會自己本身係負責，即係佢個角色呢係相等於私人房屋嘅發展商同埋事後嘅大業主嘅角色。

問：And this indeed was the position in relation to the 11 affected estates which are the focus of this

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Commission of Inquiry; is that right?

答：可以咁講。

問：Now, in relation to the 11 affected estates, is it correct that the Housing Authority would then have full control over access to the sites before, during and after construction?

答：呢個要睇下喺建造工程裏面，房委會--應該咁講喇，即係房署嘅呢個發展及建築署，因為佢負責係房屋嘅興建同埋呢個承建商之間嘅安排，即係你如果係講到譬如地盤嘅出現問題呀啲嘢具體嘅事務，咁我相信喺合約裏面會有安--有規定嘅。

問：So in terms of control, I mean at the ultimate level, if I understand your answer correctly, the Authority is --

答：哦，入去嗰個屋邨裏面啲嘢，如果係出入屋邨，咁就呢個管理係房委會嘅責任，但係有啲屋邨就係外判畀一啲物業管理公司去執行呢個工作。

問：In relation to the construction of public housing, is it fair to say that the Authority generally takes a great deal of care to clearly specify its design and material requirements to its main contractors?

答：我從署方人員理解係咁樣，應該係一個我哋係好認真去對有關嘅設計呀、建造方面嘅工作嗰個要求都係希望達到高水準。

問：Now, indeed for important design, technical or material requirements, the Authority will make these contractual requirements?

答：喺，有好多嘅規定係合約上規定㗎。

問：And indeed for the building contracts for the 11 affected sites, the Authority did take care to contractually specify that only lead-free solders

would be used for pipes; is that right?

答：我所了解，係，因為就有關嘅規定就係用作呢個食水輸送用途嘅喉管呢，係唔可以係有所謂--或者非無鉛級別嘅物料㗎。

問：So, in other words, in fact the Authority did recognise, rightly, that the use of lead-free solder was important, certainly important enough to make it a formal contract term?

答：呢個因為係基本上係嗰個有關嘅法例同埋所應用嘅標準係規定咁樣樣㗎，所以你可以話房委會佢嘅合約上對承建商作呢個規定，其實我相信係相等於私人嘅建造工程都應該係有相關嘅要求。

問：So the position in fact on the ground is that the Authority's main contractors have been instructed by the Authority and had contractually agreed to use non-lead solder for any pipework; is that correct?

答：我理解應該係咁樣樣，因為呢個係合約裏面嘅要求。

問：Can you then help me with this: isn't the reality that had the Authority's main contractors performed as they were specifically told to, and as they had explicitly agreed to under contract, we would not be dealing with these particular excess lead incidents which are under inquiry today; is that a fair point?

答：合約係規定喉管嘅焊料係需要屬於無鉛嘅級別，咁所以假如呢個要求係被遵從嘅話，咁就唔應該喉管嘅接焊位就發現有鉛成分嘅焊料。咁而今次嗰 11 個受影響嘅項目裏面--房屋項目裏面，按照水務署嗰個專家小組 Task Force 嘅認定，就認為主要鉛嘅源頭就係來自呢個焊料。咁所以如果係咁樣去判斷嘅話，假如承建商佢係履行咗合約嘅要求，亦都係確保到用喉管焊料係唔會出現一啲非無鉛級別嘅物件嘅話--物體嘅話，咁應該呢個風險就會大大減少，甚至係唔存在呢個風險。

問：Now, Professor, as far as you know, at the time of the various construction contracts, did the Authority have any substantial reason to doubt that its particular selected contractors would follow what was

agreed specifically in their contracts?

答：我希望唔好理解錯你嘅問題。房委會一直都有--咁講，喺最初嘅所謂建造初期，其實呢個承建商佢根據合約要求，佢係需要將一啲物料、組件嗰啲樣本係交界房委會或者房屋署轄下嘅負責嗰個工程項目嘅人員去查驗嘅，咁呢個基本嘅一啲樣本嘅查驗，同埋呢個有關嘅證書、文件嘅查驗都係有嘅。咁所以就可以話一直以嚟--正如我尋日回答石大律師嘅查問--問題咁樣，就房委會唔覺得，即係唔意識到係會嗰個接焊料竟然係會有唔屬於無鉛級別嘅焊料成分。

問：Now, still on construction but now on a more specific matter, the method of construction of in the Authority's plumbing systems. You may recall there was discussion during your evidence yesterday about the extent of risk, and by "risk" I mean both objective risk and known risks, in terms of lead contamination from soldering materials; do you remember that?

答：Yes.

問：Now, Professor, again please bear with me if the question calls for an obvious answer, but isn't it right that there can be no risk of harm from leaded soldering materials if the type of pipework that is specified and used involves no solders at all? For example, if one specifies stainless steel pipes with mechanical joints?

答：唔。如果有關嘅喉管唔係--第一，佢唔需要接焊嘅，又或者佢接焊嘅焊料唔涉及呢個鉛嘅成分，咁應該如果睇番而家嘅科學鑑證出嚟嘅結果，就呢個被視為係主要源頭嘅風險係應該唔存在。

問：Does anything in the regime administered by the Water Authority or any other government body mandate the use of soldered pipes for the construction of plumbing systems in Hong Kong?

答：一直我所理解，就一直以嚟嗰個規定都係話如果係喉管嘅，因為呢個喉管係涉及到係食水，咁食水係人飲用，咁就所以就呢個喉管嘅接焊係唔可以用一啲唔屬於無鉛級別嘅焊料。

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問：There may have been some misunderstanding in terms of my question. Perhaps I could try to ask again. As far as you are aware, Professor, in terms of the particular method used for construction of pipes in the Authority's own buildings, was there any outside body or set of regulations which specified to the Authority that only pipes using a soldering method were permissible?

答：具體嘅一啲細節可能需要馮女士講。但係我所理解，嗰個個要求唔係話嗰個承建商佢唔可以用一啲需要接焊嘅喉管。當然喉管嘅使用，佢可以--如果佢唔用銅管，或者用其他嘅喉管都係可以嘅，我所了解。不過，就係話如果係牽涉到銅管嘅接駁嘅話，咁個焊料係有規定，就係應該係屬於無鉛級別嘅焊料。

問：And in the case of the 11 affected estates, whose decision was it to use this particular method, among the various methods available?

答：呢個細節我恐怕要由馮女士去講。

問：One last question on a different matter, this being the Authority's findings and its understanding as to the source of the lead in the 11 affected estates. May I please confirm with you that I have this right: on the information that the Authority has, including its own internal review, the source of the excess lead in the affected estates originates from within the affected buildings and specifically the copper pipe joints; am I correct?

答：照目前我哋所掌握嘅結果嘅資料，的確係咁樣樣。因為我哋喺過去呢--由7月份開始所進行嘅有系統抽樣驗水過程裏面，如果發現係有一啲超標嘅水樣本，咁往往--我哋同時都係喺嗰啲嘅單位亦都用一個快速嘅光譜儀嘅儀器去測試佢，咁係發現個喉管嘅接駁位係有鉛嘅成分。咁差唔多可以咁講，就係喺所有情況下都係咁樣樣。咁而水務署嘅專責小組，即係個 Task Force，佢亦都喺一啲屋邨嘅--即係 check 到係超標--有超標水樣本嘅單位裏面嘅部件擺出嚟，佢擺咗係--如果我冇記錯，超過係一百件嘅，咁係做一啲好仔細嘅科學嘅鑑定，咁得出嘅結論都係咁樣樣。

問：In terms of the Authority's knowledge and the Authority's understanding, is there anything to suggest that the source of the excess lead was outside of the affected buildings, and in particular anywhere within the central waterworks supply that is managed exclusively by the Water Authority and Water Supplies Department?

答：房委會所做嘅有系統抽樣驗水，我哋抽個樣本，都係喺個建築物裏面，直情喺室內--即係每個單位室內去抽，我哋係冇做到個中央--即係所謂水務監--水務署所負責嘅公共嘅供水個系統，我哋冇做...

問：So your answer is no?

答：嘅。所以我唔可以知道嗰度有冇咩嘢問題。

陳先生：Thank you very much. Professor, those are my questions. Thank you very much for your very clear answers.

張先生：Thank you.

主席：下一位就係林大律師。

林先生：主席。

林先生盤問

問：我有幾個問題想問你，係關於嗰個之前講--石資深大律師有問過，關於個認知不足嘅情況。或者我--我想另一個角度嚟去睇一睇，如果你能夠去--我唔知個電腦會唔會搵得到畀你，係 bundle C1 嘅 Tab 2。

主席：幾多話？

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林先生：C1 Tab 2，page 12。會有同事係幫你攞份文件出嚟，我就有呢個。

問：或者我哋去嗰個頭--或者改--話畀你聽個文件係講咩嘢先。响--喺第 6 頁，如果嗰個...

答：第 6 頁呀？

問：係，第 6 頁先。即係嗰個 heading 係講咩嘢，係水務署嘅同事嘅 statement on Water Supplies system Hong Kong 見唔見到呀？C1 Tab。

答：螢光幕裏面係講 Chapter 3，係咪嗰度？

主席：你講...

問：係，係，我會 eventually 去 Chapter3，但係我想畀你睇睇嗰個 heading 就係“Statement on”--嗰個 heading 就係响第 6 頁嘅。

答：第 6 頁，係。

問：係水務署嘅同事...

答：係，Statement on Water Supply System，係。

問：係，即係佢係水務署嘅同事講關於香港個 water supply system 嗰個情況嘅。

答：唔，唔。

問：唔該你去到第 12 頁，唔該，就係頭先你睇到嗰個 heading 就係 Chapter Three Monitoring。

答：係，睇到。

問：而家我哋由--佢其實呢個第 Chapter3 嗰度講，就係話水務署講關

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於嗰個世界衛生組織其他嗰啲個 standard。咁我哋知道其實世衛响 1993 年就已經係將嗰個 limit，即係鉛水個 limit 就係 10 毫克，响 1 公升鉛水响--即係降到去 10 毫克 1 公升嘅鉛水嘅，你見唔見到？

答：係。

問：喺响第--係嘞，17 嗰度。咁响水務署 1994 年至 95 年，就已經 pledge 話係會 comply with 嗰個 guidelines 嘅，關於嗰個 connection points 嗰啲咁嘅情況，係咪？

答：係，係，係。

問：如果你再睇，下面嗰度就比較清楚一啲講關於嗰個世--就係 paragraph 18，世衛第一次 publish 咗 guideline 就 1984 年，但係如果你睇睇嗰個下面，“for reference”，係，見唔見到？

答：係。

問：For reference 就 provisional guideline value of 10 毫克 1 公升 for reference...

主席：微克。

石先生：我想確定 microgram...

主席：微克。

答：應該微克。

石先生：微克，唔係毫克？

答：微克。

石先生：即係之前--毫就 million 變咗係。

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主席：毫克就 1000 倍㗎嘞。

石先生：毫就變咗...

林先生：Micro, Microgram.

石先生：係微克。

林先生：微克。

問：係佢話呢個係 evolved by stages, 其實係一個好長時間嘅--我可以咁講, 係與時並進嘅情況之下產生嘅。如果你睇睇由 1984 年個標準係 100 微克, 就係 1984 年之前, 係咪?

答：冇錯, 冇錯, 唔。

問：你再睇世衛就响 1984 年就降到去 50 微克, 1993 年就係 10 微克, 咁澳洲同埋紐西蘭又喺 93 年都轉咗。但係英國同埋歐洲其他國家就係响 1988 年同埋 2003 年, 就轉咗 50 微克同埋 25 微克, 咁琴日石資深大律師畀你睇啲關於英國、威爾士同埋 Scotland, 我哋見到係 50 同埋 25 微克嘅, 所以嗰個時段就係咁個度。我哋再睇 EU, 就係响 2013 年先至正式去 adopt 呢個 15 微克嘅呢個咁嘅標準。

答：冇錯。

問：USA 就响 1991 年就 adopt 咗嘅, 咁你--或者我可以話畀你聽, Professor, 香港個標準其實响 2013 年 12 月尾先至開始有嗰個 regulation。

答：即係用 10 微克呢個標準?

問：用 10 微克呢個標準。

主席：香港係咩嘢話?

林先生：香港嗰個用 10 微克呢一個標準, 係 2013 年 12 月尾先至轉嘅。法官閣下, 我搵番個 reference。

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主席：好呀。

問：即係換句話講，...

講者（不能辨別）：佢哋係咪而家問...

主席：咪住先，係我--2013 年 12 月先至轉做 10 微克每公升，你話香港嘅情況咁樣樣，係咪？

林先生：係。法官閣下，我有一個 regulation, Water Supply (Water Quality) Regulations will come into force in December 2013 年。

問：即係換句話講，香港個標準跟--我--I suppose 就跟番外國嘅啫，咁就係响 2013 年 12 月之後先至轉做 10 微克嘅，係咪？

答：月份我唔記得清楚，但係我相信大抵上個...

問：但係大概係 2013 年尾。

答：...時間個年期可能係相近。

問：換句話講，沿用緊香港 2013 年 12 月尾之前，就係 25 微克呢個標準嘅？

答：唔。

主席：好似...

石先生：我想林大律師澄清下，佢手頭上睇住話 2013 年 12 月嗰份文件或者嗰個改變係乜嘢？

主席：我嘅...

石先生：因為我個理解就係香港係冇任何一條嘅規例或者規則係講話跟世

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衛或者係 10 microgram，呢個係水務署佢自己一個自願嘅一個跟隨。

林先生：係，係。

石先生：係跟住 WHO 幾時轉，佢就跟住佢轉嘅，我個理解。

主席：係嘞。

林先生：唔係，呢個係水務署要求佢個總承建商嘅標準。

主席：水務署就不...

林先生：就係 25。

石先生：25？

主席：水務署不嬲就跟呢個世界衛生組織嘅，英國就係 25，英國就喺 2013 年嘅年尾就將 25 就變咗做 10，我嘅理解就係咁樣樣。世界衛--香港就不嬲跟世界衛生組織。

林先生：法官閣下...

主席：咁你...

林先生：或者主席，我哋再探討呢個問題先。

主席：咁你畀我睇，係呀，係，係。

林先生：嗰個文件，等我一陣。

答：主席，我所理解就係水務署佢講嗰個標準，係指佢個中央供水個標準。

主席：係，佢個 main 嗰度，係呀。

林先生：或者我調--我搵番嗰個...

主席：唔係，我想明白你個問題係問咩嘢先。你嘅意思即係去到邊一個階段，我哋明白隨住時間嘅改變，嗰...

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林先生：係，就有唔同嘅 standard。

主席：嗰個--啱，嘎，咁你想...

林先生：呢個係基本上嗰個重點喺度，但係我會遲啲搵番個文件。

主席：好呀，咁跟住。

林先生：係。

問：即係換句話講，例如我見到嗰個有八個 test 嘅 perimeters，之前主席你都講咗話之前有包到鉛嘅，係咪？

答：係。

問：例如--或者你會唔會同意我講法，我哋之前可能香港未有 legionnaire's disease 之前，亦都唔會 test 呢樣嘢喇嘛，係咪？

答：未有乜嘢話？

問：未有...

石先生：退伍軍人症。

問：...退伍軍人症之前，你都唔會 test 呢樣嘢喇，同--可唔可以咁講？因為到到有一件事情發生咗，大家有咗個共識，就先至會覺得呢樣嘢係存在一個大嘅風險，所以就 test，例如而家要 test 鉛水，你同唔同意我講法？

答：一般嚟講可以咁樣睇，因為點解呢？就房委會--即係等如一個私人嘅發展商，佢如果要攞到水務署係批出嗰個供水許可，簡稱即係所謂「供水紙」，一個水紙嘅話，咁佢一定要符合晒水務署喺規管上個要求，包括對嗰個食水嗰個水質，佢要驗啲咩嘢。咁過去就係有八項嘅參數，呢八項參數就有包括鉛或者其他幾個重金屬嘅，亦都係過去係有包括呢個退伍軍人症，後期係呢幾年先加落去嘅。

問：即係換句話講，你同意我講法就係因為有某一啲事情發生咗，咁大家覺得呢一樣嘢係重要嘅，對於健康--居民嘅健康，所以係加上去，就變咗係 test 咗例如退伍軍人症，而家就 test 咗鉛水，但係之前正如你都有講，响無論係政府方面，就算係承建商方面，大家都唔覺得呢個接駁位或者焊位，或者驗鉛水呢樣嘢，係當時係一個重要嘅一個課題嘅，係咪？

答：應該要分兩方面，第一就係喺建造嘅過程裏面，涉及呢個食水嘅呢啲喉管，佢嘅接駁如果用焊料，個焊料係一定要用一啲無鉛級別嘅焊料，呢個規定係清楚嘅，關於焊料方面，但係過去喺所謂發供水紙之前，按規管機構要求要驗嘅所謂用個參數，parameters，過去係冇規--冇包括鉛或者其他幾個重金屬，係到今年嘅 7 月 13 號，水務監督再出一個新嘅通函先至加上去。

問：呢個我知，亦都大家同意嘅，因為响嗰個合同上面係有講明係用啲無鉛嘅焊料嘅。我想去一去另外個範疇，琴日就有問過關於嗰個誘因，關於用呢啲咁嘅有鉛嘅焊料，站在呢個總承建商嘅立場，當然佢最快嘅時間攞到呢個水務署嘅驗水紙嘅 completion 嘅 certificate，亦都站在佢哋嘅立場，能夠 comply with 所有嘅 legislation，即係符合咗所有嘅法例嘅要求，任何嘅驗嘢嘅要求，係盡快交樓亦都係佢哋嘅 common interest，或者係共同嘅利益，啱唔啱呀？

答：可以咁講，即係...

問：因為會...

答：...佢盡快完成，佢儘快係...

問：冇錯。

答：...即係清找一啲付款咁樣。

問：冇錯。因為換句話講，例如好似呢個鉛水事件咁，變咗佢哋而家又要重新安裝、重新做過所有嘅嘢，因為有啲咁嘅問題出現咗，對於無論係 cost、所有做咁多嘅時間所需，係對佢嚟講，即係嗰個誘因嚟講，應該係--即係如果係 common sense 嚟講，就會一定係做好法例上面嘅要求，而係去早一啲交樓畀 HA 嚟嘛，係咪？

答：唔，我相信從承建商，佢應該就話佢一定要做好法例合約嘅要求。

林先生：我有其他問題，唔該你，主席。

主席：唔該。李大律師。

李先生盤問

問：張生，估唔到响今日我哋兩個喺呢個場面傾偈。我可唔可以話你係其實代表政府嘅呢？

答：我今日嚟就係以--即係喺呢個環節係以房委會主席，當然由於我係局長身份，所以就係做到房委會主席，所以正如剛才所解釋係比較複雜。

問：但係你係--譬如你係政府有一個團隊係處理呢個問題嘅，係咪？

答：係，當呢--喺啟晴邨發現有超標嘅食水嘅樣本之後，政府一直都係有跨部門嘅會議，咁係由政務司司長去統籌，咁我作為局長，亦都有參與其中。

問：正正就係想問一個問題，即係政務司司長係做領隊委員？

答：可以咁--即係可以咁講，因為呢個跨部門會議都係存在咗好--直到而家仲係有嘅。

問：我可以話畀你聽，呢個跨部門要搵司長出頭，其實係我做立法會嗰陣時提出嚟。咁即係佢--因為你跨部門，你好難叫你啲團員，指令佢做乜、做乜、做乜，但係司長出頭就容易好多，係咪？

答：呢個都係嗰個--即係如果重大嘅事故用跨部門會議，都係希望達到咁嘅效果，因為好多時要快速回應，係需要不同個部門係去配合嘅。始終就部門裏面即係各有歸屬，所以要令到整個政府係產生英文所謂“joiner government”，一個整合咗嘅隊伍咁樣樣，呢個跨部門會議係有作用。

問：因為部門同部門之間都有衝突，好似而家水務署同你哋可能有啲衝突，係咪？

答：我又唔敢講有咩嘢衝突，但係就咁樣，每個部門佢個個職責係個重點係有唔同嘅，譬如我--因為我而家--譬如我今次我嚟到呢個調查委

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員會，起碼喺呢個環節，我係以房委會主席，咁房委會就嚴格嚟講又唔係政府嘅一部分。

問：但係又唔係唔關政府事，非常關政府事添其實。

答：都可以--一定係關政府事，因為第一，如果係食水出現水質問題，呢個政府都係覺得係責無旁貸嘅，都需要處理嘅。

問：因為你講到食水，其實就唔係淨係我代表啲三個苦主嘅，其實你同我都有影響嘅，食水，係咪呀？

答：唔。

問：因為所有人都有影響，啱唔啱呀？

答：係，唔。

問：同埋你亦知道有一個實在嘅問題嘅，家家戶戶未必一樣嘅做法，但係啲啲水如果唔好彩，喺某一個家庭之中，可能我--可能你啲個唔係，而係啲啲水喉接駁啲度有啲鉛嘍度，而用咗啲啲水嚟煲水好，咩嘢都好，咁就大家會中招嘞，係咪？

答：如果--啱，即係如果啲個經過而家水務署個工作小組，即係佢用科學鑑證去對好多部件嘅詳細嘅呢個化驗、分析，佢都係覺得就係話主要今次起碼從已經發現嘅啲啲事例去睇到個主要嘅源頭，就係來自個接焊位個焊料，呢個係即係釋出嚟嘅即係產生個食水個水質受影響。

問：就我希望我啲啲題目我係盡量畀你容易答嘅題目，希望你可以簡單啲答。因為你啲套嘢其實我聽過好多次，講真，okay？

答：唔。

問：所以如果你想測驗啲水，家家戶戶用水係唔同方法，我畀個例子你，所以因為呢件事，...

嚴先生：主席，我唔想--不必要咁打斷李大狀個提問，但係大家都好清楚，喺呢件聆訊入面，張炳良先生係以房委會嘅主席嘅身份出席同埋畀證供嘅，如果李大狀係想問關於政府嘅規管或者監督全香港嘅食水嘅質量嘅問題，我覺得係唔適合喺呢度問張先生嘅。

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主席：暫時都可以繼續發問。

李先生：多謝。

問：因為張先生，我相信你明白嘅，因為你做咗局長都相當--局長相當耐。

答：三年啫。

問：係嘞，所以你知道如果我問啲嘢，係你覺得你唔應該答嘅，你即管出聲，okay。

答：好。

問：我亦明白你個大律師梗係想保護你，但係我知道你個為人其實你唔需要人保護嘅。所以即係我就係唔想搞到你尷尬，okay，開心見誠，因為而家我哋有呢個咁嘅調查委員會，個重點就係搵出真相，你同意㗎嘛？

答：我同意。

問：所以因為我想達成呢一個目的，每一個證人都有開心見誠講，你有時唔想講嘅嘢都要講㗎，係你講個人嘅嘢，你直頭點睇都得嘅，但係如果你話「我會唔會影響到政府呢？」咁呢個你自己諗下呢個，okay。

答：唔，唔。

問：因為如果係啲證人講嘅嘢唔係全部係準嘅、真嘅，咁佢委員會裏面又唔嚟㗎，所以就算有時--唔係你吓，就算有時啲人--啲證人明知知道呢個問題如果佢答咗，照直答可能令到佢將來畀人起訴嘅，係刑事起訴嘅，你都要答，不過佢個答咗出嚟講嘅嘢，就唔可以用嚟做證據嚟告佢嘅，你明白呢點？張炳良，我希望你能夠...

答：我明白。

問：...盡力咁答我哋，okay。

答：主席，我嚟到呢個委員會，都係協助委員會尋找真相，我會盡量係即係就我所掌握嘅，我能夠即係所謂 competent 嘅範疇裏面，我會答。

問：好。咁就如果某一個用戶，喺個廚房嗰個開一個水喉，而嗰個--啲嘢

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水係含鉛嘅，好嘞，咁問題就係如果佢一起身就開個水喉，而係攞嚟煲水跟住就攞嚟飲嘅，嗰啲水就有問題嘞，係咪，即係含鉛嘅？

答：係，含鉛嘅水煲水攞嚟飲咗有問題嘅。

問：呢啲我哋叫做「隔夜水」，okay。

答：無論佢係咪隔夜，如果水係含鉛嘅話，都係有問題。

問：但係就咁嘞，而家問題就係攞去測驗嘅時候，就睇下你測驗啲隔夜水定係已經用咗成十幾分鐘，甚至一、兩個鐘頭，然後至攞啲水嚟驗，你知道係唔同，係咪，就算含鉛呀？

答：明白你意思。其實呢個問題喺最初即係啟晴邨發生有食水含鉛超標之後，當時即係點去驗水，我知道社會上都有啲唔同睇法。喺政府方面，因為驗水係由水務署佢嘅總化驗師去即係統籌去做，佢都公開地解釋過佢嘅即係專業嘅觀點，佢認為喺--因為一般人睇--一般人佢唔係淨係飲所謂「隔夜水」，即係話喺晨早頭嗰一段短時間啲啲水，其實日常佢全日都要飲水嘅，所以做一個比較有代表性嘅即係水樣本測試，如果有理解錯佢個解釋，就話你應該用一個喺常態裏面嘅食水去測試，係比較有代表性。我亦都留意到有一啲其他國家，如果係提醒一啲佢嘅人民--佢嘅市民就係話點去--即係對於個可能存在食水呢啲咁嘅雜質，包括鉛、啲金屬啲啲風險，佢都提佢哋就話就開初扭開水龍頭嘅時候，初階段嘅水就唔好去飲用。

問：就係呢一點，如果嗰個水喉開出嚟嘅水係預備將來飲嘅，預備攞嚟飲嘅，咁就係而家我哋大家都知道，千祈唔好用隔夜水，啱唔啱呀？你同意咩嘛？

答：一般嚟講都即係唔好理係有冇鉛，就似乎啲啲專家即係都係建議就...

問：即係小心啲。

答：嘍，小心啲，初初扭開個水唔好攞嚟飲。

問：我就平時我用水好小心，我用好少水，我甚至一開始擦手嘅時候，用番規擦手嘅時候，我熄咗佢嘅。但係因為呢啲就唔緊要，因為我唔係用呢個水喉嘅水嚟煲水飲，如果用呢個水喉煲水飲，隔夜水我一開飲就危險--即係就有可能有危險，係咪？你而家都係咁樣計？

答：唔，唔。

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問：咁所以安全啲，就如果係食水嘅，攞嚟--即係幾大攞--開個水喉啡下先，即係安全啲，啱唔啱呀？

答：係，係安全啲。

問：但係嗰水就另外一回事。

答：都唔係一定嗰水，即係我都聽到有啲人話「咁我咪嗰咗水」，我話好簡單啫，你拎個盤載住啲水，因為佢可以用其他用途嘅，即係如果唔係飲用嘅話，係可以用啲水。

問：但係有幾多人會咁樣做呢？

答：我自己係咁做。

問：即係起碼政府有一個係咁做。但係--所以攞到去測水嘅時候，就有可能豁免呢啲隔夜水即係攞去測驗嘅，啱唔啱？唔應該豁咗佢？如果你話用開嘅水喉通常水，okay，咁即係兩樣喇，隔夜水又攞去驗，用開嘅水，同一個水喉出嘅又攞去驗，因為我個--另外一位大律師幫我手，佢睇過其他好多嘅地區，有一個地區唔用隔夜水嚟測驗嘅，你同唔同意呀？

答：呢度我就唔作個評論，因為點解呢？我知道呢個問題係喺早階段係社會上好大爭論嘅，但係就水務署嘅總化驗師亦都係好--即係佢亦都覺得佢嘅認為係應該喺個常態裏面嘅食水嚟到做個測試，佢都覺得佢係有好多嘅專業上嘅支持。

問：呢個總化驗師，以你所知，會唔會喺度畀證據？

主席：會。

答：陳建文，總化驗師，佢會嘅。

主席：會。

石先生：主席先生，同埋我諗啲水要擺幾耐呢個問題，我諗有兩個層面，

第一，就係如果李大律師，因為佢係代表緊佢當事人就係住戶喇，咁但係我理解，如果佢從住戶嘅角度去講話「你要我哋每朝早咁樣咁咁咁水去，對我哋民生好唔方便」，呢啲問題我相信佢可以提出。但係至於如果佢要提出話科學上究竟邊一個鐘數驗啲水，先至可以確切咁樣驗到其實啲管有冇鉛呢，呢一類比較科學性同埋技術性嘅問題，一係就係問啲技術性嘅證人，譬如話水務署嘅 G. Chemist，或者我哋遲啲會有專家證人，即係呢方面嘅，我諗好過問一個比較高層次啲嘅公營機構嘅主席，因為我諗張先生佢嘅訓練都唔係水，或者係化學。

主席：我相信都係。

問：張生，我想話聲，點解我想問你呢？我開門見山同你講，就因為我聽見你嘅口供，我相信你大致上因為你覺得其實已經尋找到個答案，就係駁水喉啲啲嘅地方，因為用咗有含鉛嘅駁喉位，...

答：焊料。

問：你知點解喇吓？

答：係。

問：即係譬如一條水喉咁樣，一條鋼喉冇事嘅，因為係銅嘅，但係而家你要駁，咁一個方法就係機械性嘅駁，即係用啲壓力咁樣壓住佢。

答：係，係，係。

問：可能都用番銅嘅，係咪？

答：唔，都可以嘅。

問：咁就冇事嘅，因為冇鉛咁嘛。但係有啲就用啲駁口，啲啲 joint，就用駁口咁樣嘅時候，就用啲嘢黏住佢嚟嘛，嗰陣時就冇事，若果有鉛嘅，就嗰度出事咁嘛，係咪？

答：係。

問：既然你而家知道個問題就喺呢度，咁嘅時候你又想早啲係補救，啱唔啱呀？

答：唔，冇錯。

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問：可以話亡羊補牢，嘅，亡羊補牢，係咪？

答：唔。

問：即係你想而家盡快補救，你同意咩嘛？

答：係。

問：因為我睇到你啲文件，你政策其實係想即時做㗎嘞？

答：係。

問：唔需要等埋呢個委員會做個報告出嚟至做，因為咁樣好多個月後喇嘛。

答：我哋嘅政策確係如果我哋發現到係個問題喺邊度，就盡快去執行一啲補救措施。

問：係嘞，同埋即時做嘅，唔需要等嘅，啱唔啱？

答：所謂即時，即係話--當然喺具體方面都有啲程序喇吓，但係都係意思即係話唔需要等待有啲咩嘢其他再新啲嘅報告。

問：好。我喺呢度我想停一停，我話畀你聽，我係好欣賞咁嘅做法嘅，所以希望--我而家就係因為咁樣，就我哋大家認同你呢個政策。所以我就希望你哋就要積極啲做，我相信你唔會反對嘅，你都想積極啲做嘅，係咪？

答：唔。

問：好嘞，而家你哋嘅做法，而家吓，就係當你知邊一間公屋裏面啲水含鉛係超標，咁你就擺一個--有一個儀器，就好快咁就可以喺出面就測試到，係咪？

答：係，唔。

問：嗰個儀器叫做咩嘢？

答：佢有個叫做...

問：個好大--好長呀個名。

答：X射線唔知咩嘢光譜。

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主席：X-ray fluorescence...

答：嘎，好複雜。

主席：...analyzer，嘎。

問：係嘞，係嘞，不如就叫佢“X”喇，我哋就咁“X”喇吓，X光嗰個X光。
咁就呢個X光機喺出面就已經好容易，係咪？

答：唔。

問：你亦講到你其實每一次用呢個X光嘅器，一測到真係有事嘅，其實嗰
度啲水預先你哋都已經搵到係超標，啱唔啱？

答：我哋而家驗水就係--即係點去證實即係某一個公用項目係認為有問題
呢？就係首先喺嗰個公屋裏面，嗰個大樓裏面，不同嘅供水鏈喺不同
位置都抽樣，咁呢個具體點樣抽、喺邊個位置，就由即係水務署嘅專
家去決定。好嘞，抽咗出嚟驗到，如果佢係超出呢個世衛嘅標準嘅話，
咁我哋同時都對嗰啲超標嘅樣本來自嘅單位，都係透過剛才所講嗰種
快速即係X嘅--X射線...

問：X-ray.

答：...嘅測試器去睇睇，睇個喉管裏面係咪真係有鉛嘅成分，咁以確定
--即係作為一個佐證，去確定呢個就係有問題。點解要咁做呢？因為
如果我哋係要追究承建商嘅話，合約要求就係話嗰個喉管焊料係要用
屬於呢個無鉛級別焊料，但係合約冇話到個水質嘅標準係點，因為過
去係有--水務署冇呢個要求，所以嗰個焊料冇冇鉛，係我哋作為同要
跟進承建商一個好重要嘅一個所謂證據喺度。

問：如果你攞到呢個X光嘅測試器，就即係呢個joint，呢個駁口係有問
題，係咪？

答：係，係。

問：咁就喺度追究佢嘞，因為佢用咗一個唔合標準嘅接駁器，係咪？

答：可以咁講，嘎，個焊料，嘎。

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問：我--有人話畀我聽，即係我哋後面都有啲專家嘅，佢就係除咗呢個方法，仲有一個叫做“swab test”，即係就咁刮啲嘢出嚟都即刻驗到嘅，係咪？

答：呢個我即時唔敢去答呢個問題。

問：得，得，okay，我唔係話嗰啲。咁我而家就咁，但係問題就係咁問，我亦都睇到你哋而家個出發點就咁樣，當你知--我講「你哋」即係個政府個架構裏面任何一度，當你知某一個用戶，大型公屋嘅，嗰度有啲水係含鉛係超標，咁你開始做嘢，係咪？就係開始擺一個 X 光嚟測一測，咁然後就係點樣同佢去補救咁，係咪？

答：而家我哋嘅做法就係..

問：就畀個濾水器，係咪？

答：係。如果係--正如我剛才所講，我哋透過嗰個有系統抽樣驗水，好嘞，驗到係有發現某一座大廈，或者我哋叫某一個項目，一個公屋嘅項目，咁裏面係無論佢有幾多--我哋抽咗幾多個，有時可能我哋抽咗五十個水辦，但係當係有五個係有超標嘅，咁我哋同事喺嗰五個裏面，都係發覺佢個喉管係有所謂鉛嘅成分嘅，咁嘅時候我哋就作一個判斷，就話呢個項目就係受影響，即係中招。咁對呢啲受影響嘅公屋項目，我哋有一系列嘅措施，即時嘅就係當晚我哋會開居民大會解釋情況，我哋會派發樽裝水，亦都即時係有水箱、水車，等居民有即係一個擺到安全食水供應嘅方法，然後我哋同承建商去跟進。咁做到落嚟到而家我哋發展落嚟，就係話承建商係會從天台嘅水箱就搭喉去每一層，同埋亦都係會為呢個--嗰一個項目嘅住戶係提供呢個除鉛嘅濾水器，同埋係喺兩年裏面係幫佢免費去換呢個濾芯，呢個大體上個當然仲有啲健康方面，驗血嗰啲安排囉。

問：你要幫佢換番嗰個濾芯，換番嗰個，確保佢...

答：唔係，係講嗰個濾水器裏面嘅濾芯。

問：一個去換一個？

答：因為點解呢，佢係用某一段時間呢，...

問：當然喇。

答：...就要唔可以再用。

問：可能用咗又有第二啲問題。

答：咁亦都視乎佢用水量幾多去決定㗎，所以就承建商去安裝之後，安裝嘅同時亦都會派發一啲資料，甚至有啲承建商係佢搵專人去向住戶解釋點樣用嗰啲濾水器。

問：當然喇，但係你會唔會喺咩嘢時候會同佢駁番呢？唔好講濾水器嘞，駁番嗰啲接口位呀。

答：嗰度就牽涉到我哋更換喉管嗰度，嗰度就而家四個承建商都係提出咗一啲建議嘅方案，咁呢啲方案而家房委會--房屋署睇咗，亦都係有一啲要等待水務署去睇。因為佢更換喉管，如果從水務署個角度，呢個就係 replumbing，即係都係一個牽涉到喉管嘅安裝，佢都有一定嘅一啲程序、規管嘅要求，如果水務署認為係妥善，個承建商先可以做。咁承建商初步嘅意向係咁樣樣，佢希望能夠先喺某啲嘅公屋嘅大廈裏面係試行，睇睇個效果點，咁佢先能夠之後就定出一個具體嘅時間表全面點樣做，初步嘅構思聽講係先換一啲公眾地方，咁希望就嗰度換咗之後都係大大改善個情況。咁跟住就要入去每個單位嗰度換嘞，咁嗰度可能嗰個情況會複雜啲，因為一定係對有關嘅單位嘅住戶係有啲影響，咁亦都好視乎嗰個單位個住戶究竟佢有冇一啲譬如喉管喺佢個單位裏面喺廚房，可能佢安排咗廚櫃，咁你就可能要清拆廚櫃，即係好多呢啲具體問題仲要處理。

問：我嘅理解啱唔啱呢，譬如而家有一座公屋，咁出面嘅街嗰度就係大喉嚟嘅，係唔係？

答：係。

問：街係大喉嚟嘅？

答：即係水務署供應嗰度。

問：嗰啲係冇問題，係唔係？

答：嗰啲就水務署...

問：到而家為止。

答：...認為係冇問題，因為佢係要保證嗰個中央供水系統個供水去到個屋界，佢係有佢個標準㗎，係用世衛嘅標準。

問：係呀，同埋唔使普通市民搵啲水喉匠去做到㗎呢啲，係政府要負責㗎。

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答：呢個具體佢個建造就我唔係代表到講。

問：咁就譬如你而家我哋係知道嘅，係話嗰啲駁口有問題嘅時候，嗰啲駁口係啲水入到嗰個公屋--嗰座公屋裏面就開始有，係唔係？

答：嗰個係指--因為水務署嗰個中央供水系統去到個建築物嗰個佢哋俗稱叫做屋界，咁屋界裏面就個內部供水系統，佢英文就係 inside service，咁內部供水系統裏面可能一座--要視乎嗰座大樓係點樣樣去構造，有時佢係有幾個供水鏈嘅，咁亦都有一啲係由下低地下嘅水箱，有啲係天台水箱咁樣，即係視乎嗰個具體設計係點。咁嗰度嗰個水務裝置就根據《水務設施條例》係有一啲規定，咁所以就--同埋嗰個裝置從法例規管嘅角度，係持牌水喉匠要負責，即係等如一個建築物要由一個認可人士 authorized person 要負責一樣，咁所以持牌水喉匠佢喺法例上佢係要承擔嗰個責任。

問：好。咁我就想--而家你提到個時間表，你諗最快係幾時可以直情入到屋幫佢換埋水喉？

答：而家仲未可以講出一個具體時間，因為正如我剛才所講，我哋希望就係儘快擺到水務署--如果佢認為而家承建商提出嚟嗰個方案大體上都係妥當嘅話，咁就即刻做一啲試驗嘅工程先，咁然後就能夠就所有呢 11 個受影響嘅公屋項目就定出某個時間表。咁尋日喺立法會嘅房屋事務委員會上，政府方面嘅我一個同事都講過，呢個睇怕都係需要一年以上嘅時間。

問：要一年以上？

答：因為如果要做晒--當然喇，你喺具體工程進行當中，有啲係可以--譬如公眾地方係唔需要入去嗰個單位，但係去到入單位個時間係會唔同，但係以目前嚟講，我哋仲係睇緊呢個承辦商提出嚟個方案。

問：頭先你講到即係有兩類嘅水喉，一啲就即係屬於大眾嘅，一啲就屬於嗰個單位嘅，係咪？

答：係，因為入咗一個建築物裏面，咁有啲嘅喉管佢係喺公開地方嘅。

問：譬如七樓咁？

答：可能喺走廊或者公開地方，有啲就入到屋裏面。

問：咁係唔係通常如果屋裏面某一個水喉你睇到個接口位係有呢啲咁嘅

含鉛嘅問題嘅時候，出面啲多數你都擔心佢有，因為同一個人做，同一間公司做，係咪？

答：而家我哋請承建商做係點呢，就係話佢全面去檢查嗰個佢負責嗰個建築物，咁究竟邊個部分係有受影--係有問題嘅喉管，概念上未必係所有部分嘅喉管都係有呢啲含鉛嘅焊料，即係要睇、要檢查，然後就係將所有有問題嘅喉管都係要更換。

問：所以當個喉管有問題，就即係嗰個裝呢個喉管嘅嗰個承辦商應該有問題，因為有人做，人為嘍嘛呢啲，啱唔啱？

答：唔，唔。

問：咁當然我就知道分配就分配咁嘅，咁但係如果當你知道某一座公屋裏面有某一個單位有呢一個問題，咁咪即係你知道邊個人--即係起碼你哋就會跟番佢嗰個 main contractor，即係嗰個...

答：總承建商。

問：總承建商，你應該追佢嘍，佢就追番落去。

答：係，係，一定追佢。

問：佢就追番落去咁喇。好嘞，咁你就應該知道既然係呢個同一個人，譬如係 x，x 公司，係而家出現咗呢個問題嘍，佢做嘅 project 之中，佢做嘅工程之中有呢個問題，咁你會唔會睇埋香港其他有咩嘢樓宇都係呢個 x 公司做水喉嘅，會唔會跟住？

答：而家我哋嗰個驗水可以話係所有嘅公屋都驗，只不過係分階段，咁我哋如果用番--即係如果當係個案重組，喺 7 月份嘅時候，最初我哋發覺啟晴邨有喉管係有呢個接駁位有鉛，咁我哋覺得呢個事態係嚴重嘅，咁即時亦都係我哋知道係邊位係嗰個持牌水喉匠，咁所以就嗰個持牌水喉匠喺嗰段期間，即係嗰兩、三年佢所負責其他嘅項目，咁我哋知道有 4 個，咁即刻係嗰陣時都驗埋。而驗咗之後呢，好似我尋日作供嘅時候所講，就係當中 4 個另外嘅屋邨裏面，葵聯邨二期亦都發覺係有超標嘅水樣本，咁所以我哋覺得呢個問題唔好淨係局限喺嗰幾個嘍，咁於是就逐步去擴散到所有 03 年或之後落成嘅，跟住係 01、02 年嘅，咁到咗都係 7 月，我估係下旬咁上下，我已經宣布就話所有嘅屋邨我哋都驗，不過就分階段去驗。

問：係，就係因為分階段，如果有一個人已經知道呢個承建商係有問題

嘅，係咪應該先處理佢所做嘅工程？

答：我亦曾經諗過呢個做法，但係又覺得未必一定係咁，點解呢，就算喺最初階段嗰啲項目，我哋發覺同一個持牌水喉匠，佢所涉及嘅幾個屋邨有啲係有超標嘅樣本，有啲係冇嘅，同一間公司亦都係一樣。

問：會唔會係因為除咗呢個水喉匠，呢個持牌嘅水喉匠，仲要睇埋係邊個 maintenance 嗰個承建商，因為承建商如果真係跟足個條約係辦事呢，可能佢就已經可以令到呢啲事唔會發生，會唔會咁呢？所以變咗佢有同一個水喉匠有時出事有時冇事。

答：同一個水喉匠，佢有呢個項目係出事，有啲項目冇出事，但係同一間承建商亦都有啲出事，有啲都冇出事，咁所以就我哋好似尋日我所講，我哋仲未睇到一個有規則嘅模式，所以好難講話係因為呢個承建商佢係好多問題嘅，即係好難咁樣去下一個判斷。

問：咁係唔係應該當你知某一個水喉匠有問題，佢某個工程有問題，係咪起碼如果你測嘅時候都早啲測佢嘅嘢，即係你哋起碼就唔好等人哋話畀你聽「阿 Sir，嗰度又唔掂呀」，我即刻話佢又唔掂呀。

答：係，係。呢個就一去到話……

問：因為市民唔知呀，啲市民唔知你呢個水喉匠做咗咩嘢嘍嘛。

答：明白，明白。但係呢樣嘢呢就喺——我好似我尋日所講，我哋係用一個風險為本嘅方式去處理，因為當最初啟晴邨出事，咁跟住葵聯邨二期就出事，有幾個屋邨出事嘅時候，我可以想像到當時實際情況都係咁樣樣，就係好多公屋嘅居民都係好焦躁嘅，個個都話你驗我嗰度先，咁但係喺有關政府部門方面，特別係水務署，即係佢個驗水，佢都需要有一啲受訓呀，...

問：當然喇。

答：...有專業嘅能力，咁個驗水嘅資源係有個局限嘅度嘍，化驗所嘅能力亦都有局限，咁於是乎我哋就要決定咁喺咁樣嘅情況底下，需求係好多嘅，當時好多地區呀，不同嘅政黨議員都係希望儘快喺佢嗰個邨去驗水，但係我哋要睇下究竟邊度嘅風險係大啲，所以當時我哋就覺得近期落成嗰啲我哋先去做，咁其他嗰啲有啲可能係串聯一齊嘅。我舉個實例，就係因為我哋驗到葵聯邨二期係有問題，但係葵聯邨一期其實喺 2011 年先落成嘅，就早啲嘅，但係我哋跟住都驗埋嘍，咁令到當區即係都係同埋一條邨啲居民可以安心啲，咁有啲咁樣嘅例外，

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但係喺資源嘅限制底下，我哋就無可避免地需要有一個優次嘅排列。

問：我完全唔質疑呢一點，你梗係先後嘅問題㗎，冇法子。

答：係，係。

問：但係問題就係你話近期啲啲就睇，我亦唔質疑你，咁呢個風險有高啲或者低啲其實你應該知道，即係起碼呢一個水喉匠做嘅嘢個風險應該大啲喇，係唔係，起碼都？

答：唔，唔。

問：因為有證據喇嘛已經？

答：係，係。

問：咁你同唔同意？

答：呢個初期我哋都係咁樣做，所以初期...

問：點解就唔繼續做埋佢呢？

答：...--所以我哋同一個持牌水喉匠佢所負責嘅幾個項目，喺 03 年以後嘅，我哋都即刻驗晒先㗎。

問：你有冇話去公布畀市民聽，即係知道呢個水喉匠做嘅嘢係香港仲有邊幾座係佢做㗎，因為啲市民有時「我自費都擺嚟測驗啲水」咁樣，係唔係？

答：喺每一次有屋邨所謂出事，我哋所舉行嘅記者會都係有公布究竟涉及邊間主要嘅承建商同埋呢個持牌水喉匠或者嗰個水務嘅分判商。或者你都可能記得最初當水務署署長喺記者會，係應該係喺 7 月 11 號第一次嘅跨部門記者會上，被記者問及究竟呢個啟晴邨呢個項目係涉及邊個持牌水喉匠，水務署--因為我主持嗰次嘅記者會，咁水務署署長林天星先生佢就話--即係佢要回應記者嘅要求，因為之前嗰晚有另外一個由房屋署署長嘅見媒體，就問及個主要承建商，咁當時署長就話佢驚講錯咗個名咁嗰件事，咁所以林天星署長佢就即刻公布咗係邊一位持牌水喉匠，亦都引嚟社會上好多爭論，「點解你講佢名出嚟呀？」咁。咁所以喺公布呢啲資料，我相信水務署署長方面佢都有個準則，咩嘢情況底下去公布。

問：但係啲市民唔知嗰度，譬如我如果問屋原來根本都係佢做嘅咁。

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答：係但係到今天為止，如果我哋根據進行咗嘅驗水嘅工作，的確好難去講就話「呢個主要承建商或者邊個水務分判商或者持牌水喉匠佢涉及所有嘅項目其實都有問題㗎。」

問：你唔需要講，但係起碼話佢係負責換水喉嘅。

答：係，係。

問：咁然後有啲人知道，咁咪跟進囉，你明唔明白？

答：唔，唔。

問：當然你唔可以話所有啲嘢都話呀，咁係畀人告你嘍，係咪？

答：係，係。

問：你有冇考慮到咁樣做呢？

答：我哋--點解我哋喺過程裏面冇話將所有嘅--我唔知你嘅意思係咪話將所有公屋每一座每一幢...

問：係同呢一個人...

答：...都係話邊個會負責，我哋冇咁做，因為我哋根據驗水所掌握到嘅資料唔能夠去判定呢個持牌水喉匠佢涉及嘅所有項目都係有問題，亦都可能有你剛才所提到「會唔會有一啲法律嘅後果我哋要考慮呀？」咁樣，咁所以一直以嚟我哋冇考慮到用呢個方法。

問：如果人哋問你，你會唔會講？

答：如果佢要問「究竟係邊個持牌水喉匠呢？」如果係公屋嘅工程，咁我哋要睇睇究竟佢問呢樣嘢究竟有冇任何嘅法律嘅責任。咁但係原則上嚟講，任何公屋工程邊個係主要承建商，從我個角--房委會主席角度嚟講，呢個唔係一個點樣好秘密嘅問題㗎。

問：唔係秘密。咁即係如果市民問「我係住喺邊度嘅，我想知道我呢一座樓邊個做水喉嘅工程嘅？」咁你可以講，係咪？

答：我如果我作為房委會主席，如果係公屋呢個項目，我就覺得呢個邊個係做個主要承建商唔係一個--唔應該係一個敏感嘅問題。

問：咁即係話應該講？

答：嘅。但係持牌水喉匠嗰度，因為呢個就唔係房委會規管，呢個係水務監督，咁所以佢嗰方面有冇其他嘅考慮就我好難講。

問：我希望你起碼將我今日問你呢啲嘢講番去畀佢知，因為你都想畀市民有個知情權，係唔係？既然家係你想啲市民自己同政府合作，如果最好係你哋搵係有問題，有問題即刻嚟話畀我哋聽，係咁吖嘛，有問題大家開心，你同意吖嘛？

答：而家我哋都係盡量係令到市民安心，咁所以就所有嘅公屋我哋都會係驗，只不過係分階段，咁而家我哋去到就係2005年之前落成嘅嘞，咁嗰度145個屋邨到上個禮拜尾為止我哋驗咗66個，咁好好彩都係有超標嘅樣本發現嘅。

主席：我想問一問主席，因為你頭先喺你個證供裏面你就講到，就話如果將喺一啲公共地方嘅出問題嘅水喉更換咗，就會大大減低嗰個屋邨含鉛嘅--即係嗰個水含鉛嗰個level，咁我又聽到你頭先就話如果要成個屋邨換晒可能要講緊年幾、兩年之後，因為有啲個別嘅住戶可能又要拆佢哋嗰啲裝修呀諸如此類，咁我就想問一問喺未--如果你既然第一樣嘢就可以話大大降低嗰個含鉛嘅水平，咁如果淨係做第一樣嘢，咁個時間表咁會唔會即係提早啲咁樣樣？

答：應該係會嘞，當然喇，如果從受影響嘅屋邨嘅居民角度，佢就希望有個治本嘅方法，所以對佢嚟講最徹底就所有喉管都換晒，咁但係因為我哋講緊11個屋邨，11個屋邨裏面個伙數我哋講緊三萬五嘍，二萬九、三萬六，咁所以就如果真係要做晒呢啲，的確係有一個工程上要解決嘅問題。因為點解，第一就點樣換法，同埋屋邨嘅先後次序呀，或者如果係牽涉入屋嘅時候又點樣處理呀，點樣盡量減少對住戶造成嘅滋擾呀、嘅干擾呀等等。咁同埋亦都要考慮埋究竟嗰個建造業個人手供應，因為一直以嚟都係緊張嘅，咁所以變咗承建商佢係需要作各方面嘅估計，所以時間嗰度點解我哋話唔可以咁快講得好確實呀咁樣。但係當一旦落實一個換喉嘅方案嘅時候，承建商初步嘅意向就係話先係處理咗公開地方嘅，因為嗰度最快捷，唔需要搵住戶嘅同意，咁但係入到去屋裏面就的確需要了解多啲不同單位個情況。

李先生：但係你--我可以繼續呀？

主席：繼續吖。

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李先生：其實我好關心呢個問題度㗎，即係主席。

主席：不如我哋早休 20 分鐘先，等你再組織下你嗰啲問題，跟住 20 分鐘之後再繼續，好唔好呀？

李先生：好。

答：好。

主席：咁我哋朝頭早休息 20 分鐘先。

上午 11 時 26 分聆訊押後

上午 11 時 49 分恢復聆訊

出席人士如前。

主席：繼續，唔該。

李先生：好，主席。

香港房屋委員會第一證人：張炳良教授（運輸及房屋局局長）宣誓繼續作供

李先生繼續盤問

問：張生，有一件嘅--先有一點我想問你，你頭先講到，你話如果知道有發生呢個含鉛嘅水嘅問題嘅時候，就好多時都去嗰個屋邨係佢哋開個天台--嘅--即係開過居民大會咁樣嘅。

答：係，係。

問：呢一點我又欣賞，因為你哋嘅責任一方面就要安佢哋心，係咪？等啲居民安心，咁另外又教佢點樣做、點樣做，等佢唔好驚起上嚟。

答：係。

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問：咁就係你講到其實就擺到嗰啲食水㗎嘛，嗰啲食水你哋有冇諗話將來係永遠唔會叫佢哋擺番錢㗎？

答：你講係...

問：即係擺食水畀佢哋...

答：即係樽裝水嗰啲？

問：樽裝水嗰啲。

答：樽裝水我哋畀咗居民，我哋冇收居民錢嘅。

問：你即係將來都唔會追嘅，係咪呀？

答：唔會，唔會。

問：因為有人提我要問一問你。

答：唔會，唔會，因為追唔到嘅，...

問：Okay。

答：...因為你都好難，咁多嘅居民。

問：冇紀錄，冇紀錄。好，我想問一問你個口供紙嗰度第 35 段，最收脛嗰句，你就話--樓脛嗰句，「即係房委會就會盡力就係--盡力會將來收到嘅推薦係好急促地咁就會執行，就防止將來再發現咁嘅同樣嘅事件。」係咪？

答：唔，唔。

問：咁我想問你，其實喺呢度發生呢個 occurrence，發生嗰啲同樣嘅事件，你係指咩嘢呢？即係水--亦食水有含鉛而過--超標嘅含鉛，係咪呀？

答：應該係針對同呢個食水含鉛超標相關嘅問題，因為我哋呢度係 35 段係講緊房委會所成立嗰個檢討委員會，咁我就話「希望喺--因為佢喺 10 月份嘅時候交咗個中期嘅報告，亦都有啲建議。」咁其實好似剛才我回答之前個問題都講過，當房屋署一知道有啲咩嘢問題，認為有咩嘢措施可以改善，咁呢啲改善措施要都即刻做㗎喇，就唔會話等咩嘢報告嘅。咁...

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問：好。

答：唔。

問：包唔包括就直情立例，就話連所有同水喉有關嘢唔准佢有含鉛--係超標嘅含鉛嘅，你有冇諗呢方面呢？包括水龍頭嗰啲。

答：係，係。如果係呢方面嘅問題，我知道社會上有啲咁嘅意見，立法會都有啲咁嘅意見，不過嚴格嚟講，如果係去到呢啲具體即係水務嘅裝置或者有關嘅部件，呢個一定係水務監督即係喺佢個個權責嘅範疇裏面去考慮。

問：唔。但係你--我當你係業主咁嘅角度睇，...

答：係。

問：...因為好多香港都--當你有份嘅，而家當你有份，okay。咁你唔想嗰啲水龍頭入呢啲單位裏面㗎，因為有時呢啲住戶佢有時覺得龍頭靚，咁自己買咗個龍頭返嚟就咁用，...

答：係，係。

問：...咁跟住就開出嚟就飲水，咁咪杰囉，係咪呀？

答：唔，唔，係。

問：咁如果含鉛係超標，冇理由畀佢喺度賣，係咪呢？

答：唔。而家嚟講，就水務嘅裝置或者一啲喉管，同水務有關嘅，根據法例，佢要遵從法例嘅附表裏面所提及嘅英國標準。

問：唔。

答：咁當然呢個英國標準都可能會有所不斷演變嘅，但係法例嘅要求就要跟呢個英國標準嘅。

問：唔。

答：有啲喉管或者啲物件可能佢嘅即係嗰個合成物，有時候會有啲鉛嘅，但係如果唔超過呢個相關嘅英國標準嘅限度係可以用，我個理解。

問：如果超過呢？

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答：超過係唔得。

問：唔得。咁你有冇諗過立法，直情唔畀佢賣呢？

答：咁呢點？我相信由水務監督佢會去研究睇下點樣。

問：即係你係用戶，我而家從你係--我當你係用戶，即係當你啲樓源頭會係你㗎嘛，你都唔想呢啲係--有啲咁嘅嘢喺度嘅，係咪？

答：我相信社會上各方面意見，水務監督都會聽到。

問：Okay。咁你會唔會帶番去呢？

答：或者呢個問題我相信遲下水務署署長都會嚟呢個調查委員會，佢可以講下佢嘅想法。

問：係。咁你都係所有用戶嘅代表人㗎嘛？

答：如果從我嚟講，當然就係希望我哋所作各方嘅安排，最終係確保到食水嘅安全。

問：Okay，得。因為大家都知道我哋嘅市面，香港嘅市面係好多用品、食品都有時都有啲假嘅--假貨，咁呀 A 貨，係咪？

答：唔。

問：係咪？

答：你講埋先。

問：如果係水喉嗰方面，一樣有 A 貨，同唔同意？

答：有關嘅部件如果牽涉到水務嘅裝置，我所了解就水務署佢嗰個監管另有規定一啲嘅牌子、型號咁樣。

問：Okay。咁樣你--而家我想問有本本子，呢個本子我睇你見過嘅？

答：係，見過，係。

問：主席，可惜我哋--或者我遲一步，不如我下晝先問，我下晝先問，因為我擺多幾本，起碼都擺幾本嚟，就即係我覺得呢個本子相當有用嘅。

答：唔。

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問：呢個本子係你哋造㗎嘛，係咪？

答：呢個本子係--應該係政府新聞處咁樣。

問：係新聞處設計嘅？

答：嘎，嘎。

問：Okay。係8月造嘅，今年，okay。

答：嘎。

問：咁我下晝至問。我而家想問你就係--你睇番你嘅口供紙第14段。14段，唔該。你睇到第四行嗰度就講“lack of awareness”，...

答：唔，係。

問：...政府嘅譯法係咪知--「認知不足」，係咪呀？

答：係，係。

問：其實唔係好準確，係咪呢？“Lack”即係「缺乏」，係咪？

答：唔。

問：“Awareness”，「察覺」或者「意識」，...

答：係。

問：...即係我喺字典嘅。

答：都包括在內。

問：係，係。或者我用另外一個方法，我哋可能中國人熟啲嘅，如果我用「後知後覺」，咁你有冇反對呢？

答：或者係即係純粹從個語言角度嚟講，有少少所謂“fine distinction”即係。

問：好吖，你覺得有啲唔同嘅。

答：因為如果「後知後覺」，即係話之前係乜都唔知嘅；咁但係「不足」可以係話所知嘅未必係去到一個足夠嘅程度。即係如果純粹即係從個

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字嘅角度嚟睇。

問：因為個“lack”係「缺乏」咁嘛，...

答：係，係。

問：...咪即係唔知囉？

答：係，係。

問：其實即係--其實講即係唔知？

答：嘎，嘎，但係...

問：即係呢--如果唔係今次有報紙可能擺到啲貼士，點解嗰揭露呢件事，...

答：係，係。

問：...我相信到而家你哋都未必知，係咪呢？

答：的確如果同喺啟晴邨驗到係有焊料含鉛，呢個係--之前係有預計到嘅。

問：咁樣同埋亦唔係--係政府你哋咩嘢部門去驗咗出嚟㗎嘛？

答：其實焊料嗰度係政府驗出嚟嘅，因為之前有議員話驗到啲水...

問：係嘞。

答：...嗰個樣本係有鉛，咁當時就其實就係房屋署聯同呢個水務署，的確喺啟晴邨係抽咗一批嘅樣本，但係呢批樣本都有發現係有超標嘅。咁好嘞，就好似我供詞裏面所講，「就房屋署署長通知我話7月7號喺啟晴邨有兩個空置單位」--呢度係房署人員主動喺兩個空置單位，就喺兩個--喺個喉管裏面有兩個嗰啲接駁位係抽取嘅樣本，就發現係有鉛嘅成分，...

問：係吖。

答：...咁所以呢個係--就唔係之前即係一啲團體驗出嚟嘅。

問：唔係，你講到個水喉嗰度就係你哋驗出嚟嘅，...

答：係，係。

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問：...但係嗰啲水係有問題，就係有人話畀你哋聽嘅，啱唔啱呀？

答：啱，啱。

問：咁唔話係水，你都唔會去查，...

答：係，係。

問：...啱唔啱呀？

答：因為之前就好似我嘅供詞都講過，就係因為過去喺申請水紙嗰個過程裏面係冇要求話要就喺水質方面嗰個含量呢，就冇包括鉛或者其他幾個重金屬。

問：唔，係呀。唔係，我而家簡直一個--好簡單一個題目嘅，如果由頭到尾都冇人話畀政府任何一個部門聽，或者你哋聽，係某一個地方嗰啲水係鉛超標嘅話，可能你到而家都唔知有呢個問題，係咁問你，同唔同意？

答：我唔敢推論到咁樣樣，但係不過的確就係喺7月份，當係有人提出嚟話呢個啟晴邨有驗到相關一啲樣本係有鉛，不過有關嘅資料我哋掌握唔到，所以喺房屋署同埋水務署佢哋自己驗咗一批，不過就第一次驗嘅時候，攞嘅樣本係冇發覺有問題。咁直到就係剛才我講，即係7月7號喺嗰個喉管嘅焊料發覺係有鉛，咁之後，就再抽一批嘅水樣本去再化驗，咁喺嗰批水樣本就的確發覺係有幾個係含鉛量超標。

問：所以唔係政府或者有關嘅部門或者你哋房委員或者房署係自動地去驗水，然後發現呢個問題，做嘢咩嘍？

答：之前係冇做呢個，...

問：係囉。

答：...--係呢個水質嗰個--嗰幾個重金屬嘅測試。

問：琴日就石資深大律師就畀咗啲海外嗰啲BBC啲節目嗰啲，...

答：係。

問：...人哋啲海--嗰啲報告書畀你睇過。咁我就想問你，你以前試過睇過呢啲嘢未嘍，定係琴日至睇到？

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答：好坦白，如果係啟晴邨嗰個事件未發生之前，我係冇特別留意呢個食水含鉛呢個問題。

問：但係事發咗之後，有冇睇過呢啲？

答：事發之後，我又都嘗試喺網上去搵啲資料，好似我尋日回答石資深大律師所講，我都留意到呢個多倫多市佢咁點樣處理個問題；呢個愛爾蘭，因為佢咁個時間亦都好相近嘅。因為佢咁係當歐盟喺 2013 年採納世衛嗰個標準，即係 10 個微克呢個標準嘅時候，佢咁發覺佢咁好多問題存在，好多喉管係鉛嘅喉管。咁因為當時我咁睇啲資料，主要就係話喺其他嘅國家、地區有冇啲類似面對一個食水含鉛超標嘅嗰個危機，如果係嘅時候，佢咁嘅處理方法係點樣樣。

問：我唔會怪你係喺呢個方面係冇留意，直至到事發至去留意。

答：唔，唔。

問：因為老實講，而家政府咁多部門，係咁多局長，我覺得你處理嘅嘢係好多好多，多過其他好多局長，可能要分開，就容易啲處理。不過但係政府有冇人係即係負責係去搵呢啲嘢嚟睇，有冇呢？照你所知。

答：我--正如我尋日回答石資深大律師所講，就究竟房署嘅人員喺日常裏面佢點樣去接觸一啲外國嘅可能嘅經驗等等，即係平日我係唔會即係微管去要求佢咁話畀我聽嘅，咁但係我相信作為專業人士，佢時不時都會就佢專業個範圍去了解下，咁可能啲細節或者由馮宜萱女士可以再補充一下。

問：唔。

答：有時實際上真係咁樣樣，即係如果我咁平日冇特別係好有意識地去諗某方面嘅問題，亦都唔會話好主動地去搵嗰方面嘅資料，呢個鉛--食水嘅含鉛呢個問題出現之後，我自己都留意多咗，甚至有啲之前我係唔覺察嘅。我去一個網址裏面去睇，佢話畀我咁聽，日常喺廚房裏面我咁接觸嘅嘢係會好多嘅重金屬嘅，無論係鉛又好，或者係 chromium 呢個鎳--鉻等等都有。甚至一個我之前係完全唔知道，佢話茶包都可能有鉛嘅，咁呢個喺我咁日常嘅知識裏面就唔會意識到係有咁樣嘅聯繫。

問：即係你--當然你冇逐個人問過，但係以你嘅理解，就即係你冇人話過畀你聽邊，邊個部門裏面或者政府任何人就同你講過呢一類嘅嘢，直至到事發之後，係咪？

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答：可以咁講。

問：唔。咁而家我再睇番第 14 段，你就覺得我用呢個「後知後覺」唔係太適宜，係咪？

答：我唔--呢啲都係一個表達嘅方式，...

問：係，係。

答：...但係個意思我相信--即係我亦都係承認，就係話好似我喺尋日書面供詞之後，我作嘅口頭嘅補充我都係咁講，我話「假如喺過去我哋係知道有呢個風險嘅，而呢個焊料含鉛呢個係一個高風險嘅話，咁就一定即係房委會因為以我哋個政策係盡量去確保呢個安全、質素等等，我哋應該係會有一啲相應嘅措施。」

問：呢一點全世界都會冇人質疑你嘅，因為事發咗之後都唔理，就有可能嘅，喺香港。

答：唔。

問：咁但係就如果你睇--我睇你--因為你哋個立場，因為我而家唔係--我唔會將呢個問題個人化嘅，...

答：係，係。

問：...呢個唔係張炳良先生嘅睇法，呢個係政府，因為你都係同意佢呢個小組嘅結論，係咪？

答：嗰個檢討委員會？

問：係嘞，係嘞。

答：唔，唔。

問：咁呢個唔係個人嘅？

答：係。

問：即係我覺得你全部都唔係好坦白咁樣認自己有漏招呀？

答：都唔係，我哋都承認係唔足夠嘅，即係當時啲啲--即係而家事後睇番轉頭啲啲措施唔足夠。

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問：譬如認知不足，即係有認知，不過唔足夠，係咪呀？中文嚟講。

答：喺嗰個喉管接駁位唔應該有--應該係有鉛級別嘅焊料，呢個係一個規定--即係一直以嚟嘅規定，亦都係喺嗰個合約裏面嘅規定。咁即係話，當時嘅認知係知道如果有鉛嘅話，係唔好嘅。

問：得。呢一點...

答：只不過話一直以嚟，係唔覺察到原來啲焊料係會有鉛。

問：唔知道焊料會有鉛。

答：即係唔知因為呢個合約嘅規定，...

問：係。

答：...同埋當時喺--即係我好似檢討委員會嗰個中期報告裏面所講，當時整體業界亦都相信，就係當時用嘅焊料都符合個規範嘅。

問：係。呢一度，就即係肯定你一定會知呢度--呢一類咁嘅嘢，因為你知涉及啲水呀，你啲水係啲人會飲㗎。

答：嘅。

問：所以一定唔可以含超標嘅重金屬，包括鉛在內。

答：係。

問：呢一點，所以立咗例，係咪？

答：係。

問：咁所以一定知嘅。但係你哋又唔知道有咗咁嘅例，仲居然有啲人係會用呢啲咁嘅嘢擠落條水喉度，呢一樣你唔知咩嘍？

答：的確如果好似喺我申--呢個都係喺個檢討委員會裏面嘅呢個中期嘅結論，就係話過去係有將焊料可能含鉛呢個可能性呢，係作為一--高風險項目。因為如果有嘅時候呢，係應該會再去測試佢。

問：因為個焊料呢，因為如果你唔同我頭先--如果用個機械化嗰個就有問題，係咪？

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答：係。

問：但係如果你用呢啲咁嘅駁位，個 joint 嗰啲，咁就又要用啲嘢嚟去
黏住佢哋，黏住兩條喉，咁嚟接駁。

答：唔，唔，唔。

問：咁你都知道，可能有啲人會用啲嘢有鉛，所以你先立例禁，係咪？啱
唔啱？

主席：立例呢，好似冇立例。

李柱銘先生：哦，冇立例。

主席：冇立例。

李柱銘先生：哦，係即係 contract，合約方式。

主席：係。

張先生：合約嘅規定。

李柱銘：Okay。

張先生：同埋係一啲嘅英國標準...

石先生：水務嘅 regulation 20 就話要 British Standard, British
Standard...

張先生：係，英國標準。

石先生：就唔同嘅部件就有唔同嘅含鉛量嘅限制。

主席：係。

石先生：就算係 show "Lead Free" 都唔係一定係零，因為後來我哋知
道一啲資料就講係，0.07% 咁嘅係。

問：但係我睇到你個口供嗰度寫就講到 "In effect" 有兩--呢個字，即

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係話因為佢要用--用英國嘅標準，咁個結果就應該--唔應該含量嘍嘍，係咪咁嘅意思？

答：因為嗰個《水務設施條例》呢，佢喺附件裏面係有講述到不同嘅部件佢要遵從嘅英國標準係乜嘢，咁相關呢個標準佢有規定，就住嗰啲成分。

問：咁所以如果佢--嗰啲承辦商係跟足個合約嘅規則，包括埋要呢一類嘅嘢要合英國嘅標準就應該有事發生。

答：喎。

問：係。咁就而家你哋唔知道就係，嘩，原來居然有事發生喎，呢樣你哋唔知？

答：係。所以喺--第一，就係房屋署之後即刻要去測試一啲喉管嗰啲嘢；咁第二，就其實水務監督喺7月13號出咗新嘅通函，亦都將包括鉛嘅嗰四個重金屬都會包括喺個即係--事後即係裝置完嗰個食水嘅設施之後，嗰個水質嘅測試裏面。

問：亦即係話事發之前，政府所有嘅部--有關部門，包括房委會同埋房署都諗唔到係喺香港居然有啲水喉匠係會用呢啲咁嘅接駁嘅嘢係含鉛嘅超標，即係呢樣嘢你哋係完全諗唔到會發生，係咪？

殷先生：主席，我唔想打斷李大狀嘅發問。

李柱銘先生：唔想就坐低喇。

殷先生：但係我唔介意佢問證人有關啲唔涉及房委嘅問題，但係佢一路好似頭先咁，佢講話「你哋」，佢好多混淆政府各部門，佢話包括埋房委同埋房屋署，呢個係唔正確。我希望佢發問嘅時候，譬如佢講「你哋」咁，佢講清楚幾時佢係講房委會，佢幾時係講房屋署，佢幾時係講政府嘅其他部門，同埋唔好混淆呢一樣嘢。

李柱銘先生：好，我即管盡力而為。

問：你哋房委會，我淨係問房委會，咁係咪你同意我頭先個題目？

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答：即係...

問：即係房委會係完全諗唔到居然係有人--有水喉匠仲會用呢啲咁嘅含
--有含鉛嘅銅合金製造嘅裝置嚟搞到出事。

答：唔。的確呢度就署方都係有喺嗰個--應該咁講，喺嗰個房委會嘅檢討
委員會裏面，即係佢個中期報告嗰個結論都係話，喺當時，無論係業
界又好，或者房屋署，都係冇將呢個喉管裏面嘅接焊含鉛係作為一個
高風險嘅嘅問題。

問：即係唔知道有呢件事發生？

答：就如果係認為係高風險，係應該要有進一步嘅措施。

問：唔好理高風險，即係根本唔知道呢啲事會發生，啱唔啱？

答：如果係講得白啲，都可以係咁樣講。

答：係。我素來都講白啲嘅。

石先生：不如直接講白啲，然後你兜咗個圈，李柱銘。

李柱銘先生：好，我而家又要...

石先生：其實 over 究竟係先知先覺、不知不覺都拗咗 15 分鐘，我哋呢
度唔係一個政治舞台。你迫一個證人喺呢四字詞語裏面揀一個啱用，
係浪費咗好多時間，李柱銘先生。

李柱銘先生：對唔住，我只係後知後覺啫，其實嗰啲係你嘅。

石先生：又 score point，李先生。

李柱銘先生：因為有人反對，所以我而家又要再問。將...

石先生：唔係反對，係希望可以直接到 point，唔係好似你咁講。

李柱銘先生：唔係你呀，我唔係你呀，而家。

問：你隔離嗰位呀，佢因為你--佢唔想你代表埋政府咁嘛，咁我又知道你

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有跨部門嘅小組傾，係咪？

答：唔。

問：係咪？咁好，你開好多會，又跨部門喺度。你有冇聽到佢哋其他部門嘅人講呢？有冇聽到，或者冇聽到呢？即係話，啊，原來佢哋知，不過你哋釐居唔知咋咁，有冇咁嘅事情發生呢，而係大家都唔知呢？

答：如果睇番政務司司長喺立法會公開嘅化驗都講過，呢個都係過去冇呢個即係認知嘅。

問：係，即係全部政府裏面嘅人都冇呢個認知，有就呢件事唔會發生，係咪？同唔同意？

答：我估對個風險方面嗰個認知係不足。

問：係。所以張炳良先--所以我對你係好有信心。

答：唔。

問：其實你嘅大律師都應該對你有同樣嘅信心。

講者（不能辨別）：唔，唔。

問：好嘞，你跟住嗰第 24 段，你哋有講到--中間嗰度，就話係你就同意呢個 Review Committee 個--呢個係點--Review Committee 係啲咩嘢？

答：檢討委員會。

問：檢討委員會嘅睇法，就即係房委會以前嘅機制係即係嚟令到啲水質係唔應該出問題。但係喺呢度方面，即係你哋呢個咁嘅機制係有啲唔妥之處，唔足夠之處，係咪？

答：係。我哋個中文嘅說法呢話不足之處。

問：不足之處。

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答：唔。

問：咁呢個不足之處係法律不足㗎，會唔會不足呢，法律嗰方面？

答：我哋喺--我哋供詞裏面都有提有喺過去房委--所有法例上，或者係監管機構法定上嘅要求，都係有遵守嘅。

問：唔係。咁你覺得你...

答：唔。

問：當然如果你話我--你唔想答，你即管出聲。

答：唔，唔。

問：你覺得我哋個法例係咪足夠呢，你而家--到到而家為止？

答：我呢度所講話我同意個檢討委員會講嘅有不足之處，就話當我哋知道咗--因應今--啟晴邨嗰個事件引發出嚟，我哋發現到原來係有屋邨裏面一啲嘅水管係有含鉛嘅焊料。咁睇番轉頭嘅時候，過去嘅喺質量嘅機制方面係的確係有不足之處。

問：即係立法嗰方面都有？

答：呢度我有--我呢度係主要針對房委會本身嘅機制。

問：唔係--係，明白。唔係，咁你嗰啲整體，即係有時你個機制係受咗好多嘢掣肘，係咪？

答：係，係。

問：可能法律唔足夠，咁你咪已經有個掣肘囉。你覺得法律方面有冇問題？

答：如果係指即係話喺嗰個水務設施裝置好之後，即係個內部供水系統裝置好之後，對出嚟嘅水作嗰個測試，正如我剛才講，7月13號水務監督就出咗新嘅通告--通函，係要求要測試包括鉛嘅幾個重金屬。咁由於係咁樣，當然房委會個機制如果加--增加嗰啲嘢，同埋房委會由於呢件事包括埋檢討委員會一啲初步嘅發現，同埋建議，亦都係即時係引進一啲短期嘅改善措施嘅。

問：唔係。我問題係即係你想唔想法律畀多啲--法律係喺呢方面多啲限制，令到市民食水嗰方面就唔好冒高嘅風險？

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答：呢個...

問：定係你覺得已經--法律已經夠？

答：呢個正如喺即係小休之前，你都係問咗類似咁樣嘅一個問題，我覺得比較適宜係由水務監督佢從政府角度去全面去回應。社會上我都聽到係有啲不同嘅意見。

問：唔，okay。執法嗰方面，你覺得有冇不足之處？

答：你係指房委會本身？

問：房委會先--本身先。

答：如果從房委會嚟講，一直以嚟所有水務監督嘅規管上嘅要求都係遵從。

問：唔。咁點樣執法？你話用合約嘅方法嚟做㗎嘛。

答：合約，同埋亦都係有一啲--有認證、文件上嘅檢查，亦都有啲係部件物--嗰個物料嘅一啲抽查，呢個都係有嘅。唔係，當然，就如果從--由於今次個事件，包括埋檢討委員會佢再仔細地去探討呢個問題，亦都覺得有關呢啲咁嘅監管嘅工作係可以再加強。

問：咁即係你都覺得喺執法方面亦有不足之處？

答：呢個可能就係--或者唔--嚴格嚟講唔係執法，因為呢個唔係一定係一個法律嘅問題，而係話，...

問：執行。

答：...點樣去令到喺執行上，...

問：執行，okay。

答：即係喺監管上可以再強化。

問：唔係。因為你不足之處係你哋講㗎嘛。

答：係。

問：咁我想知道邊度不足啫，係法律方面不足，定係執行嗰方面不足？即係我想問你呢度。

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答：係，係，係。呢個喺--第一，就嗰個--我個供詞裏面都有撮要地講，所以嗰一個部分第14段嗰度，我都講咗 in short，簡要嚟講有啲咩嘢主要嘅不足之處。

問：係。

答：因為呢度我係引述緊檢討委員會個報告，咁檢討委員會個報告亦都係有羅列出不同嘅佢認為不足嘅地方。

問：咁即係話，我跟住你呢一句，“in short”嗰句。咁即係你哋嗰個監--你哋嗰個--個機制係不足之處就係你哋其實已經係冇同嗰個行業嗰個習慣，practice，嗰個行為有抵觸嘅，你知道個行業梗係不嫻都係咁做？

答：係。

問：咁樣你喺法律係冇抵觸，同埋其他水務署嘅要求又冇抵觸？

答：係。

問：即係話...

答：係有遵從嗰啲要求，同埋法律規定。

問：係。即係你哋嗰方面，即係房委會就喺呢幾樣嘢，你都跟足？

答：係。

問：不過只係係冇睇及--冇關注到原來嗰啲水--食水喺呢一方面嘅問題，尤其是有啲啲咩嘢接駁嗰啲咁嘅嘢含鉛，係冇睇到呢一個問題，淨係呢度不足？

答：應該咁樣講，如果係--由於而家發現嗰個主要嘅源頭係嗰個喉管嘅焊料含鉛。咁喉管係唔應該含鉛，應該係屬於一啲無鉛級別嘅焊料，咁呢個喺--喺規定上係清楚嘅，所以唔--但係過去，當時業界又好，房委會都係認為當時用嘅焊料應該係符合規範。咁所以一直係冇將呢樣嘢作為一個高風險嘅項目。

問：亦都係簡單啲，即係既然有呢個要求，咁就房委會裏面啲人、房署啲人就諗唔到會有做啲唔應該做嘅嘢，係咪咁？

答：可以咁講，因為的確呢個係唔應該做，因為呢個相關嘅規定係指出咗

焊料唔可以係含鉛。

問：咁但係問題就咁，即係政府--包--房委會又係，政府又係，係唔可以係依賴市民或者任何有關嘅人士係唔做佢哋唔應該做嘅嘢個啫。

主席：我唔係好明你個問題，好複雜。

問：即係話咁樣。我相信你聽過呢個說話，係 James Madison 講嘅，佢話 "If men were angels, no government would be necessary." 你聽過㗎喇？

答：唔。

問：「如果人係天使，根本唔需要政府」。咁一樣，如果嗰啲水喉匠或者承建商係天使，唔需要監管。

答：係。

問：咁但係唔係咩，唔係天使咩。

答：呢個其實就喺好多--即係我捩開少少講，因為我自己係做公共行政嘅研究，過去。好多時候就係 In all--用英文短述 "In all depends on the balance of probabilities." 即係規管幾多，唔幾多--因為規管係需要成本，規管係會滋擾。咁所以規管去咗邊度，或者立法去咗邊度，往往都睇番，個風險嘅發生嘅機率係點樣樣。咁有啲機率低嘅時候，可能就唔需要用太大嘅動作，係，如果講得簡單啲。

咁所以任何嘅規管，我相信喺不同嘅國家地區，你譬如話決定法例，或者係行政嘅法律規等等，都考慮到呢啲即係可能出事嘅機會，同埋即係嗰個地區裏面個社會嘅意識係點樣。

問：當你有個要求，起碼合約上要求就係話，喺水喉呢一方面逢喺同食水有接觸嘅嘢就唔應該含鉛亦超標，呢樣已經好清楚，係咪？

答：係。

問：即係有呢個要求？

答：有要求對嗰個喉管焊料嘅要求。

問：係。咁你哋呢個房署或者房委會係點睇呢？嗱，有人配--破壞合約，咁你點做？告佢喇，係咪？賠錢，定係諗諗--有冇諗到對市民個健康好有危險個嗰，唔係賠錢咁簡單，有冇咁諗呢？

答：喺今次嘅事件之後，咁其實，第一，而家房署仲係要求涉及嘅承建商去解釋，點解個合約唔准焊料有鉛，點解會係發生呢件事，咁呢個仲--呢個過程仲係進行緊。任何合約上承建商要付嘅責任，房委會都係會跟進。咁但係呢個唔係淨係局限喺合約嘅問題，咁所以喺事發之後，房署亦都係研究點樣喺地盤嘅監察，同埋呢個要求承建商點去確保嘅焊料唔會係一啲唔符合規格嘅焊料。亦都係喺檢討委員會裏面有提到承建商應該係有一個管理嘅計劃，無論從嗰個採購；啲物料送到去個地盤，喺地盤裏面需唔需要冇啲隔離嘅措施等等，盡量係做好個保障。

問：即係話以前你哋就以為用合約就可以足夠處理呢啲問題，而家事後孔明就知道唔夠，係咪咁？

答：而家的確係除咗合約之外，我--當然咁，正如所提啲額外嘅措施都會寫喺即係往後個合約入面。

問：但係你同意我頭先咁講吓嘛？

答：以前合約冇規定咁樣樣，係。

問：係。即係以前你哋就係靠合約，你以為搞掂？

答：以前合約冇講得--去到我正如所講，譬如話我哋需要嗰個承建商要有個對焊料嘅管理計劃，呢個以前嘅合約係冇。咁而家我哋考慮係咁樣，房委會嘅檢討委員會都係建議會咁樣樣做。咁如果係咁樣做嘅時候，相關嘅要求都應該寫埋落去將來個合約。

問：起一個公屋，牆嗰個方面就石屎啲，睇佢夠唔夠堅；水喉，即係喺我哋而家研究緊嘅問題，睇下有冇鉛。咁喺牆嗰度夠唔夠堅，就你知道係你要驗個嗰，攞啲--攞啲出嚟，咁打佢--打爛佢，係咪？

答：係，係。

問：水喉就完全冇，係咪？

答：水喉嗰度，水務裝置係有要求對某啲方面，即係我哋見所謂過去八個

參數。

問：係。

答：即係嗰啲過去可能認為風險比較高，就規定係要做。咁後尾再加埋係涉及呢個退伍軍人症嘅一啲嘅安排。咁而家喺7月13號之後，就再加上四個重金屬，包括鉛。

問：唔。咁呢個就係嘞，就係你呢個--所以你變咗你根本以--以前就靠嗰啲叫做「水紙」，係咪？叫做「水紙」？

答：係。

問：即係咁你跟張紙，就知道佢用啲咩嘢咁樣，咁就叫做...

答：佢呢個概念上都係同--即係等如即係樓宇建築物出入伙紙，即係個概念都相近，即係可以住人喇，即係起碼結構安全等等，咁都係要符合呢個建築事務監督嘅各方面要求；好，到水務裝置，就要符合水務監督佢個要求。咁水務監督佢個要求方面，佢會規定咗嗰個水務個設施要合符咩嘢嘅規格。咁呢啲規格唔同嘅部件，就喺《水務設施條例》裏面所引述嘅一個標準咁樣去規定。咁同理就喺決定供唔供水之前，係會規定咗對啲水質作邊方面嘅一啲測試。

問：以前你就要佢哋合符標準，啱唔啱？即係起碼要用嗰啲材料合符標準，合約嘅要求。

答：係。

問：但係就有去地盤度去查一查，佢係咪真係用呢啲，咁冇人去查嘅。

答：喺地盤裏面，都係有啲嘅監督。不過當然喺今次呢件事之後，就覺得要再強化。

問：唔。咁即係--我想問你一個問題，就係你哋開咁多會，有冇諗過一個問題，就係出事會唔會涉及貪污，有冇人？有冇諗過呢個問題？有就得有--或者有，或者有。

答：如果我哋有--即係起碼到目前為止掌握嘅情況，即係接觸到嘅情況，冇令到我哋有呢方面嘅懷疑。

問：冇令到你哋有呢方面嘅懷疑。有冇諗到，喂，呢件事咁樣做落去，會唔會因為係有啲公司係同大陸有關係，所以我哋要小心處理，有冇諗

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過呢啲問題？

主席：同咩嘢有關係話？對唔住，同咩嘢有...

李柱銘先生：同大陸，同大陸，嗰啲製品或者點樣有關係？有冇...

主席：呢個好似有少少離題，我覺得，係咪呢？

李柱銘先生：唔會離題，呢個--譬如嗰啲貨係含鉛，係出自某個地區。

主席：哦，咁你唔好...

石先生：咁就唔只係大陸喎。

主席：咁唔單只一定係內地。

李柱銘先生：好。咁我--唔單係內地，好，咁得。

主席：唔係，我想知道你實際上想問啲咩嘢嘢，因為我唔係想阻止你問。

李柱銘先生：我實際即係我睇政府個決心去到邊度。

主席：哦。

李柱銘先生：會唔會因為政治嘅因素而變咗即係應該做嘅嘢...

主席：點解會政治嘅因素？因為內地都係跟呢一個世衛標準，食水。

李柱銘先生：因為--如果佢話「冇」，咁咪得囉。

主席：係，內地--如果你睇番內地嘅標準，一啲都唔簡單。

李柱銘先生：點解我咁樣講？一係我講白啲，因為成日--主席我講白啲，就係因為當我哋知道內地連雞蛋都可以假嘅時候，我哋唔能夠唔擔心㗎嘛，其實就係咁簡單。

主席：唔係，你嘅問題即係房委會又好，政府又好，點樣樣可以確保將來係喺我哋家居裏面睇到嘅部件，或者嗰啲水喉設施係完全係符合我哋嘅標準，就有一套--會用一套乜嘢嘢去監督呢啲咁樣樣嘅情況出現。

李柱銘先生：係，係。

答：我覺得應該分兩方面去睇，如果你講到係假，即係話可能佢聲稱無鉛，或者佢有鉛；或者佢聲稱有鉛，可能佢無鉛。正如剛才石大律師所講，就算喺歐盟，即係按其他地區，佢出產嘅焊料，都有鉛嘅焊料，有無鉛焊料，因為視乎嗰個用途而定。

我哋無論佢嗰個出產地喺邊度，但係有關嘅物料一定要符合《水務設施條例》裏面所講述嘅唔同嘅部件，佢要符合嘅呢個標準，呢個係最關鍵。

問：你哋知唔知道用嗰啲咁嘅焊物嗰啲--即係嗰啲銅合金製造嘅裝置，即係呢啲咁嘅用--接駁用嗰啲嘢，係肯定有啲係含鉛。雖然有啲亦唔含鉛，你知唔知有兩--兩類？

主席：你講嗰啲焊料，係咪？

李柱銘先生：焊料，焊料，係。

答：焊料係有啲係含鉛，有啲係不含鉛，呢個我哋知道。因為有啲嘅做燒焊，譬如你冷氣機嗰啲，有鉛係冇問題。

問：唔。其實會唔會有鉛係喺工作上係更加有利，快啲或者點樣樣，你知唔知呢啲？

答：我就唔係呢方面嘅專家，但係我有聽人講--有聽業界人士講，就話有鉛嘅可能會喺接駁上會快啲，呢個係佢哋一種說法。

問：唔，okay。好，咁你哋有冇諗過偷龍轉鳳呢？因為可能你哋嗰個要求--合約嘅要求就好清楚，但係到到--甚至去到地盤都有人偷龍轉鳳，或者根本就已經買咗啲次貨去--而唔係次貨，即係有鉛嗰啲，平啲。

答：有鉛，係。喺今次涉事嘅嗰四間承建商，我哋好似我剛才所講，房委會仲係要求緊佢哋去解釋番，去檢討番點解會發生一啲唔符合合約要求嘅即係焊料規格嘅情況。咁所以暫時嚟講，即係我都好難去評論究竟咩嘢導致呢啲喉管係竟然存在一啲含鉛嘅焊料。即係你正如所講嗰種情況係咪一個原因，呢個我唔可以評論住。

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問：因為石資深大律師琴日已經講，其中一個好肯定嘅誘因咪錢囉，平啲吓嘛。呢個誘因做生意好可惜係存在㗎。

答：唔。具體啲啲成因我哋仲係--因為呢樣牽涉到政府同--唔係政府，即係房委會同埋呢個承建商之間，因為將來我哋要根據個合約嘅要求，我哋仲需要一啲跟進嘅行動，咁所以我就唔方便喺呢度去揣測好多嘢。咁但係就房委會嘅檢討委員會其實已經係提出要求，就話承建商應該就處理呢啲咁重要嘅物料，即係焊料呢個問題係需要有一個管理計劃。亦都呢個管理計劃要確保到係啲貨送到去地盤係有啲足夠嘅保障措施，有啲隔離嘅措施。呢啲都係防止即係會唔會之後會被更換呢啲，我相信呢啲都係而家嗰個我哋喺處理上希望能夠做到最大嘅保障嘅一個做法。

問：你話啲承建商，你就等緊佢哋個解釋，係咪？

答：我哋仲等緊佢哋報告嘅，會。

問：你哋會唔會因為呢一個委員會嘅調查進行緊，而拖住，等佢哋畀完口供，然後至要佢哋解釋，會唔會咁？定係呢個同時執行，應該？

答：同時執行，同時執行。

問：同時執行，好。因為佢越快去解釋到，你哋就越快可以有一個對策，係咪？

答：唔，唔。事實上就房委會嗰個檢討委員會亦都係見過幾個承建商，亦都想嘗試去了解呢個情況。

問：咁你可唔可以知道除咗呢四個承建商之外，其他嘅承建商係肯定有問題？

主席：你講其他嘅屋邨，係咪？

李柱銘先生：係，其他屋邨嘅承建商，因為...

答：唔係。如果係從房委會佢去--房委會同承建商嘅關係就係個別嘅項目--個別嘅建築項目合約上嘅關係。咁如果係同佢--即係我哋唔覺得係有合約上出問題呢，咁同佢個--即係所謂跟進承建商，只能夠話大

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圍嘅承建商。咁我相--自從係發生咗而家嘅嗰個食水含鉛超標嘅事件之後，我相信業界整體對呢個問題嗰個意識都係同過去應該係唔同㗎。

問：你個--即係我想問--再問多一次，就係你--呢啲係去 tender，係咪？都係嗰啲投標嗰啲做呢啲起屋，係咪？

答：唔。

問：包括埋水喉喇。

答：係咁樣嘅。

問：一次過，係咪呀？佢...

答：嗰個承建商佢投個標，係包括晒佢工程裏面不同部分嘅內容。

問：即係你喺佢嗰間屋...

答：包括係水務嘅，嘎。

問：成間屋起好畀我咁樣。

答：係，係。

問：所以包括埋水喉嘅，係咪？

答：係。

問：好嘞，咁呢啲--而家呢個有個名單咁所謂，啲公司就去合資格去投標嘅，啱唔啱？有冇一個咁嘅...

答：有，嘎，嘎。

問：嘎，即係譬如我哋而家開公司，你唔侵我玩㗎，因為我有--完全冇...

答：有名單，嘎。

問：係囉，冇經驗畀你睇到，係咪呀？

答：唔，唔。

問：Okay，咁呢個名單裏面，你有--記唔記得係大概幾多間公司呀？

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答：即時我講唔到出嚟。

問：多過十間有冇呀？

答：應該唔止十間嘅。

問：唔止十間，okay，二十間大概？

答：我估我--可能我 check 清楚好啲。

問：Okay，起碼--你起碼多過十間喇？

答：唔，唔。

問：而家就有四間有問題，你知道喇，仲要調查，當然喇，未必--可能佢解釋到嘅，係咪？

答：唔。

問：咁其他啲啲呢？你係咪肯定係有問題呢？

答：如果從我哋投標嘅角度，除非我哋證明到呢間公司係有咩嘢問題，如果唔係，佢係符合既定嘅程序，如果入到我哋剛才所講個名單，佢係完全係有啲資格去投標。

問：即係所有啲名單上嘅公司都有資格嘅？

答：唔，唔。

問：但係你就唔能夠知道除咗呢四間之外，仲有冇人可能係做壞事。

主席：咁你查咗啲啲水辦冇事嘅，就有嚟喇，...

問：係，係咪呢？

主席：...係咪呀？

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問：係咪？即係其他係好--但係佢又要--佢未必有工程做喎，佢未必逼到個喎。

主席：咁你去到現在所知嘅情況，理應啲公屋佢哋--張主席都講咗，已經一路不斷咁樣樣喺度查水辦，咁啲啲都有事，咁你--咁咪就係有事囉。咁你點樣樣可以話都仲要查啲啲起嘅承建商呢咁樣樣？

問：我覺得就即係咁樣，我哋係睇--譬如刑事角度睇，如果嗰間公司有錯過嘅，咁你有理由唔畀佢投標㗎，即係佢個名一定喺嗰個投標嗰個--你嗰個表格裏面嘅。

答：係，我...

問：咁到--嘎。

答：我--房委會過去，就當然呢次--呢啲咁重大嘅事故唔多，但係過去因為如果喺啲工程嘅建造執行過程裏面，如果承建商真係違反咗工程合約裏面一啲嘅要求，包括一啲規格上嘅要求，咁投標小組委員會佢都有啲既定嘅程序去考慮，對呢啲承建商作啲咩嘢嘅規管，或者坊間所講所謂懲處，咁係有啲嘅--係需要作啲跟進嘅。甚至有啲時候，會將佢從一啲名單裏面去剔除嘅，都會有咁樣嘅做法。

問：如果喺呢件事查到尾，聽晒佢哋解釋，你覺得啲解釋係唔能夠接受嘅，某一個承建商，咁佢個刑--你哋畀佢嗰方面畀佢嘅懲罰會係咩嘢呢？

答：其實正正就今次食水含鉛嗰個事件，房委會嘅招標小組委員會係仲係跟進緊，嗰四個涉事嘅承建商，究辦要作啲咩嘢--需唔需要再作進一步嘅措施，因為較早前呢四個承建商已經係可以咁講，即係作出一個初步嘅處理，咁就係話喺今年嘅3月到9月嘅，呢七個裏面嘅工程，都係完全排除呢四個承建商嘅。

問：咁即係跟住可以得個囉喎？

答：而家投標小組委員會仲係考慮緊，有冇再進一步嘅措施，未有決定。

問：你哋個投標係用咩嘢標準㗎？係咪多數都係個標準低嗰個就得嘅呢？

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答：都唔係嘅，有所謂兩個 envelope，即係兩個封套嘅制度，一個係睇技術，一個係睇財政。技術嗰度都會考慮埋呢個投標者佢過去個往績，有冇一啲令人關注嘅地方。

問：用幾多個百分比嘅呢，呢一方面？

答：我即時可能要睇番啲資料，如果冇--呢個我可能要睇睇事後再確定，但係我即時記得應該係四、六咁上下。

問：咩嘢係四？

答：係技術嘅可能四。

問：六呢？

答：財政係六。

問：財政係六？

答：嘎。

問：Okay，咁...

答：但係呢個我要事後再確定一下。

問：即係技術嗰方面就要計埋即係有冇出錯啲啲咁嘅嘢，計埋佢嘞，係咪呀？係咪呀？

答：如果呢個投標者，佢過去有啲往績係令人關注，我相信應該定係個技術嘅角度嚟講，係要考慮在內嘅。

問：Okay，我再去番第十四段，你講到係 lack of awareness，你就話認知不足嗰度，你係咁講嘅，就係嗰個建築個行業同埋房署係咁嘅，係咪？你睇睇自己嗰度。

答：係，係，係，我有提到房署嘅。

問：即係房署係排第二嘅，建築個行業係排第一嘅？

答：唔。

問：先後，我而家講先後先。

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答：係，係，係。

問：呢個好明顯係故意咁嘅，係咪？

答：因為點解呢？就所謂咁樣編排，就因為呢個係個房委會檢討委員會，即係佢就係咁樣去表述出嚟。

問：佢係咁表述出嚟。

答：我就係咁樣，嘎。

問：Okay，即係好嘞，咁問題就咁嘅，你如果講到個行業，我頭先聽你咁樣解釋，你即係好多間公司喺度，起碼超過十間，而家暫時係睇到四間，係咁咩？咁唔可以就成個行業嘍，係咪呀？唔能夠代表成個行業嘍？

答：喺呢個--因為我呢度都係採納咗呢個檢討委員會嘅觀點，咁我知道檢討委員會喺佢個檢討呢件事嘅過程裏面，佢除咗見嗰四個承辦商，亦都有見唔同嘅學會，包括一啲即係建造業界嘅學會，包括埋--如果我有記錯，佢因為我見到呢個水務方面嘅一啲學會嘅。

問：即係見完之後，就覺得即係全個行業都係認知不足，係咪咁？

答：佢有咁樣--如果係建築委員會佢嘅所謂中期報告裏面嘅結論係咁，就係咁樣，嘎。

問：但係跟住因為佢咁--佢起碼佢咁寫，先就講個行業，跟住就講埋房署，okay，咁即係房署都係呢個認知不足？

答：唔。

問：好嘞，咁問題就咁，你覺得邊一方面個責任係大啲呢？呢個現狀出現--出咗嚟，係咪？大家都認知不足，你覺得有冇唔同嘅呢？

答：我覺得...

問：定係同--大家都打三十板呢？

答：我覺得好難係好簡單地去咁樣樣去量化，當然要睇具體每件事每一個情況，究竟嗰件事裏面唔同嘅涉及者，咁究竟佢個責任喺邊度。房署嗰度，我哋--即係「我哋」意思，即係嗰個檢討委員會，或者我自己都認同佢，就係話儘管過去佢係有依足有關嘅法定同埋規管機構嘅規

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定，但係呢件事都係發生咗，從呢件事發生咗，睇番轉頭，咁必然係過去唔認知到呢個焊料含鉛，即係喉管裏面嘅焊料含鉛係一個咁樣嘅風險。

問：我或者用--從另外一個角度問你，而家房委會同埋房署就想起一個公屋咁至算，起一座公屋就畀香港市民住嘅，你就等佢哋投標，咁就有個承辦商投到中嘞，咁就佢承辦佢起，佢起完之後，你就收樓，跟住就租畀市民用，係咁嘅情況吖嘛？

答：係，係。

問：好嘞，咁你諗一諗，當呢個樓宇起完，交咗貨之後，咁個承建商最大嘅--最緊要就係收足錢，佢收錢，做完就收錢，係咪呀？

答：但係佢都要符合晒所有嘅《建築物條例》、其他方面嘅要求。

問：係喇，好嘞，你哋嗰方面個責任好大個嘞，你因為收咗樓，你個責任就開始，又可以話，因為人要入去住。你唔想嗰啲居民唔得安全，或者健康有問題，係咪？

答：係。

問：所以你個責任就係收完樓之後，要樣樣嘢都掂嘅，咁就變咗起樓都應該要掂囉嘞，...

答：唔，唔，唔。

問：...係咪呀？用水喉都應該要掂，合規則囉嘞，係咪？

答：唔。

問：咁係咪變咗係你係--我當你屋主，你梗係好緊張自己間屋，係咪呀？

答：係。

問：譬如我起間屋，我都好緊張自己間屋，咁你唔係淨係你一間屋，而家係市民嘅屋，咁係咪你嘅責任係咪大啲呢？唔係你個人，即係要--...

答：其實呢個畀我...

問：...你要好肯定嗰個個行業個遊戲規則，係要跟你嘅遊戲規則，係咪

呢？你唔係，點樣防止出錯呢？梗係你定啲遊戲規則，然後佢跟住你啲規則就入紙投標，同唔同意呀？

答：應該咁講，就係--當然，就嗰個合約係房委會定畀啲承建商，房委會亦都係會按照番法例有啲咩嘢要求，各方面嘅要求，規管機構有啲咩嘢要求，行業裏面有啲咩嘢所謂 good practice、best practice 咁寫落去嘅，所以點解我哋最後覺得有啲行業性嘅所謂認知不足，就係基於咁樣樣。但係如果你睇番嗰個流程，房委會都係等如一個發展商，我哋係搵承建商去起樓，所以就某個程度，房委會，如果你從呢個發展商，將個工程交界嗰個承建商，佢做完之後，符合晒啲要求，建築事務監督睇--即係如果以私人嘅機構嚟講，佢發出嗰個人伙紙，或者係水務監督，佢肯發出嗰個水紙，喺私人嘅部門，一般嚟講，覺得呢個就已經係妥善，所以而家發生嘅事情，即係有少少都似一個私人嘅發展商咁樣，我哋都係受害者嚟嘅，即係話點解會出現咁嘅事呢咁，即係我哋都研究究竟發生咩嘢事呢咁。當然而家事後睇番轉頭，就過去認知上係唔足夠，所以先需要做咁多嘅措施。

問：而家問題就係大家都認--你而家兩方面認知唔夠吖嘛？

答：唔，唔。

問：咁我而家就--當然你可以唔同意我個睇法嘅，我就話畀你聽，呢個遊戲嘅規則係你哋定，譬如我而家嚟玩呢個遊戲，咁你踢足球，你話唔畀用手，除咗龍門，咁我咪唔用手囉，但係如果執法嘅時候，嗰個人用手又冇事，冇黃牌個嗰，咁我又用--我又出手個囉嗰；你攞衫冇事，我又攞衫個囉嗰，你明我意思嘛？

答：係，係。

問：即係執法嗰度，遊戲規則一回事，跟住執法又另外一回事。

答：但係過去--即係既然我都多番講，過去即係行業裏面，亦都係冇意識到即係焊料含鉛呢樣嘢，因為大家都係以為就係呢個係一個合乎規範嘅嘢已經，唔覺得呢個係一個高風險嘅，所以即係如果以前唔意識到呢樣嘢嘅時候，房委會喺個合約裏面--亦都當然你可以話你合約裏面作啲咩嘢要求，所謂遊戲規則，都係基於房委會你判出去嘅時候，你有啲乜嘢嘅認為重要嘅嘢，要擺喺個合約裏面嘅，如果過去唔覺得呢個係一個高風險嘅，可能個處理方法會唔同。但係合約係有寫明，因為按嗰個法律嘅規定，喉管嘅接駁個焊料唔可以係含鉛，呢個都係呢個標準裏面即係所規定，所以呢個喺合約裏面係反映出嚟。

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問：就係咁嘅，即係話你定遊戲規則，你有呢啲規管--含鉛呢一方面嘅規管，嗰個參加呢個遊戲嘅人，佢冇理由佢自己畀啲--即係冇理由畀啲咁嘅嚟限自己個喎，咁你就話合約有，但係你執行嗰度冇理到，出事咁嘛，你明我意思嘛？

答：我估所謂執行裏面就係啱，即係話我哋喺收樓嘅時候，好似檢討委員會報告裏面所講番以往嘅情況，都係有提到過去喺即係話接收呢個水務嘅設施嘅時候，的確係有再進一步去測試下究竟個喉管有冇--個接駁嘅焊料有冇鉛，呢個的確係有--佢係有做嘅。

問：即係話因為你以往有，變咗你都有 check 過，咁嗰個承建商佢又唔知，你而家即係佢又唔知，你又唔知，係咪？係咪咁嘅意思呀？

答：承建商係咪可以話完全唔知，呢個我要留待將來房委會同承建商就合約方面嘅跟進。

問：好嘞，佢可能知，可能唔知，你哋就唔知，啱唔啱呀？

答：我哋係--當然，如果從嗰個承建商佢要--因為佢合約係規定佢要遵守晒所有相關嘅規定，亦都相關規定係包括焊料喺水管裏面嘅焊料係唔可以係有鉛，呢個都係規定咗。

問：而家再簡單啲，即係喺呢個出事--因為鉛，出事嘅鉛，係直至到最近你哋係唔知，係咪？

答：鉛--即係喺水管裏面嘅接駁焊料係竟然係出現一啲有鉛嘅成分，呢個係確係唔知道嘅。

問：承建商方面，你就話可能係知，佢可能知，可能唔知，咁我哋同意嘅，但係如果佢知嘅話，佢又收足錢，平咗喎，用啲材料平咗喎，咁就變咗呢個工程佢賺多咗囉喎，係咪呀？佢冇事喎，...

答：如果佢...

問：...因為你哋都唔查嘅。

答：如果佢係違反咗合約嘅要求，當然房委會係有追究嘅權利。

問：但係你唔知咁嘛。

答：呢個要睇番具體個情況，正如我剛才所講，我哋要喺往後跟進裏面再去弄清楚。

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問：又有查咩嘛，直至到最近為止冇查喎其實。

答：合約裏面係有要求嘅嘢，承建商係需要符合合約，係要交貨嘅。

問：但係你哋自己呢，你哋自己有冇試下啲水有冇問題吖？

主席：我諗我哋喺呢個問題上都兜兜轉轉咗好耐。

李先生：呢個係一個重要嘅問題嚟。

主席：我知係一個重要嘅問題，不過佢亦都畀咗答案，某程度上，咁你問多十次，佢都係畀呢個答案，佢唔會第十一次會有一個唔同嘅答案。

李先生：或者我--食晏前我--呢一點我問完佢喇。

主席：好。

李先生：完結喇。

問：我而家即係話畀你聽，就咁樣嘅，張生，你諗一諗，貓捉老鼠，我用呢個比喻，如果隻貓係見嚟老鼠都撲埋去嘅，啲老鼠就會走去第二間屋，呢個邏輯啱唔啱呀？

答：呢個係一個阻嚇性嘅邏輯。

問：如果隻貓成日喺度趴咗喺度，食跑就馴嘅，啲老鼠喺旁邊行過都有事嘅，咁啲老鼠話玩得開心啲囉。

主席：即係你講緊我哋...

問：邏輯上。

主席：...High Court 門口泊晒啲車喺度咁咋嘛。

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李先生：我而家聽到，我下晝都泊。

問：就係咁囉，係咪呀，張生？

答：唔，唔，唔。但係喺呢個--當然，你個個即係暗示係咪等如房委會係好似食飽咗嘅貓，乜都唔郁，但係實際上都唔係，係有各方面嘅規管，不過如果由呢件事發生之後睇番轉頭，呢啲嘅行動係可以再加強嘅，因為而家發覺以前認為低風險嘅嘢，而家係一個高風險嘅嘢。

問：即係你可以話執法者，執法者佢點樣做，真係執法定係唔執法，其實就決定咗其他人點樣回應，泊車冇人拉走嘅，咁話埋畀個朋友聽「唔使泊咁遠，呢度又唔使錢」，就係咁㗎嘞，人之常情。而我相信主席講啲啲人，即係啲啲揸車泊車啲啲人，個個都德高望重嘅人，就係咁㗎嘞。即係你執法唔嚴，啲啲人就唔緊要，咪做囉，所以--同唔同意呀，人之常情？

主席：同意。

答：呢個我--即係作為一個原則一定係嘅，呢個一定係嘅。

問：所以我而家其實就想好簡單啫，即係當你睇到究竟坐喺邊度，咁你話有 lack of awareness 嗰度，其實個責任肯定就喺房委會、房署呢方面，係大過啲啲承建商，因為你唔執咗嘛，佢覺得你唔去執法，唔去去根據合約嚟捉佢哋，因為你唔知，咁佢諗住你繼續都唔知，咁佢點解唔平啲啫？做一個--你咁樣可以平啲，可以貴啲，梗係平啲喇，唔係對--即係對祖宗都對--唔得，拜山都唔掂喇。

殷先生：主席，李資深大律師似乎唔係好公平，即係你個--佢個--用個比喻就係佢話因為你畀人打劫咗就係你唔啱，因為你鎖唔好度門。

主席：其實呢個都唔需要回答嘅，不如留番你陳詞嘅時候講囉呢啲。

李先生：張炳良先生係完全可以答呢啲題目嘅。

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主席：唔係，我知道完全可以答，但係個問題就係如果係同我哋今次嘅研訊係冇乜直接嘅關係，咁——當然你私下底兩個人係點樣傾討係你哋嘅事，係咪先？

李先生：我哋冇呢個機會，主席。

主席：咁我就覺得就好似唔係好合適。

李先生：或者我...

主席：而家亦都係午膳時間，係咪？咁不如我哋午膳之後返嚟，你探討另一個議題。

李先生：唔。

殷先生：主席，我哋未中午休息嘅時候，我想處理一件事，就係關於 Ada Fung，馮女士嘅琴日——前兩日交咗嗰個證人嘅證供嘅，我理解就係嗰個 exhibit 嗰啲文件嗰度，有三個證物係關於一啲表格嘅，係水務署嘅表格，佢應該擺落去個表格係當時經工程——做工程嗰陣時嗰個表格，但係好唔好彩，因為時間緊迫個關係，佢哋係用咗今時今日嗰啲表格，咁我哋係想修正番呢方面嘅。

主席：好呀，好呀，我唔覺得係一個問題。

石先生：46、132 同 105。

主席：係呀。咁我哋晏晝 2 點 30 分再繼續，唔該晒。

下午 12 時 59 分聆訊押後

下午 2 時 32 分恢復聆訊

出席人士如前。

李先生：主席。

主席：係。

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李先生：我仲有一樣嘢問。

主席：好呀。

香港房屋委員會第一證人：張炳良教授（運輸及房屋局局長）宣誓繼續作供

李先生繼續盤問

問：一個本子，不過未問之前，我想你澄清一件事，你未做局長之前係咪教育學院嘅校長？

答：係。

問：又係教授？

答：教授。

問：又有博士學位？

答：係。

石先生：Fawell 冇。

問：呢個本子就係政府嘅嘢，但係你有冇參與？即係你知道。

答：我自己直接冇參與。

問：但係你知道？

答：我知道，我有睇過。

問：我想你睇一睇第六版，首先第五版就係「鉛從何而來」，咁跟住就第五版最收靚嗰段，「銅管只含低於 0.1% 嘅雜質，就包括鉛，此外，本港於八十年代起禁用含鉛焊接物料接駁樓宇內嘅供水銅管，然而，由低含鉛量嘅鉛合金製造嘅裝置，包括閥門、水龍頭和其他裝置，仍然符合英國或其他認可標準嘅規格，並於世界各地包括香港的樓宇內

部供水系統中廣泛使用。」咁呢一點你係確認？

答：係。

問：係事實嚟？

答：事實嚟。因為喺嗰個法例嘅附表裏面，就不同嘅所謂部件係有相應嘅英國標準列明嚟度。

問：咁跟住就「食水為何含鉛？」係「因此，大廈或個別住所的一些喉管和裝置可能含有少量鉛，特別是由銅合金製造的裝置，例如閘門同埋水龍頭。微量嘅鉛有機會因腐蝕而釋出，並溶入食水中。」咁就「根據外國經驗，食水含過量鉛嘅情況，通常源於錯誤或違法使用不合規格嘅喉管同埋裝置。」你又確認咗嘛呢段，呢段都係同意？

答：係。

問：咁即係咁樣睇，如果係驗到某一個用戶係驗到嗰啲食水原來係有鉛，咁唔係淨係一定係嗰個接駁嗰度嘅銅合金嘅裝置嘅問題，唔係一定嘍，水龍頭都可能有事，係咪？

答：或者我咁樣去說明一下。首先，就水務署佢嗰個中央供水系統就去到每一個建築物嘅所謂屋界，好嘞，建築物裏面呢就由發展商...

問：呢個屋界嘅，停一停，你先揭去第二、第三版。

答：係。

問：你嘅屋界係唔係即係藍同黃中間嗰度？

答：係，係，即係呢度。

問：係嘞。

答：咁喺嗰個物業裏面，嗰個係叫做所謂內部供水系統，inside service，咁呢個內部供水系統大體上嚟講都係個發展商，或者呢個具體公屋嘅情況就係房委會，咁就負責呢個有關嘅內部供水系統。好嘞，入到去嗰個住戶裏面，如果喺房委會嚟講，因為喺嗰個單位內部，即係主要嘅譬如廚房、浴室喉管都係起屋嘅時候提供埋，咁所以嗰啲我哋係要符合我哋畀承建商嗰啲合約嘅要求，啲規格。如果嗰啲一切都係冇問題嘅話，當然仲有一個風險，如果啲住戶佢換咗啲部件，佢自己私自去換咗，而佢用嘅部件唔恰當，嗰度都仲有風險。而家我哋

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所講嗰啲就係由房委會所提供嘅嗰個供水系統所涉及嘅部分。

問：咁樣而家睇番二同三之間嗰個圖，即係入到用戶嗰度就即係粉紅色，係咪？

答：係。

問：咁嗰度嘅水龍頭你嘅意思即係你係好肯定，即係如果你房委會度或者係搵人，嗰啲承建商起樓宇嘅時候，係安裝嘅水龍頭就一定冇事，係換咗至冇事呀？

答：我哋要--喺嗰個承建商佢負責建造個建築物，包括埋嗰個水務嘅設施嘅裝置，佢一定要符合嗰個有關嘅不同部件，包括埋嗰個喉管嘅接駁嘅焊料，要符合相關嘅英國標準，咁所以有啲部件佢可能嗰個叫做--我即時睇唔到個中文嘅名詞，即係個 alloy 佢裏面可能都可以有少少鉛，但係就唔能夠超過個英國標準可以容許嘅上限。

問：咁即係...

答：咁呢度就喺房委會供水嗰個系統裏面嘅部分，但係假如入咗屋之後，本來啲物件冇問題，如果嗰個住戶先自己去換咗啲喉管或者換咗個水龍頭，咁嗰度新增風險就唔係房委會佢起屋嘅時候可以顧及。

問：咁但係我--不如你睇番呢個圖第二、第三版嗰度，黃色嗰度你就睇到啲水喉直落嚟，跟住又打橫行咁樣，跟住又落番直向下咁樣樣，咁每一度個駁口就係我哋而家講緊嗰啲，係咪？

答：佢駁口可以用好多種，有啲甚至一個單位裏面佢個喉管都可以有啲駁位，呢度幅圖嗰啲就比較啲，因為呢個係一個好簡單嘅圖。

問：我哋睇呢個圖先，係嘞。

答：係，係。

問：咁你而家黃色嗰度咁就逢係轉彎嗰度你要駁，係咪？

答：係。

問：咁嗰度就可能出事喇，係咪？

答：咁樣好視乎佢個接駁位喺具體嘅情況底下，究竟佢係用一個機械嘅接駁位抑或用焊料。

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問：機械接駁位就有事？

答：係，因為佢唔需要焊料。

問：如果要焊料嗰啲轉彎嗰啲位，就可能喺度出事，啱唔啱呀？

答：係，係。

問：但係呢啲咁嘅水喉係咪喺屋牆外，或者--係咪啱？即係可以直情接觸到或者好容易接觸到？

答：呢個我咁--我唔敢答，因為可能唔同建築物或者會有唔同。

問：會唔會喺牆內，即係鑿爛佢至去到？

答：我相信呢個要可能等我哋負責嘅同事一陣即係再詳細作供嘅時候先講一講。

問：Okay。好嘞，咁黃色嗰啲我哋就講咗嘞。好嘞，黃色嗰啲唔係講--我而家講中間嗰個，黃色中間嗰個，跟住就入去粉紅色嗰度，睇到嘛？

答：係。

問：即係近中間嗰個位，同底下兩條都係有三條嘅，三條都向右咁樣去，向粉紅色嗰面，係咪？

答：係。

問：佢嗰度每度呢都又有一個駁口嘅接口，係唔係？

答：其實實際嚟講，佢唔一定係一個駁口咁少，只不過呢個圖案就簡化咗。

問：唔係，我就係睇個圖，睇個圖，okay？

答：嘎，嘎，就簡化。

問：呢個係咪就係閥門呀？係 valve 係咪就係呢啲位？

答：佢可能有唔同，呢啲好技術性嗰啲，我唔敢去作一個好權威性嘅講述，但係喺嗰個流通嘅過程裏面係會有閥門。

問：Okay。我想問一問粉紅色嗰度，佢兩個箭嘴嗰啲係代表咩嘢嘅其實？兩個箭嘴大家對住，粉紅色嗰度。

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答：我相信佢呢度係一個圖案性嘅顯示嚟，因為個喉管一定係咁樣接落去。

問：未必有個駁口？

答：只不過就--呢度三個即係一個圖解，即係話可能呢度牽涉到三個出水嘅位，可能每一個位代表一個單位都未定。

問：Okay。水錶會唔會有問題，因為要安咗個水錶落去，會唔會喺嗰度接駁嘅時候，會唔會有問題？

答：呢個我唔敢講。

問：Okay。咁你都而家唔可以肯定話就算冇，你可以講嗰啲冇換水龍頭嗰啲，水龍頭冇換嘅，原本裝落去嘅，嗰度都可能會有事，係咪？

答：你意思即係用戶冇換水龍頭？

問：係。

答：如果係水龍頭都係原本房委會起屋嘅時候已經有，咁我哋如果一切嗰個承建商係符合規格嘅話，符合合約規格，理論上...

問：就唔應該有事？

答：...呢啲規格就唔違反相關嘅英國標準。

問：咁如果佢係唔能夠用嗰啲合符標準嘅嘢就可能出事？

答：係。概念上可以咁講，不過就據我所了解，就水務署嗰個專家小組，即係個 Task Force，佢做關於啟晴邨同埋葵聯二期，佢攞咗啲部件嘅，有百幾個部件去化驗呀等等，佢哋睇到就係佢都有攞到呢個喉管焊料以外其他嘅部件去睇，咁佢哋睇到其他地方就算係有鉛嘅成分，不過佢認為嗰啲唔係嗰個主因。

問：即係唔排除有鉛，不過唔係主因？

答：佢哋--如果我有記錯，佢哋嗰個觀察或者結論，就係嗰啲佢釋出嚟嗰個鉛係好輕微，唔構成嗰個問題。

問：但係問題係咁，輕微，但係如果嗰個同一間屋同一條水喉，嗰條水喉--水龍頭嗰度就輕微，但係嗰啲接頭嗰度就嚴重啲，咁加埋就有問

題，一定大咗，因為嗰間屋就一定多過一個。

答：我唔知佢可唔可以咁數學化計，但係呢個我諗我相信可能留番水務署嗰方面去解釋。

李先生：Okay。我有嘢再問，唔該。

主席：唔該。

殷律師。

殷律師補問

問：張主席，我係有啲問題係想你澄清，關於你之前各位其他--代表其他嘅大律師嘅盤問嗰度，你作嘅證供。我首先可能問問呢一部嘢先，呢一部嘢其實係邊個印出嚟？

答：呢個係政府新聞處製作。

問：政府新聞處製作？

答：係，係。

問：頭先李柱銘資深大律師問過你有一連串嘅問題，唔知你記唔記得，喺食晏之前係講話房委會點樣去執行同埋監管嗰啲承建商，你記唔記得？

答：係，係。

問：我記得你都澄清過話其實執法呢一個詞彙用喺房委會嘅身上係唔正確，你記唔記得你講過？

答：係，係。因為我當時嘅回答，我都係嘗試去表達個意思就係話講執法，即係執行個法律，咁房委會喺水務問題當然就唔係執行機關，同埋房委會係即係喺我哋個政策或者程序上都係要遵守有關嘅法律，或者係規管機構嘅規管，即係水務監督，咁所以就唔係一個執法問題。當然，房委會自己本身喺合約上，如果對嗰個承建商有啲咩嘢要求，咁房委會佢喺確保有關要求被落實，咁呢度有個執行嘅過程。

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問：或者我咁樣講，睇下你同唔同意。你係咪因為你喺你個證人供詞入面都講過，就係房委會要澄清一點，就係一個係法定機構，係 Housing Ordinance 下面嘅一個法定機構，就嚴格嚟講唔係政府嘅一個部門，咁講啱唔啱？

答：唔係，雖然房委會嘅執行機構，即係房屋署，佢都係政府一個部門，所以呢兩個我較早前都解釋，即係當年嗰個設計本身嘅一啲特色。

問：但係房委會本身唔係一個政府嘅部門？

答：唔係。

問：亦都可以咁講，啱唔啱，房委會作為一個建造同埋供應公營房屋嘅法定機構，基本上同埋政府有關監管有關譬如水喉匠或者水務工程，我意思係即係啲水喉點駁法，合唔合例，執行呢啲規管嘅條例上，其實同政府呢一個功用，同埋房委會係冇關？

答：冇一個--可以咁講，冇一個直接關連，因為點解呢？房委會根據佢嘅目標、佢嘅政策，佢要興建公屋，咁佢搵呢個承辦商去做，咁承辦商佢要做嘅時候，就正如私樓嘅承辦商佢所面對嘅情況係一樣，咁佢就要遵守晒相關嘅法例，同埋呢個譬如水務監督對呢個水務設施裝置方面嘅要求，佢亦都需要係委聘呢個水務嘅持牌水喉匠去負責有關工程，咁呢個就係任何嘅承建商都係要遵守同一套嘅規定。

問：即係換而言之，頭先你講話所謂執法就一定唔啱，話房委會執法，就算你頭先個供詞入面，你講到話監管，其實你所講嘅係你作為一種類似發展商嘅定位咁樣樣，你其實...

答：係，係，係可以咁講。

問：...講緊就純粹係你同埋承建商之間，即係同個大判之間嘅履行合約條款上嘅--要佢遵守咁解，係咪？

答：係，啱。

問：我亦都聽到你之前個證供入面，曾經講過話喺某程度上或者好大程度上，房委都係倚賴喺呢個水務監督嗰度，你記唔記得你咁樣講？

答：喺嗰個建造工程裏面，房委會喺《水務設施條例》同埋屬於相關嘅《水務設施規例》底下，房委會係冇括免，即係話房委會所有工程都受管於呢啲相關法例。

問：我可唔可以打一個比喻容許我，其實房委會嘅定位有多少似係即係譬如我係做一個食肆生意，我開間酒樓嘅，我作為供應食品畀我嘅客人，咁我梗係責無旁貸要好緊張我啲食材唔會食壞人。咁所以喺嗰個程度上，某程度上我去我嘅供應商嗰度買食材返嚟，我都去睇下嗰啲材料有冇問題，合唔合符規格，譬如會唔會話過咗期呀咁樣，我都睇，但係咁唔代表你係做咗一個食物安全監察嘅角色，啱唔啱？

答：啱。如果從嗰個法律嘅規定，肯定就房委會同其他嘅發展商係有分別，都係受制於同一套嘅水務設施嘅規例所限。咁房委會喺政策上，好似我供詞都講到，我哋一定要確保係遵從所有嘅法定嘅要求，同埋相關嘅規管機構嘅規定。相關嘅機構呢個包括埋水務監督，佢可能透過通函、其他方式去提出嚟嘅要求，咁呢度房委會同其他發展商係有分別嘅。但係房委會喺我哋自己屋邨嘅範圍裏面，我亦都希望啲住戶佢覺得安全、開心，咁所以有啲時候有啲嘢未必係法例規定，我哋都做嘅。我舉個例，而家嗰啲大型嘅屋邨，我哋喺自己內部嘅政策就要求一定要有百分之三十嘅公共空間，咁呢啲唔係法律規定嘅，我哋自己做，或者我哋自己要求就係每十幾戶就要種一棵樹，咁同樣都係自己嘅政策嚟。

問：即係好似用番我個例子，我間酒樓咁，法定嘅最低標準就係唔好過期食品，唔好食壞人，唔好有毒，但係有人叫你畀有機食材畀人啲，但係可能你係一個高級食肆，我話「我要冚嚟啲有機嘅，冚嚟啲新鮮食材。」咁樣，即係有做多、冇做少，啱唔啱？

答：可以咁講。

問：但係你喺嗰個定位嗰度，你基本上係作為一個買物料返嚟供應畀你最終嘅消費者，所以你就有一個責無旁貸嘅位置，就係去自己監管嗰個我哋英文話 quality control，睇下嗰個質量合唔合符、達唔達到你嘅要求？

答：可以咁講，因為我哋就判畀嗰個承建商去起，咁我哋最終要所謂驗收嗰個建築物，咁嘅時候，第一佢要確保佢要擺到建築事務監督嘅認可，有關嘅《建築物條例》嘅要求佢做到，佢亦都要擺到呢個水務監督嘅水紙，呢啲全部係法定嘅嘢。咁從房委會嚟講，因為我哋喺合約裏面可能仲有好多其他嘅要求對個承建商，咁嘅時候我哋咪要喺個品質嘅要求方面要確保係我哋嗰個承建商係符合呢個合約裏面嘅要求。

問：我明白，但係因為我都聽到你之前嘅供詞入面你有講過，我記得你講嗰陣時你就話因為你自己係讀公共行政學，所以好多嘢要睇嗰個 balance of probabilities，即係我嘅理解就係睇下成本效益，

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因為唔係樣樣嘢都去監督，係咪？

答：你講得對，我所用嗰個 balance of probabilities，即係包括埋嗰個風險嘅機率等等，的確就起碼我自己作為一個研究公共行政嘅學者嘅背景，我哋嘅訓練就係任何嘢如果係用到--時不時都要法律，其實法律嗰個--因為喺整個法律嘅實施嘅機制，你要執法嘅人手等等，其實係成本高，咁所以喺世界各地喺考慮係唔係立法，其實都要考慮好多相關嘅因素。

問：但係我想進而問一句，就係即係如果用番我嘅例子咁樣，你如果開一間餐廳，你當然想確保呢度啲食材係冇害、有益，唔會食壞你啲客人，因為食壞咗客人，你商譽都唔好，係咪？

答：唔，唔。

問：咁但係當然如果喺咁嘅情況之下，好能夠理解嘅就係如果有一個即係食物安全中心話「呢類食物成日會有污染個嘢。」咁你會睇緊啲喇，係咪咁講呀？

答：冇錯。

問：即係你之前講話風險評估就係睇下你決定邊啲嘢睇緊啲、睇鬆啲，就係要睇嗰樣嘢係唔係容易會出事嘅，據當時嘅知悉同埋了解，係咪咁嘅意思？

答：一般而言，可以咁講。

問：咁我想問你，就係其實如果有人話你應該因為你有個--房委有個法律責任去畀啲高質素嘅住屋畀市民，所--你亦都頭先同意我咁講話，所以你喺呢個過程中，你都覺得你自己有責任去確保嗰啲屋宇嘅質量係符合你嘅要求嘅。

答：唔。

問：咁可唔可以就行第三步，就話你要主動去--即係係唔係都要搵啲嘢嚟驗，即係睇下有冇任何存在嘅風險，每一樣嘢都主動去發現有冇存在風險，而每一樣嘢都去驗一驗，即係你覺得呢樣嘢係咪可行嘅呢，咁做？

答：其實呢度就牽涉到正話我喺上午作供嘅時候所講嗰個風險為本，即係點樣去操作呢個風險為本嘅原則，即係話我哋每做一件事，基於我哋

任何機構，其實個資源都係有限嘅，咁喺任何時刻點樣運用個資源能夠係針對啲最逼切嘅問題，或者係風險相對比較高嘅呢，咁如果真係遇到要定個優次嘅時候，就要作個評估，係，咁所以就如果認為係風險高嘅，咁應該一定係喺優次嘅考慮裏面擺喺首位，擺喺先前嘅位置。

問：我有一樣嘢想問你嘅，就係因為李柱銘資深大律師喺午間之前問過你，我如果冇講錯，以表述佢嘅意見，就係話其實如果作為一個建築項目嘅僱主，你唔去抽查或者你唔去驗得緊啲啲嘢，你即係鼓勵啲承建商去做手腳嘅啫。

答：唔，唔。

問：即係換言之，佢暗示就係話你去倚賴啲承建商，即係啲判頭或者啲二判、三判自律--業界自律，係唔合理嘅，你同唔同意李柱銘資深大律師咁樣睇法呢？

答：佢喺午間之前嘅問題係有咁樣嘅質疑，但係實際上就點--即係我哋當然喺個--譬如房委會個檢討委員會裏面都有提到，喺我嘅供詞都有提到，就係過去的確係冇就嗰個喉管接焊嘅焊料方面去測試有冇含鉛，但係呢個唔等如話房委會或者房署嘅人員冇對個工程各方面係做呢個監察同埋測試嘅，咁點解冇去針對個喉管嘅接駁焊料嗰度做測試呢，即係而家喺目前睇番轉頭，就係當時無論係房屋署又好，或者個業界整體對焊料含鉛嗰個風險並有一個--即係唔係有一個認為係高風險嘅問題，當時一般嘅認為呢啲焊料都係已經合規範喇，因為個法例係好清楚嘅，即係嗰個嘅要求係屬於一啲無鉛級別嘅焊料。

問：我想問一問你關於我記得石資深大律師問過你，其他人都應該有問過你類似嘅問題，就係話你哋喺決定改用呢個銅喉之前，因為我哋知道房委會啲啲公共房屋喺最初係用一啲鍍鋅嘅鋼喉管嘅，咁後期就轉用咗啲有膠喉入面鋼喉管，咁最後先至用銅喉嘅，係咪呀？我正唔正確？

答：係，冇錯，係。

問：咁而其實喺呢一方面，房委會係滯後過私人發展商嘅，因為私人發展商用銅喉其實都用咗好--一段好長嘅時間，如果我有解--理解錯，八十年代已經用？

答：具體私人發展商喺咩嘢時候開始用，我都要了解，睇番啲資料，但係我的確我印象都係話，喺房委會普遍喺公屋裏面用銅喉，呢一個係唔係最早--唔係房委會最早嘅，業界係早啲添嘅。

問：因為我點解要問呢一個問題呢，就係有一啲之對--之前針對性嘅問題就話係唔係你使用銅喉之前，你應該做一個風險評估，言下之意，就話焊料會有鉛呢樣嘢，你應該喺嗰個風險評估嘅過程中發現到，我嘅理解係咁樣樣，而你嘅答覆就話因為你哋見到銅喉喺業界都使用咗一段時間，一路都有特別嘅風險，所以就有意識到呢個危機，係唔係咁樣？

答：我喺供詞裏面就講，就係一直以嚟，業界普遍有覺得呢個銅管接駁焊料出咗問題，一直都認為嗰個接駁嘅焊料係合乎規範嘅，咁由於有認為係一個高風險項目，咁所以變咗到嗰個建築物完成之後，或者嗰個水務設施安裝完成之後嘅測試亦都有包括係去測嗰個喉管裏面嘅接焊位。

問：即係我想即係你澄清一點，就係即係如果人哋話你點解未行嗰條--你未轉行呢條新嘅路線之前，即係用銅--改用銅喉之前，你唔去查下有冇--試下有冇陷阱嘅呢，嗰條新嘅路，你嘅答案就好簡單，「就因為我唔係第一個行咁嘛，我跟住人哋行咁嘛」，係咪咁嘅意思？

答：都可以咁講，但係具體當時決定係用銅--用呢個銅管，有冇其他嘅考慮呢，好似我尋日回答一啲大律師嘅問題嘅時候，我都話呢啲細節可能係需要馮宜萱女士可能再--可能佢會清楚啲，係，咁但係個客觀情況，我所掌握都係房委會唔係即係率先去用呢個銅管嘅。

問：或者我總結咁講，你睇下同唔同意，你嘅證供基本上就係話其實係喺嗰個所謂監管機制下面係有幾個唔同嘅層面嘅，一個就係承建商自己要做番好自己根據合約條款履行嘅責任。

答：係。

問：另外一個就係房委會作為一個用家，亦都係作為供應嗰啲房屋畀市民居住嘅，你係做一個質量嘅檢測嘅把關嘅。

答：係。

問：但係正正式式嘅所謂規管或者執法有關食水安全嘅規範嘅政府部門，嗰個係同你哋房委會個角色係無關嘅。

答：啱，如果係從法律上或者政府職能嗰個角度去睇，水--食水安全嘅規管部門就唔係房--即係運輸及房屋局，亦都唔係房委會，但係房委會只不過話佢都係一個大業主，咁佢係一個發展商，咁因此佢自覺地係希望盡量係提供一個環--一個居住環境，就畀住戶係覺得即係安全、

開心咁樣。

殷先生：我有其他發問。

主席問

問：我想問一問，跟進番你殷大律師，咁頭先就講到一九--即係我都係睇番本小冊子第 5 頁嗰度，咁佢就呢度就講之前就係用鍍鋅嘅鋼管，95 年之前，咁跟住 95 年就禁用，咁跟住就後來就要又用一啲內搪層鍍鋅嘅鋼管或者係銅管，呢度咁寫㗎嘛？

答：係。

問：咁你就同意其實你哋以前房委會起嗰啲樓宇都係用呢啲咁樣樣嘅水喉--...

答：係，以前有用過呢啲嘅，係。

問：...水喉嘅質料，好喇，咁我就好想問一問，即係鍍鋅鋼管被禁用，當然你自己可能個人未必有認知，禁用就一定有原因㗎喇，係咪？

答：唔，唔。

問：咁你認為乜嘢原因係禁用呢？

答：我喺聽同事話畀我聽，就過去，即係未轉用銅管之前，就好多時就出現啲即係生鏽水，咁呢個都係對水質有影響嘅，咁當時都被視為一個比較嚴重嘅問題。

問：嚴重嘅問題，咁所以於是就要就喺嗰個鍍鋅鋼管裏面就要加一個我哋所講嘅 lining 喇。

答：唔。

問：咁個目的就係防止有啲--譬如啲鋼或者鐵係走出嚟。

答：係。

問：咁我就想問，其實換句話嚟講，由九十-- 95 年之前去到呢度咁寫，21 世紀，大大話話都二、三十年，都知道有重金屬係會由呢啲水喉

管裏面係釋出，作為一個普通人，你覺唔覺得奇怪，就係話無論係水務署又好，新屋入伙又好，都唔去測試下呢啲重金屬嘅存在？

答：唔，如果係--所以點解我喺尋日嘅書面供詞之後，我嘅口頭發言，我都係話當今年 7 月初嘅時候，當房屋署署長話畀我聽喺兩個空置嘅啟晴邨嘅單位嘅喉管驗到有燒焊物有鉛嘅時候，即係我都係覺得點解會係咁樣呢咁，係，因為一般嚟講，個認知，都係知道喉管係需要用--如果接焊嘅話，係需要用一啲無鉛嘅...

問：唔係，我哋唔好講鉛先，即係純粹講重金屬，可以係鐵，呢度譬如一個鍍鋅，即係有 zinc 喺度，咁我哋知道有好多種唔同嘅重金屬，即係作為一個普通--即係我哋唔係水務專家，即係你會唔會覺得有少少奇怪，幾十年裏面都知道喺呢啲水喉管裏面會釋出重金屬，但係就從來都唔係我哋驗水嘅其中一個參數？

答：唔。如果--我自己唔係呢方面任何嘅專家，咁我都係從呢件事發生之後比較接觸呢啲問題多啲，如果你問我呢，我就認為可能我哋一直都假設，就係因為《水務設施條例》裏面佢有規定不同嘅所謂部件係需要符合乜嘢嘅英國標準，咁如果係符合咗英國標準，有關嘅英國標準之後，應該就唔拆--唔會出現個安全問題。

問：咁又跟住下一個問題我哋又想問喇，如果係咁樣樣，咁所有--理論上所有啲水都經過我哋水務署就過濾過，filter 過，又加咗啲 chlorine 落去，咁理論上就所有啲 bacteria，啲細菌已經畀人殺死晒喇，但係呢個參數裏面，八個裏面有三個係測試呢一個係細菌，咁又--即係咁又唔係好合邏輯嘅，如果咁講，係咪呀？

答：唔，唔。

問：咁當然如果你唔係 in a position，如果你唔係喺嗰個位置答呢，你可以唔答嘅。

答：唔，唔。

問：你...

答：呢個問題可能係水務署會比較易答到畀你。

問：係喇，會比較合理啲。另外，我都係又係睇呢度呢本書仔，譬如第 6 頁最尾嗰段，就佢話如果你將個--喺濾水廠嗰度將個 pH 值加到去鹼性，就會減低呢一個含鉛部件腐蝕出嚟嘅。

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答：係，係，係。

問：八個參數裏面其中一個參數就係 pH 值。

答：係，係。

問：咁佢哋就希望維持喺呢一個六點幾到--我唔記得咗喇，九點幾之間，基本上就係鹼性喇。

答：係，係。

問：個目的就係要防止啲金屬喺呢一啲喉管裏面走出嚟，咁點解又唔直接啲去驗重金屬嘅存在呢？

答：唔，唔，...

問：即係你明我意思嘛？

答：我明你意思。

問：咁同埋--好喇，咁水務署就八個參數，可能佢幾十年--或者佢哋認為已經足夠，咁因為你哋房委會就話「我哋希望就係超越基本嘅法定要求嘅，可以做得更加好啲」，咁既然呢啲以前遺留都原來唔係一啲--即係有重金屬喺啲水喉裏面，無論啲居民睇落去、聞落去覺得唔係幾好，都已經發生過，咁點解唔喺後期試一試...

答：唔。

殷先生：主席，可能我可以幫到少少，就係因為...

主席：你唔需要幫我手，請坐，唔該，係囉，唔。

問：我想知道即係有冇一個答案啫，係。

答：主席，我只能夠講當時真係認知不足。

主席：唔，okay，好，我有跟進嘅問題喇。咁好多謝你今次嚟畀證供，

咁可以離開。

答：好，多謝。

主席：唔該晒，係。或者我哋 take 一個十分鐘嘅 break，然後就下一位證人喇，好唔好呀？我哋暫時休庭。

下午 3 時 19 分聆訊押後

下午 3 時 34 分恢復聆訊

出席人士如前。

殷先生：主席，喺馮女士未入嚟之前，我想搞一搞我哋要替換或者更改...

主席：哦，好呀，好呀。

殷先生：...關於佢嗰個證人口供嘅嘢先。

主席：好呀。

殷先生：就我中午之前講過，我哋有三個 exhibit 係要更替嘅，個理由就係佢原本--原意想做 exhibit--想做 exhibit 嗰啲係一啲表格嚟嘅，佢係諗住係工程進行當日適用嗰啲表格嘅，但係因為倉卒嘅關係，就錯誤咁擺咗一啲現今適用嘅表格入去，所以我哋而家係想更替番。

主席：好呀。

殷先生：咁我唔想大家搞錯，我就覺得最好我而家邊一個要一份嘅，就大家一齊做咗佢喇，嗰個更替。邊個未有嘅？另外喺嗰個書面供詞嘅第 3 頁，有一個 footnote 入面有一個改正嘅要，就係嗰個 footnote number 2, page 3 嗰度，第一行嗰度，佢講到 "The Job description of DD(DC) includes: to assist Permanent Secretary for Housing Planning and Lands", "Housing Planning and Lands" 嗰四個字要掙咗佢，應該係 "Transport and Housing" 先至啱，所以係 "Permanent Secretary for Transport and Housing (Housing)" 。

咁主席，我同馮女士攞過指示嘅，佢就都係認為佢係唔想將佢嘅證人供詞用中文讀出嚟嘅，咁我個問題就係我哋本來諗住係協助即係委員會同埋翻譯嘅方便，就做一份中文嘅 translation，但係因為張局長嘅證供完得太過快，我哋最早就聽朝先至畀到嗰個譯本嘅，咁所以如果我就咁今日讀，我有問題，我讀佢--即係根據委員會嘅指示，我讀佢嘅英文版本。

主席：好呀。

殷先生：但係如果我哋或者聽朝可以遞交一份--遞交，即係淨係協助式嘅，個翻譯就聽--譯本就聽朝攞番嚟。

主席：可以，好呀，好呀。

殷先生：咁馮女士入左嚟。

主席：可以開始，開...

殷先生：或者佢需唔需要宣誓先。

主席：係，宣誓，要，係。

香港房屋委員會第二證人：馮宜萱（房屋署副署長（發展及建築））以本地話宣誓作供

主席：請坐。

殷大律師。

殷先生：I will now read the witness statement of Ms Ada Fung.

WITNESS STATEMENT OF ADA FUNG YIN-SUEN, JP,

DEPUTY DIRECTOR OF HOUSING (DEVELOPMENT AND

CONSTRUCTION) OF THE HOUSING DEPARTMENT

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1. I am the Deputy Director of Housing and head the Development & Construction Division of the Housing Department, overseeing all facets of public housing development. My duties include overseeing project management, planning, design, procurement of construction services, contract management, as well as establishing operational policies and systems on all the aforementioned areas, plus counterparty list management and procurement, quality assurance, performance assessment, dispute resolution, research and development, occupational safety & health and environmental management for public housing developments in Hong Kong. I am a qualified Architect and joined the Housing Department in 1984. Details of my professional experience and involvement in the construction industry are set out in an appendix, now produced and shown to me marked "Exhibit 1".

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2. I understand that the Commission of Inquiry was informed, at the Preliminary Hearing on 20 October 2015, that I would provide a witness statement addressing the Requests set out in Lo & Lo Solicitors' letters dated 12 October 2015 and 13 October 2015. My statement and evidence is intended to supplement the witness statement of Anthony

CHEUNG Bing-leung, the Chairman of the Housing Authority, particularly with regard to matters of construction and technical details, project procedures, supervision of works etc.

3. Before addressing the Requests, I wish to address certain aspects of the Housing Authority's operations which I trust will assist the Commission. Indeed, some of these matters overlap with the Requests.

BACKGROUND OF THE DEVELOPMENT AND CONSTRUCTION DIVISION OF THE HOUSING DEPARTMENT

4. Headed by the Director of Housing, the Housing Department (HD) is the executive arm of the Housing Authority (HA). The Development and Construction Division (DCD) of the HD is responsible for the production of new public rental housing and subsidized sale flats. The work includes all aspects of project management and production work covering the initial site search and feasibility studies, community engagement, planning, design, procurement of construction services, contract management, commissioning for occupation, up to the expiry of the maintenance period and the settlement of final accounts. The DCD is also responsible for establishing operational policies and systems on all the aforementioned areas, plus counterparty list management and procurement, quality assurance, performance assessment, dispute resolution, research and development, occupational safety & health and environmental management for public housing development in Hong Kong. The DCD also has to perform Bureau functions (i.e. Government functions) such as planning and administering of housing-related infrastructure and supporting community facility projects under Capital Works Reserve Fund Head 711.

ORGANISATION OF THE DEVELOPMENT AND CONSTRUCTION DIVISION

5. I am the head of the Development and Construction Division (DCD). There are four Assistant Directors and 25 chief professionals in the DCD. The DCD works as a fully integrated multi-disciplinary matrix organization to deliver the rolling 5-year Public Housing Construction Programme (PHCP) as each and every housing development requires input from all professional disciplines. The total establishment of DCD as at 23 October 2015, including non-directorate staff, is 2497.

6. At the strategy level of the organization structure, I am charged with the responsibilities of, amongst others, formulating and implementing of policies, strategies and standards; for new public housing developments. In support one Assistant Director looks after the development standards and procurement while three Assistant Directors manage new works projects including the construction stage. Public housing project delivery is achieved through multi-disciplinary teamwork within a matrix. Chief professionals of various disciplines are profession-specific section heads according to their respective fields of expertise, backed by a team of senior professionals, professionals and technical grade staff as well as the supervisory staff at the implementation level to deliver the Public Housing Construction Programme. In particular, the Chief Architect (CA) looks after projects from design, tender, construction to completion and post-completion stages and takes up the role of Project Manager, Design Team Leader, as well as Contract Manager for building contracts. A project team is formed for individual projects with chief professionals of various disciplines plus their nomination of senior professionals and professionals. CAs and Chief Building Services Engineers (CBSEs) are involved in managing the design and construction of plumbing installation work of buildings. Since the HA does not possess a construction services arm, all construction works are executed by qualified contractors procured through competitive tendering conforming to the Government Procurement Agreement of the World Trade Organisation (WTO GPA). The Main Contractor is fully responsible for carrying out the works including plumbing installations and maintaining continuous supervision on site at all times until completion of the works and handing over upon issue of occupation permit. As contract administrators of the HA, the CAs and CBSEs of DCD are responsible for periodic supervision of the contractor's works on site.

QUALITY ASSURANCE REGIME

7. The DCD established centralized quality systems and measures to guide and support the project teams. The HA adopts a conventional design-tender-build approach in public housing development and engages a Main Contractor to carry out the construction works. The Main Contractor is obliged to execute the works to meet the contract requirements. DCD's quality systems and measures do not relieve the Main Contractor of his liabilities or obligations under the contract. Apart from the contract level of quality assurance, we have other measures at the corporate level in procurement and counterparty list management as well as in the control of the supply of materials.

8. Although the HA projects are exempted from the Buildings Ordinance (CAP 123), they are subject to control of other statutory requirements such as the Waterworks Ordinance (WVO) (CAP 102) and the Waterworks Regulations (WWR) (CAP 102A). To assure the safety of HA's developments, it is HA's general practice to not only make sure that the DCD's project procedures, specifications, testing and commissioning follow all the statutory requirements and international standards, but to also set even higher standards on a risk-based approach. These requirements are specified in contract documents to ensure contractors' compliance, since all HA's construction works are undertaken by contractors. In executing site supervision and performance management functions, DCD places special attention to high-risk activities in assuring quality during the construction stage. In addition to contract administration and site inspection work, at the corporate level the HA applies an objective Performance Assessment Scoring System (PASS) to assess contractors' performance and facilitate HA's counterparty list management function with a view to driving continuous improvement on the total

quality assurance of the products and processes through the supply chain.

QUALITY SYSTEM AND MANUALS - ROLES, RESPONSIBILITIES AND PROCESSES DEFINED

9. DCD implements a quality management system, which attains ISO 9001 certification. Under the quality management system, roles and responsibilities of the project team members are defined and all major activities and critical processes throughout the project development stages are documented. There is a comprehensive set of measures developed, enhanced and enriched over time under the system. These measures are subject to regular reviews, feedback and risk-based assessments, taking into account of the laws and regulations, international standards, industrial practices, availability of technologies, expert knowledge, past experience, as well as objectivity, integrity, transparency and accountability of public service.

SPECIFICATIONS - SETTING QUALITY STANDARD

10. In assuring safety, health, quality and sustainability, HA's Specifications not only follow all statutory requirements, but also quality, safety and health standards which are set higher than the statutory requirements. In line with WTO GPA's requirements, the HA adopts performance-based specifications which are non-discriminatory, hence there are no specifications as to the particular brands of materials and components to be used. As a continuous development, we carry out regular reviews of the Specifications, by making reference to the International Standards, views of different stakeholders on the design, choice of materials, site practices and feedbacks from the property management and maintenance teams in Estate

Management Division (EMD) of the HD. There are over 9,400 Clauses in the Specifications, out of which about 280 relate to plumbing installations.

PROCUREMENT AND COUNTERPARTY LIST MANAGEMENT

11. In procurement, the HA contractors on HA's lists are required to be and remain ISO 9001 certified on quality management, ISO 14001 certified on environment management, OHSAS 18001 certified on occupational health and safety management and ISO 50001 certified on energy management.

We operate contractor performance assessment systems, namely the Building Performance Assessment Scoring System (PASS) for Building Works and BSPASS for Building Services to assess and monitor the contractors' performance in a fair, objective and transparent manner. As a risk management tool, and also serving as incentive to capable contractors, PASS scores of contractors form part of the non-price considerations in tender evaluation.

QUALITY CONTROL OF MATERIAL SUPPLY AND MATERIAL QUALITY ALERTS

12. Two Joint Materials Groups, comprising new works and maintenance works staff, namely Building Works and Building Services, are set up to evaluate the performance of materials adopted in HA projects and endorse directives on the use of materials including the restriction of use.

13. In addition to compliance with the statutory requirements, the HD also operates a "Material Quality Alert" system in which early warning is sent to project teams via a notification in the form of an email when a component or material under surveillance checking is found to have failed in a laboratory testing or have failed to comply

with the specification requirements. 25 building components and 28 building services materials are subject to surveillance checking and all "Material Quality Alerts" are posted onto the HA's e-platform for reference by other projects, project teams etc.

14. As an enhanced internal control mechanism, DCD's site inspection team produces a report on major issues arising from active construction sites every fortnight. This alerts senior management for prompt and immediate action. Project teams and the central teams are also alerted through this "Bi-weekly Monitoring Reporting System of Untoward Incidents in Project Sites" so that they may take all necessary preventive actions.

15. With respect to the materials performance in the past, certain materials are required to have their production processes attain to ISO 9001, ISO 14001 and OHSAS 18001 certifications. Product certification for some components and materials has been developed and implemented progressively since 2010 as a means of upstream control of supply chain and material quality. New technology such as Radio-frequency identification (RFID) has been applied to some materials for tracking purpose to prevent any unscrupulous act during delivery. To address the excessive lead in water issue and reduce or eliminate any risk imposed by the soldering joints, the HA aims to explore alternative water pipe materials and jointing mechanism for future developments and collaborate with the manufacturers and suppliers to introduce product certification to some plumbing fittings to enhance quality assurance.

PROCUREMENT OF CONSTRUCTION SERVICES AND CONTRACTUAL ARRANGEMENT

16. The HA engages a Main Contractor to execute construction works, and enters into a contractual relationship with the Main Contractor by contract under seal. The two contracting parties are the HA (represented by the Director of Housing (DoH), DD(DC) and project AD) as the Employer/Client and the Main Contractor. The Chief Architect acts as the administrator of the Contract, i.e. the Contract Manager as referred to in the General Condition of Contract (GCC) as supplemented by the Special Conditions of Contract and the Specification. The Chief Architect delegates the execution of projects to a Senior Architect (SA) and Architect (A) within the Chief Architect section. They act as the assistant contract manager and contract coordinator respectively. Senior professionals and professionals of other disciplines are delegated the authority as Contract Manager's Representatives (CMR) to administer the part of the contract works in their respective areas of expertise as necessary.

17. The Main Contractor is fully responsible for carrying out the works required. Under the GCC, the Main Contractor has the general obligations to execute the Works including providing all necessary labour, materials, construction plant, temporary works and superintendence and to complete the Works within the time for completion as stipulated in the contract. The Main Contractor shall comply with the Contract Manager's instruction on any matter related to the contract and conform to all enactments and regulations including but without limitation to the Waterworks Ordinance (Cap. 102) and Waterworks Regulations (Cap. 102A) in the execution of the Works.

18. The Main Contractor is permitted under the contract to sublet a part of the Works. Yet, the subletting of any

part of the Works does not relieve the Main Contractor from any of his liabilities or obligations under the contract. It is a common practice in Hong Kong, including HA projects, for the Main Contractor to employ domestic sub-contractors¹⁰ to take up various packages of works normally defined by trades and the plumbing installation works is among the packages. The service of a Licensed Plumber (LP) which is a statutory requirement under the Waterworks Ordinance in the installation of the plumbing system is usually provided by the plumbing domestic sub-contractor. The HA does not have any direct contractual relationship with the domestic sub-contractor or any direct contractual relationship with the LP. The requirement for the engagement of an LP is mentioned in the contract specification. Since the incident of excessive lead found in drinking water in public rental housing (PRH) estates (Incident), we have enhanced the specification in the main contract by adding the supervision role of LP as well as his/her regular reporting.

19. As part of the continuous supervision and quality assurance responsibilities, the Main Contractor is required to provide site superintendents, set up a quality control system and provide a quality assurance plan for the execution of the Works.

MATERIAL APPROVAL AND SITE INSPECTION BY THE HOUSING AUTHORITY AT CONTRACT LEVEL

20. According to the HA's quality assurance system, at contract administration level, the contract team, in particular the site inspection team (SIT) of the building works stream and building services stream carries out inspection of the works against the specification and drawings. These include, among others,

verification check upon material delivery, surveillance sampling of materials for testing, in-process construction inspection and testing, or as-built inspection and testing (in accordance with the inspection percentage, sampling rate and testing frequency as set out in the specification, construction drawings, internal procedures¹¹ and statutory approval documents for each type of materials and works).

21. A typical building HA project involves over one thousand materials and components and around thirty trades of sub-contractors and workers. To ensure effective use of manpower, we determine the quality control standards for material approval, complementing the performance-based specification, site inspection and testing of various materials and construction process, while taking into account of the laws and regulations, industry/trade practices, past experiences and risk management. For example, there are statutory requirements (i.e. Buildings Ordinance and Regulations) and trade practices to control the quality of reinforced concrete work from raw materials (such as aggregates, concrete mix and steel reinforcement) to the finished works. The HA has a similar stringent control process for material approval, trial samples, testing, and inspection. Nevertheless, the tying wire in steel fixing is not a subject of material approval and testing in the industry as well as in the HA. Likewise, checking of presence of lead in solder or lead in water was not built-in in the site inspection system.

EXCESSIVE LEAD IN WATER INCIDENT

22. Before July 2015, the HA was not aware of the risk of presence of lead in water, and did not conduct any laboratory tests for lead in water.

The HA had all along considered that conducting laboratory testing for the eight mandatory parameters¹² specified by the Water Authority would suffice. Shortly after the presence of lead was found in water, on 3 July 2015, the HA contacted the WSD to collect water samples from Kai Ching Estate for testing of lead in water. In parallel, in the absence of any definitive clue and eager to learn more about the possible cause(s) the HA quickly took samples of soldering joints and conducted laboratory tests for investigation of any lead in solder, although this type of test is not yet an accredited laboratory test in Hong Kong. On 9 July 2015, HD announced that lead was found in two soldering joints in Kai Ching Estate. On 10 July the Government spokesman noted that amongst the 30 water samples collected from water taps and meter positions of domestic flats tested on 9 July 2015, the lead content of four samples did not comply with the WHO guideline. We learned on 13 July 2015 that the Government would set up a Task Force with specialists to conduct the investigation. We have since provided full assistance to the investigation instead of continuing with our own investigation. We learn from the preliminary findings of the Task force led by the Water Supplies Department (WSD) issued in late September 2015 that the major cause of excess lead found in drinking water is due to excessive lead content in the soldering material for the jointing of copper pipes.

23. Copper pipes have been used in the fresh water supply system in Hong Kong for decades. The construction industry (comprising suppliers, sub-contractors, licensed plumbers and workers) has been familiar with copper pipes before the HA switched from specifying UPVC lined galvanized iron pipe to specifying copper pipe for the public housing developments in 2002. Since it was not a new material or technology and there was no prior indication or alert of any particular health risk associated with the materials of the copper pipe fresh

water supply system and there was no statutory requirement for testing of lead in water by the Water Authority until the Incident, the HA have followed the established practice of focusing on the functional performance of the water supply installation i.e. pipe fixing and alignment and water tightness of the system, when carrying out visual inspections and water test.

24. I agree with the Review Committee's view that the HA's past mechanism for ensuring the quality of drinking water supplied to PRH estates had certain inadequacies. While HA's past quality control mechanism was consistent with the industry's practice, the law and other Water Supplies Department (WSD)'s requirements, it had not focused on the risk of presence of lead (or other heavy metals) in the fresh water supply system or in the water, and hence had not targeted soldering materials as a high-risk item.

25. It is always a top priority of the HA to ensure a safe and healthy living environment for the residents in public housing developments. The Development and Construction Division is proactive in seeking improvements to address problems and concerns. In the past and by way of example we have:-

- (a) developed the "common W-trap system" to address the risk of disease transmission through dried-up traps in floor drains;
- (b) applied "micro-climate studies" for estates design to enhance and verify environmental performance;
- (c) jointly developed "twin roof tank system" with the WSD to ensure uninterrupted water supply during cleansing of water tanks; and
- (d) introduced enhancement measures relating to the cleaning of fresh water plumbing system to address public

concern and minimise the health risk of Legionnaires' Disease.

26. Since the discovery of excess lead in water, we have strengthened control of soldering materials from delivery to inventory control application and testing. We have also enhanced the specification on the supervision role of the Licensed Plumber. We will liaise with Hong Kong Accreditation Service to investigate the possibility of implementing an accreditation scheme for testing lead content in soldering materials for copper pipes under Hong Kong Laboratory Accreditation Scheme. We will continue to work with other stakeholders and explore into the possible measures and initiatives to be taken to safeguard the water quality in the fresh water supply system. In our paper submitted to the Legislative Council Panel on Housing for the meeting on 22 July 2015, now produced and shown to me marked "Exhibit 3", we outlined the short and medium term improvement measures that HA would implement, and some longer term measures that HA would explore, in addressing the problems identified.

27. A list of enhancement measures for PRH projects have also been implemented by way of an HA's Development and Construction Management Board Instruction issued on 18 August 2015 to all in-house Project Teams and Contract Managers, now produced and shown to me marked "Exhibit 4". These measures include Project Teams conducting random checking upon material delivery to site and contractors' completion of checking, for presence of lead content in solder joints; and the contractors collecting water samples for testing in accordance with the new requirements as specified in WSD's Circular Letter No. 1/2015, now produced and shown to me marked "Exhibit 5". The Review Committee in its interim report put forward a list of recommendations, and we will strive to put in

place all these recommendations as a matter of urgency to prevent occurrence of similar incidents in future.

REQUEST 1 - "Explain and Identify the Prevailing statutory and non-statutory requirements and WHO and other relevant standards in drinking water."

STATUTORY REQUIREMENTS AND STANDARD OF WORLD HEALTH ORGANIZATION

28. Statutory requirements relating to the water supply system are stipulated in the Waterworks Ordinance (WVO) (Cap.102) and the Waterworks Regulations (WWR) (Cap. 102A). The authority for such laws, regulations, is the Water Authority. After the Incident, I learnt that there are no statutory requirements relevant to lead in drinking water, and that water sample tests specified by the WA had covered eight parameters but not lead. As for World Health Organization (WHO), I learnt after the Incident that WHO's prevailing standard is 10 ug per litre of drinking water. Before July 2015, the HA was not aware of WHO guidelines on the drinking water quality at the consumption point.

STATUTORY REQUIREMENTS UNDER WATERWORKS ORDINANCE AND OTHER RELATED REQUIREMENTS

Licensed Plumber

29. In accordance with section 15 of WVO, only a licensed plumber (LP) is permitted to construct and install the pipes and fittings used for drinking water supply (inside service) (except a public officer authorized by the WA).

By way of Parts I & II of Form WWO46, the WSD is informed of the engagement of LP by the Registered Consumer.

Control of Pipes and Fittings including Soldering Materials

30. Regulation 19 of the Waterworks Regulations stipulates that any pipe or fitting installed shall follow Schedule 2 of the WWR, which set out the detailed requirements and specifications relating to the pipes and fittings, taps and valves, etc.

31. Regulation 20 of the WWR stipulates that the size, nature, materials, strength, test requirements and workmanship of any pipe or fitting shall be of the British Standard.

32. The connection method of water supply pipes varies according to the size and material of the pipes. Soldering is one of the methods for copper pipe connections. The soldering materials have to comply with relevant international standards as stipulated in Regulation 19, 20 and Schedule 2 of the WWR. Soldering alloys with lead are not permitted in installations for water for human consumption. The WA clarified in August 2015 that the permissible maximum 0.07% lead content is defined for soldering alloys in accordance with BS EN ISO 9453.

33. For the purposes of administering WWO and controlling the quality of water supply, the Water Authority (WA) has issued various forms, guidelines, handbooks, circular letters, etc.

Certification by HA's project officers and LP under WWO on
the Pipes and

Fittings in compliance with WWR

34. Upon approval by the WA on all pipes and fittings intended to be installed, the LP shall notify the WA of the commencement date and the scope of plumbing works to be carried out in accordance with the plumbing drawings approved by WSD (Part I of Form WWO 46 now produced and shown to me marked "Exhibit [6]"). In this form, HD's project officers and LP shall jointly certify that the pipes and fittings installed / intended to be installed are as prescribed by the WWR.

35. Upon completion of the installation:-

(a) HA's project officers and LP shall apply to the WA for inspection and approval of the plumbing installation stating that the pipes and fittings have been completed according to the approved drawings (Part IV of Form WWO 46); and

(b) HA's project officers shall apply to the WA for connection of water supply and confirm that the plumbing is in full compliance with Waterworks standards and requirements (Part II of Form WWO 132 now produced and shown to me marked "Exhibit [7]").

36. Upon completion of the fresh water inside service, WSD Circular Letter No.2/2012 issued on 10 August 2012 now produced and shown to me marked "Exhibit [2]" specifies guidelines on cleansing and disinfection of fresh water inside service. For newly completed buildings, contractors have to arrange for cleansing and disinfection of the water supply system within each building. WSD will collect water samples at underground fresh water mains for bacteriological and chemical analysis. Water samples will also be taken at locations of the inside

service agreed by the WA for bacteriological and chemical analysis by accredited laboratories. Quality of water samples shall comply with WSD's requirements on the eight specified parameters i.e. turbidity, colour, pH, free residual chlorine, conductivity, total coliforms, E.coli and heterotrophic plate count before connection of water supply and issuing the certificate for permanent water connection to the building, which is a pre-requisite for contract completion and application of Occupation Permit.

Prohibition of Using Leaded Solder at Fresh Water Inside Services and New Parameters for Testing of Water Sample

37. After the occurrence of the excess lead found in drinking water, WSD issued Circular Letter No. 1/2015 on 13 July 2015 now produced and shown to me marked "Exhibit [5]" to specify the prohibition of using leaded solder at fresh water inside services and new parameters for testing of water samples. For all applications for new water supply submitted on or after 13 July 2015, if soldering is used in the connection between water pipes, a supporting document of lead free grade soft solder or filler metal used in soldering, brazing and/or welding construction methods is required. Further to WSD Circular Letter No. 2/2012, four additional test parameters are introduced for testing of water samples, namely Lead, Cadmium, Chromium and Nickel.

REQUEST 2 - "Explain the Measures and quality control system in place prior to the incident of excess lead in drinking water) by the HA in order to comply with the Requirements and Standards and to ensure the safety and quality of drinking water."

38. In addition to statutory requirements, the HA has been operating stringent quality control measures throughout the process of design, procurement,

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construction, installation and testing of the fresh water supply system.

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**HA'S QUALITY CONTROL MECHANISM FOR FRESH WATER SUPPLY SYSTEM
IN PUBLIC RENTAL HOUSING (PRH)**

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Pre-contract Stage

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39. The plumbing systems for the HA's public housing estates are co-ordinated and designed by HA's Chief Architect and Chief Building Services Engineer supplemented by professional service providers for detailed design work of some projects. The entire plumbing system is designed in accordance with the requirements stipulated in the WWO, WWR, as well as WSD's handbooks and guidelines. In order to ensure consistency among HA's projects in respect of statutory compliance, the HA also promulgates in-house design and site inspection guidelines. HA engages contractors to execute construction works for all public housing developments. The plumbing systems are installed by the Main Contractor, his domestic plumbing sub-contractor and nominated water pump sub-contractor, as well as their LPs. HA incorporates the requirements into contract specifications and effects quality control through contract management and site inspections.

40. At project design stage, HA's project officers submit, to WSD, Part I of Form No. WWO 132 applying for new water supply for the development. In parallel, project officer also submits plumbing installation plans and Form No. WWO 542 now produced and shown to me marked "Exhibit [8]" to WSD for approval. All the specifications for plumbing materials, including soldering alloys for copper pipework complying with relevant international standards as stipulated in the WWO and the WWR as well as the plumbing

installation drawings are incorporated into in the building contracts.

Post-contract Stage

41. After award of the building contract, the Main Contractor usually employs a domestic sub-contractor for the execution of the plumbing installation works (as part of plumbing and drainage installation sub-contract works), and a nominated sub-contractor for the execution of water pump installations (as part of fire services and water pump installation nominated sub-contract works), in accordance with the WSD approved drawings.

Submission of Form WWO46 before commencement of plumbing works

42. The Main Contractor's domestic sub-contractor and nominated sub-contractor appoint their LPs for respective installation works. The HA's project officers and LP notify the WA (via Part I of Form no. WWO 46) of the commencement date and the scope of plumbing works to be carried out. In the form, it is certified that the pipes and fittings installed / intended to be installed are as prescribed by the WWR. However, pursuant to WSD's Circular No. 1/2004 now produced and shown to me marked "Exhibit [9]", the LP shall update the material list to WSD directly for minor alterations before WSD's inspection of the completed plumbing installation.

Material approval

43. As a general practice, the Main Contractor prepares a material submission and approval schedule to the contract team for reference and submits materials, including soldering materials and equipment (such as pumps

and valves), of the plumbing system for Contract Manager's approval. Pursuant to the WWR and HA contract specifications, the Main Contractor shall use only lead-free category soldering materials, as soldering alloys with lead exceeding the upper limits stipulated in relevant British Standards are not permitted in any installations for water for human consumption.

44. In processing the Main Contractor's material submission for approval, HA's project officers check the specifications against the Main Contractor's submission documents, including catalogues, samples, certificates, test reports, approval documents from respective regulatory authorities (including approval documents from the WSD) etc. In addition to statutory requirements, consideration is also given to whether the materials have been used in other public housing projects and whether they have ever been listed under the "Material Quality Alerts" (referred to in paragraph 13 above). The Main Contractor will proceed to place order for the materials upon receipt of Contract Manager's approval.

Surveillance and control during construction

45. HA's site staff will check the materials upon their delivery to site, including visual inspection and verification of materials against the approved samples, respective catalogues and certificates in accordance with the contractual requirements. HA's project officers also selects samples for checks on the appearance, construction, dimensions against relevant standards and whether there are visible defects. HA also conducts laboratory tests on samples for major components such as sink mixers and shower mixers to ensure compliance with the specified performance standards as stipulated in the contracts. If the tests fail, HA may reject the supply

or re-test the same batch of components. We will also post a "Material Quality Alerts" for reference by other projects.

46. Under the terms of the contract, the Main Contractor is responsible for giving continuous supervision of the site works to ensure that the quality of works, including plumbing installations, complies with the statutory and contractual requirements. As required by the specifications, the Main Contractor shall also provide all necessary superintendence by providing a management team during currency of the works, and name a competent and authorized agent who shall be constantly on site on a full time basis dedicated to the superintendence of the Works. Such management team will include a Project Manager, Quantity Surveyors, Quality Control Manager, Architectural Quality Control Coordinator, Structural Quality Control Coordinator; Environmental Manager, Environmental Supervisor, Site Agent; General Foremen, Block Foremen, Technical Director, Authorized Signatory, Building Services Engineer, Safety Officer & Supervisors etc. HA's Contract specifications, however, do not stipulate the specific roles and duties of the Licensed Plumber (LP) on the premise that these are all prescribed under the Waterworks Ordinance (Cap. 102) except that the engagement of an LP is mentioned in the specification clause PLU1.W110¹³.

47. As contract administrators the CAs and CBSEs of DCD are responsible for periodic supervision of the contractor's plumbing installation works on site. Through delegation of authority, contract administration and site inspection are discharged by the Contract Manager's representatives (CMR) and site inspection team. Site inspections are carried out as laid down in the "Master Process Manual" (DCMP). However, HA's staff did not inspect the joints

between pipes or check for presence of lead in soldering materials as the construction industry and the HA had all along believed that the widely accepted and used soldering materials should have complied with relevant requirements.

Contract Completion Stage

48. Upon the completion of fresh water plumbing systems, the Main Contractor, the sub-contractors and the LP conduct inspections and tests to ensure that the completed plumbing installation works comply with the approved drawings, statutory requirements and contract specifications. HA conducts the final inspection and testing of the water supply system with the Main Contractor who arranges for cleansing and disinfection of all fresh water tanks and fresh water supply pipeworks, pressure tests as well as checks for leaks etc. HA's project officers and LP apply to the WA for inspection and approval of the plumbing installation stating that the pipes and fittings have been completed according to the approved drawings (Part IV of Form WWO 46). HA's project officer also applies to the WA (via Part II of Form no. WWO 132) for connection of water supply, confirming that the plumbing installations are in full compliance with specified standards and requirements.

49. WSD will collect water samples from water connection points at underground fresh water mains for bacteriological and chemical analysis. The Main Contractor will arrange for water samples to be collected at locations of the inside service agreed by WA for bacteriological and chemical analysis by accredited laboratories. Upon WSD's satisfaction with the water test results, as well as the plumbing installations after site inspections, WSD connects permanent water supply to

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Other Measures

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50. In addition to compliance with the statutory requirements, the HA has also put in place additional measures to ensure the safety and quality of water supply:-

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(b) to address the risk of Legionnaires' disease, the HA has also required the Main Contractor to carry out an additional disinfection to the water supply system of newly completed estates shortly before occupation; and

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主席，唔知呢個時間係咪方便我哋休庭？

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主席：哦，好呀，咁我哋聽朝早 10 點鐘再繼續，係，唔該。休庭。

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C Tuesday, 3 November 2015 C

(10.05 am)

D (In the absence of the witness) D

E CHAIRMAN: I invite Mr Anthony Cheung. E

F MR ANTHONY CHEUNG BING LEUNG (on former oath) F

(All answers via interpreter unless otherwise indicated)

G Cross-examination by MR SHIEH (continued) G

H MR SHIEH: Chairman, I have re-read the questions I was
I going to put. I don't propose to put many questions
this morning. I

J What we are looking at in this COI are the public
K housing estates. One of the possible reasons is the
L soldering materials for joining up the pipes, they
M contain lead. We shouldn't jump to any conclusion as to
N whether it was the main contractor or the subcontractor
O or the workers' problems. If the problems lie with the
P soldering materials, then in principle the problem
Q doesn't apply to public housing. In the private
O housing, maybe they use the same contractors.

P Would you agree, potentially, that the problem was
Q identified in public housing estates but potentially
this can also happen to the private housing?

R A. Yes, you can put it this way. I know that the Review
S Committee of the Housing Authority, because of
T investigation, did meet a number of representatives from
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the contractors, but they are active in the public rental housing construction market, but at the same time they also take on projects in the private sector. So the principles that they use in building rental housing is the same as they would in the private market.

Q. If there are problems in the public sector there is a lack of awareness, but the same "lack of awareness" should also apply to private housing?

A. I don't rule out this possibility.

Q. You don't rule out this possibility. Let me say this.

For private tenants they have to fend for themselves. For public housing they have to go to the government because the government is the owner. What about private housing, what recommendation do you have?

A. In public rental housing we identify the excess lead in drinking water. The Housing Authority is the landlord. We have identified the problem. We get on with the issue. As you said, the Housing Authority is a public body, so the tenants would have an expectation of the Housing Authority as the private sector residents would have, but when the Housing Authority has identified the excess lead in the drinking water, we would activate all these relief mechanisms to make sure that the residents would have safer water to consume. So to start with we distributed the bottled water. That happened at the

beginning. And subsequently we asked the contractor to pipe the water from the rooftop to the residents on each floor, so that they don't have to fetch water on the street. Now, piping water to the individual floors would take time, and we would consider ways and means to minimise the inconvenience to the residents.

So we identified reliable and certified filters and we ended up choosing the NSF certified filter. We were not comfortable with just this model, because the residents might find problems.

We have engaged the Government Laboratory to test the model, to make sure it is reliable. Some residents are still concerned about whether the water would be safe or safer with the installation of the filters.

So recently, for these households, we tested the water again and we found no excess lead in the water.

Q. I put this question which is rather vague, in 1993 you -- you saw the document in 1993 -- there was some practical advice that was put forward, that water left over from the night before should not be used. Let's not talk about public or private. For public sector housing, you said the government would take the initiative to do something, but for non-public sector housing, what advice would you have for them?

A. For private housing, they can test their own water, and

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| A | <i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i> | A |
| B | Commission of Inquiry into Excess Lead Found in Drinking Water | B |
| | Day 02 | |
| C | if they find that there is exceedance, then they have to make improvement. | C |
| D | Q. The owners? | D |
| E | A. Yes, the owners. Like the Housing Authority, when the problem was identified, the problem was ameliorated. | E |
| F | Q. For private housing, they have the owners' co-operation. | F |
| G | When they take the decision to renovate a building, it | G |
| H | is the owners' co-operation that would take the decision. | H |
| I | A. It would be similar in nature to the Housing Authority, | I |
| J | in a way. For some private housing blocks, if they have | J |
| K | identified excess lead in the drinking water, in the | K |
| L | Housing Authority's blocks, the vulnerable people, like | L |
| M | those below six years of age, and then we subsequently | M |
| N | draw the line at eight, lactating women, pregnant women, | N |
| O | they are high-risk people, under these circumstances, and there would be arrangement for them to have blood tests. | O |
| P | For the private housing, if similar problems occurred, these people can be arranged to have a blood test. | P |
| Q | Q. What about the piping, the plumbing works -- this is the | Q |
| R | job of the developer? | R |
| S | A. They can purchase the filters themselves, right. | S |
| T | MR SHIEH: Mr Cheung, I've got nothing for you. Please | T |
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stay; others might have questions for you.

CHAIRMAN: Next, Mr Chan SC. Mr Chan will be putting questions in English and you may choose to answer in Cantonese.

Cross-examination by MR CHAN

MR CHAN: Mr Cheung, I know that as chairman of the Housing Authority, your perspective on its work is generally from a high-level perspective. So I just wish to ask you a few broad questions, to confirm or to clarify the Housing Authority's public law and certain of its powers and procedures as may be relevant to this inquiry.

Firstly, I would invite you to confirm that the Housing Authority's essential role is the provision of public housing to eligible persons, and in particular those from low income families; is that correct?

- A. It is the statutory duty of the Housing Authority to provide subsidised housing for the low-income families. Under this portfolio, the Housing Authority has to define who are needy people, and the subsidised housing would be classified -- categorised into two types. We have the PRH, the public rental housing, and also the sale units. They are the HOS, the home ownership units.
- Q. And it's correct, isn't it, that the Authority is in fact a statutory body, and its main powers and duties are set by legislation and specifically the Housing

Authority Ordinance?

A. Yes, indeed. The composition and the powers of the HA is defined by the HA Ordinance.

Q. Now, Ms Ada Fung, Deputy Director of Housing of the Housing Department, has said in writing that it is always a top priority of the Housing Authority to ensure safe and healthy living environment for its public housing developments.

You will no doubt agree, Prof Cheung, that ensuring safety and health is an entirely proper policy and indeed priority for the Authority?

A. Correct. All along, the Housing Authority has the objective of providing a safe and comfortable and affordable housing for people. Every year, the Housing Authority has its own corporate plan, and every year we set out our vision, the objectives in various work areas.

Q. Yes. Now, the answer to my next question might be thought obvious, but may I please just confirm with you that when the Authority refers to public housing, that embraces all the structures and systems that are necessary for safe and healthy habitation? So in particular that would include a properly functioning plumbing system; is that correct?

A. The Housing Authority, in designing and building and

C managing public housing, has to abide by all statutory
D requirements and all the requirements set by the
E relevant regulatory bodies.

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E The only difference is that in the application of
F the Buildings Ordinance, because the HA has all along
G been a statutory body, it's exempt from that particular
H Ordinance. But in any case, the Housing Authority has
I taken its own initiative to work together with the
J Building Authority, and we would like to meet with the
K relevant requirements.

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J So, under the Transport and Housing Bureau, there is
K an Independent Checking Unit which acts like a Building
L Authority, so all the requirements set down by the
M Building Authority will be met by the Housing Authority
N and will be checked upon by the Independent Checking
O Unit.

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N Q. We will get to the slightly more detailed procedures of
O the Authority in just a moment, but is it correct that
P at a broad level, the Housing Authority has indeed been
Q given very wide powers to enable it to fulfil its role
R as a provider of safe and healthy public facilities?
S So, for example, the Housing Authority Ordinance confers
T powers upon the Authority to acquire and hold property
U directly and to do all other acts as are reasonably
V necessary for the exercise and performance of all or any

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C of the powers and duties of the Authority under the
Ordinance. C

D So would you agree that the Authority has been given D
E very wide powers to enable it to fulfil its role as E
F a provider of safe and healthy public housing? F

G A. The Housing Authority's powers are conferred to us by G
H the relevant legislation. In the 1970s, the Housing H
I Authority was established, and there have been various I
J stages of our development. In the late 1980s we have J
K been given financial autonomy. The government entrusted K
L the Housing Authority to build HOS, and later on the L
M entire HOS construction has been subsumed under the M
N powers of the Housing Authority. The Housing Authority N
O is financially independent and autonomous, and in O
P discharging its responsibilities, if the HA finds itself P
Q in some financial difficulties, so the government will Q
R consider whether to support the Housing Authority R
S financially. S

T Q. I think your answer just now contained possibly some of T
U the answer to my next question, which is this. We noted U
V just a few moments back that the Housing Authority is V
a statutory body, but really to describe the position
a bit more fully, the Authority is indeed an independent
statutory body, it has its own separate existence; is
that correct?

A. Let me say something more about this. The structure is a little bit complicated. Up to 2002 -- well, let me put it this way. When the Housing Authority was first set up, the chairman was -- the government official, he was the equivalent to the secretary level now, and up to the late 1980s it was headed by a non-official. The first one, the chairman, is Sir David Akers-Jones, who is retired. In the 1990s, again it was a non-official who was heading the Authority, and in 2002 there was a review, and as the government has changed its housing policies in other aspects, it was decided that the chairman of the Housing Authority should be the government official in the government who is responsible for housing affairs. So I had become the chairman of the Housing Authority as well.

As for the enforcement or the execution departments in the 1990s, the Housing Department -- the Bureau of Housing was separate from the Housing Department, and in 2003 there was the merging of some government departments and government Bureaus. So the Housing Department is the executive arm of the Transport and Housing Bureau, but for some government officials, for example the Director of Housing, is also the Permanent Secretary responsible for housing within the Transport and Housing Bureau. Within the Housing Department,

there are a few government officials who are not discharging duties under the Housing Department. For example, there is an assistant director who is responsible for private housing. Private housing comes under a policy portfolio of the Transport and Housing Bureau but doesn't fall under the responsibilities of the Housing Department.

So that's how it works.

Q. In terms of public housing estates, physical sites, the physical buildings, is it correct that these are developed and managed by the Authority and vested directly in the Authority rather than any other body, whether it's public or private?

A. That's correct. For rental public housing, of course, that is being taken charge of by the Housing Authority. Well, it acts like the landlords of the private housing.

Q. And this indeed was the position in relation to the 11 affected estates which are the focus of this Commission of Inquiry; is that right?

A. Yes, that's correct.

Q. Now, in relation to the 11 affected estates, is it correct that the Housing Authority would then have full control over access to the sites before, during and after construction?

A. Well, the development and construction department has

certain arrangements with the main contractors. Well, it depends on their arrangements. It would be set out in the contract as to how that access is arranged.

Q. So in terms of control, I mean at the ultimate level, if I understand your answer correctly, the Authority is --

A. Yes, access into the public housing estates, of course the Housing Authority has that right, but then for the management of some public housing estates, that's been outsourced to outside parties.

Q. In relation to the construction of public housing, is it fair to say that the Authority generally takes a great deal of care to clearly specify its design and material requirements to its main contractors?

A. Yes, that's what I understand from the Housing Department government officials. We are very serious about the design and the construction process. We want to reach a high level of standard.

Q. Now, indeed for important design, technical or material requirements, the Authority will make these contractual requirements?

A. Yes, there are a lot of contractual requirements.

Q. And indeed for the building contracts for the 11 affected sites, the Authority did take care to contractually specify that only lead-free solders would be used for pipes; is that right?

A. Yes, that's correct, as far as I understand. For drinking water pipes, non-lead category of solder materials should be used.

Q. So, in other words, in fact the Authority did recognise, rightly, that the use of lead-free solder was important, certainly important enough to make it a formal contract term?

A. That is a requirement of the relevant legislation and also the standards set down by the relevant legislation. So the Housing Authority has set that requirement for the contractor. I think the same applies to private construction projects.

Q. So the position in fact on the ground is that the Authority's main contractors have been instructed by the Authority and had contractually agreed to use non-leaded solders for any pipework; is that correct?

A. That is what I understand to be the case because that is specified in the contract.

Q. Can you then help me with this: isn't the reality that had the Authority's main contractors performed as they were specifically told to, and as they had explicitly agreed to under contract, we would not be dealing with these particular excess lead incidents which are under inquiry today; is that a fair point?

A. The contracts specify that soldering materials for water

C pipes should be of a non-lead category. So if that C
D requirement is adhered to, there should not be any lead D
E in soldering materials and pipe joints. For the 11 E
F affected public housing estates, according to the Task F
G Force of the Water Supplies Department's views, the main G
H source of the lead came from the soldering materials. H

I So, if we go by that logic, if the contractors have I
J discharged their contractual responsibilities and ensure J
K there is no lead in soldering materials of water pipes, K
L the risk should have been reduced greatly; there should L
M not be any risk at all. M

N Q. Now, Professor, as far as you know, at the time of the N
O various construction contracts, did the Authority have O
P any substantial reason to doubt that its particular P
Q selected contractors would follow what was agreed Q
R specifically in their contracts? R

S A. Well, perhaps -- I hope I have not misunderstood your S
T question. Well, let me put it this way. At the early T
U stage of construction, the main contractors, according U
V to the contractual requirements, must submit samples of V
materials and components to the Housing Department for
examination. There should be checks on the
certificates, the samples, and so on and so forth.

As I said yesterday in my reply to Mr Shieh, the
Housing Authority all along has not been aware that

there is lead soldering materials in water pipes.

Q. Now, still on construction but now on a more specific matter, the method of construction of pipe arrangements in the Authority's plumbing systems.

You may recall there was discussion during your evidence yesterday about the extent of risk, and by "risk" I mean both objective risk and known risks, in terms of lead contamination from soldering materials; do you remember that?

A. (In English) Yes.

Q. Now, Professor, again please bear with me if the question calls for an obvious answer, but isn't it right that there can be no risk of harm from leaded soldering materials if the type of pipework that is specified and used involves no solders at all? For example, if one specifies stainless steel pipes with mechanical joints?

A. If the pipes do not require any connection, or if the solder doesn't contain any lead, then from the scientific investigation results this source of risk shouldn't exist.

Q. Does anything in the regime administered by the Water Authority or any other government body mandate the use of soldered pipes for the construction of plumbing systems in Hong Kong?

A. As far as I understand, all along, the requirement is

that if the pipes are meant for drinking water, then the solder materials should not be of -- should be of a kind that is lead-free.

Q. There may have been some misunderstanding in terms of my question. Perhaps I could try to ask again.

As far as you are aware, Professor, in terms of the particular method used for construction of pipes in the Authority's own buildings, was there any outside body or set of regulations which specified to the Authority that only pipes using a soldering method were permissible?

A. As to the specifics, I think I have to defer to Madam Fung, but as far as I understand, the requirement is not that the contractor cannot use any pipes and they have to be connected; if they don't use copper pipes, they can use some other kinds of pipes. But if they use copper pipes in the connection, we do have requirements regarding solder materials and it has to be lead-free.

Q. And in the case of the 11 affected estates, whose decision was it to use this particular method, among the various methods available?

A. For the details, I think I have to defer to Ms Fung.

Q. One last question on a different matter, this being the Authority's findings and its understanding as to the source of the lead in the 11 affected estates. May I please confirm with you that I have this right: on the

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C information that the Authority has, including its own C
D internal review, the source of the excess lead in the D
E affected estates originates from within the affected E
F buildings and specifically the copper pipe joints; F
G am I correct? G

H A. From the information, the findings that we have right H
I now, this is the case. Since July, we have been I
J sample-testing the water. If we found that there was J
K water sample containing excess lead, then in these K
L housing units we also use this XRF analyser to test the L
M pipes. We found that in the piping joints there were M
N traces of lead. N
O

P So we can say it is mostly the case in these housing P
Q estates. The Task Force of the Water Supplies Q
R Department has also checked the housing estates and in R
S these housing units with excess lead in the water, and S
T they have taken out about 100 or so components for T
U detailed scientific analysis. They came to the same U
V conclusion. V

Q. In terms of the Authority's knowledge and the Q
R Authority's understanding, is there anything to suggest R
S that the source of the excess lead was outside of the S
T affected buildings, and in particular anywhere within T
U the central waterworks supply that is managed U
V exclusively by the Water Authority and Water Supplies V

Department?

A. The Housing Authority conducted a systematic sampling exercise. We collected samples from within the buildings, from the housing units. We have not done anything regarding the other -- of the Authority. So I don't have any idea about that.

MR CHAN: Professor, those are my questions. Thank you very much for your very clear answers.

WITNESS: (In English) Thank you.

CHAIRMAN: The next?

MR LAM: Chairman, I have a couple of questions.

Cross-examination by MR LAM

MS LAM: Earlier, Mr Paul Shieh SC asked you about the lack of awareness. Let me approach this from another angle. I'm not sure whether I can find it on the screen. It's bundle C1, tab 2. I say again: C1, tab 2, page 12. Someone is helping us with the PowerPoint. Let's have a look at the paper. Page 6. What is the heading? There's the statement of the Water Supplies Department regarding the water supply system in Hong Kong; do you see that? C1.

A. On the screen it shows chapter 3.

Q. We will be moving on to chapter 3, but I'd like to show you the heading, the statement -- the heading is on page 6, "Water System Statement in Hong Kong"?

C A. Yes, correct. C

D Q. The Water Supplies Department talks about the system in
E Hong Kong. If you turn to page 12, that is what you
F see, "Chapter 3 -- Monitoring"?

G A. Yes, got it. G

H Q. Chapter 3 refers to the Water Supplies Department and
I the WHO and all the standards. We know that back in
J 1993 the World Health Organization has reduced the limit
K to 10 mg per litre. In 1994-1995, the WSD pledged to
L comply with the guidelines regarding the connection
M point.

If you read on further down, I think it's clearer.

K In paragraph 18, the guidelines were first published in
L 1984. If you read on, "For reference" -- do you see
M that? -- "the provisional guideline value of [10 mg per
N litre]" --

N MR SHIEH: Micrograms, isn't it? N

O MR LAM: Micrograms, yes, 10 micrograms per litre. O

P It says it has evolved by stages over a long period
Q of time. I think they are moving on with the times. P

Q From 1984, it was 100 micrograms per litre. That
R was before 1984. Then the WHO, in 1984, lowered the
S limit to 50 micrograms per litre, and then to 10
T micrograms per litre in 1993. Australia and
U New Zealand, they have changed the limit in 1993. The
V

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C UK and European countries back in 1988 and 2003 C

D tightened the limit from 50 to 25. D

E Mr Paul Shieh gave you the example of the UK, in E

F Scotland he showed 25 and 50. In the EU it was in 2013 F

G they adopted the 10 micrograms per litre standard. In G

H the US, it was in 1990 when they adopted this level. H

I Now, let me say this to you, Prof Cheung. The I

J Hong Kong Standard in 2013, December, towards the end of J

K December, we had the regulation in place. K

L A. You mean the 10 mg? L

M Q. Yes. M

N A. Say again? N

O Q. The 10 micrograms per litre. It was introduced in O

P December, end of December, 2013. That's in Hong Kong. P

Q Let me get hold of the reference. Q

R In other words -- R

S CHAIRMAN: Hang on a second. December 2013, we switch to 10 S

T micrograms per litre; that's the Hong Kong situation, T

U isn't it? U

V MR LAM: Yes, I have the water supply regulation. It came V

into force in December 2013. In other words, the

standard in Hong Kong follows that of other countries.

It was in 2013 December that we had 10.

A. I don't quite remember the exact date but around about that.

Q. In 2013 December or before that, it was 25 mg per litre.

MR SHIEH: I would like to have some clarification. He talked about these changes. My understanding is that in Hong Kong we don't have any regulation regarding the 10 micrograms per litre, it is a voluntary observation by the Water Supplies Department.

MR LAM: Yes, this is the Water Supplies Department requirement for the contractors.

CHAIRMAN: The Water Supplies Department has been following the World Health Organization. In the UK it is 25. It was in 2013, end of, that changed from 25 to 10. In Hong Kong, we have been following the WHO.

MR LAM: Chairman --

CHAIRMAN: You can show this to me.

A. Chairman, my understanding is that the Water Supplies Department's standard is in relation to the central supply for the mains.

CHAIRMAN: Let me try to understand your question. You are saying -- you talked about these different stages as time goes on, there are different standards, right?

MR LAM: So basically that's the thrust of my question. I will be taking up the paper.

In other words, there are eight test parameters that, Chairman, you mentioned. Lead wasn't included. Would you agree with me that before we suffered from

Legionnaires' disease --

CHAIRMAN: What did you say?

MR LAM: Legionnaires' disease.

Before we had the outbreak of Legionnaires' disease, we wouldn't test for Legionnaires' disease. Once something occurred, we would have a consensus that there is a big risk of certain things, and then you would conduct a test, like lead now.

Are you with me?

A. Well, you can look at it this way. The Housing Authority is like a private developer. If it has to -- if it wants to get the certification for water supply from the Water Supplies Department, it has to measure up to all the requirements, including the water quality, and there are things that have to be tested. Previously there were eight parameters, but they didn't include lead and other heavy metals. Legionnaires' disease wasn't included; it is added subsequently.

Q. In other words, you agree with me, do you, that because certain things happened and people considered human health important and lead was included, Legionnaires' disease was added, but previously, as you said, whether we are talking about government projects or whether we are talking about the contractors, people didn't realise that there was a need to test the piping joints for

lead?

A. Well, these concern two facts. First, in the construction process, for the construction of drinking water pipes, if soldering materials are used in pipe joints, lead-free soldering materials must be used. This requirement is very clear.

Then when we talk about using certificate of water connection, the parameters to be used for testing water that don't contain lead and other heavy metals, it's only in 13 July this year when a news circular was issued by the Water Authority was lead added into the test parameters.

Q. Well, we all agree that there is the requirement in the contract saying that lead-free solder materials should be used.

Let me turn to another point. Yesterday, we talked about, say, temptation for the workers to use leaded soldering materials. From the main contractor's point of view, the earlier the certificate of water connection be obtained, the better it will be. Well, it is their common interest to get that done, right?

A. Yes, well, you can say that.

Q. As soon as the tests are completed, the sooner we will be able to pay the bill, right? Now for this latest incident now they are required to replumb the waterworks

C because of the incident, so in terms of the cost and the
D time to be taken up, that would be a problem, right? So
E to them it would be better -- they would be better off
F if they can comply with all the requirements and hand
G over the buildings as soon as they can, right?

F A. Yes, from the main contractor's perspective, of course
G they would like to comply with the contractual
H requirements.

H MR LAM: I don't have any further questions. Thank you,
I Chairman.

J CHAIRMAN: Mr Lee?

K Cross-examination by MR LEE

K MR LEE: I didn't expect that I would talk to you on this
L occasion.

M Can I say that you represent the government in your
N capacity?

N A. Yes, I am speaking here as the chairman of the Housing
O Authority. As I explained, the situation is a little
P bit complicated. I am also the Secretary for Transport
Q and Housing.

Q Q. The government does have a team to deal with the
R incident, doesn't it?

R A. Yes. After the excessive lead in drinking water in
S Kai Ching Estate was exposed, the government has held a
T number of interdepartmental meetings chaired by and
U
V

co-ordinated by the Chief Secretary for Administration.

I participated in those meetings as well.

Q. It was chaired by the Chief Secretary for

Administration; right? She was the head?

A. The interdepartmental group is still working.

Q. Now, this is an interdepartmental group. Well, it's

difficult for you to direct another government

department to work for you, right, so we need the Chief

Secretary for Administration to head that group; right?

A. Yes, for major incidents, we have to respond quickly and

we have to co-ordinate among different government

departments, so each department has its own policy

portfolio. So to have joint efforts and to have

concerted efforts, interdepartmental group is necessary.

Q. There may be conflicts among government departments;

right? For example, the WSD may have conflicts with

you, your department; right?

A. Well, the different government departments have their

own work focus. Now I am here at this public hearing,

I am speaking in the capacity of the HA chairman, and

strictly speaking the Housing Authority is not part of

the government.

Q. But it has to do with the government; right?

A. Well, the incident, of course, has to do with the

government. If there is a problem with drinking water

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C quality, the government is duty-bound to deal with it. C

D Q. Well, when you talk about drinking water, not just D

E representing the three victims, you and I are also E

F affected; right? Everybody is affected by the incident; F

G right? Every household is affected. If a household is G

H unfortunately affected, and lead is found in the H

I soldering materials of the pipe joints in this I

J household, then there is a problem? J

K A. The WSD has a Task Force and it has done scientific K

L analysis on the water samples and it's done analysis on L

M the components and parts and materials, and believes M

N that the main source of the lead comes from the N

O soldering materials of the pipe joints, and lead is O

P leached into the drinking water. P

Q Q. Well, I will be asking very simple questions. I hope Q

R that you would answer me in a simple way too. Well, R

S different houses have different water consumption S

T patterns; right? T

U MR YIN: Chairman, I don't want to barge in here, but U

V everybody is aware that during this public hearing, V

Mr Cheung is speaking in the capacity of the HA chairman

and giving his testimony.

Now, if Mr Lee wants to ask questions about the

government's role in overseeing drinking water quality

in Hong Kong, I don't think these questions should be

raised and directed at Mr Cheung.

CHAIRMAN: Yes. Please continue.

MR LEE: Mr Cheung, you have been in your position for
a number of years; right?

A. Yes, three years.

Q. And Mr Cheung, if you think that I have asked questions
that you should not answer, please feel free to say so.

A. I know.

Q. With this Commission of Inquiry, the idea is to identify
problems.

A. I agree.

Q. So, in order to achieve this purpose, each witness
should be speaking their minds. Even if you don't want
to speak your mind, you have to. You can talk about how
you look at the issue, and you may not want to say
anything that affects the government. If the witnesses
are not telling us the truth, then it's difficult for
the Commission. There may be some witnesses who would
think that by answering the question, he is rendering
himself to prosecution criminally. He still has to
answer the question. I hope you understand the
question.

A. Chairman, I am here to assist the Commission to identify
the truth. I will be answering the question to the best
of my knowledge. In my competent area, I would be

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| C | prepared to answer the question. | C |
| D | Q. If there is a household, if there is someone in | D |
| E | a household who turns on the tap, and the water comes | E |
| F | out of the tap with lead in it, and he would boil the | F |
| G | water for consumption, the water is suspect with lead? | G |
| H | A. Yes, there are problems with leaded water. | H |
| I | Q. This is water left overnight? | I |
| J | A. Well, if the water contains lead, there are problems. | J |
| K | Q. When it was tested, there was a question of whether you | K |
| L | are testing the water left stagnant overnight or whether | L |
| M | the water has been running for some time. There would | M |
| N | be a difference, even if it is lead-containing? | N |
| O | A. I am with you. When the problem was identified in | O |
| P | Kai Ching Estate, there were different views regarding | P |
| Q | water testing. As far as the government is concerned, | Q |
| R | it is the Water Supplies Department who would have the | R |
| S | chief chemist that is responsible for water testing. He | S |
| T | did explain his professional viewpoint. | T |
| U | In the morning -- people don't really drink water | U |
| V | just in the morning, they will be drinking water all day | V |
| | long. If I understand correctly, the water that is used | |
| | normally would be the water that should be collected for | |
| | testing. In some jurisdictions, they would remind the | |
| | people of the risk of substances like lead and other | |
| | adulterated materials and they would advise people not | |

to drink straight from the tap.

Q. If the water comes out of the tap for consumption, we shouldn't -- we know now that we shouldn't be drinking water that has been stagnant overnight?

A. Whether it is leaded, the experts will advise caution.

Q. I would be very careful with water consumption. When I wash my hands, I would turn off the tap when I am using the soap. But here we are talking about water for consumption. If there is danger, there is a risk to drink water left stagnant for some time, so for consumption, one should let the tap run for some time for safety's sake, right, but wastage would be another question?

A. You may not waste water, because you can collect the water with a basin. You can use the water not for consumption but for something else. I've been doing it myself.

Q. At least there is someone from the government who is doing it.

Now, when water is tested, you cannot exclude the stagnant water, can you? We are talking about two things. You should test the stagnant water and also the running water.

My partner looked at other jurisdictions and no jurisdictions would preclude or exclude the stagnant

water.

A. I wouldn't comment on this. We did have some controversy in the community, but the chief chemist from the Water Supplies Department is of the view that we should be testing the water that is used normally.

Q. This chief chemist, will he be testifying?

A. Yes, he will.

MR SHIEH: Mr Chairman, I think there are two things here, when it comes to stagnant water. Mr Lee is representing the tenants. From the tenants' point of view, if you ask them to run the water for some time, then he can raise these questions.

As to what hour is the right time to test the water for lead, that's a scientific and technical question that I think should be put to some experts, technical experts, like the chief chemist of the Water Supplies Department. It's not a question that should be put to the chairman of the Housing Authority. I don't think Mr Cheung's expertise lies in this.

MR LEE: I would like to put the question to you, because I would like to call a spade a spade here. I heard you seem to have found the source, and that is the piping joints contain lead. Let's say there is a pipe. We have talked about copper pipes. Now, one of the ways is mechanical compression, you can use copper pipes but you

can use mechanical compression that doesn't contain lead. But when you connect two pipes with a solder, then that gives rise to the problem. Now you seem to have identified the source, and you are trying to make up for the problem. You're trying to close the stable after the horse has bolted. If the policy is to rectify the problem straightaway, you won't wait until the result of this COI?

A. Yes, once we have identified the problem, we would implement rectification measures.

Q. It would be immediate; is that right?

A. Immediate? There would be some procedures, but basically we don't have to wait until any reports.

Q. Let me pause here. I do admire this approach. We do agree with this policy. I hope that you would be more proactive. I don't think you will object to me, disagree with me on this. What you are doing right now is once you have identified the public housing blocks that have water that contain excess lead, then you would take a device to have an immediate test. What is it called? The XRF?

CHAIRMAN: X-ray fluorescence analyser or something.

MR LEE: We will just call it the X device. This XRF device, you will take this to the pipes. You said that every time you use this X-ray device, if there are

problems, then you would have the water in excess of the level?

A. Yes. If there are problems in the housing block, at different parts of the supply chain we would be collecting water samples.

As regards the details of the specific occasion, I think we have to defer to the expert from the Water Supplies Department. If the test shows that it is beyond the WHO level, then we would conduct the XRF bracket test to ascertain whether there is any trace of lead in the pipes, to determine whether there are problems.

The reason why we have to do this is because if you want to trace the problem to the contractors, under the contract the solder materials should be of a lead-free grade. But the contract doesn't say anything about the water quality standard, because this is not a requirement of the Water Supplies Department. Whether the solder contains lead is something which is a very important piece of evidence.

Q. Once you have this X-ray device, and you identify the problems at the piping joints and you trace the problem to the contractor, because they use something substandard?

A. Yes, the solder.

Q. The experts behind me are telling me that other than that, you have also the swab test?

A. I can't answer this.

Q. But the problem is, when you know, "you" meaning the government and the government authority, when you know a rental housing unit has water that contains excessive lead, you would start the testing, is that right, and you would take the X-ray device to conduct the test and then you will take remedial action and install the filters; right?

A. As I said earlier, through this systematic sampling test, once we have identified problems in a housing estate, we may collect 50 samples. Let's say there are five that are in excess of the level. Normally we would also find that in the pipes they contain lead, and then we have to exercise the judgment, and we can say that these units are in trouble, and we would convene residents' meetings, we would be distributing bottled water, we also have water tanks, water wagons available for residents to collect safe water, and then we follow up the matter with the contractors.

The contractors are now piping the water into individual floors. They will also provide the filters that can get rid of the lead and they will replace the filter core, and also there are measures to have blood

tests.

Q. What, you change the filter core for them?

A. I am talking about the filter core, the core within the filter system. After a while the core will have to be replaced.

Q. If they carry on, there may be problems?

A. It all depends on the water consumption level, so after the installation of the filter, they will be distributing some information, or some contractors will explain the usage of the filter system.

Q. Let's not talk about the filter. When are you going to connect the pipes again?

A. The four contractors have made some proposals, and the Housing Department has looked at them, and we will await the study of the Water Supplies Department. We have talked about replumbing and that would involve the installation of the pipes. There are certain procedures and regulatory requirements to follow. It is when the Water Supplies Department thinks it is in order that this will go ahead.

But this is the intention of the contractors. They will try out in certain blocks, and then they will formulate a timetable for full implementation, and they would start with the public places first, and hopefully, after this, this would substantially improve the

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| C | situation, and then they move on to the individual | C |
| D | units, and the situation would be a little bit more | D |
| E | complicated because this exercise would certainly be | E |
| F | disruptive to the residents. It all depends on whether | F |
| G | there are certain pipes inside the kitchen which are | G |
| H | covered by the cupboards; there are problems to resolve. | H |
| I | Q. Am I correct in saying this: if there is a public | I |
| J | housing block, then there is a standpipe on the street | J |
| K | supplied by the Water Supplies Department? | K |
| L | A. That is supplied by the Water Supplies Department. | L |
| M | Q. There's no problem with the water supply there, because | M |
| N | the WSD has certain standards, WHO standards, in | N |
| O | relation to the quality of water supplied to the | O |
| P | boundary lots? | P |
| Q | A. I am not familiar with the detailed design and | Q |
| R | construction. | R |
| S | Q. Well, there are problems with the pipe joints. So the | S |
| T | problem starts with the water, the place where the water | T |
| U | gets into the individual households; right? | U |
| V | A. Now, the Water Supplies Department supplies water to the | V |
| | boundary, to the boundary of the lot, and for the inside | |
| | service system, depending on the structure of the | |
| | building, there may be several water supply chains. | |
| | There may be underground water tanks and also roof water | |
| | tanks, depending on the design of the individual housing | |

C blocks. So there are certain requirements under the
Waterworks Ordinance in relation to such systems. C

D From the regulatory point of view, the licensed
E plumbers are responsible for the installation of such
F a system. It's just like a building, the authorised
G person is responsible for it. So the plumbers have
H a regulatory role here, or the plumbers are required
under the regulation to be responsible. H

I Q. So, according to your timetable, what is the earliest
I time when re-plumbing work can be done in the individual
households? J

J A. No, I can't give you a specific timetable now. As what
K I said just now, we want to obtain the WSD's approval
L for the plans proposed by the main contractors, and then
M we will go ahead with the trial of the re-plumbing
works, and then we will come up with a timetable for the
N 11 affected housing estates. N

O In fact, in the Housing Panel of the Legislative
Council meeting yesterday, my colleague said that it
P will take more than one year. Yes, if we have to do
Q everything, complete the task, it will take more than
one year. Q

R Now, for the common parts, we don't have to get into
S the households, then that can be done easier, but if we
T want to get into the households to do re-plumbing, then
U
V

that will take more time.

Q. So we are still looking at the proposals submitted by the main contractors. You said there are two types of water pipes. One is the common water pipes, and then the individual water pipes; right?

A. Now, some water pipes are installed at the common parts like the corridors and some of the pipes go actually into the households.

Q. For water pipes in the households, and if lead is found in the soldering materials in the pipes in the individual households, so is it normal to assume that such lead is also found in the water pipes in the common areas because it is done by the same contractor; right?

A. What we are doing now is we are asking the main contractor to do a thorough investigation on the water pipes in the housing blocks. I should say that it is not the case that all water pipes will contain lead in these pipe joints.

Q. When there are problems with the pipe joints, that implies the contractors are responsible; right? Because the workers are working on the pipe joints. I know that there is a subcontractor. If we know that there is a problem with the water pipe in an individual household, you should pursue responsibility with the main contractor; right?

A. Yes, yes, we will take him to task.

Q. If, say for example, X company has problems in its project, would you be looking into other housing developments which have been worked on by company X?

A. Well, we are having water sampling tests across all PRH estates and it's just that we are doing it in phases.

Going back to the history, how events unfolded: in July, we first found that there were problems in Kai Ching Estate, lead was found in soldering materials of pipe joints, and the problem was serious, and we knew immediately who the licensed plumber was. And for all the works done by the same licensed plumbers in the past two to three years, we found that there were four housing developments, and we did water sampling for all these four housing developments as well. And among these, Kwai Luen Estate Phase 2 also had drinking water with exceedance lead problem. So we expanded the water sampling to housing estates completed after 2013 and then to 2010, and then we said later that some water sampling will be done for all public housing estates.

Q. Now, if we found that there were problems with certain main contractors, shouldn't we be dealing with the works done by these same main contractors first?

A. Well, we have considered that, but it may not be the right approach. Well, for the housing developments

worked on by the same licensed plumber, there might be problems with some housing developments and not others.

Q. Well, apart from the licensed plumbers, should you also be looking at who the main contractor is? Because the main contractor might not be complying with the contractual requirements. If the main contractor complied with the contractual requirements, that would not be a problem?

A. Well, for all the housing developments worked on by this same licensed plumber, some might come with problems, others not, and the same applies to the main contractor. So there is not a sort of pattern here. So it's difficult to say that this particular main contractor has problems and not the other, so it's difficult to make that kind of conclusion.

Q. So when you identify the problems with a certain contractor, you should test their product. You shouldn't wait until somebody is telling you about the problems. The members of the public don't realise there are problems with certain plumbers.

A. As I said yesterday, we adopt a risk-based approach. When Kai Ching Estate was found to have problem and then Kwai Luen Estate Phase 2, I think the situation was like this. There are many residents in the PRH who are very anxious and would like to have their estates tested

first. The government departments, including the Water Supplies Department, they need to have the capacity, and we may be limited by certain capacity, and the laboratory would have certain capacity. Now, because of sheer demand from different places, a lot of people, including the politicians, would like to have the tests conducted as soon as possible. So we have to ascertain the risk.

So, for the newly built blocks, we would conduct the tests first. There are some -- Kwai Luen Phase 2, we found problems, but Kwai Luen Estate Phase 1, it was built in 2011, we also conducted a test on that particular estate, to assuage the concerns of the residents. Because of the limited resources, quite inevitably we have to prioritise.

Q. I don't doubt this point, this priority; I won't have any doubt.

In terms of risk level, you should know about the risk concerning certain plumbers, because you do have the evidence, don't you?

A. For certain plumbers, the projects conducted by him after 2003, we conducted tests on them first.

Q. Would you tell the public about the blocks in charge of a particular plumber, because the members of the public might test their own water?

A. When problems occur in housing estates, we would call press conference, we would announce the identity of the contractor, as well as the plumbers. You probably remember that at the very beginning, at the press conference, I think it was 11 July, at the first cross-departmental press conference, there was a question from the reporter about the licensed plumber for the housing estate. I chaired one of the press conferences and Prof Enoch Lam, the Director of Water Supplies, responded to the reporter. The night before, the Director of Housing met the media and the director said he was concerned about getting the name wrong, and then Mr Enoch Lam, the Director of Water Supplies, announced the licensed plumber, and that gave rise to a lot of controversy about why he should be identified. I am sure that the director would have some criteria as to when to announce the details.

Q. If a plumber is responsible for a certain block, the public should know?

A. From the testing work, it would be hard to say that a particular plumber or a particular contractor is causing problems in all the blocks under his charge.

Q. Well, you should tell people the kind of blocks that were done by a certain contractor. You can't say that they all have problems.

A. In the process, we are not sure whether you are saying that all the public housing blocks that were done by a particular plumber, we should announce it. According to the information, it would be hard for us to ascertain that all the projects under the charge of a particular plumber are problematic. And there are also the legal implications, so that's why we didn't do so.

Q. If people asked you, would you say so?

A. If they asked about the licensed plumber, for public rental housing, we would find out whether there would be any legal liability. But in principle, for public rental housing, as chairman of the Housing Authority, the identity of the contractors is not a secret.

Q. If someone asked, "I'm living here, I want to know the plumber", would you tell him?

A. For public rental housing, the main contractor should not be a sensitive subject.

Q. So you should tell them?

A. Before the licensed plumber, this is not under the regulation, under the portfolio of the Housing Authority, it is the Water Authority. They might have different considerations.

Q. You want the public to have access to information, and you would like the members of the public to co-operate with the government, and you want the public to come to

you with their problems?

A. We like to assuage public concerns. We are testing all the public housing estates in stages. We are coming to 2005, the 145 housing estates. As of the end of that week, we have completed 46. Fortunately, none of them showed any exceedances.

CHAIRMAN: You said in your evidence that for pipes in public places, if they are replaced, then the problem of lead in water can be substantially reduced. You also said that if you have to re-pipe the entire housing estates, it might take more than one year because the residents would have to strip out the fittings.

Now, since you said that in the public places, if you redo the pipes, it would substantially reduce the risk -- now, let's concentrate on this. If you are doing this part, would it advance the timetable?

A. Yes, indeed. From the point of view of the affected tenants that might have the problem, the best solution would be to replace all the pipes. We are talking about 11 housing estates or 30,000 or 29,000 households. If we have to cover them all, indeed we have to resolve certain logistical problems, the priority, the arrangement for gaining access to the units with minimum disruption and so on.

We have to consider also the capacity of the

construction industry which has always been very tight in labour, so the contractors would have to have these estimates.

So it is hard for us to be specific about the timing, but once a re-plumbing proposal is in place, then the contractors would like to deal with the public places first because they don't need the consent of the tenants, but it would need to do more if it had to enter the units.

CHAIRMAN: Yes, please carry on.

MR LEE: I am glad you put the question, Chairman.

CHAIRMAN: Let's take a break for 20 minutes, for you to organise your questions. We come back in 20 minutes.

Let's take a break for 20 minutes.

(11.26 am)

(A short adjournment)

(11.49 am)

CHAIRMAN: Okay, let's continue.

MR LEE: Thank you, Chairman.

Mr Cheung, there is one point that I would like to raise. You said that when lead is found in drinking water, you normally go down to the affected estate and hold a residents' gathering. I really compliment you for that. On the one hand, you should allay people's worries, and at the same time you have to instruct them

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| C | so that they would know what to do. And drinking water | C |
| D | is involved, and you distribute water; you would not ask | D |
| E | them to pay you for the bottled water? | E |
| F | A. We are not charging for the bottled water. | F |
| G | Q. You would not ask them to repay you in the future? | G |
| H | Because somebody reminded me to ask you this question. | H |
| I | A. It's difficult for us to ask them to pay for the bottled | I |
| J | water. There are so many residents involved; there is | J |
| K | no record of who has taken the bottled water. | K |
| L | Q. In your statement, paragraph 35, the last sentence, you | L |
| M | said: | M |
| N | "The HA will strive to put in place all these | N |
| O | recommendations [to be received in the future] as | O |
| P | a matter of urgency to prevent occurrence of similar | P |
| Q | incidents in the future." | Q |
| R | That's what you said; right? | R |
| S | A. Yes. | S |
| T | Q. I want to ask you, occurrence, the word "occurrence of | T |
| U | similar incidents", what do you mean by this phrase, | U |
| V | "occurrence of similar incidents"? Excessive lead in | V |
| | drinking water, is that what you mean? | |
| | A. Yes, problems related to excessive lead in drinking | |
| | water. In paragraph 35, we talked about the Review | |
| | Committee established by the HA. In October, an interim | |
| | report was submitted and recommendations were put | |

A *Annex: Realtime English Transcription based on floor / Simultaneous Interpretation* A

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 02 B

C forward. C

D As I answered to an earlier question, once the D

E Housing Department found there were problems and there E

F should be remedial measures to be undertaken, we will go F

G ahead with the remedial measures as soon as possible; we G

H will not wait for any future reports in the future. H

I Q. Would you include putting in place legislation saying I

J that all parts of waterworks should not contain lead, J

K including water taps or water nozzles? K

L A. I know there have been suggestions in the community L

M towards that end, and in relation to details of the M

N waterworks installations, I think it will be up to the N

O waterworks authority to decide, or rather the Water O

P Authority. P

Q Q. Now, say you are the landlord; right? Some tenants may Q

R find that certain types of water taps look nice, and R

S then they would install the water taps there, and these S

T water taps may contain lead. You should not allow such T

U water taps to be sold in the market; right? U

V A. For waterworks installations and pipeworks and water V

installations, in accordance with the relevant

legislation, all works have to meet the British

Standards as set out in the relevant legislation.

Of course, legislation may change over time, but the

requirement is that such British Standards should be

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| C | adhered to. | C |
| D | For some alloys or some pipes, they may contain | D |
| E | lead, but as long as they don't exceed the British | E |
| F | Standards, they can be allowed to be used. But once | F |
| G | there is exceedance, then that should not be allowed to | G |
| H | be sold. | H |
| I | Q. Have you considered legislating to ban the sale of such | I |
| J | items on the market? | J |
| K | A. It's up to the Water Authority to decide. | K |
| L | Q. You don't want such water taps to be installed in | L |
| M | houses? | M |
| N | A. I believe that the Water Authority has heard such views | N |
| O | in the community. | O |
| P | Q. Would you bring back such views to the Water Authority? | P |
| Q | I believe the director of the Water Supplies will be | Q |
| R | here to answer this question. You are also a water | R |
| S | user, right? | S |
| T | A. Yes, I would make all necessary arrangements to | T |
| U | safeguard the safety of drinking water. | U |
| V | Q. That's all right. As we all know, in the market in | V |
| | Hong Kong, there are a lot of products, food products, | |
| | which are counterfeit or fake goods. | |
| | A. Place continue first. | |
| | Q. For water taps there might also be counterfeit products, | |
| | fake products; do you agree? | |

A. On the components, if we are talking about waterworks installations, to my understanding the WSD has certain regulation on certain products, models and brands.

Q. Can we show this? Or perhaps in the afternoon I will show you something, some booklets. I think the booklet is very useful. This is done by you; right? This is designed by the Government Information Services Department in August this year. I will ask a question in the afternoon relating to this pamphlet or booklet.

Now, I would like to ask you this. Can I refer you to paragraph 14 of your witness statement.

Paragraph 14, please. At line 44 said:

"... a lack of awareness ..."

The government's translation in Chinese is? "(Chinese spoken)". I don't think that is a right Chinese translation. "A lack" means an absence of awareness. "Awareness" is "(Chinese spoken)" in Chinese. I've got this dictionary with me. The Chinese term is "lacking foresight and too slow to learn".

Would you agree to that translation of Chinese?

A. There would be a fine distinction here from the language point of view. If you are saying that we are too slow to be aware of the situation, that means that we are totally unaware of it previously. But then "a lack of awareness" means that awareness is not up to standard

only. "Lack" means there's an absence.

Q. So that means unaware; right? So in other words, you are unaware? If not for some newspaper reports on the incident, you would not have learned about such a problem; right?

A. For Kai Ching Estate, we found there was lead in soldering materials. We didn't anticipate that.

Q. Well, the soldering materials were tested by the government.

A. Some Legislative Councilors said they have done tests and lead was found in drinking water. At that time, the Housing Department, together with the Water Supplies Department, took samples of drinking water from Kai Ching Estate for testing. But then, for this batch of samples, no exceedance was found. But as I said in my statement, the Director of Housing, on 7 July, notified me that there were two vacant units in Kai Ching Estate and that was on the initiative of the Housing Department, and in the pipe joints in two units, lead was found in the soldering materials of these pipe joints. So that was not actually identified by some other organisations previously.

Q. You said that you did tests on the pipe joints, but somebody else told you about problems in the drinking water. But if not for this earlier report by these

other parties, you would not have checked on the pipe joints; right?

A. As I said earlier, when applying for the certificate of water supply connection, there was no requirement on testing of lead and other heavy metals.

Q. Well, my question is rather simple here. If not for somebody telling you or telling the government there was exceedance of lead in drinking water -- well, up to now, you wouldn't be aware of the problem, right, if not for somebody telling you that was a problem?

A. I can't make that kind of presumption or guess, but indeed, in July, when a party or somebody said that samples from Kai Ching Estate were found to contain lead, we didn't have the information on hand at that time, and the WSD and the Housing Department did tests on a group of samples, there was no problem found. But until, as I said, up to 7 July, we found that there was lead in the soldering materials of pipe joints, and then after that we took samples of another batch of samples of water, and then we found lead in that other batch of samples.

Q. So it was not the case that the government departments, the WSD and the Housing Department, actually took the initiative to test the water and found problems?

A. Yes, there was no testing of lead and other heavy metals

previously.

Q. Yesterday, Mr Shieh showed you the reports from the BBC, test reports from overseas jurisdictions. Have you ever read such reports previously, or was it the first time yesterday that you read such reports?

A. Honestly, before the incident, we didn't notice this.

Q. What about after the incident?

A. After the incident, we got some information from the web. As I said in answer to Mr Paul Shieh, in Toronto I learned about how they deal with the issue. In Ireland, the issues happened about the same time. The EU in 2013 adopted the 10 mg per litre standard and they identified so many problems; a lot of the pipes were leaded.

According to the information, we would like to find out whether in other jurisdictions, whether they have similar problems and how they deal with them.

Q. I would not blame you for not paying attention until after the event. There are many government departments, there are many secretaries, you are dealing with a big portfolio, larger than that of other policy secretaries. Perhaps they should be split up. But is there anybody in the government who would get hold of this kind of information, as far as you know?

A. As I said in answer to Mr Paul Shieh SC yesterday, in

their day-to-day work, how would the Housing Department staff get access to overseas experience, I would not be micromanaging on a day-to-day basis and get the information from them. But as professionals I'm sure that they would try to find out in their respective area.

For the details, Ms Ada Fung can supplement. But in fact, if we don't have the awareness of certain problems, we would not try to seek the relevant information. After the incident, I pay more attention. I search the web, and I learned that in the kitchen there are many things that contain heavy metals, like lead, cadmium, chromium, and there are issues that I never realised, like the teabags might contain lead.

So, in our day-to-day knowledge, we would not make this kind of connection.

Q. You would not ask everybody, but from your understanding, did anybody in your department or in the government as a whole tell you about this until after the event?

A. Yes.

Q. Let's turn back to paragraph 14. You think that my interpretation of "lack of awareness" is not appropriate, is it?

A. That's a matter of interpretation. But we would admit,

like the supplementary that I gave after this statement, I said that if we became aware of this risk, if we were aware of the high risk of leaded solder, then as a matter of Housing Authority policy we have to make sure safety, we have to ensure quality, and there would have been measures.

Q. Nobody would doubt this, because if you do not do anything after the event, it would be not possible.

But let's look at your position. I'm not trying to personalise this, and this is not the view of Anthony Cheung. You agree with the conclusion of this Review Committee -- this is nothing personal -- I feel that you don't seem to be coming clean and admitting that you have omitted on this.

A. We did admit there were inadequacies.

Q. A lack of awareness; there was awareness, but there seems to be a lack of it.

A. For the piping joints, they are supposed to be using lead-free solder. This is also a contractual requirement. So there was an awareness that if there was lead, it wouldn't be good, but it's just that we were not aware that the solder would contain lead.

Q. You didn't realise that the solder would contain lead?

A. There is a contractual requirement. As we said in the interim report of the Review Committee, in the industry

there was an understanding that the solder was up to scratch.

Q. Water is for consumption, so there shouldn't be any heavy metal, including lead, there is legislation, so people must be aware of that. What you are not aware is that with this piece of legislation there are still people using these kind of materials in the pipe and that's something you are not aware of?

A. I'm sure that this is also the conclusion of the interim report of the Review Committee. Previously, they did not target the soldering materials containing lead as a high-risk item.

Q. If they use the mechanical method, there wouldn't be any problems, but if you make the connection, connecting the joints, you have to have something that cements the two pipes for connection; you must be aware that somebody might use something containing lead, that's why you have the legislation banning this; is that right?

CHAIRMAN: I don't think there is any legislation there.

MR LEE: It is a contractual obligation, isn't it?

A. Yes, it is a contractual obligation. They have to measure up to the British Standard. There are requirements for different components. For lead-free, it is not zero, it is 0.07 per cent.

MR LEE: In your statement, you used the word "infect".

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B Commission of Inquiry into Excess Lead Found in Drinking Water Day 02 B

C Now, you adopt the UK standard and presumably there C
shouldn't be any lead; is that right?

D A. Under the Waterworks Ordinance in the annex, it refers D
to different components and that they have to measure up
E to the UK standard. E

F Q. If the contractors are following the contractual F
G obligations to the letter regarding the UK standard, G
H there shouldn't be any problem? H

I A. Indeed. I

J Q. You didn't realise that there were problems? J

K A. Yes. So first the Housing Department immediately K
L conducted tests on the pipes, and the Water Authority on L
M 13 July published -- promulgated a new circular letter, M
N and the four heavy metals were included in the list, and N
O this is something that would be tested. O

P Q. Before the incident, the government or the relevant P
Q departments -- the Housing Authority, the Housing Q
R Department -- wouldn't imagine that in Hong Kong there R
S would be some plumbers who would use these kind of S
T materials, lead-containing materials, that are in excess T
U of the limit, for connection; you didn't imagine that U
V this would happen; is that right? V

MR YIN: Mr Chairman, I would like to interrupt Mr Lee.

I don't mind Mr Lee asking questions that have nothing
to do with the Housing Authority, but it seems that he

keeps saying "you" and he is mixing up all the departments concerned. He said the Housing Authority, the Housing Department included. That isn't right.

I hope that Mr Lee, when he says "you", he has to specify whether it is the Housing Authority or the Housing Department or any other departments of the government. Please do not lump them all together.

MR LEE: I will try my best.

You, the Housing Authority -- let me put this to you, would you agree with my question -- the Housing Authority wouldn't imagine that someone, some plumbers, would resort to these kind of lead-containing materials in the copper alloy?

A. Indeed -- let me put it this way. In the Review Committee of the Housing Authority, the interim report indicates that in the industry or in the Housing Department, they did not target soldering materials as a high-risk item.

Q. So you didn't realise that there was a problem?

A. If there was a high risk, there would have been other measures.

Q. You wouldn't imagine that something like this would happen; is that right?

A. To put it bluntly, yes.

Q. I have always been blunt.

MR SHIEH: Why did you try to be blunt? I think we have been bogged down with this lack of awareness for 15 minutes and you try to ask the witness to pick the right Chinese version. I use the word "slow" in coming to the realisation. That's my version of lack of awareness.

MR LEE: Someone is objecting to this?

MR SHIEH: I'm not talking about you, I'm talking about someone next to you.

MR LEE: He doesn't want you to represent the government as well. Now, you have the cross-departmental group. You have had a lot of meetings involving so many departments. Have you heard anything from other departments, that they are aware of the problem and you are not, or is it the case that nobody is aware of this?

A. If you look at the CS's speech in LegCo, we didn't have this awareness in the past.

Q. So none of the people in the government would have this awareness? If there was, then this wouldn't have happened; is that right?

A. I think there was a lack of awareness of the risk.

Q. Mr Cheung, I do have faith in you. I'm sure that your counsel should have faith in you.

All right. Paragraph 14, in the middle, you said you agree with the Review Committee's view. What is

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| C | Review Committee? You agree with the Review Committee's | C |
| D | view that the HA's past mechanism for ensuring the | D |
| E | quality of drinking water had some inadequacies. So, in | E |
| F | this mechanism, there were some inadequacies. | F |
| G | A. Well, "inadequacies" were the term used, and in Chinese | G |
| H | it's called (Chinese spoken). | H |
| I | Q. Inadequacies in terms of the laws, the relevant laws or | I |
| J | what? | J |
| K | A. In my statement I also said the same. The HA has abided | K |
| L | all along with the regulations, regulatory requirements. | L |
| M | Q. If you don't want to answer my question, please feel | M |
| N | free to say so. Do you think that the laws are adequate | N |
| O | or not? | O |
| P | A. What I said here in this statement is that once we | P |
| Q | learned about the problem in Kai Ching Estate, and that | Q |
| R | there was lead in soldering materials in pipe joints in | R |
| S | some public housing estates, with hindsight, we | S |
| T | identified inadequacies in the quality monitoring | T |
| U | mechanism. | U |
| V | Q. Well, your mechanism might be constrained in a number of | V |
| | aspects. Inadequacies in the law might be one | |
| | constraint, so do you think there are inadequacies in | |
| | our present laws? | |
| | A. Once the inside service has been installed, tests will | |
| | be conducted on the drinking water, and the Water | |

Authority has issued a new circular on 13 July, requiring tests to be done on lead, and also some other heavy metals. So the mechanism has been enhanced as a result. And also, in response to the Review Committee's recommendations, the HA has introduced some short-term remedial measures.

Q. Well, my question really is: do you want more constraints be imposed by the laws so that the risk of drinking water can be minimised, or do you think that the present laws are adequate to deal with the situation?

A. You have asked a similar question. I think it's more appropriate for the Water Authority to respond to that question. There have been differing views expressed in the community.

Q. With regard to law enforcement, do you think there are inadequacies?

A. Do you mean HA?

Q. Yes, HA first.

A. On the part of the HA, all along, all the requirements set by the Water Authority have been met by the Housing Authority.

Q. Law enforcement, how do you go about doing it? By contract, enforcing the contract; right?

A. Yes. We also have our certification and we also check

the documents. We also sample-check the components and the materials. So this is going on.

Now, in the face of this incident and also the recommendations made by the Review Committee, we see that there are further enhancements to be made in the monitoring work, so that will be done.

Q. So do you agree that there are inadequacies in law enforcement?

A. Well, strictly speaking, it's not a matter of law. We shouldn't call it law enforcement. It is really we can enhance our monitoring.

Q. Well, you said there are inadequacies. That's what you said yourself. So what inadequacies are identified, in what areas? Is it in the law or is it in enforcement or what?

A. As I said in my statement, in paragraph 14, I said in short what are the inadequacies mainly. I am just quoting here from the report of the Review Committee, and the Review Committee's report also listed the inadequacies.

Q. Let me try to follow you in this paragraph. In short, your inadequacy is that -- or, rather, you are acting consistently with the industry's practice and the law and the WSD's requirements.

A. So we are abiding by the relevant requirements.

Q. On your part, the HA's part, in these several aspects you are adhering to the relevant requirements. It's just that you did not focus on the lead problem in soldering materials. Is this the only inadequacy that you have in mind?

A. Let me put it this way. The main source of lead was the soldering materials in the pipe joints. Well, pipe joints, it should not contain lead. The soldering materials should be of a lead-free grade, and that's very clear. So no matter it's the industry or the HA, at that time we thought that the soldering materials used were up to standard, so we didn't target such an item as a high-risk item all along.

Q. Since you have such a requirement, the HA or anybody in the HA would never imagine that somebody is doing something that should not be done?

A. Yes. Well, that should not be done, I agree. The requirement is clear and that is the soldering materials should not contain lead.

Q. Well, but the question is this. The government, or rather both the Housing Authority and the government, should not count on members of the public or other people to just do what they should not be doing?

A. I do not understand your question. You seem to be wording your question in a complicated way.

Q. I'm sure you have heard the saying from James Madison,
"If men are angels, no government would be necessary."
The same here. If the plumbers or the contractors were
angels, there should not be the need to regulate them.
But the question is, they were not angels.

A. Let me digress a bit here. I am involved in public
administration, research. The degree of regulation
depends on the balance of probability. Regulation comes
with a price; it causes a nuisance. So to what extent
we should be regulating depends very much on the level
of risk. If we are talking about a low-risk situation,
we might not need so much regulation.

So for any kind of regulation, no matter it's in
Hong Kong or elsewhere, if we study or draw up some
regulatory measures, we would consider the risk
involved, and also the general sentiment in the
community.

Q. At least in your contract, there is a requirement that
for whatever waterworks installations, there should not
be any lead in the materials used; is that the
requirement put down?

A. Yes, there is a requirement on the soldering materials.

Q. Now, for the HA and HD, how do you see this? Somebody
has breached the contract, what would you do? You would
take them to court, right, and you would ask them for

compensation, or what? Or have you ever considered that people's health may be jeopardised, and it's not just a matter about monetary compensation?

A. Now, after this incident, number one, the Housing Department is asking the contractors involved to explain why, if the contract says no lead in soldering materials, we are seeing lead in the soldering materials, this is going on. And the Housing Authority will pursue after the main contractor for its obligations as set out in the contract, but it has to do not only with the contracts. Also, after this incident, the Housing Department is also studying how to enhance its work in site supervision and how to make sure that the contractors are using up to standard soldering materials. And also, in the Review Committee's report, it is also stated that the main contractors should have a management plan in terms of the procurement of the materials and also the storage of the materials on-site, whether there should be a quarantine measure upon delivery.

Q. So, in other words, you felt in the past that the contracts should be able to cope, and now after the incident you know that contracts are not adequate?

A. As I said, all these additional measures would actually be put down in the contracts to be signed in the future.

Q. Do you agree with what I said, that for the contracts signed there were no such requirements, so you believed in the past that the contracts were good enough?

A. Well, in previous contracts signed, there was no requirement that the contractor should put in place a management plan of materials. The Review Committee has made this recommendation. If that is the case, that same requirement should be put in the contracts to be signed in the future.

Q. Now, for public housing estates, we used concrete to build the walls, and for water pipes, we are looking at whether there was lead in the drinking water. Now, for the walls, whether they were strong enough, you would also do tests on them. But for water pipes, were you doing similar tests?

A. Now, we used to have eight test parameters that we feel are higher-risk items, and later on we added in some extra arrangements for Legionnaires' disease, and after 13 July we added in four heavy metals, including lead.

Q. So in the past you just counted on the certificates on water supply connection?

A. Well, it's similar to the occupation permit issued. The contractors have to abide by the requirements of the Building Authority. And for the waterworks installation, the main contracts have to meet the

requirements of the Water Authority, and the Water Authority sets certain requirements on waterworks installations, and such requirements were set down in the Waterworks Ordinance, and also, before there was water supply connection, tests will be done on certain aspects of the water quality.

Q. In the past, you asked them to meet with the requirements set out in the contract, but you didn't actually go down to the website to check out whether such materials as specified were actually used; right?

A. Well, on-site there is of course supervision, but after the incident we think we need to step up the supervision on-site.

Q. I want to ask you this question. You held so many meetings. Have you ever considered this issue, whether the incident involved any kind of bribery, some people may be involved in corruption? Have you ever considered that possibility?

A. Well, up to now, from the information that we have gathered, we don't have such suspicions.

Q. And would the incident, say, be related to companies on the mainland, mainland companies?

CHAIRMAN: What do you mean?

MR LEE: Products manufactured by mainland companies.

CHAIRMAN: I think you are digressing here, this question.

MR SHIEH: Now, if the products contain lead from a certain place, then we should not just pinpoint the mainland then. The products can come from other places as well.

CHAIRMAN: I want to ascertain what you are driving at. I am not stopping you putting questions.

MR LEE: I would like to find out about the determination of the government, would there be any political factors?

CHAIRMAN: The mainland also follows the WHO's standard in terms of drinking water.

MR LEE: If there is no, he can say so. If you look at the mainland standard --

CHAIRMAN: It's very simple.

MR LEE: Let me be blunt. In the UK, even eggs can be fake. That is giving rise to concerns.

CHAIRMAN: Your question is for the Housing Authority or the government, indeed, how can they make sure that the components or the plumbing fittings in our homes are in compliance with the standards, and how do you supervise this; is that right?

A. I think we have to look at it from two angles. There may be some products that claim to be lead-free or some claim to be leaded. Like Mr Paul Shieh said, even in the EU there's solder materials; some of them contain lead, some don't contain lead. It doesn't matter where the place of origin is; the materials have to comply

with the requirements regarding different components under the Waterworks Ordinance. That's the key thing.

MR LEE: Are you aware that for these copper alloy fittings, these connecting pipes, some of them contain lead and some don't?

CHAIRMAN: You mean the solder material?

MR LEE: Yes.

A. Yes, solder materials, some contain lead, some don't. There may be welding for air-conditioning, it's okay for leaded solder to be used.

MR LEE: For leaded materials, would it be speeding up that process?

A. I'm no expert on this but I heard from the trade that leaded materials might make the work faster. That's what they say.

Q. Did you consider the possibility of people switching the products around, that the contractual requirements are very clear but on the site people might switch things around? They may have bought the leaded products which may be cheaper?

A. For these four contractors, as I said earlier, the Housing Authority is requesting them to review the situation and see why something that didn't comply with the contractual terms occurred, in terms of the solder. At the moment, it would be hard for me to comment what

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| C | caused these pipes to have solder which contained lead. | C |
| D | What you said was one of the reasons, I don't think I can comment on it. | D |
| E | Q. Mr Paul Shieh said that one of the incentives would be the financial incentive. They are in business. This incentive does exist. | E |
| F | | F |
| G | A. As regards the specific causes, the Housing Authority and the contractors will have to follow up in accordance with the contractual terms. It would not be right for me to conjecture on this. But the Review Committee of the Housing Authority has already made a request that the contractors should have a management plan regarding these important materials. They have to make sure that when the products are delivered to the site, there should be some quarantine arrangement to make sure that there would not be any switch around taking place. This is something that we would like to do to ensure the best protection. | G |
| H | | H |
| I | | I |
| J | | J |
| K | | K |
| L | | L |
| M | | M |
| N | | N |
| O | Q. You are awaiting their explanation, aren't you? | O |
| P | A. We are still awaiting their report. | P |
| Q | Q. While this COI is going on, would you drag the matter until after they have given the testimony? | Q |
| R | A. No, they wouldn't. | R |
| S | Q. The sooner they give the explanation, the sooner you will be able to come up with the strategy? | S |
| T | | T |
| U | | U |
| V | | V |

A. The Review Committee of the HA did meet a number of contractors to find out about the situation.

Q. Other than these four contractors, what about the other contractors? Are they in the clear?

CHAIRMAN: You mention other housing estates?

MR LEE: Yes, contractors for other housing estates.

A. For the Housing Authority and the contractors, we have the relationship over certain building projects. If there are no contractual problems, then we would be dealing with it in a different way, and I'm sure after the lead incident, the awareness of the industry would be different from before.

Q. Let me put this to you again. You have the tender exercise for the building works, including the plumbing work; is that right?

A. When the contractor puts in the bid, that would include different parts of the project, including the plumbing.

Q. So it would include the plumbing facilities? You must have a list of the contractors, the eligible -- a list of these contractors, do you?

A. Yes.

Q. Let's say I set up a company, you wouldn't include me because I'm not qualified, I don't have any track record?

A. Yes.

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| C | Q. In this list, how many companies are there? | C |
| D | A. I can't say off the top of my head. More than ten, I would imagine. | D |
| E | Q. 20, roughly? | E |
| F | A. I had better check on it first. | F |
| G | Q. Must be more than ten. Four are in trouble and you need further investigation. What about the other | G |
| H | contractors; are you sure that they are in the clean? | H |
| I | A. From the bidding point of view, unless we can prove that there are problems with a certain contractor, then they | I |
| J | would follow certain procedures and they find a way into our list, and they should be eligible for bidding. | J |
| K | Q. All the companies on the list would be eligible, although you wouldn't know, other than these four, | K |
| L | whether there are any other contractors that are being | L |
| M | naughty? | M |
| N | CHAIRMAN: If the water samples turn out to be clean, that should be all right. | N |
| O | MR LEE: But they might be bidding the projects. | O |
| P | CHAIRMAN: As of now, for these public rental housing, like | P |
| Q | Chairman Cheung said, they have been sampling the water and they detected no problem, then there are no | Q |
| R | problems. How can you say that you still have to | R |
| S | investigate these other contractors? | S |
| T | MR LEE: From the criminal point of view, if a company has | T |
| U | | U |
| V | | V |

not committed any offence, then you should allow them to be on the list for bidding projects.

A. We don't have that many significant incidents like this, but for the execution of the building projects, if indeed a contractor has violated certain requirements in terms of specifications, then the Tender Committee would consider what penalty there will be for these contractors, and there would be follow-up action. There may be times when the contractor would be struck off the list.

Q. At the end of the day, after you have listened to their explanation, if you find that a certain contractor cannot come up with any good explanation, what penalty would there be?

A. On this lead in water incident, the Tender Committee of the Housing Authority is following up on the four contractors to see whether there are any further measures that would be justified. For these four contractors, we have dealt with them on a preliminary basis between March and September. For seven months they have been excluded from any projects.

Q. What about afterwards?

A. The Tender Committee is still considering whether there would be further measures. No decision has been taken.

Q. What criteria would you adopt in the Tender Committee?

C Is it a bid going to the lowest bidder? C

D A. No, we would have the two envelope system, one on the D
E technical side, the other one on the financial side of E
F the equation. We would look at the track record and see F
G whether there were any adverse problems. G

H Q. What percentage, what ratio between the two? H

I A. I think I have to dig up the information -- I have to I
J confirm this afterwards -- I think it is 40/60, between J
K technical 40, financial 60, but I have to confirm this K
L afterwards. L

M Q. So technically you have to consider whether they have M
N committed any blunders before; is that right? N

O A. If the bidder has got a track record that is giving rise O
P to concerns, I'm sure that this would be taken into P
Q account on the technical side. Q

R Q. Paragraph 14, let's come back to this paragraph here. R
S You mention "lack of awareness". Here, this is what you S
T say: In the industry and in the Housing Authority -- T
U let's have a look at this. I mentioned the Housing U
V Authority. The Housing Department comes second, the V
construction industry comes first:

"... a lack of awareness in the construction
industry, as well as the HD ..."

Is it a deliberate order?

A. Well, it is ordered in this way because this is the view

of the Review Committee of the HA.

Q. When it comes to the construction industry, I heard what you said. There are many companies, more than ten exist. Now there are problems with four and you can't say that this is the entire construction industry, can you?

A. I have adopted the Review Committee's view. I know that when they reviewed the situation, not only did they meet the four contractors, they also met some of the institutes -- if I remember correctly, they also met some of the institutes to do with waterworks.

Q. So after the meeting they are of the view that the entire industry lacked awareness?

A. This is the conclusion of the Review Committee.

Q. But they talked about the construction industry and they talked about the HD. The HD suffers from a lack of awareness as well.

Here comes the problem. Who do you think bears more responsibility for this incident? All of them lack awareness. Do you think that there is a bit of a difference there, or should everybody be penalised in the same way?

A. I think it's difficult to give an answer to that question. We have to look at the individual situation, individual incident, the parties involved, where their

responsibility lies.

As far as HD is concerned, or rather the Review Committee, I agree with them that the HD has abided by all the regulatory requirements. The incident happened nevertheless. And with the benefit of hindsight, there must have been a lack of awareness on the risk of lead in soldering materials and pipe joints.

Q. Let me try to ask you this question from another angle. Now the Housing Authority and the HD would like to build PRH estate for the people of Hong Kong, and then you ask for tenders, and the main contractor gets the bid and he builds a house, and then the site, the housing estate will be handed over to you and then you will let people move in and live there.

Now, after the housing blocks have been completed and handed over to you, what the main contractor is concerned with most, of course, is getting the money from you.

A. But of course, Mr Cheung, it has to meet with all the building requirements and so on.

Q. And on your part, you have a great responsibility. After you have taken over the housing blocks and your responsibility begins, people start to move in, you don't want to jeopardise the people's health, and your responsibility after the handing over of the estate to

you is to make sure that everything is acceptable, including the blocks, the structure of the blocks and also the waterworks installations.

Now, you are the owner of the property. Say, for example, you are very concerned about your property. Now, we are not talking about your property now; we are talking about people's households, people's living environment. Shouldn't your responsibility be greater then in that case? You have to be sure that the rule of the game within the construction industry, so to speak, follows your rules of the game, or if you don't do that, how can you ensure that there are no mistakes? You should set down the rules of the game and then they would put in the bids according to your rules; don't you agree to that?

A. Of course the contracts are drawn up by the HD for the contractors, and the HA would be looking at the legal requirements, the HA's good practices, and so on, to be supervising the main contractors.

So that's why we said that there is a lack of awareness in the construction industry. Now, if you look at the procedures or the flow of development, HA is like a property developer and we are asking the main contractors to build the housing blocks. So the property contractor is asking the contractor to do the

project, and the Building Authority, say, will issue an occupation permit and the WSD would issue a certificate of water supply.

So in the private sector, as long as that is done, then that is acceptable. Well, our situation is like a private property developer. We are also a victim ourselves. We are studying what happened, where the mistake lies. So we found that there is a lack of awareness in the past and that's why we come up with all sorts of measures as a remedy.

Q. Now, you said there is a lack of awareness in the construction industry as well as the HD. You may disagree with me, but I am putting it to you like this. You should set the rules of the game. Now, say for example, in a soccer game, then you set up all the rules, and you ask people not to use their hands, but then the players are using their hands in a soccer match, then the player should be penalised. And also, apart from setting the rules of the games, you should also enforce the rules?

A. As I said many times, within the industry, in the past, there was a lack of awareness on the possibility of lead in soldering materials. And they are never regarded as a high-risk item. If we were aware of such a case, the HA should definitely set a relevant requirement in the

contract. How the rules of the game were set, we would be putting items that we thought were significant in the contracts. Now, in the past, we didn't think that these are high-risk items, that we would not put it in the contract. But then the contract did set out that in accordance with the law, soldering materials of pipe joints should not contain lead, and that was reflected in the contract.

Q. In other words, you set the rules of the game. You didn't have any regulation of lead in drinking water. But then, if you don't set such a limitation or constraint, then there is no reason why the players should abide by your rules. You said that there was a requirement in the contract, but you never enforced it, so there's no reason why the contractors should be abiding by that requirement.

A. As what we said in the Review Committee's report, when we took over the waterworks installations, we didn't really test whether there was lead in the pipe joints. That was not done, that's true.

Q. Because that was not done in the past, the tenderer was not aware of such a problem; is that right? Both you and the tenderer was not aware; right?

A. Well, they may not know the problem.

Q. But for you, you were not aware of the problem; right?

A. Well, there were requirements in the contract which the main contractor should abide by, and that includes that the soldering materials and pipe joints should not contain lead.

Q. Well, let me be even simpler in my question. Now, before the incident, you were totally unaware of lead in soldering materials of pipe joints?

A. Yes, we didn't know about that previously.

Q. What about the main contractors? They may or may not know the problem; is that the case?

A. I agree with that.

Q. If the main contractors were aware of the problem, then -- well, they might still use lead containing soldering materials, because the costs were cheaper?

A. Well, if main contractors breached the contract, the HA had the right to take them to task.

Q. But you were not aware of that?

A. Well, we have to look at the individual situation.

Q. Well, you have not been testing the water before the incident?

A. Well, the main contractors have to abide by the requirements of the contract.

CHAIRMAN: I think you are going around in circles on this issue.

MR LEE: But this is an important question.

CHAIRMAN: I know this is an important question. He has already answered the question. No matter how many times you ask him, he will give you the same answer.

MR LEE: Now, before we break for lunch, I will wrap up this issue. I put it to you that this is the case, Mr Cheung -- think about it -- I would like to use the analogy of the cat trying to catch the mouse. Now, if every time when a cat sees a mouse and he would pounce on it, then the mouse would go somewhere else; right? Is this the right logic?

A. Yes, that is a kind of deterrent.

Q. Now, if the cat is always there, lying there, and if the mouse passes by and the cat would not pounce on it, then the mouse will play more happily next to the cat?

CHAIRMAN: Well, you are just talking about like the High Court, next to the High Court, there are vehicles or cars parked outside the High Court; right? It's a similar analogy.

MR LEE: Yes.

A. Well, do you mean that the Housing Authority is just like that big cat which has been fed full to its stomach and it's not doing anything?

Well, that is not the case, certainly. With hindsight, we thought we should have stepped up our actions. Items considered to be low-risk are now found

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C to be high-risk. C

D Q. Well, whether a law enforcement body will enforce the law will dictate, say, how people respond. D

E Now, if cars are parked illegally and there is no enforcement action, then people will just illegally park E

F there. That's just how people react in certain F

G situations. G

H Now, for those drivers who park there, they are really the people of high standing there. If you don't H

I enforce the law strictly, then people will just do I

J whatever they like; don't you agree with that? J

K A. Well, of course, what you said is true. K

L Q. So I will just be simple. Now, you said there is a lack of awareness. I think the responsibility lies with the L

M HA and HD, and the HA and HD should bear a greater M

N responsibility than the contractors, because you don't enforce the contract and you don't enforce the law, N

O because you are unaware of the problem, and the main O

P contractors would think -- they would continue to be P

Q unaware, so why don't they adopt the cheaper approach to do things? They would opt for the cheaper approach. Q

R MR YIN: Mr Lee, I don't think you have been fair in your R

S comments. S

T CHAIRMAN: Your analogy is similar that you are being robbed and the responsibility should lie with you, because you T

U

V

didn't lock your door. So I don't think that analogy of yours work.

MR LEE: Mr Cheung is able to answer my question.

CHAIRMAN: I know that he can answer your question, but if you say something which is not directly related to the hearing, then I don't think that should be asked. You can have a private conversation on that; it's up to you.

MR LEE: Well, we don't have kind of opportunity.

CHAIRMAN: I don't think your remarks are quite appropriate.

But anyway, it is lunchtime already. After lunch, can we come back and discuss another issue?

MR YIN: While we have the lunch break, I want to deal with one thing, Chairman, and that is about the witness statement submitted by Ada Fung a couple of days ago. I understand that in the exhibits, there are three exhibits related to forms of the WSD.

The forms inserted there were the forms used during the construction stage, but unfortunately, in the interests of time, they are attaching the forms as they are now. So we would like to change the forms.

CHAIRMAN: Form 6132 and 6001.

Okay, meeting adjourned until 2.30 pm.

(12.59 pm)

(The luncheon adjournment)

(2.40 pm)

MR LEE: Chairman, I have one more thing to ask: this booklet. But before I do so, I would like to seek some clarification.

Before you became Secretary, you were the president of the Institute of Education, you were a professor, you have a PhD. This booklet is published by the government. Were you involved in the publication?

A. No, I wasn't.

Q. But you are aware of that?

A. Yes.

Q. Let's refer you to page 5, "Where does lead come from?" Page 5, the last paragraph:

"Copper pipes contain less than 0.1% impurities, including lead. However, copper alloy components with a minor percentage of lead such as valves, taps and other fittings can still comply with the British Standards or other accepted standards and are commonly used in the inside service systems of buildings in Hong Kong and worldwide."

This is what this paragraph says. Can you confirm that?

A. Yes, I can confirm that. Under the schedule of the Ordinance, different components are subject to certain UK standards.

Q. "How does lead get into the drinking water?"

Since some pipes or fittings, including valves and taps, may contain a small amount of lead, particularly those made of copper alloy materials, a small amount of lead can leach into drinking water due to corrosion.

Based on the experience of other countries, excessive lead in water can be caused by the inadvertent or illegal use of substandard pipes and fittings."

Can you confirm that? Do you agree with that?

A. Yes.

Q. So if a tenant has found lead in the water, it may not be a problem with the connection; it may be the problem can be caused by the faucet, can it?

A. Let me say this. The central supply system of the Water Supplies Department supplies water to the lot boundary.

Q. Can I stop you for a second? Let's turn to pages 2 and 3.

A. The lot boundary is between the blue and the yellow. Inside the property, we have the inside service. In this inside service, it is the developer or the Housing Authority that would be responsible for the internal supply. Now, for the households, as far as the Housing Authority is concerned, in the kitchen and the bathroom, the piping would be provided during construction and we have to measure up to the contractual requirements.

If everything goes well, there is also this other

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C risk; that is, if they replace the components and their C
D components are not in order, there will also be risk; D
E not what we are talking about, the inside service E
F provided by the Housing Authority. F
G Q. Let's look at the diagram on pages 2 and 3. The pink G
H part is inside the premises. H
I A. Right. I
J Q. So do you mean that you are very sure that when the J
K contractors build the housing blocks, as long as they K
L are installing the water pipes, the water pipes should L
M be free of problems, but if tenants replace them, there M
N might be a problem? N
O A. The contractors are responsible for building the housing O
P blocks, including the waterworks installations. All P
Q these have to meet with the requirements set down by us, Q
R including the components and parts and the soldering R
S materials have to meet with the British Standards. S
T The alloy might contain some lead, but that cannot T
U be exceeding the limit set down in the British U
V Standards. So that's the water supply system undertaken V
by the Housing Authority. Q
R But when the water pipes get into the household, R
S individual households, and the tenants replace the water S
T pipes or the water taps themselves, there may be T
U additional risk, and such risk can't be taken care of or U
V

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C estimated by the HA. C

D Q. Let's turn to pages 2 and 3 again. In the yellow part,
you can see the pipes going down and then going D

E horizontally and then going down again. E

F For the joints of these pipes, are these the joints
that we are discussing now? F

G A. There are different types of joints. Within the G
household itself, there might also be joints of water H

H pipes. H

I Q. So the diagram is a rather simplified diagram -- let's I
look at this diagram first. Whenever there is a turn in J

J the pipe alignment, you need connection, right, and J

K there might be a problem with that connection; is that K
the case? K

L A. Well, it depends on the individual circumstances of the L
joints. L

M M

N Q. Are they using mechanical joints or using soldering? N

O A. Well, if mechanical joints are used, then there is no O
problem, but if soldering material is used, then that P

P might be a problem. P

Q Q. These water pipes are actually exposed and actually Q
people can touch these water pipes; right? Q

R A. I can't say for sure because different building blocks R
come with different designs. R

S S

T Q. Would it be the case that the pipes are actually T
T

U U

V V

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| C | embedded inside the walls? | C |
| D | A. I'm afraid that I have to defer to my colleague to answer that question. | D |
| E | Q. For the yellow part, we are finished with that. Well, the yellow part in the middle. Then we go into the pink | E |
| F | part; do you see that? In the middle, there are three | F |
| G | water pipes, in the pink part, going to the right side. | G |
| H | It seems that there is a water connection point at each of these pipes. | H |
| I | A. Well, in effect, there might not be just one connection | I |
| J | point, there might be more, because this is a simplified diagram. | J |
| K | Q. Is it the valve here? Is it the location where the | K |
| L | valve is? | L |
| M | A. Well, I can't really give you, say, an authoritative explanation on these technical aspects, but valves are | M |
| N | involved in the flow. | N |
| O | Q. Now, for the pink part, there are two arrows. What do they mean? | O |
| P | A. The two arrows facing each other, what do these mean? | P |
| Q | I think it's just a matter of drawing of the diagram. There might not necessarily be a connection there. | Q |
| R | There might be three water outlets there, and each water | R |
| S | outlet would go into one household. | S |
| T | Q. Would that be a problem with the water meter? Would | T |
| U | | U |
| V | | V |

| | | |
|---|--|---|
| A | <i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i> | A |
| B | Commission of Inquiry into Excess Lead Found in Drinking Water | B |
| | Day 02 | |
| C | that be a problem with the connection of the water meter there? | C |
| D | A. I can't say for sure. | D |
| E | Q. So you can't be sure that even for households which have not changed their water taps, there might be problems with the water taps? | E |
| F | | F |
| G | A. What do you mean? Now, if tenants have not changed their water taps, if the water taps built in by the Housing Authority are still used, and if the contractor meets with all the contractual requirements, theoretically speaking the water taps should meet with the British Standards and should not be problematic. | G |
| H | | H |
| I | | I |
| J | | J |
| K | Q. If components not meeting the standards are used, then there might be a problem? | K |
| L | | L |
| M | A. Yes. Well, the Task Force of the Water Supplies Department analysed the components, some 100 components, of Kai Ching Estate and Kwai Luen Estate Phase 2, and they have dismantled parts, apart from the connections, to analyse. These parts might contain lead, but these are not the main source of the lead in water. | M |
| N | | N |
| O | | O |
| P | | P |
| Q | Q. Well, they don't rule out that there are lead in these other components; right? | Q |
| R | A. Their conclusion is that the lead leached from such other components is very minor in level, so that should not be a problem at all. | R |
| S | | S |
| T | | T |
| U | | U |
| V | | V |

Q. A minor level? Now, if we are talking of one individual household, and there is a minor leaching of lead from the water tap, and then there is more leaching of lead from the water connection, when all these parts add up then there may be a heavy content of lead in the water?

A. I don't think I can be very sort of mathematical. In that sense I will defer to the WSD to give you more details on that.

Re-examination by MR YIN

MR YIN: Mr Cheung, I have some questions I want clarification from you on, on points you made earlier in your answers to other counsel.

First of all, this booklet, who published this booklet?

A. The Information Services Department produced this booklet.

Q. Just now, Mr Martin Lee SC asked you a number of questions, before lunch -- I don't know whether you remember them -- that the Housing Authority has a duty to enforce the contract and monitor the contractors. You clarified that the phrase "law enforcement" should not apply to the Housing Authority.

A. Well, in my answer just now, I tried to express that when we talk about law enforcement, it's really enforcing the law. Now, in relation to waterworks, the

HA is, of course, not the law enforcement body. The HA, on the contrary, has to abide by the relevant laws, and also the requirements set down by the Water Authority.

So it's not a question of law enforcement, so to speak, but if the HA has certain requirements on the contractors, the HA has the duty to ensure that these requirements are met by the contractors.

Q. Perhaps I will put it this way and see if you agree or not. In your witness statement, you also said that the HA is a statutory body, under the Housing Ordinance, and, strictly speaking, it is not a government department; is that right?

A. No. The Housing Department is a government department. That's what I said. And that system was drawn up way back, years back.

Q. The Housing Authority itself is not a government department; right?

A. Yes.

Q. Can I say this: the Housing Authority is a statutory body charged with building and providing public housing, and in relation to plumbers and waterworks installation, it doesn't have the duty to enforce the regulations relating to these people or parties; is that right?

A. According to the policies and aims of the HA, it has to build public housing. It entrusts the work to the

contractors, and when the contractors have to do it. Just like for private property housing, they have to abide by all the relevant laws, and also the requirements set by the Water Authority on waterworks installation; the contractors have to engage licensed plumbers to undertake the relevant works.

So any contractor has to abide by this same set of requirements.

Q. Now, you said that law enforcement is not the right word to use. You said, in your statement, about monitoring. You sort of act like a property developer. Is that the kind of positioning that is comparable to the role of the HA? So you are talking, really, about the contractual relationship between yourself and the main contractors, and the main contractors are required to abide by the terms and clauses in the contracts; is that right?

A. Yes, correct.

Q. I also heard that, in your earlier statement, you said, to a large extent, the HA counts on the Water Authority.

A. In the construction works, the Housing Authority, in relation to the Waterworks Ordinance and all the Waterworks Regulations, the HA is not exempt from this Ordinance and Regulations. So all the works of the HA are subject to the requirements in the Ordinance and the

regulation.

Q. Can I sort of make an analogy here, the HA's
positioning.

For example, if I am the operator of a restaurant,
I am providing food to my clients. So I am the
operator, I must be very concerned about the safety of
the food I provide and it will not jeopardise the health
of my customers. So, if I go to source food products
from my suppliers, I will go down and check on the food
products, to see whether they have already expired or
whether they are up to standard. So, in that case, it
doesn't mean that you are not really serving as the role
of a food supervisor or food supervising body?

A. So the HA is like other private property developers, it
is subject to the same set of Waterworks Ordinance and
regulations. As I said in my statement, in terms of
policy, we must ensure that we adhere to all legal
requirements and all the requirements set by the
relevant regulatory bodies, including the Water
Authority; they may issue certain circulars setting out
the requirements. So, in this way, the HA is like any
other property developer.

Now, within our own housing estates, we want to make
sure that the tenants can be reassured, so we may go
beyond the standards. For example, in large public

housing estates, in our internal policy, we make sure that 30 per cent of the area is used for public open space -- that is not required by law but we do it on our own initiative -- and also we require a certain number of trees to be planted within a certain distance.

Q. Let me go back to my earlier example for a restaurant.

For example, the minimum statutory requirement is that the food must not have expired, but then I am a very high-class restaurant, I want to make sure that all my products are fresh and then my food is organic in nature. So is there a similar analogy there?

A. Yes.

Q. In terms of positioning, you are procuring materials and then providing products to consumers, so in that sense you are obliged to put in quality control, to make sure that the products are up to the standard; is that right?

A. Yes, I can say that. We have to take over the project after it has been completed, and they have to get the approval of the Building Authority; they have to get the certification from the Water Authority. As far as the Housing Authority is concerned, there may be other contractual requirements expected of the contractors, and we have to make sure that quality-wise the contractors measure up.

Q. I understand that, but in your statement you said that

you studied public administration and you had to look at balance of probabilities. My understanding is you have to look at the cost-effectiveness, and maybe you don't supervise every single thing?

A. Yes, right. I mentioned balance of probabilities and the risk level. As someone who studies public administration, our training is that when it comes to the law, it would be costly to enforce the law, so there are so many factors to be taken into account when it comes to law enforcement.

Q. To use my example, if you run a restaurant, obviously you have to make sure that your food will be harmless, because if the food is harmful it would undermine your goodwill. Under these circumstances, it is understandable that if there is a food safety centre that says certain food ingredients would be contaminated, you would pay particular attention, wouldn't you?

A. Yes.

Q. Now, you talk about risk assessment. It is something for you to decide, what element to pay closer attention to and what element would give rise to problems based on the knowledge?

A. Yes, generally speaking, yes.

Q. My question for you is this. If someone were to say

that the HA has the statutory responsibility to deliver high-quality housing to the members of the public, and you said you agree with me that in the process you do feel you have the obligation to make sure that the quality of the housing would be up to your expectation, so would you take the third step, that you would proactively identify something for testing, to make sure that there wouldn't be any potential risk? Will you be taking the proactive action to test every single thing? Would that be feasible?

A. That has to do with the risk-based approach that I mentioned this morning; how are we going to use the risk-based principle. Whatever we do, we are limited by finite resources. At any one time, how can we deploy the resources to tackle the elements of higher risk? We have to prioritise. If there are areas with higher risk, then I'm sure that this would be prioritised over other things.

Q. There is one thing I would like to put to you. Mr Martin Lee SC before lunch put this question to you. If I haven't got Mr Lee wrong, basically, as an owner of a building project, if you do not check and test the lead element, then you are encouraging irregularities, in a way. In other words, by implication, he's saying that you are counting on the contractors, the

subcontractors and sub-subcontractors to exercise self-discipline; it would not be reasonable. Would you agree with Mr Martin Lee's assertion?

A. Before lunch, he raised this very question. In the Housing Authority, in the Review Committee, and indeed in my statement, we mentioned that indeed we didn't target the soldering materials and test them for lead. But it doesn't mean to say that the HA or the HD did not monitor the situation and conduct tests.

So why is it that we didn't target the piping joints and conduct tests on them? At that time, the Housing Department or indeed the industry did not consider this element as a high-risk item. There was a general feeling that the solder was in line with the requirements, and the law is very clear and they have to have lead-free solder.

Q. I remember Mr Paul Shieh put a question -- and I think other people put a similar question to you -- that is, in deciding to switch over to copper pipes, we understand that for public housing, under the Housing Authority, at the very beginning, they used the GI pipes, the galvanised iron pipes, and later on they switched to the uPVC GI pipes, and then they moved on to copper pipes. Am I correct to say this?

A. Yes.

Q. So in this area I think the Housing Authority is lagging behind the private developers, because the private developers have been using copper pipe for some considerable time, since the 1980s; is that right?

A. As to when the private developers started using the copper pipes, you have to go back to the information.

But what I'm saying is that, for public housing, it wasn't the HA that used copper pipes -- it wasn't the first party to use copper pipes.

Q. The reason why I put this question is that there were some questions that were put to you as to whether you should have conducted a risk assessment before you switched over to copper pipes. In other words, in the risk assessment, you should have picked up the lead problem in the soldering materials. Your reply was that copper pipes had been in use in the industry for some time and there were no particular problems and you didn't have this awareness.

A. In my statement, I said that all along the industry didn't feel that there were problems with the soldering of copper pipes, and there was a feeling that they were in line with the requirements, and that was not regarded as a high-risk item.

So, upon completion of a building project or upon completion of the plumbing facilities, we didn't

particularly check the piping joints.

Q. I would like to seek your clarification. If someone asked you, "Before you went down this path of using copper pipes, why didn't you test the system and see whether there were any pitfalls?", your reply seems to be saying you weren't the first, you were following other footsteps?

A. We decided to use copper pipes. And were there any other considerations? As I said in answer to some of the questions yesterday, all these details, I have to defer to Ms Ada Fung. But from what I understand, the HA wasn't the first party to use copper pipes.

Q. Let me say, in summary -- whether you would agree with me -- in your statement, you are basically saying that in terms of the monitoring mechanism, there are a number of levels. First, the contractors themselves have to fulfil their obligations under the contractual requirements. Second, the Housing Authority, as a user and also as a provider of public housing to the members of the public, you have to be a gatekeeper in terms of quality. However, in terms of actual monitoring and enforcement of the quality of water, it is not the Housing Authority, is it?

A. From the government function point of view, the water quality, water safety, is not within the remit of the

Transport and Housing Bureau, nor the HA. But HA is the landlord, it is a developer, and it would try to provide a living condition that would make people feel safe and happy to live in.

MR YIN: I have nothing further.

CHAIRMAN: I would like to follow up on Mr Michael Yin's question. He mentioned -- I am reading this booklet here, page 5 -- here it says that GI pipes, galvanised iron pipes, were used before 1995, and then they were disused in 1995, and thereafter "lined GI pipes or copper pipes have been widely used". That's what it says here.

Do you agree that you used these in HA properties before?

A. Yes.

CHAIRMAN: But the GI pipes were disused. You may not have the awareness, but there must be some reasons why they were banned. What do you think were the reasons why the GI pipes were disused?

A. From my colleagues, I am given to understand that before they switched over to copper pipes, there was rusty water that occurred, and that impinged on the water quality and that was considered to be a pretty serious problem.

CHAIRMAN: Then you had the lined GI pipes; lining was put

inside the GI pipes. The idea presumably to stop the rust coming out. In other words, from 1995 to the 21st century, we have a gap of about 20 or 30 years, and you had some understanding that some metal, heavy metal, would be leached from the water pipes. As an average person, as a reasonable person, would you find it surprising that in the Water Supplies Department, for the new developments, nobody tested or checked for the existence of these heavy metals?

A. This is the reason why I supplemented my witness statement. I said that at the beginning of July this year, when the Director of Housing told me that, in two vacant units in Kai Ching Estate, soldering materials were found to be containing lead, I heard what happened, and I found it surprising. And referring to the use in connecting water pipes, non-leaded materials are to be used.

CHAIRMAN: Let's not talk about lead. For example zinc -- well, there are different types of heavy metals. We are not water experts; as an ordinary man in the street, don't you find that rather strange, that for a period of several decades, we all have known there might be metals leaching out from the water pipes, but heavy metals have never become a test parameter of our water tests?

A. I am no expert on this aspect, and it is only after the

incident that I learned more about such issues. If you asked me this question, my reply would be that under the Waterworks Ordinance, different components are subject to different BS, British Standards. So, as long as these components meet with the BS, there shouldn't be a problem of safety.

CHAIRMAN: So my follow-up question would be this: if that is the case, all the water in Hong Kong has been treated and filtered by the facilities of the WSD and chlorine has been added, so all the bacteria should have been killed, but then, for these eight test parameters, three of them have to do with bacteria, tests for bacteria. That doesn't sound very logical to me.

Of course, if you are not in a position to answer that question, you can choose not to answer my question.
A. I think that question has to be more appropriately answered by the WSD.

CHAIRMAN: Again I refer you to this booklet. Page 6, the last paragraph, says, at the treatment works, if the pH value is added to an alkaline value, then "This will effectively reduce the corrosiveness of water and the leaching of lead from components."

Among the eight parameters, one of it is pH value. They want to maintain it at around 6 point something to 9 point something -- well, alkaline value. The aim is

to prevent the leaching of metals from water pipes. So, if that is the case, why don't they go directly to test for the existence of heavy metals in water?

Do you get my point? The WSD has eight test parameters. They may think that they should suffice. But then the Housing Authority said that it would like to go beyond the prescribed standard; you would want to do an even better job.

Well, there have been incidences of heavy metals detected in water, so why don't you try to test water for heavy metals?

MR YIN: Can I venture to help you?

CHAIRMAN: No, you don't need to help me. I would just like Mr Cheung to answer my question.

A. Chairman, I can only say that there is a lack of awareness. That's all I can say.

CHAIRMAN: I don't have any follow-up questions.

Thank you, Mr Cheung, for giving testimony here at this hearing. You may now leave.

Let's take a ten-minute break, then we will call in the next witness.

(3.20 pm)

(A short adjournment)

(3.35 pm)

MR YIN: Chairman, before Ms Fung steps in, we have some

C replacement sheets. C

D Before lunch, I said that we have three exhibits D
E which have to be replaced, the reason being that there E
F are some forms that are meant to be in the exhibits, and F
G they were forms that were used during the course of G
H work, but in the hurry we used the latest version of the H
I forms. Perhaps let's do this all together, in order to I
J avoid any mistakes. Who hasn't got a copy? (Handed). J

K Also, on page 3 of the witness statement, there is K
L a correction in the footnotes, footnote number 2, L
M page 3, line 1: M

N "The Job description of DD(DC) includes: to assist N
O Permanent Secretary for Housing Planning and Lands ..." O

P We have to delete "Housing Planning and Lands"; it P
Q should be "Transport and Housing", "Permanent Secretary Q
R for Transport and Housing (Housing)". R

S Chairman, I have taken instruction from Ms Fung, and S
T she does not want to read out her statement in Chinese. T
U We meant to assist the Commission and the interpreters U
V by putting together a Chinese version, but we were over V
and done with Mr Cheung too quickly and the Chinese
version is not available until tomorrow. I will be
reading this in English, but we may make available the
Chinese version before.

Shall we invite Ms Fung in? She has to make

A *Annex: Realtime English Transcription based on floor / Simultaneous Interpretation* A

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 02 B

C an affirmation or take an oath. C

D MS ADA FUNG (sworn) D

E CHAIRMAN: Please take a seat. Mr Michael Yin? E

F Examination-in-chief by MR YIN F

G MR YIN: I will now read the witness statement of G

H Ms Ada Fung. H

I (Paragraphs 1 to 50 were read in English) I

J (Chinese spoken). J

K CHAIRMAN: Please rise. K

L (4.32 pm) L

M (The hearing adjourned until 10.00 am the following day) M

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