

B

B

C

2015 年 11 月 6 日

C

D

上午 10 時 02 分恢復聆訊

D

E

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

E

F

何沛謙資深大律師及殷志明大律師，由羅夏信律師事務所延聘，代表香港房屋委員會

F

G

李柱銘資深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

G

H

H

I

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

I

J

王鳴峰資深大律師、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

J

K

K

L

Mr Ian Pennicott 資深大律師及林定韻大律師，由孖士打律師行延聘，代表中國建築工程（香港）有限公司

L

M

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

M

N

李頌然大律師，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

N

O

O

P

P

Q

主席：係，王大律師。

Q

R

王先生：係，主席。

R

S

香港房屋委員會第二證人：馮宜萱女士（房屋署副署長（發展及建築））  
宣誓繼續作供

S

T

王先生盤問

T

U

問：馮女士，我今日就有幾個問題代表水務署想向你請教下嘅。我主要有

U

V

V

三個主題。第一個，我想問一問你關於嗰個水務署嗰八個參數嘅問題，八個參數嘅問題。我想請你睇你證人嘅口供嘅第 34 段，喺證人口供嘅第 20 頁，37522 嗰度。喺呢段嗰度最後一句，你就咁講嘅，你話“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.” 係咪？

答：係。

問：跟住你下一頁，35 段嗰度 (b) 嗰度，就係話“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]”).” 我哋都睇過嗰啲 form 㗎嘞。我想首先睇一睇葵聯邨二期先。如果你去睇文件檔案夾 C6.1 嘅 4502 頁，4502 頁，文件夾嘅 C6.1。

答：係。

問：咁你就見到呢張就係嗰個我哋叫做 Form 132 嘅，如果你睇呢個日子，就係 2014 年嘅 4 月 14 號嘅，啱唔啱？你見唔見到，馮女士？

答：見到。

問：咁個地址就係“Public Rental Housing Development at Kwai Shing Circuit, Kwan Chung, N.T.” 其實呢個就係葵聯邨二期嘅，但係當時個地址，因為個邨名未命名，所以就用呢個地址，啱唔啱？

答：正確，呢個叫做葵盛 Circuit，葵盛圍。

問：係嘞。好嘞，咁你睇到呢一個--呢一張 certificate，正常有一句，就係中間嗰度，“I confirm that the plumbing fittings and pipes used in the captioned project are in full compliance with Waterworks standards and requirements.” 見到喇呵，嗰句？

答：見到。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：咁你問過好多嘞，我就唔再睇嗰度嘞。我就再想請你睇睇，如果你去到 4505 頁，4505 頁，4505 頁，咁呢一張就係嗰個 Form WWO 1005 嚟嘅，亦都可以有啲人叫做水紙嚟嘅，即係話水務署批准接駁嗰啲水，由嗰個 connection point 入去嗰個內部供水系統嘞，啱唔啱？

答：正確。

問：咁呢張就係喺 4 月 28 號。喺 4 月 14 號你哋入咗呢一張 certificate 之後，喺 4 月 28 號，4 月 28 號，水務署就發出咗呢張入水紙嘞。好嘞，咁如果我想請你睇 4506 頁，4506 頁，4506 頁，呢度就有一間叫做匯駿檢測及顧問有限公司嘅 test report，咁佢個 customer 就瑞安 Building Contractors Limited 嘅，個日期就係 7 月 16 號，2014 年。見唔見到？

答：係，見到。

問：即係話喺做內部供水嗰個測試，其實係喺簽咗嗰張 132 Form 之後先至進行嗰個測試嘅，咁樣講正唔正確？

答：睇個日子同埋睇呢幾個檔案，似乎就係。

問：係喇。噏，而且如果你睇呢一版，4506 頁，佢做嗰個測試係 chlorine 嘍咋嘞。即係請你睇中間嗰度，佢話“Chlorine content in water after flushing”。

答：其實呢一個，我睇呢，我覺得呢一個 certificate 應該就係我哋喺臨 occupation permit 出嗰陣時，交樓畀啲租戶之前嗰個 check 嚟嘅。

問：係。呢個我完全理解。馮女士，我只係想睇下你同唔同意，根據你嘅記憶，其實嗰個業主，即係房委，喺做呢個 water sample 嘅 testing，關於內部供水系統嗰個測試，其實以葵聯二期為例，其實喺入咗嗰張 Form 132 之後先做嘅。所以其實公平啲咁講，如果係話倚賴嗰個八個參數，而嚟出嗰張 132 嗰張表格，咁樣睇法呢，似乎從文件上睇就好似唔係好正確，啱唔啱？

答：我諗未必可以就咁睇一個 test report。我諗我呢個要返去即係再追查番有冇其他紀錄，先至可以答呢條問題。

問：好。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

答：因為我哋一般嚟講個程序應該就係我哋喺 occupation permit 出  
嗰一刻，就係交樓之前嗰陣時做多一次嗰個 sterilization 同埋嗰  
啲 water sampling 嘅 testing，咁變咗我就咁睇呢張  
certificate，我就覺得佢呢個係真係 cleaning and  
sterilization，係嗰一次，即係第二次，我哋嘅 additional  
testing 嗰個 report 嚟嘅。

問：明白，明白，好，唔該晒你。咁我就想第二條邨嘞。第二條邨係啟晴  
邨。咁樣啟晴邨，如果你去睇 C7.1 嘅 5235 頁，如果你睇番啟晴邨  
嘅 5235 頁，呢一個--呢張 form 我哋都見過㗎嘞，但係呢個就係喺  
2013 年嘅 6 月 5 號出嘅，呢張 certificate，咁個 address 就係  
“KAI TAK DEVELOPMENT SITE 1A PHASE 1 & 2, KOWLOON,  
KOWLOON”，咁其實嗰個都係啟晴邨之前嗰個地址嚟嘅；其實呢個就  
係指啟晴邨，啱唔啱？

答：正確。

問：係嘞。咁我哋都睇到，都係嗰張 certificate，咁個日期就係 6 月  
5 號，2013 年嘅。好嘞，咁我哋再睇睇嗰個 5168 頁，唔該你，5168。

答：唔。

問：啊，唔係，其實 5246，唔該，5246，5246，5246，5246。5246  
就係 6 月 19 號嘅，都係嗰張 Form 1005 嘅，係關於呢個啟晴邨嘅，  
咁呢個就係嗰張水紙，喺 6 月 19 號，5246 頁。

答：呢個係 stage 2 嚟嘅。

問：Stage 2，係。Stage 1 就係喺 5168。

答：Stage 2 (1?) 就係 5168。

問：5168 係 stage 1，5246 就係 stage 2，啱唔啱，就係水紙？

答：正確。

問：好嘞，跟住我想帶你去睇 5248，5248。5248 就係由中國建築工程  
（香港）有限公司提交畀 Chief Architect/2, Hong Kong  
Housing Authority 嘅一個 Re-submission of Water Sample  
Analysis Report Summary for Bacteriological and  
Chemicals 嘅。你見到嘛，呢封信？

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

答：見到。

問：咁個日期就係 2014 年嘅 3 月 17 號嘅，2014 年嘅 3 月 17 號。

答：係。

問：好嘞，咁如果我哋睇睇下一頁嘅-- sorry, 5249, 5249, 就有個 Water Sample Analysis Report Summary for Bacteriological and Chemicals 嘅，咁就有睇到喺邊一個內部供水系統，喺邊一個 location 同埋邊一個位置去做呢啲供水啲水質嘅測試嘅，啱唔啱？

答：正確。

問：好嘞，咁我哋又再睇 5250 嘞，5250。喺 5250 頁你就睇到個 Test Report on Analysis Water, 咁下面有個“Test parameters”, 測試啲參數，就係啲八個參數嘞，啱唔啱？

答：係，都啱。

問：跟住就講啲個 sample identification, 就係啲個位置嘞，譬如呢個，就喺啲 disable toilet 啲度做，去攞呢個水辦嘅，啱唔啱？

答：呢個都係正確。

問：係嘞。

答：係。

問：咁我就唔--因為有好多個 location, 好多個啲個，我就唔逐個、逐個去睇嘞，但係總括嚟講，都係呢一個做水呢個測試，其實都係嚟出咗啲張 Form 一--即係啲張 certificate 132 之後，房委然後就收到 main contractor, 呢次就係中國建築工程有限公司做啲關於水質嘅分析，啱唔啱，喺之後發生嘅？

答：呢一個我要 check 番。因為我哋有好多時候，啲同事係會叫個承建商去 conduct additional water samples, 就係多過係水務署一般要求啲 testing 嘅。一般嚟講，如果我哋 BEAM Plus 啲個 sampling rates 去做嘅，啲啲就將會係可能係駁完水之後，我哋 additional 再做嘅都唔定，所以我要 check 番究竟啲 samples 係因應我哋邊個要求去 check 嘅。

問：明白。

答：因為我哋有啲係 on top of Water Authority's 嘅 requirement，要求承建商再去做嘅 cleansing and disinfection water testing 都有嘅。

問：明白，明白。如果你有資料可以補充嘅，歡迎你補充畀我哋，okay。咁我問多你一樣嘢，就係關於榮昌邨，第三條邨，榮昌邨。咁榮昌邨，如果你去 C8.1 嘅 5561 頁，呢個就係 2013 年嘅 6 月 3 號，呢個就係--喺，嗰度有寫個地址嘅，永昌 (sic) Street，咁其實呢個就係嗰--深水埗，其實呢個就係嗰個榮昌邨嗰個地址嚟嘅，啱唔啱？

答：係。

問：唔。咁呢個--我哋都睇過呢張，就唔再睇嘞。好嘞，咁我哋睇下嗰個--我想帶你去睇嗰個 1005 Form，就係 5600 嗰度嘅，5600，5600，就係 7 月 5 號嘅，7 月 5 號，就係嗰張 Form 1005 嘞，啱唔啱？

答：正確。

問：好嘞，咁都係嗰個驗水嗰個報告，就係喺 5602，5602，咁呢個就係 memo 嚟嘅，from 個 Chief Architect/2 嘅，alright，咁就話 "Attached please find two copies of the Certificates of Analysis for Fresh Water Supply System prepared by the laboratory"。咁如果你睇後面嗰頁，5603 頁，就係 Paul Y General Contractors Limited 嘅，alright。咁然後如果你睇去 5609，你就可以見到個日期，就係有一個叫做 ALS Technichem (Hong Kong) Proprietary Limited，ALS Laboratory Group 做嘅，咁嗰個人面嗰個日期，呢個 report，就係 2013 年嘅 10 月 16 號。咁如果你睇譬如 5611，你就可以睇到嗰八個參數嗰個結果嘞，啱唔啱？

答：啱。

問：5611，就係嗰個 result 嘞。

答：係。

問：好嘞，呢度我想再帶你去睇睇 5599，5599。5599 就係喺 6 月 25 號，2013 年嘅，呢張就係水務署自己做嘅，但係呢個呢，水務署做嘅時候就係喺個 connection point。即係話佢係唔喺個內部供水

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

系統做嘅，佢係喺個接駁位嗰度做嘅，alright？

答：唔。

問：但係呢一個日期其實就仲遲過--如果你睇番五五--我哋睇番 5561 嗰度，其實嗰個 certificate，榮昌邨嗰個 certificate，就係喺 6 月 3 號嘅，但係即係個 certificate by 嗰個 AP 就係 6 月 3 號嘅，水務署自己喺 connection point 做嗰個 testing 就係喺 6 月 25 號做嘅。

主席：再講多一次。

王先生：哦。喺 5561 頁，...

主席：係。

王先生：...5561 頁，嗰張 certificate 就係喺 6 月 5 號做嘅。

主席：嗰張係話可以駁水之嘛，係咪？

王先生：吓？

主席：即係話有水可以畀到你之嘛。

王先生：唔係，呢張係申請去 certify。

主席：Okay。

王先生：嘎，去 certify 嘅，呢張係。即係話 comply with 嗰個...

主席：係。

王先生：...Waterworks standards and requirement 嘅。

主席：繼續。

問：咁 5599 頁，嗰張 6 月 25 號嗰張，就係水務署自己測驗 connection point 嗰個水質嘅；6 月 25 號嘅，2013 年。咁即係話喺出呢一張--即係關於榮昌邨呢度，喺出呢一張 5561 頁嗰張 certificate，6 月 3

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

號嗰張 certificate 嘅時候，其實，可唔可以咁講，房委會係冇依賴任何嘅八個參數嘅 test result 去出呢個 6 月 3 號嗰一張 certificate 㗎？

答：6 月 3 號嗰個唔係一個 certificate 㗎嘅。係，再睇睇嗰張。

問：6 月 3 號嗰張係 5561 頁。

答：5612？五六...

問：5561。

答：5561。

問：5561。所以就咁睇...

主席：等一陣先。可唔可以褪落少少？得。即係你嘅意思即係「我而家證實嗰啲即係...」

王先生：係。

問：即係你睇到喇，主席啱啱指出，就係我而家證實個“plumbing fittings and pipes used in the captioned project are in full compliance with Waterworks standards and requirements.” 呢個就係 6 月 3 號出嘅--簽嘅，呢張，係咪？

答：但係...

問：咁其實...

答：...呢一個係 plumbing fittings and pipes used。

問：係。咁如果你睇 5599 頁，其實水務署自己去做嗰個接駁點，即係由外部供水系統接駁入去內部供水系統嗰個 connection point，佢自己做嘅測驗，其實就係 6 月 25 號先做嘅。

答：呢一個就跟一般業界嘅做法都係一致嘅。



問：係，好。其實，馮女士，咁講啱唔啱，關於內部供水系統嗰個水質嗰個測試，其實從來都唔係水務署做嘅，係由你哋或者你哋嘅承建商做咗嗰個 test result，喺 2012 年之後，然後畀水務署嘅，啱唔啱？

主席：再講多一次。我唔係好明，再講多一次。

問：關於嗰個內部供水系統嘅水質，即係水務署做嗰個 testing 就係喺 connection point 嗰度做嘅。關於內部供水系統嗰個水質嗰個 test report，其實全部都係業主，即係喺公營房屋就係房委，或者房委委託嘅承建商，去做呢個水質嘅報告，然後提交畀水務署嘅，啱唔啱？

答：據我哋理解，似乎就唔係同個 practice 係一致嘅，即係呢個。

問：你同我講，practice 係點呢？

答：佢如果跟番嗰個 2012 嗰個 circular，咁嗰個就係講咗係新嘅建築物，咁佢就要--水務署就會 collect samples at underground fresh water mains，就 for bacteriological and chemical analysis。Water samples will also be taken at locations of the inside service agreed by the Water Authority。咁呢一個--即係都係--就變咗係--係咁嘅，應該係跟呢一個方式去進行嘅。

問：你同唔同意呢個 circular 其實係畀業主同埋畀其他人去--一個指引，即係教佢哋點樣做嘅？

答：呢一個係一個指引，但係就即係唔係表示我哋以前同事做嗰啲步驟係同呢個指引係有出入。

問：Okay，係。或者我問過第二個都係相關嘅問題。其他嗰八條邨--我頭先講咗三條。其他嗰八條邨，包括牛頭角下邨一期、石硤尾邨二期、東匯邨、紅磡邨二期、欣安邨、彩福邨、元洲邨二期、四期、清河邨一期，其他呢八個公營房屋其實都係喺內部供水系統入面係冇做過嗰八個參數嘅 testing，啱唔啱？

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

主席：喺咩嘢話？內部供水咩嘢話？

王先生：系統入面。

問：嗰個 water test 係冇做過嘅，啱唔啱？

答：呢一個我有資料喺手，話證明佢冇做過，抑或幾時做嗰啲測試。即係我要去--返去都要翻查檔案。

問：唔該，唔該，唔該。因為根據我哋嘅資料，就係水務署就係喺個 connection point 當然有做，但係...

主席：你可唔可以講慢少少？

王先生：可以，可以。

主席：係。同埋你講完你個問題之後，可唔可以畀人哋答咗先至再問下一條問題？

王先生：可以，可以，可以，唔好意思，係。

主席：係。

問：係。我個問題就係頭先我所講嗰八條邨，就係喺--佢哋個建築期就喺 2012 年之前落成嘅，咁呢--或者你可以返去吵一吵，喺 2012 年落成之前，即係喺嗰個 circular 出之前，其實關於內部供水系統嘅食水安全，嗰個食水嗰個水質嘅測試，其實房委或者房委旗下嘅承建商係冇提交過報告畀水務署嘅。我想知你同唔同意呢一個咁樣嘅做法？

答：你只可以講話，一般嚟講，就係我哋房委會核下嗰啲工程項目，佢去即係申請去所謂攞水紙嗰個過程，甚至啲測試，係無異於香港一般嘅 general practice。

主席：無異香港嘅一般 general practice，咁即係都可能係冇跟個嘢，

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

即係都可能係冇做個啲。即係你明我嘅意思嘛？佢而家就基本上就話  
喺 2012 年之前落成嘅公共屋邨都有做呢一個八個參數嘅測試嘅。咁  
你嘅答案就係話「哦，同其他嘅 general--出面嘅做法一樣。」咁  
即係出面嘅做法可能都係--如果根據你咁講，個邏輯上，即係換句話  
嚟講，「如果房署冇做嘅話，咁即係出面都有做喇」，係咪咁嘅意思  
呀？

答：我只可以話房委會地盤嘅 practice 係同出面 general practice  
係一致，...

主席：係。

答：...即係行業裏面。

主席：我明。即係因為而家呢個水務署呢位大律師就好簡單啫，因為佢就  
基本上就係跟番你之前所講嘅證供，就係話因為你哋房署就因為有水  
務署把關，咁樣諸如此類，所以你哋就--另外水務署話「啊，我哋淨  
係做咗八--我哋淨係要求啲顧客，或者水務署啲顧客，或者啲承建商  
做八個參數就夠嘞。」咁而家佢就話「喂，都有做過。」你明嘛？

答：我明呢個問題，...

主席：唔，唔。

答：...但係要搵呢個答案，我就覺得我要返去再即係翻查番呢啲檔案，  
然後先至再作答，就會比較公道少少，因為就唔可以就頭先--就咁拎  
一張 certificate 問我，係唔係呢咁，跟住就會 draw 一個  
conclusion。咁我覺得我要返去就做多少少功課，...

主席：得。

答：...即係去考究一下，然後先至可以作答。

主席：即係你嘅意思，頭先所講嗰三條邨，律師所擺嚟做例子嗰三條邨，...

答：係。

主席：...嗰啲所謂測試係可能係你哋更高嘅要求，事後喺啲即係住戶臨  
入伙之前，你哋再做多一次，可能事前都已經有做過嚟嘞，咁嘅意思，  
係咪？

答：可能係咁樣，但係我一定返去即係查晒啲檔案先至可以作答，...

主席：得。

答：...如果唔係就會可能答錯咗問題自己都唔知道嘅。

主席：唔，好呀。

問：唔，咁其實好公平嘅。馮女士，喺呢個題目上我最後有一個問題想問你，就係關於嗰啲 certificate，即係關於嗰個 Form 132，我哋提過好多次㗎嘞，嗰張 certificate，或者我畀多一張 sample 你睇。譬如以葵聯邨嚟為例，14502--4502，C6.1 嘅 4502 為例。我哋頭先睇咗嗰個“I confirm that the plumbing fittings and pipes used in the captioned project are in full compliance with Waterworks standards and requirements.” 嗰句。我亦都知道呢個通常係由個 chief architect 或者個 chief architect delegate 嘅人去簽呢一張 certificate 喇。

答：正確。

問：我咁樣講唔知公唔公平呢，就係話呢張表或者呢張 certificate 係提交畀水務署嘅，咁水務署收到呢張 certificate 係有理由相信呢一張 certificate 入面所講嘅嘢係真實嘅，咁樣講公唔公平呀？

答：呢一張表格似乎就唔係 under 即係水務條例下面嘅一個 regulation，不過係一個 certificate，就係啲同事會填，填咗個目的就係去擺一個 certificate，然後就去即係 Buildings(sic) Authority 嗰邊，就去申請一個人伙紙嘅，係要求。

問：唔。我知道呢張 certificate 嘅作用。但係我個問題只係話，即係當有一個 chief architect 或者佢 delegate 嘅職員或者同事，話“I confirm that the plumbing fittings and pipes used in the captioned project are in full compliance with Waterworks standards and requirements.” 咁呢一張 certificate 又係提供畀水務署嘅，咁可唔可以公平地講，水務署係可以假定呢一張嘢入面所講嘅嘢都係事實呢？

答：咁呢一句係既然咁樣 confirm，咁就即係當然就係 literally 係可以咁樣 mean，就係簽名負責嘅同事係 confirm 咗嘅。

問：Okay，唔該晒。我就而家去第二個題目嘞。呢個題目我問完嚟嘞。唔好意思，我太快，我會慢啲。關於嗰個建築用料嗰度，我睇番琴日嗰個謄本都問咗好多，咁我就唔再問嗰個建築用料嗰度。我哋公平啲咁講，因為房委嚟佢嗰個合約，同嗰個總承建商個合約入面，亦都規定咗，簡單嚟講，就係佢嘅用料要 lead-free 嘅，即係唔含鉛嘅，呢個係大家都...

答：係。

問：...認同咗嘅，alright。今次呢個聆訊我哋就--即係而家未有確切嘅定論，但係就係好似係喺水喉嗰個接駁位嘅時候，個燒焊物料係含鉛超標嘞，超標嘞。但係其實如果我哋宏觀啲咁嚟睇，如果其他嘅建築物料，譬如水龍頭、水箱，如果係含鉛太多嘅話，其實都會產生同一個問題嘅。即係唔係淨係燒焊嗰個位嘅，其實成個內部供水系統，可能個水龍頭，如果水龍頭入面嗰個物料係含鉛太高，咁你喺水龍頭開出嚟啲水，就算嗰個接駁喉位係冇事嘅，水龍頭嗰個物料係太多鉛嘅都會有呢個問題，係咪，有呢個風險，係咪？

答：據我哋睇到水務署佢啲專家個 task force 嘅報告，呢一個就唔係主要令到食水含鉛量超標嘅原因嚟嘅。

問：即係今次喇，今次嗰個發現出嚟嗰個當然就係唔係水龍頭位。但係如果從風險管理嘅角度嚟講，即係如果你係成個內部供水系統，今次有可能或者大有可能係喺個燒焊位嗰度出現問題，但係其實喺其他嘅位，譬如天台嘅水缸，或者去到嗰個用戶嗰個燒--嗰個水喉出位嗰度，如果用嘅物料含鉛係太高嘅，都會有可能係呢個風險，啱唔啱？

答：如果就咁即係平常心去推論，全部同水有機會接觸嘅部件，包括水泵、減壓掣或者加壓泵等等嘅物料，就全部都有機會，不過都要經過研究，睇下佢嗰個--即使佢如果會釋出一啲鉛，佢會唔會令到個水質嗰個含鉛量係超標呢咁，咁我哋就相信專家報告嗰個意見嘅。

問：明白。咁我就想請你睇睇你嘅證人口供第 6 段。你證人口供第 6 段，喺第五頁嗰度，第五頁嗰度，37507，37507，咁係第 6 段，如果你由下面數上來大概六、七行嘅喇，你見唔見到嗰句，“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.”？

答：正確。

問：呢個正確喇。我想問嘞，我就係我想問嗰個--今次我想集中係喺個 plumbing installation 嗰度，物料我唔再問嘞，喺個 plumbing installation 嗰度。房委作為呢個業主，對嗰個 main contractor 有咩嘢期望？即係如果佢哋係要 fully responsible for 個 plumbing installation 嘅，咁你覺得呢個 main contractor，佢喺現場--我哋而家集中--我哋唔好理物料嘞。有一個 plumber，有一個員工，或者有一個 licensed plumber 喺現場做嗰個 plumbing work，從一個業主嘅角度，你期望個 main contractor 嗰個 continuous supervision，喺現場個開工嘅時候，佢會有咩嘢責任佢會--佢要 perform 嘅呢？

答：Main contractor，一般嚟講，如果我哋 expect 佢就係負責全部工程嗰個質數同埋佢嗰個管理。

問：係。

答：咁 plumbing installations 同第二啲嘅工作係無異嘅。

問：無異，係嘞。即係我而家就想像一下，即係咁樣同埋--即係嗰個--你覺得嗰個 main contractor 其實係有需要派人去巡查施工嗰個過程，呢個無爭議喇？

答：正確。即係喺佢嗰個點樣管理佢嘅分判商，嗰方面佢一定要負責。

問：佢要負責。

答：仲有就應該如果係 plumbing installations，佢仲要係聘用一個 licensed plumber。

問：係嘞。咁我而家就想像一下，因為你可能唔喺現場，因為你唔會自己去巡查，可能你嘅同事會去巡查嘞，咁如果有一個 plumber，有一個工人喺度將兩個喉管喺度做呢個接駁嘅時候，佢要做一個燒焊嘅工作㗎，啱唔啱？咁巡查嘅時候佢應該見到佢喺呢度做緊燒焊嗰個過程㗎，啱唔啱？

答：佢巡查應該係可以見得到有呢啲工序進行緊。

問：進行緊。如果嗰個巡查嗰個人，佢見到佢呢個工人喺度燒焊嘅過程嘅，alright。你覺得佢可唔可以--即係從一個 supervision 嘅角度，

巡查嘅角度，你覺得如果佢巡查，佢可唔可以發現到佢用嗰個物料，其實就唔係提供--唔係提交畀你哋而家嗰個好出名嗰個“FRY”嗰個牌子嗰個鉛，而係用其他嘅物料愛嚟做燒焊，佢巡查嘅時候可唔可以睇到？

答：我想澄清呢一個問題，係問總承建商對佢分判商嗰一個 continuous supervision 個巡查，...

問：唔。

答：...就唔係我哋房委會，即係業主聘用，我哋駐地盤嘅人員嘅巡查？

問：呢個明白，呢個明白。我而家唔係問緊房委嗰個巡查。因為你而家對呢個總承建商佢哋有個期望咁嘛，因為佢係 fully responsible，咁你梗係期望佢會去 supervise 佢嗰個監--佢個開工嘅程序全部符合你嗰個合約嘅要求喇，咁所以我而家唔係講緊房委嗰個--嗰個責任，嗰個 duty。我係講緊話如果嗰個做嘢嘅工序，發生嘅時候，如果總承建商或者二判又好，三判又好，佢去巡查嘅時候，因為你要--即係你個--佢可唔可以睇到嗰個工人喺做嘅時候，佢用嘅用--喺工作嘅時候佢用嗰個物料，係唔係符合到嗰個總承建商提供畀你哋嗰個“FRY”嗰個牌子有鉛嗰個物料呢？佢可唔可以肉眼就睇到，「啊，你而家開工，但係呢你其實你用緊嗰樣嘢--我而家嚟巡查嘞，我 spot check，我巡查喇，就發覺你而家用緊嗰樣嘢，嗰個物料，其實就唔係你同我哋講嗰個物料喎。」如果佢巡查，佢睇唔睇到呢樣嘢？

答：其實如果我哋對總承建商嘅期望梗係佢買料買得唔先，第一樣就。咁跟住第二步，就係施工嘅時候啲料啱唔啱，但係係咪咁容易用肉眼睇到，呢一點我就唔會作一個評論。但係即係我只可以講就係話，我哋對總承建商嘅要求，不論佢喺採購物料，或者係監督啲工友施工嘅過程都應該係要求佢係確保質數達標嘅。

問：唔，明白，okay。

主席：其實係好簡單，即係如果--即係當然你唔會百分之一百可以保證，譬如如果嗰個工人側邊原來有一卷“FRY”嘅焊料喺度，咁咪知道囉，係咪？即係你相信係喇，表面上。如果已經剪到一條條嘅，咁就梗係唔知喇，...

答：即係...

A  
B  
C 主席：...係咪咁嘅意思呀？

D 答：...就算有一卷“FRY”，你擺喺旁邊，都唔可以擔保佢揸住嗰條就係...

E 主席：即係 on the face 睇落去似乎係，睇落去？

F 答：咁睇落去就似乎啲嘢，有啲係差唔多嘅時候，我哋就好難去...

G 主席：唔係，我哋都係用啲 common sense 嘅啫，唔需要去到好高層次嘅嘢嘅，係用--即係你一個總承建商去巡查，如果見到個工人，啊，擺晒喺地嗰度，一卷卷都係“FRY”嘅焊料，咁咪你有理由相信佢係會用“FRY”囉。咁如果已經剪到一槓槓嘅，咁咪唔知囉，唔知道佢係咪用囉。即係你明唔明？佢係想問呢啲咁嘅問題啫，你唔好諗到去咁高深先得㗎，係。

J  
K 問：好嘞。我哋再睇番你嗰個證人口供第6段，alright，最後嗰句“As contract administrators of the HA, the CAs and CBSEs of DCD are responsible for periodic supervision of the contractor's works on site.” Alright。即係嗰個系統就除咗總承建商佢會巡查之外，根據你嘅講法就好--嗰個 contract administrator of HA 其實都會去做 periodic 嘅 supervision 嘅。咁我想問，第一，呢個 periodic supervision 係幾耐會做一次，大約？

L  
M  
N  
O 答：其實整--即係整體嚟講應該就係 CAs 同埋 CBSE 同佢哋嘅 CMR，我叫，contract manager's representative，即係駐地盤嘅同事等等，佢哋會有一個係 periodic supervision。根據一般嚟講，我哋嗰個 manual，就係譬如 DASM 就會提到佢哋嗰個 frequency of inspection，琴日都提過有張 form 入面寫邊啲 100 個 per cent，邊啲 10 per cent 嘅。咁一般嚟講，material storage，佢哋有時都會巡查，都會睇睇啲物料，就 check 啲可能 storage area。

S  
T  
U 另外，就有一個 daily inspection form，就會 check 啲 specify 同埋嘅 approved materials，係唔係即係我哋批咗嗰隻用料呢咁。咁啲就係佢哋個--嗰個 daily inspection，就 10 per cent check 嘅時候，就會 check 有一堆，有一個 list of items to be checked，咁呢個就會係一個 inspection guide



A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

book 裏面，就會睇到係 PLU1 aboveground 嘅 water supply 嘅 system 有幾多嘢佢應該 check。呢一個就有別於琴日就係主席好有興趣睇嗰個 form，就係嗰個就係 site delivery check 嗰樣嘢，嗰個就係呢--嗰個就係有別--呢一類 check 我哋就叫做即係 daily inspection 嗰啲 checks，就 on material 嗰個 compliance 或者個 storage 嗰方面，睇下佢個牌子對唔對咁樣，咁嗰啲就係嗰個 daily inspection 嗰啲 percentage check 嗰度就見到嘅。

問：唔。

答：詳細情況就喺個 inspection guide book 裏面，咁就...

主席：你而家係問緊 plumbing installation，...

王先生：係，係。

主席：...你而家唔係問緊...

答：係。

主席：...materials 咁嘛？

王先生：係。

答：我係講 plumbing installations，包括埋 material 嘅，因為 installation 包就係咩嘢呢？就係 materials 同 workmanship，兩樣都同等重要。

主席：唔。

答：佢 check 嘅時候就會睇埋嗰個 material 係唔係 as specified 呢咁。咁譬如佢有個 model，有個 brand，係咪嗰隻呢咁。如果見到嘅，佢就會睇。不過“FRY”呢一隻 soldering material 喺嗰條焊錫線嗰度，你係見唔到佢係有乜嘢，即係除咗鋸--除咗成卷嘅時候，

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

你見到嗰個線轆，就知道佢係“FRY”；但係如果剪咗出嚟，如果佢真係--唔知咩嘢原因，佢剪咗出嚟用，唔係揸住成卷走去用嘅話，咁肉眼都好難分辨得到。咁一般就有咁嘅--即係可以話一個 common sense 嘅 approach 係咁樣睇。

問：明白，其實我呢度就想問嗰個 periodic supervision，即係我想攞個概念啫，嗰個 periodic supervision，我想知道大概係有幾 frequent，幾耐做一次，有幾多個同事，譬如喺一個地盤，會有幾多個 contract administrator 去做呢個 periodic supervision，你可唔可以大概畀一個概念我哋？唔一定係好仔細嘅，一個概念啫。

答：我想問一問你呢個係指承建商，定話指即係房委會駐地盤嘅同事呢？

問：呢度我係指 contractor administrator of the HA。

答：係。咁喺我哋嚟講，我頭先提過，我哋巡查嘅同事，應該淨係 work supervisor 個 grade 嘅同事，咁佢就大約係 10 per cent of the work done 咁上下嘅嘢嚟嘅。

問：係。但係我想知道呢，唔好意思，可能我問題唔係好清晰。我想知道嘅係呢個 periodic supervision，佢係一個月一次，兩個月一次，即係個 frequency 係點樣樣？

答：哦。

問：同埋去 check 嘅有幾多個人，譬如一個人、兩個人、一隊人？係即係個概念，呢個 supervision of 嗰個 on site 嗰個 by 嗰個 contract administrators 係乜嘢概念，即係我想知道係個咩嘢概念？

答：呢一個係一個 daily--有一啲我哋叫 daily inspection 嘅一個 check，其中之一樣。即係 plumbing 係其中一項要 check 嘅嘢，...

問：係。

答：...當然有第二啲即係 trades 要 check 嘅。咁個 checking 就係要有嗰個 trade，已經有工作做咗出嚟，先至會 check。等於即係如果地盤啱啱開始嘅時候，呢個 trade 都唔存在，就唔會 check。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
VA  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

但係到到有 work done 嗰陣時，做咗嗰陣時候，佢就會 daily check，佢就會睇一睇，咁大概我認為如果 10 per cent，即係十個 flat 抽一個去 check 嘞，就係咁嘅 frequency。

問：唔。

答：咁所以 frequency 就可以話總之佢有 work done 嘅，咁我哋就 expect 佢係 check 10 per cent of the work done。

問：哦，明白。咁我想問嚟呢一個...

答：而呢一個係嚟佢哋--喺 site staff 佢 daily 嗰個 checking 裏面，佢行得到，見得到嘅，佢就會去 check 嘅。

問：唔，好嘞。你頭先講行得到，見得到嘅。咁你覺得喺做 plumbing work 嘅時候行得到，見得到，你嘅同事，即係個 contract administrators，會唔會見到，可以見到嗰啲工人喺現場做嗰個 plumbing work，抑或你係等佢做晒 plumbing work，做完嘞，然後你先去檢查嘅呢？

答：兩個情況其實都有可能發生。

問：係，okay。咁...

答：但係一般嚟講個同事去巡查，譬如喺每一個樓層嗰度，佢係做呢個 sample check 嘅時候，佢可能 check plumbing，at the same time 有第二啲 trades，佢都會--一併都會去 check 嘅。一般嚟講，佢就係即係行到邊，check 到邊，就唔會話「我今日就淨係睇 plumbing」，或者「呢個時間呢，我淨係睇一個 trade」，就唔係咁嘅運作，...

問：唔，明白，明白。

答：...我想即係講一講嗰個實際嘅運作情況。

問：明白，明白，okay。咁其實咁講公唔公平呢？其實嗰啲 HA 嘅 contract administrator 其實都係有機會喺佢巡查嘅過程入面係可以睇到嗰啲 plumbers 佢點樣做--即係 install 嗰啲 pipes 嘅，即係係點樣焊接嗰啲 pipe 嗰啲，佢哋都係有機會可以睇到嘅，如果佢哋想睇嘅話，咁樣講公唔公平？

答：其實即係如果咁樣去問，就好難咁樣去答。即係我只可以話就唔可能

排除呢個機會，但係佢未必會 target 嗰一個 worker 做嗰陣時候就去 check 佢，咁佢係呢個機會係有嘅。而一般嚟講，主要我哋最重要去--可能開始 check 嘅時候，就做一個 sample flat 或者一個 sample prototype 嗰陣時候，就睇一睇佢點樣做。咁跟住如果個 trade，佢開始做工嘅時候，亦都會去 check 一 check 究竟佢做嘅嘢係妥唔妥當，咁應該--因為我哋嘅人力資源，大家都應該係聚焦喺一啲最 critical 嘅 milestone 嗰度，就去作一個即係重點嘅巡查。如果佢開始咗做嘢，係做得正確嘅話，都 expect 日後個承建商佢自己去做嗰個 supervision 都會正確，咁跟住我哋亦都係會有一個係 sample 嘅 check 去做一啲地盤 inspection。

問：係。馮女士，我想問你，從一個管理嘅同理 supervision 嘅角度，其實喺嗰個管理，喺佢施工嘅過程管理係有效過喺佢施工之後先至去睇下佢做得啱唔啱，因為你知嗰個焊錫可能有幾千、幾萬個喉位嚟接駁嘅，咁所以如果從一個風險管理同理一個 management supervision 嘅角度嚟講，你同唔同意其實喺嗰個施工嘅過程入面，嗰個管理其實重要過施工完之後去 spot check 嘅呢？

答：喺 ISO 9000 個質數管理嘅理念，in-process 嘅 check 係需要，不過喺好多 installation，我再講多次，就係個 testing and commissioning 都係尤其重要。特別係有一啲 system，佢成個系統，例如供水系統，佢要--或者係排水系統都係，要接駁晒成套之後，做到最後測試，睇下會唔會有地方會有啲毛病出錯呢，嗰個亦都係尤其重要。

問：唔。

答：即係唔同安一隻門，就係一隻門自己啫，或者一隻窗，都係隻窗自己本身係一個 component 或者 element。但係如果喺供水系統，或者排水系統，往往就係 in-process 我認為係重要，不過最後最終嗰個測試亦都十分重要，因為嗰陣時係睇佢會唔會 function，會唔會有啲毛病，要將佢再修補呢，嗰啲亦都係好需--好重要嘅一個環節或者關卡。咁呢啲特別喺--有一啲特別係--building services 嗰類嘅 installation 特別重要嘅添，就全部呢一啲系統性嘅一啲 systems，一定係最後嗰個測試係好重要。

問：唔，我同意，我理解你嘅講法。

答：所以現在我哋都會--如果跟我哋喺 BEAM Plus 嗰啲 assessment 嘅要求，就會由一個獨立於嗰個 project team 嘅同事或者小組做一個 independent 嘅 testing and commissioning。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：喺你嘅證人口供嗰度，就講到喺呢件事發生之後，房委就已經懲罰咗嗰四大嘅總承建商喇，即係佢有啲停止唔畀佢哋做 tender，過一段時，啱唔啱？

答：我個文件好似有特別咁樣講呢一點。

問：有冇咁嘅事件發生，即係你哋停咗佢嗰個 tender，過一段時間？

答：呢個決定係由我哋嘅投標小組委員會作決定，喺九月三十號嘅時候係開過會討論，亦都有一啲初步嘅措施係執行咗，但係嗰個討論嘅過程，現在正在進行中，所以我亦都唔方便喺呢度透露更加多嘅詳情。

問：唔。但係你證人口供一定有講到，就係話你係要求佢哋，對於嗰啲有問題嗰啲喉管，全部要 replace 嘅，要重新要鋪過，係咪咁樣嘅 remedial action，係咪包呢樣？

答：根據合約嘅要求，任何一啲係工作或者係一啲物料係發現違規嘅話，我哋一定會係追討番個總承建商負責 latent defects。一般嚟講，個 limitation period 裏面嘅，twelve years after completion，我哋都會向個承建商要求佢就全部將佢係 rectify。

問：明白。呢個會唔會係就反映咗嗰個 in-process 嗰個 inspection 其實都好緊要呢？因為如果你喺嗰啲嘢起好晒喇，你先發現到問題，你又要重新浪費好多資源，又重新再鋪過...

主席：佢冇話過唔重要。

王先生：嘎。

主席：下一條問題，係。

王先生：Okay。

問：馮女士，我麻煩你睇睇第 47 段，係你嘅證人供詞嘅第 27 頁，37529，喺下面數上嚟第五行嗰度就有一句，就話“However, HA’s staff did not inspect the joints between pipes or check for presence of lead in soldering materials” etc。我就想集中睇下，你話“HA’s staff did not inspect the joints

between pipes”，呢個係咪正確，抑或係其實係手民之誤咁樣？

答：其實呢句嘅意思，就係“did not inspect the joints between pipes or check for presence of lead in soldering materials”，呢個主要係針對嗰個 lead in solder 喺個 joint，就唔表示話個同事係唔睇個 joint。其實 joint 佢哋睇嘅，但係一般嚟講，就係一個 visual 嘅 check，睇下佢係咪即係 in proper 嘅一個 function 嗰個，譬如焊位，焊接佢嗰個樣--嗰個 outlook 似唔似樣，但係就唔係 check 嗰個 presence of lead in soldering material and in the joints，呢個意思係咁樣。

問：唔。因為你用咗嗰個“or”嗰個字，所以我就以為你哋係有 check 嗰個 joints 嘅，但係其實唔係嘅？

答：Joints 係 check，但係就唔會 check for 嗰個 presence of lead in soldering in the joints，即係其實應該係咁樣去解讀成句句。呢點我如果寫得唔係好清楚，個點就...

石先生：或者“or”變做“to”會唔會好啲，會唔會呢？

主席：唔使，其實馮女士都講咗，佢哋係有 functional performance 嘅 test 咁嘛，不過你唔喺度啫，王律師。

王先生：哦，好。咁我就而家...

答：同理 visual check 係答：...--visual check 嘅同事...

主席：係。

答：...係有 check 嘅。

問：好。如果係咁，我就 move 我最後一個 topic 嘞，alright。我想請你睇第 15 段，喺 page 10 嗰度，37512 嗰度，第 15 段，你又數上嚟第六行左右，你話“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.” 咁我想問你，請教呢，向你請教，有啲咩嘢 alternative 嘅 water pipe materials 你哋 explore 過？

答：呢一個我都提過，我哋已經係有啲 pilot projects 係用緊 stainless steel pipe，有啲 pilots 係做過，...

問：係。

答：...用咗落去一啲 project，...

問：係。

答：...甚至係譬如啟晴邨個商場，都係用 stainless steel pipe。咁 stainless steel 就係呢隻 alternative material，現在我哋亦都 explore 咗係一段時間嘅 product 嚟嘅。

問：就如果用不鏽鋼管去做嘅話，咁你可唔可以同意呢，如果我哋係用不鏽鋼管嘅話，咁個嵌--即係會出現鉛呢個風險係咪會低啲？

答：不如我咁講，其實幾樣嘢嘅，就算我用 stainless steel pipe，但係 stainless steel pipe 本身喺個市面，一般人都唔係好常用，所以我哋都係 stainless steel pipes，就喺個 public area 嗰度，入到房口，現在就係都係用一啲即係 copper pipe。因為 copper 始終係香港市面上面一般嘅可以話小業主或者係我哋嘅住戶，如果佢自己去做裝修或者稍有改動，都係用銅喉。所以就即使我哋喺嗰啲 main pipes，或者係一啲喺公共地方轉用咗不鏽鋼喉，我哋入到室內，或者每一個住戶室內都係會用番銅喉。至於銅喉，如果唔用一個 solder joint，咁另外就可以用一啲 mechanical 嘅 fittings。

問：唔。

答：一般嚟講，就有--可以話即係 press-fit，或者係一啲叫做 push-fit 嘅一啲 fittings 可以用。如果用 press-fit，似乎就需要嘅工具或者用嘅時間可能都會花多少少，但係 push-fit 似乎就係--雖然佢個 joint 係貴啲，但係就需要嗰個時間可能又會快啲，

容易啲 handle。不過就似乎未有一個 BS 嘅 standard 係 govern 呢一啲咁嘅 fitting。所以都要同成個業界同 -- 包埋 regulators，當然係水務署喇，或者同有關嘅認證機構就去研究點樣寫呢啲 specification，或者啲 standards 嘅，呢個係有一個過程。但係我哋都會與時並進，就希望用一啲物料可以減低呢個風險。

因為我都問過承建商，「咁你確保你買啲料，點樣確保啲工友要用啲咁隻料？你睇住佢嘅時候，佢會用，你點樣可以杜絕佢會唔會唔覺意用錯，抑或陽奉陰違用咗。除非你可以人釘人，一個人跟住一個人去做，如果唔係點可以確保呢？」所以我就話，不過唔怕，因為現在我哋知道有啲測試方法，以前我哋就唔知啫。而家知道有一啲所謂 quick test 嘅方法，都可以 test for present of lead in solder joints。咁如果 laboratories 都 gear up 可以 check，做啲 testing 嘅話，咁就現在知道既然係一個係 high-risk 嘅 element，我哋就可以 test。咁就可以 -- 就算之前 check 唔到，最後都可以 check 到嘅。

但係最後 check 到，你要佢換，你要 repair，始終佢會有一個代價，不論係個總承建商或者一個分判商，甚至工友，如果係 traceable，加多個 traceability，要 trace 埋邊個工友喺邊一度做過工作，有咩嘢問題，咁搵番出嚟呢，佢一定走唔甩嘅，要咁樣先至得。但係咁樣就大家其實都會好費力、都好吃力，咁可能就會諗第二啲方法會唔會更加有效呢。咁呢一套 -- 即係呢一句其實講落去就好似好簡單，但係其實我哋喺 7 月初嘅時候，就已經喺好短嘅時間都同個業界都傾過呢一啲 issues 或者呢啲 items。如果為大家放心，唔會以後有咁多麻煩嘅問題呢，似乎就真係盡量避免用 solder joints 係比較穩妥。

但係大家又會話如果你大家都聚焦喺呢一個物料，又知道用咗一啲 leaded solder 嘅風險嘅時候，包括工友都知道嘅，大家就會應該小心啲喇，咁可能都會好安全。同埋佢哋就大家都覺得，如果 mechanical joints，始終係可能會擔心佢會唔會日後用耐咗之後會漏水情況，會有一啲係 solder joints 係咁即係所謂穩陣，或者咁即係堅固，又咁耐用嘅呢？現在有好多呢一啲細節都喺度考慮緊。我諗我哋都要同個業界一齊睇，again we are not alone，咁要搵埋就係水務署，因為佢係專家。大家好多時，我哋以前都有好多機會係攜手合作，譬如我哋話我哋就算即係研發個個...（聽不清），都一定要搵埋水務專家，即係水務署一齊去研發，冇咗佢哋呢我哋係好多個位都行唔通嘅，所以成個業界一定都要 collaborate。



另外提到第二樣，就係嗰啲可能部件，例如部件生產，就唔係 solder joint。Solder joint 本身呢類嘢就應該唔會係 product certification，係應該可以涵蓋嘅物料。不過如果係一啲係 components，即係要經過一個生產過程，特別有啲 alloys，咁嗰一類嘅 component，如果確保佢個 quality assurance 呢，喺我哋嚟講，任何一個嘅經驗呢，就係用一個 product certification，即係呢個產品認證嘅一個 scheme 係都可以有效嘅。不過要做呢一個 scheme 就一定要成個業界攜手合作，就包括係規管嘅部門，即係水務署、生產商、認證嘅機構、同埋嗰啲 certification bodies，即係可以去做呢一個認證工作，係同埋承建商、分判商等等，一齊去研發去寫呢啲 schemes 嘅。

咁呢一類 product certification 喺房委會嚟講，因為我哋都要確保我哋嗰啲生產線係生產嗰啲物料，特別係呢啲 components，需要人哋一個 fabrication 嘅過程，係確保佢中間唔會有一啲係錯誤，令到我哋日後有一啲 latent defect 嘅話，我哋認為呢個係一個好嘅方案，現在我哋都著手同個業界就一齊去希望推行呢個 scheme。

問：馮女士，我想請教下，喺業內係咪有一種燒焊嘅方法叫銀焊 “silver brazing” ？

答：正確。Silver brazing--brazing material 確保佢就唔好含有 cadmium。

問：係。

答：Silver brazing 我哋喺地盤做過一個試驗。

問：係。

答：即係譬如同埋一個 joint，係用有鉛嘅焊料，無鉛嘅 lead-free 嘅焊料，同埋銀焊。

問：係。

答：我哋睇到如果燒銀焊，佢用嘅工具係 high-risk 好多嘅，要預風煤。要用風煤樽去燒，係高溫，燒嘅時間會長，燒完之後嗰個 joint 呢，佢個顏色都會變埋色，同埋條喉擔心佢會脆。即係係未必需要咁--大嘅喉，我哋要用 brazing 嘅，個 size 高過某一個 dimension，就要用 silver brazing，呢個係合約都有要求。但係細嘅喉，我哋

認為係未必恰當，同埋割雞焉用牛刀。因為用 unleaded，或者用 lead-free 嘅 solder 去做個個 joint，其實個時間呢，同用即係含鉛個個差唔多一樣。即係呢個我喺地盤做過一個實地嘅同步嘅測試。

問：唔。

答：所以如果我哋認為如果業界有呢個 risk awareness 嘅話，佢做得錯嘅機會係細，因為佢冇乜嘢誘因佢要咁樣做。如果佢知道日後佢有個代價，就係佢要重做喇，又要拆晒啲喉再做過喇、收唔到貨、或者出唔到又--即係出唔到個 certificate for completion 嘅話，佢要將佢做過晒嘅，佢--如果佢知道有一個代價，佢一定會盡量就唔會犯呢啲事。我哋喺地盤試驗嘅時候都發覺，如果用含鉛個隻，佢燒嘅時候係有啲味，即係有啲 vapour，我哋覺得對佢嘅健康可能都會有影響，呢個從一個 layman 嘅 angle 去睇。

問：其實係咪有啲私人嘅大發展商去發展呢個房屋嘅時候，佢哋而家又開始用呢個--即係其實佢哋都有用銀焊呢個習慣呢？

答：呢個我哋都係聽--我有自己去睇過，咁有啲仲話用膠喉添，就唔用銅喉，我哋都聽過，我哋就自己未去試過。但係我哋喺實地視察嘅時候，我哋話試過，如果用銀焊去燒一啲銅喉，特別係細嘅 size 嘅銅喉，我哋認為呢一個係唔恰當。即係唔係最好嘅方法。

問：明白。其實你會唔會同意，即係其實用咩嘢物料，即係譬如銀焊，或者用不鏽鋼，嗰個物料係會對嗰個風險--嗰個食水含鉛嘅風險係有一個好直接嘅關係㗎，用咩嘢物件做物料？

答：除咗鉛之外，仲有就係 cadmium、chromium、同埋 nickel，呢幾隻物料喺不鏽鋼喉都會有呢啲成分。我只可以話用任何嘅物料，可能都要有一定程度嘅測試，或者係要--即係最後嗰啲測驗，就會知道佢會唔會有啲係超標嘅情況，咁用每一種物料，都有每一種物料佢嗰個風險。至於佢對水質有咩嘢影響，我哋就真係唔係專家，咁都要真係要專家話畀我哋聽究竟有咩嘢測試，有啲咩嘢 parameters。我要 check 幾多種先至叫做恰當呢，咁先知道係唔係對食水嗰個安全係可以確保呢？

問：馮女士，我最後問你一個問題，你喺禮拜三嘅時候，就話係好重要呢，行業呢 “Do it right the first time”，呢個係你--我抄低禮拜三你講嘅。如果要行業 “Do it right the first time”呢，其實應該係--你同唔同意嗰種源頭去解決個問題？即係話應該係去 identify 一啲適當嘅物料嚟做呢個內部供水系統嘅建築，呢個就可

以大大減低呢個風險，你同唔同意呢個講法？

答：有兩句我時時講，我喺業界都時時講呢兩句，我對同事係咁講，對業界都係咁講。第一句係“Do it right first time”；第二句就係“What gets measured gets done”。正正係咁呢，即係我哋覺得測試係重要，或者係第一次做得啱，當然係最好。如果根據我話ISO 嗰個理論，就係要 plan、do、check、act，每一個步驟都好重要。最初梗係希望佢即係可以早計劃、早管理，但係最後測試或者 measurement 亦都好重要。因為嗰個打分，令佢知佢達唔達標，唔達標，可能要重做。唔達標，佢個代價會好大，咁呢佢就會可以 adjust 佢個 behaviour。

問：多謝晒馮女士，我有其他問題嘞。

主席：唔該。Mr McCoy。

MR McCOY 盤問

問：Ms Fung, good morning. Together with Mr Daniel Hui, I represent Paul Y. I will ask you the questions in English, but I would encourage you to answer in Cantonese.

答：Okay。

問：I am afraid if I ask you questions in Cantonese, my tones may well create an additional public health hazard. Would you please look at the booklet, "Hong Kong Water Supply". You may wish to look at the Chinese version. A curious feature of this little booklet is that if you go to the back cover, you see that it was designed and printed by various government departments, but it's not clear which government departments authored or wrote the pamphlet. Did the Housing Authority play any part in its authorship?

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

般先生：主席，maybe I will say in English: the Housing Authority is not a government department.

主席：唔使咁執著嘅有陣時。係，繼續吖。

MR McCOY: Thank you.

問：Did the Housing Authority play any part in the authorship of this document?

答：呢份文件就有特別提到係房屋委員會嗰個參與嘅，雖然佢後面嗰度有...

問：I know. That's why I am asking the question.

答：佢睇到一啲聯絡嘅電話，就有一個係--寫住房委員係有個聯絡電話，喺最後嗰一版嗰度。個網站，亦都有房屋署嗰個網站。

問：But my question is: did the Housing Authority play any part in the authorship of it, the content of the document? If you do not know, please say so.

答：主席，呢條問題其實我想知係--因為房...

主席：你唔好諗到咁複雜。唔使諗到咁複雜。佢個問題就係話房署，房署係咪？你係講房署，房署？

黎先生：房委會。

主席：房委會，有冇參與呢一份嘅小冊子嘅編制或者制定嘅。

答：房屋委員會...

主席：如果有，就話有；冇，就話冇；唔知，就話唔知，可以唔知嘅，其

實。

答：我諗我可以講嗰個過程，就係房屋署嘅同事係睇到呢一個小冊子嗰個製作嘅過程，但係就房屋委員會本身就唔係一個 party 去參與嗰個制定。

黎先生：如果--sorry，如果你睇呢一度，有用資訊同網站呢，中文就寫「房屋署」，但係你個網站睇到好清楚 [www.housingauthority](http://www.housingauthority)，即係事實上兩樣都有嘍度嘅。

答：因為房屋署就係房屋委員會轄下嗰個執行機構，即係喺呢版上面嗰度，都--再數上去，有個電話，嗰度就寫房委會嘅。所以就即係嗰個就--裏面佢呢份文--呢一個小冊子裏面，亦都提及到房委會某一啲嘢。

主席：呢度列咗出嚟，唔等如有參與嘅，我哋個委員會都有列咗出嚟。

黎先生：我哋肯定有參與。

MR McCOY: I am just going to move on!

問：Would you turn to page 5, please. In the Chinese version, the last two or three lines on page 5, the English translation is: "The use of lead-based soldering to connect copper pipes for potable water use has been prohibited in Hong Kong since the 1980s." Does that appear to be a fair translation of what is written in the Chinese text?

答：似乎中文版同英文版嗰個寫法有少少唔係好同。

主席：其實唔係㗎，最靚嗰段，就係個中文版最靚嗰段。中文版去到最尾尾嗰段。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

黎先生：八十年代。

主席：係嘞，「本港於八十年代起」嗰度，嘎，係。律師想問就係呢一句係咪正確呢咁樣樣？

答：我可以話呢個我就唔清楚，我唔知道。

問：Well, is it correct, as a statement? That is, does Hong Kong law since the 1980s prohibit lead-based soldering in the connection of copper pipes for potable water use? Is it correct?

答：我即係講我睇番--我即係以我哋嘅認知，就係睇水務條例裏面嘅要求，再睇番佢 refer 嘅 British Standards 裏面、再提到嗰個 drinking water 用嘅 solder 係要 lead-free category。

問：Is there a prohibition -- you can see the Chinese characters, even I can read them, "禁用" -- is there a prohibition under Hong Kong law? Is there?

答：照個字面睇就應該係。

主席：我唔係好明。我嘅理解，就係如果睇番《水務設施規例》嘅第 17 條。《水務設施規例》嘅第 17 條，我唔知喺邊一度搵到。呢一度就講緊一個英國嘅標準，British Standard 864，我哋知道 864 而家就畀 1254 就取代咗嘅。咁 864，我嘅理解，就係好似係 1983 年嘅好似係，即係咁上下嘅時代，你有冇呢一方面嘅認知呢？

答：我就冇去考究八零年代上一版嗰個 BS 嘅資料嘞，...

主席：係嘞。

答：...因為我哋現在嗰個用個版本就係 TSA204。

主席：因為我都唔知道 864，因為我未睇過 864，我搵唔到 864，所以我唔知道喺 864 裏面，係咪好似我哋而家 1254 咁都講到明係話唔可以

用有鉛嘅，含鉛嘅焊料。

答：呢一點我哋亦都有考究番當年，即係八零年代，如果你話 BS864 裏面嗰個詳細嘅情況。

問：All right. My suggestion to you, Ms Fung, is that this statement is actually inaccurate, because there is no such prohibition in Hong Kong. If you don't know, please say so.

答：我唔知道。

問：What I want to ask you about now is the regulatory regime of the Water Authority in relation to the Housing Authority. The learned chairman has just referred to the Ordinance and regulations, and it would be good if perhaps the Chinese version of the Waterworks Ordinance could come up on the screen, please.

主席：有冇中文嘅 version 呀，我哋？有個呵？

問：While that is happening, perhaps I can ask you a few more questions. The Housing Authority obviously deals in housing. You would agree that the issue of water is inseparable from the issue of housing; they must go together?

答：其實同房屋有關嘅，就除咗--抑或水入面係有關，因為人人都要用水，吸水有關，排水有關，供電有關，就算你話譬如升降機都有關，有好多嘢都同我哋都有關。

問：That's my point. Now, in Hong Kong, is it the Water Supplies Department which is the specialist government department dealing with water?

答：答案應該係，水務署係對水係一個 regulator，係熟悉水嗰方面嘅一個範疇。

問：That's right. And the Housing Authority has to comply with the Waterworks Ordinance and regulations?

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

答：呢個正確，因為我哋就有 exemption。

問：Please, if section 2 of the Waterworks Ordinance could come up on the screen, the definitions section, and we look at the definition of "inside service". It is relevantly defined as meaning "the pipes and fittings in premises", and then there is a further extended definition.

You see that, Ms Fung?

答：見到。

問：So the critical components of the inside service are pipes and fittings.

When solder is added to a copper pipe, the net effect is that the solder becomes part of the pipe; do you agree?

答：Agree.

問：And indeed the very reason for soldering is to achieve that outcome, namely that the solder will thereafter form part of the pipe?

答：Agree.

問：Could now, please, page 15907 come up. Page 15907 to be an example of WWO 542, which is an "Application for water supply/request for work to be carried out by the Water Authority". Are you familiar with this form?

主席：我哋未搵到呢個 form。

MR McCOY：對唔住。

主席：Yeah. Let's take the morning break first and then we can resume later.我哋早休先。二十分鐘。



B

B

C

C

D

上午 11 時 22 分聆訊押後

D

E

上午 11 時 43 分恢復聆訊

E

出席人士如前。

F

F

G

香港房屋委員會第二證人：馮宜萱女士（房屋署副署長（發展及建築））  
宣誓繼續作供

G

H

MR McCOY 繼續盤問

H

I

問：Ms Fung, I asked for page 15907 to come up. Do you have that in front of you?

I

J

答：No.

J

K

問：On the screen? It's an application for water supply; do you see that?

K

L

答：Yes.

L

M

問：Thank you. If you look at the very bottom right-hand corner, you see it's called WWO 542, and appears last to have been revised in the month of September 2008.

M

N

N

O

答：Yes.

O

P

問：If we come up towards the top, it's the "Purpose of Submission", and you have two choices: you can apply to become a consumer, relevantly, of an inside service, or you can apply to become an agent of a communal service, and in this case the application is to apply to become a consumer of an inside service. You see that?

P

Q

Q

R

R

S

S

T

答：Yes.

T

U

問：Come down to the last quarter of the form. The name of the consumer is the Director of Housing; yes?

U

V

V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

答：Yes.

問：Is the Director of Housing the consumer for the purposes of each block and estate under the authority of the Housing Authority?

答：喺呢個階段，啲同事填呢張 form 嘅時候，一般佢都會咁樣填。通常同事簽一啲文件，都會係寫 for Director of Housing。

問：Right. The particular service address is Sai Chuen Road, which becomes Wing Cheong estate?

答：Yes.

問：If you turn over, page, to 15908, there is, one-third of the way down, a crossheading, "Undertaking and Agreement", and I won't read it all out because it's too difficult, but the last relevant sentence says:

"The applicant(s) undertake(s) to be responsible for the custody and maintenance of the abovementioned service ..."

Do you see that?

答：Yes.

問：So the applicant was the Director of Housing. The Director of Housing is named as the consumer for the purposes of the Waterworks Ordinance in relation to this block, this estate; yes? Is that correct?

答：That is correct as far as this form-filling is concerned.

問：Right. Please just come down, on page 15908, to Notes" Number 1:

"This application includes among other things the undertaking referred to in Section 7 of the Waterworks Ordinance ..."

B

B

C

Do you see that?

C

D

答：Yes.

D

E

問：Right. If you please put that away and come back to the Ordinance, preferably in Chinese, please. Back to section 2. I hope that's up on the screen in front of you. You see the definition of "consumer" means "a person who is approved under section 7 as a consumer of a ... inside service".

E

F

F

G

G

H

If you would come over, please, to section 7, it provides:

H

I

"The Water Authority may approve, as the consumer of a ... inside service ... any person who --

I

J

J

(a) occupies the premises; or

K

K

(b) is responsible for the management of the premises or any part thereof; and

L

L

M

(c) gives an undertaking, in such form as the Water Authority may specify ..."

M

N

This is the undertaking which I just showed you, signed on behalf of the Director of Housing, is it not?

N

O

O

答：Yes.

P

P

問：Now I would like to ask you some questions about the role of the Water Supplies Department in relation to the Housing Authority and estates.

Q

Q

R

We have seen WWO 46, and if you want it to come back on the screen, I'm sure it can. Are you able to confirm that there is no role in WWO 46 for the contractor? The contractor does not sign the form?

R

S

S

T

I don't want this to be a test of memory. That's not fair. Would you like to see it?

T

U

U

V

V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

答：嗰張 form 應該就係 Part 1 係應該由個 licensed plumber 就去簽，而 licensed plumber 就係受聘於個總承建商。所以亦都可以話係總承建商亦都會為嗰個 licensed plumber 嘅行為係負責。

問：That's a matter of law which I won't debate with you, appropriately, at the moment.

The licensed plumber is a person approved by the Water Authority, is he or she not?

答：Yes.

問：And the parties who sign WWO 46 are, first of all, authorised person; yes?

答：Yes.

問：And an authorised person is, by law, a highly qualified specialist in an engineering, building or appropriate discipline; for example, an architect, yes?

答：Yes.

問：So you've got a highly qualified professional, and the other party who signs it is a licensed plumber; yes?

答：喺水務條例裏面，係有提及 licensed plumber 呢一個角色，但係就有提及 authorised person。

問：But the form is signed by the authorised person.

答：一般嚟講，喺簽張 form 之前，喺個設計階段，authorised person 或者佢嘅屬下就會呈交水務署一啲 plumbing proposal，即係嗰啲水務嘅設計，咁去批核，然後先攤到一個 WSD approval letter reference。

問：Please confirm with me that the responsibility of the authorised person is a personal responsibility; it's not delegable to others, is it?

答：喺房委會嘅項目裏面，我哋係 exempted from Buildings Ordinance。一般嚟講，嗰個做法就係同發展局都有一個共識。

問：We may be at cross-purposes. It will be my fault.

答：如果房--喺房委會嘅項目，如果見到係 authorised person，我哋就可以係個 contract manager 去簽署，或者係佢嘅下屬，佢 delegate 一個 power 畀佢去簽署，就已經係可以適用。呢個可以喺發展局嘅網站，under 嗰個 Construction Sector Matters, Practitioner's Guidelines 裏面見到。

問：I would like, for ease of questioning, then, for WWO 46 to come up, and a convenient example is at page 14089. I think it's on the screen in front of you now, Ms Fung. So here we have part I, and at the bottom you see it is signed by the licensed plumber, and opposite that is the authorised person, who is a representative of the Housing Department; do you see that?

答：Yes.

問：Thank you. If you turn over to 14090, part II is to be completed by the registered consumer, and we have already seen that the consumer is the Director of Housing. And the Director of Housing, as the consumer, applies for a new water supply. Do you see that?

黎先生：等一等，等一等先。

講者（不能辨別）：佢未--佢出咗第二個畫面，唔係呢個嚟。

黎先生：而家畫面個--唔係呢個，佢講緊個 case。喺 bundle 呢度。

MR McCOY: I'm so sorry. I'm sorry, I have created my own core bundle with the numbers, and I had taken out the volume numbers inadvertently. I do apologise. While that is happening -- and I'm sorry to burden the Secretariat with that -- it's page 14090 I'm looking for, which is part II of WWO 46. So we now have coming up on the screen, 14089.

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：If we can move to 14090, the next page. Yes, that's it. Now, Ms Fung, to bring you back to speed, this is part II of the form, and it is to be completed by the registered consumer for the new water supply; you see that?

答：Yes.

問：And the Director of Housing is the registered consumer?

答：Or any person signed for Director of Housing.

問：Right. The director doesn't have to personally sign it; can sign it on his behalf, of course.

答：Yes.

問：Would you turn to the next page, 14091.

答：Yes.

問：This is part III, and this is signed on behalf of the Water Authority; do you see that?

答：Yes.

問：And the final part of the form, relevantly for us at the , part IV, at page 14092, that's to be completed by the licensed plumber; you see that?

答：Yes.

問：If we turn over to 14093, part V, the end, it's signed by the Water Authority?

答：Yes.

問：Now, understanding your point that when the licensed plumber signs, you say that's a relationship on behalf of the contractor.

答：Yes.

問：Just put that to one side. I understand what you are saying. But you are agreeing with me, apart from that possibility, there is no role for the contractor in the relevant five-part form?

答：Actually, operation doesn't work like that, because it is the contractor...

問：中文好啲，唔該。

答：個 contractor，承建商就會將呢張 form submit 畀我哋嘅同事去簽署，一般嚟講，佢有封信 attach 呢張 form，然後叫我哋同事去簽。所以第一步，佢一定要 check 咗呢張 form 裏面提供嘅資料，即係個 licensed plumber 提供嘅資料係屬實，然後先至會提交畀我哋嘅同事去簽署。不過呢張 form 嘅 Part 3 就係由水務署就去發出畀個 licensed plumber，裏面--我哋嘅同事亦都未必有一個副本，或者未必知道有一個咁嘅內涵。

問：My question was about the role of the contractor. I am asking you to confirm that the contractor has no express role in terms of that form; "yes" or "no"?

答：喺啲表格嗰度，我哋就睇唔到個承建商需要簽署，但係我就亦都提過就係喺個承建商提交呢啲 form 畀我哋同事去簽署嘅時候，其實佢係得悉裏面嘅內容。

問：Now would you please look at the Waterworks Ordinance, and if it could come up, please, in Chinese. Again, I apologise to the Secretariat for the inconvenience I am causing to them.

If we look at section 4 -- and I'm not asking you questions of law, that would be wholly unfair, but I am just asking you to note with me that section 4 imposes duties on the Water Authority. Do you see that, Ms Fung? Section 4.

答：邊啲？Yes.

問：It imposes duties on the Water Authority.

If you then come across to section 12, it also provides that the Water Authority -- and I'm leaving some words out -- but can at any reasonable time enter any premises, and you see section 12(1)(e) said the Water Authority can at any reasonable time enter premises -- then there's a whole series of words -- including to inspect and test "any part of the waterworks".

Do you see that?

答：Yes.

問：And this power is one that the Water Authority might be able to exercise by itself or perhaps somebody might be able to ask the Water Authority to do it, such as a government department or another organisation. Would you agree with that?

答：Yes.

問：If you are unsure, just say so.

主席：佢答左喇，佢好似話“yes”。

MR McCOY：Oh, forgive me. I am so sorry. Sorry.

問：Now -- I am getting to a point very soon -- could we turn to the Waterworks Regulations, please, which also come in Chinese. What I am going to do, Ms Fung, is to suggest to you that the Water Supplies Department has many duties and responsibilities in relation to the construction of the inside service, and has many opportunities to inspect whether it is compliant.

So, first of all, if you come to Regulation 5 please. If you look at Regulation 5(1) -- and I'm not going



A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

to read it all out -- but the material words really are that the Water Authority can give permission to construct an inside service, and an application for an inside service has to be accompanied by such plans, specifications and other information as the Water Authority may require. Do you see that?

答：Yes, correct.

問：That would make common sense, wouldn't it, that you have to tell them what you intend to do, and that should then alert them to what duties they have which may be engaged; agree?

答：Agree.

問：Then, please, if you come across to Regulation 21. Regulation 21(1) provides that the Water Authority may require any pipe or fitting before it is installed or used to be tested. Do you see that?

答：Yes.

問：So clearly they have another source of power to inspect or test pipes and fittings, and any part that makes up the inside service?

答：That's right.

問：That's right.

Now let's go up to Regulation 20, the one just above. First of all, it says:

"Subject to Regulation 25 ..."

And I am going to spoil the mystery. If you just come and look at Regulation 25. Because it provides that the Water Authority can either generally or in any particular case relax the provision of the Waterworks Regulations in relation to various aspects

of pipes or fittings. And you see Regulation 25(2):

"The Water Authority may approve any pipe or fitting which is not of the British Standard." Now, having looked at that, please come back to Regulation 20. Because Regulation 20(1), avoiding the words before the comma, says:

"... every pipe or fitting shall be of the British Standard."

Yet the words before the comma, referring to Regulation 25, actually permit the Water Authority to approve any pipe or fitting which is not of the British Standard.

答：Yes.

問：So the Water Authority has a very considerable discretion as to what constitutes a pipe or fitting; yes? It's got many powers.

答：It can approve any departure.

問：Correct. And if you look at Regulation 20(2), it's long, but as long as the Water Authority's opinion is that the relevant pipe or fitting, that its efficiency or its suitability will not be affected, it's allowed or it's allowed to deem compliance with the British Standard. That appears generally to be what it says; do you agree?

答：Yes.

問：Then -- only two more bits -- if you come back to Regulation 6 now. So we have seen that the Water has a whole lot of powers and discretions. Then at Regulation 6(1):

"A person who constructs or installs a ... inside service shall apply to the Water Authority in such form

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

as may be specified for --

(a) inspection and approval of the ... inside service ..."

That appears to be WWO 46, perhaps; do you agree?

答：Yes.

問：We see down in Regulation 6(3):

"No pipe or fitting forming part of a ... inside service shall be used or covered up until it has been inspected and approved by the Water Authority."

Yes?

答：Yes.

問：So the regulation appears to be repeatedly giving the Water Authority the duty of inspection and approval of inside service throughout the construction phase; would you agree?

答：From these processes, yes.

問：Yes. Now, once the inside service is actually approved by the Water Authority, Regulation 7 comes into play, then, under Regulation 7(1):

"... a consumer shall be responsible for keeping an inside service clean."

Well, this would appear to show that the Director of has the obligation of keeping the inside service clean, which must mean safe and not involving danger. Do you have a reaction to that proposition?

答：This is after occupation.

問：It's "a consumer", is the word, and the consumer is defined as the Director of Housing. Occupant" is not

there, it's consumer, and that's you.

答: After occupation, what would happen is that the premises are being let out to tenants, then the consumer would be changed to the tenants themselves.

問: I see. So, until you let it out, your position is that might be having that obligation?

答: Yes, on the face of it.

問: Now could we just look at Regulation 2, please:

"BS means the latest revised edition of a specification issued by the British Standards Institution ..."

"The latest revised edition". So there plainly is an obligation on someone to keep up with revisions to the specifications; correct?

答: Correct.

問: If you then turn to schedule 2 of these Regulations -- that's probably page 16 for the Secretariat -- schedule 2, we see a cross-heading, "Part 1". Do you have that?

Do you see that?

答: Yes.

問: Thank you.

Now, part 1 is called "Pipes and Fittings", and if look at 1(3) you see this, in English:

"Pipes on a fresh water inside service shall be made of ..."

Then it specifies a number of materials, including copper.

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

答：Yes.

問：We can see already, at item number 5, references to a British Standard, because against number 5(a) it says, "Cast iron pipes shall comply with BS 4622", and there's a reference to BS 4772 on the same line.

答：Yes.

問：I won't go through all of this, obviously, but if you look further, especially on the next page, from items 9 right down to 21, there are numerous references to different BS to deal with pipes and fittings; agreed?

答：Yes.

問：Is there no reference anywhere, is there, to a British Standard that deals with lead-free solder; it's not there, is it?

答：17 says "capillary fittings and sanitary fittings", or 16, so there are a number of clauses referring to copper pipes.

問：Right. I'm sorry, I'm not disagreeing with you about that. You do see, as you correctly observe, in 16 there's a reference to BS 2871.

答：Yes.

問：And in 17 we see a reference to BS 864.

答：Yes.

問：But this is the point: neither of those actually deal with lead-free solder, do they?

答：This may be superceded by subsequent BS.

問：My question, and I'll do it again: neither BS 2871 or BS 864, or any revision of them, deal with lead-free solder. That is my proposition. Do you agree? I'm

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

sure you have been told by now.

答：I think I have to double-check, okay?

問：Okay.

答：I can't respond to something that I have not checked.

問：Very prudent.

答：Because we know this has been superseded.

問：Very prudent.

Do you have any idea how many licensed plumbers there are in Hong Kong?

答：It should be a few thousand.

問：A few thousand. So with 7 million people, that means in about 2,300 people in Hong Kong is a licensed plumber? I think it would be right. Maths must be part of an architecture degree, I think. Never mind. All right.

Mr Paul Shieh, senior counsel, helpfully referred this Commission to the provision in section 15 -- of the, not the regulation -- section 15.

Again, I won't read it out, but the essence is that for the construction of an inside service, only a licensed plumber can construct, install or maintain it. That's the thrust of the legislation; is that correct?

答：That is correct, but I understand there are subsequent circulars.

問：Sorry, yes.

答：Since that the work is being supervised by the licensed plumber.

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：Right. That's the point. So as long as there is licensed plumber, he or she, the licensed plumber, can have underneath him or her a number of non-licensed plumbers?

答：That is what we understand is the practice.

問：All right. Thank you.

In the Housing Authority, is there a research and development division or department -- I may have the wrong label -- but is there an R&D unit?

答：我哋係有一個功能呢就係發展同埋係標準，裏面大家亦都有一啲係做研發嘅工作，但係嗰個係同我哋日常嘅 project work，係會同時並進。

問：Is there a separate division permanently dedicated to research and development?

答：我哋就算係做發展同標準嘅同事，佢哋同時都有兼做一啲 project work，所以就係唔係淨係單做一樣，或者專人專做一個 R&D 嘅工作。

問：Is there any reason why, then, there is not a permanent, dedicated R&D unit?

答：一般嚟講，我哋同事，特別係專業人士，如果係佢係要平衡健康發展，我哋嘅經驗就係如果佢有少少係前線，或者項目，project 嘅經驗，然後一邊就做 standard 呢，係會比較可以即係貼近嗰個工作，而唔會太過即係疏離，或者係離地。咁就會變咗係做得更加暢順，一般嚟講，佢哋大約都有--佢唔係十足，大約八成嘅時間都會做一啲標準，大約兩成就做一啲係工作項目，佢可以就係自己知道呢，前線實戰係點樣，然後先做一啲研發，就會比較實際啲。

問：So how many people are spending 80 per cent of their time inside the Housing Authority dedicated to research and development? How many people do that?

答：我仲有講多另外一啲資料，就係除咗呢一啲同事，其實另外有啲做 project 嘅同事，可能佢係有八、九成時間做 project，又有十個 per cent 時間都可能做研發，所以我就好難就咁一--好籠統畀到

一個數值各位參考。

問：But the people who are spending 80 per cent on R&D, you must have some estimate of how many fall into that. You can't help us?

答：現時我係冇呢個咁嘅資料喺手。因為我哋就唔係計一個人，如果你計晒全部嘅 staff time，再乘一乘佢 aggregate，先知道嗰個係 staff time equivalent。

問：I want to turn to something different please. Could the Advisory Committee on Water Resources and Quality of Water Supplies Minutes of Meeting No. 1 come up? I believe it's been handed to the Secretariat. I will have to create an acronym for this. The ACWRQWSM. There's no mercifully shorter version, I think. Yes, now it's coming up on the screen, Ms Fung. Have you seen this before?

答：唔係，唔係嗰份嚟嘅，應該我未見過呢一份。

問：No, no, that's right. You have never seen this before?

答：No.

問：Okay. Then this should be a voyage of discovery. First of all, look at the date. It's 22 May 2012.

答：Yes.

問：It's at the conference room of the Water Supplies Department, and a very distinguished cast of individuals, including the Director of Water Supplies, numerous other people with an interest, and including an Assistant Director of the Housing Department. I won't name the relevant person. Assistant Director of the Housing Department; do you see that?

答：我見到呢位同事係負責係屋邨管理及保養，陳少德（譯音）先生。

問：And you also see someone from the Department of Health,



A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

someone from the Food and Environmental Hygiene Department, from the Development Bureau, and an engineer from the Water Supplies, and in attendance is the Deputy Director of Water Supplies and a cast of senior executives from that department; do you see that?

答：Yes.

問：Right. We will avoid most of this, but come across, please, to item 4, "Publication of Water Quality Data".

We see, at 4.2, the following:

"Mr Chan Kin Man gave the meeting" -- and he is from the Water Supplies Department -- "a brief comparison between the testing requirements World Health Organization 2008 which was currently adopted by [the Water Supplies Department] and those of [World Health Organization] 2011 which was launched by WHO on 4 July 2011. Mr Chan advised that preparation work for the development of suitable methods for testing of water quality in compliance with WHO 2011 would be completed by [the end of] July 2012 and the associated water quality monitoring would commence in August 2012."

I believe I have read that out correctly. This would appear to show, does it not, that the Water Supplies Department were totally aware of World Health Organization Standard 2011, certainly by May 2012. That's the first thing it shows; yes?

答：Yes.

問：Secondly, it shows that the Water Supplies Department were, in that reasonably short period of time, able to organise themselves to be able to test water quality in compliance with that standard; yes?

答：Yes.

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：Thirdly, it also shows that by that time, or certainly the next month, August 2012, they would be starting water quality monitoring that would comply with World Health Standard 2011, full stop. You see that?

答：Correct.

問：Do you believe they did that? Do you know with whether they did that? You may not know.

答：I know there's a quality water examination.

問：But do you know whether they started it in August 2012?

答：No.

問：You don't know that. There's a bit more. Let's have a look at 4.4. Now, the chairman, a distinguished man, Dr Chan Hon Fai, said:

"The Chairman enquired when [the Water Supplies Department's] laboratories would be accredited under the Hong Kong Laboratory Accreditation Scheme for water quality testing in accordance with [World Health Standard] 2011."

So he asked the exact question.

"Mr Chan Kin Man [from the Water Supplies Department] replied that some of [the Water Supplies Department's] laboratories had been accredited under [the Hong Kong Laboratory Accreditation Scheme] for selected testing parameters in accordance with [the World Health] requirements, having regard to resources available. That said [said Mr Chan from Water Supplies], the quality assurance system of laboratories was based on the requirements ..."

And he gives a 2005 specification.

"In view that [Water Supplies] would commence the

water quality monitoring in accordance with the new standard [WHO 2011] in August 2012, the Chairman expressed his appreciation on WSD's effort on the prompt adoption of the latest water quality standard for monitoring in compliance with WHO 2011."

Ms Fung, I know you haven't seen this before. If Water Supplies Department had done what they said they were going to do in August 2012, it would follow that the lead incident would have been discovered much, much earlier than it was; correct? Years earlier, three years earlier.

答：The earlier, the better.

問：梗係喇。

答：Before that, should be 2005 or 1993.

問：My question to you is, if they had carried out what they said they were going to do, the lead water incident would have been discovered about three years earlier; yes?

主席：我有少少嘢想補充，is me。因為我就唔想--似乎就我知道你問問題嘅目的，不過就係我相信喺我哋啲 bundles 裏面，Water Supplies 畀我哋啲 bundles 裏面，你係會睇到其實--因為我哋就曾經問過水務署就擺好似係3月到9月，2015年嘅 data，因為我哋冇擺更早之前嘅。我哋亦都曾經係問過佢哋擺過--睇過佢哋究竟啲水辦，究竟係測試啲乜嘢嘢，所以我哋見到係有測試佢哋世衛裏面嘅好多唔同嘅參數。

不過，當然有一啲嘅化學物就可能測試多啲，有啲可能會測試少啲，即係個 frequency 嚟講，所以就我又唔會話你完全啲問題唔啱，不過我又唔會話你啲問題完全係正確。因為譬如測試鉛咁樣樣講，就睇下究竟佢喺邊一度擺啲水辦去測試啲鉛嘞。如果佢話喺--譬如就我哋所知，因為我哋曾經都睇過，就係話如果喺呢一個--每一個濾水--或者咁講，我哋知道所有啲水第一站由東江水嚟到嘅，就係去咗呢個叫做木湖抽水站，嗰一度我哋所知係有驗鉛嘅。跟住由木湖抽

水站去到唔同嘅水塘，或者去到唔同嘅濾水廠，喺處理嗰啲水之後出嚟嘅，亦都係有驗鉛嘅，不過當然就唔係每一日都做。

所以你話--即係我覺得公平啲起見，你話水務署係咪冇驗鉛呢，咁又唔係一個完全正確嘅陳述。咁你話佢哋驗咗幾多，其實最重要個問題就係喺邊一度擺水辦驗。如果佢係喺嗰個公用嘅供水系統嗰度擺水辦驗呢，係絕對唔會搵到 inside service，即係內部供水系統出現問題嘅，所以我諗就要分清楚少少。就因為如果--我就覺得咁樣就公平啲，唔。

MR McCOY: Thank you very much, Mr Chairman. I fully understand exactly what you have said, and I have no wish whatsoever to be unfair to Ms Fung.

主席：唔係，唔係，唔係，我完全唔係講話有關於供--即係因為可能有一啲嘢--因為基本上而家你叫馮女士畀證供，就係話畀我哋聽個實際嘅情況，咁實際上我哋亦都係接收咗一啲嘅 bundle，我哋亦都係去睇過水務署。我唔係話佢哋啱，又唔會話係佢哋係錯，不過而家我哋接收到嘅信息就係咁樣樣。

MR McCOY: Thank you. I will move to a slightly related aspect.

問：Ms Fung, we can see the Assistant Director from Housing Department was present, and you told us he is from maintenance.

答：Estate management and maintenance.

問：Yes. You would accept that the purpose of such a higher-powered meeting, his attendance at the meeting, would be for him to bring back what had been learned from the meeting. That would be the purpose, would it not, of attendance?

答：I think to contribute as well as to bring back what experience he can.

問：Yes. What happens when the minutes of this

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

high-powered committee are received? What is the distribution network from the Assistant Director, Housing SD Maintenance, to people in the Housing Authority or the rest of the Housing Department? What would be the distribution network, so that people would learn the valuable items that had been discussed?

答:I cannot specifically reply on this point, but generally there will be liaison meetings where we held with maintenance colleagues about quality. So that can be an area for sharing. And probably this will be shared amongst the building services colleagues of both divisions.

問: You have about 2,450 staff in the Housing Authority, in your division; is that correct?

答: That is correct. It's 2497, to be exact.

問: Okay. Thank you. And apart from yourself, there are 25 chief professionals?

答: Yes, and four senior directors.

問: Beneath those levels, is there a hierarchy of seniority, going downwards?

答: Yes, senior professionals and professionals, and technical grades and also site supervisory grades.

問: Yes. About, round numbers, how many professionals are there in the Housing Authority, in your division? About? Hundreds? 500? 800?

答: Over 500.

問: These people would generally have tertiary education?

答: Yes.

問: And many of them would have been to prestigious universities and have postgraduate qualifications as

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

well?

答：Yes.

問：These people represent a highly skilled, multi disciplinary group of professionals?

答：Correct.

問：Now, it follows, from what we have learnt in the inquiry, that that large group of talented professionals were unaware of either the risk of lead poisoning or the presence of lead. Were they aware, or were you aware -- you personally, as a distinguished architect in your own right -- of the general concept of lead poisoning before July 2015? Were you aware?

答：We are not aware of the presence of lead in solder or lead in water, or the impacts of such existence of lead.

問：I'm sorry, I asked whether you personally, and your first word was "we", so I'm asking you: were you personally aware of the general concept that lead is a poison, before July 2015? Were you aware?

答：I think this question has to be seen in its own context.

問：Now, I'm giving you the context. It's before July 2015. Were you aware of it? You are a distinguished person.

答：I'm not aware of the presence of lead in solder, and the presence of excess lead in water, and the consequences.

問：But you are answering questions I haven't asked. I am asking you a different question. My question is: were you aware of the general concept that lead was a poison before July 2015?

答：But this is not a direct relationship of the excess lead in water. Being known, the problem of lead --

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

or, for example, petrol, or unleaded petrol, as a kind of general concept, I think as citizens we do have these kind of broad concepts.

主席：即係鉛有毒呢一個咁樣嘅 concept，喺--佢而家淨係一個好 general 嘅--即係一個好簡單嘅問題，鉛有毒呢一個咁樣嘅概念，喺 2015 年之前你有冇呢？

答：一般嚟講，係...

主席：係。

答：...即係如果你話鉛有毒，或者係甚至係有啲話汽油含鉛、唔含鉛，甚至係你話食物有時可能都吸入咗有啲鉛。

主席：係呀。

答：一般嚟講，就都聽過。即係都會--如果呢樣就會係一般嘅知識，就會知曉嘅。

主席：鉛有毒你係知道嘅，係咪？不過個問題--okay，繼續下一個問題喇。鉛有毒你係知道嘅？你知道㗎嘛？

答：係。

主席：係，okay。

問：You have said several times, over several days, that the Housing Authority did not know that there was lead in the solder that had been used on the estates. You have said that several times.

答：Yes.

問：How do you know that the members of the Housing Authority, the 2,496 other people, were unaware of that fact? How do you know that? Because another possibility is they were aware of it, they just did nothing about it.

答：呢個喺一般嚟講，我哋嘅同事係--據我嘅理解，係唔察覺或者唔認知呢一個問題嘅存在。

問：But my question is, how do you know they were unaware of it? How do you establish that?

答：呢一個我哋就係根據一啲前線同事嗰一啲嘅資料。

問：Your position is that, with all your professionals, no one was aware of the risk that solder posed; is that your position?

殷先生：Chairman, I don't mean to interrupt Mr McCoy, but, to be fair to the witness, she never said that each and every individual within the Housing Authority did not know. She said the Housing Authority as a whole did not know. There is a difference. She was giving evidence on behalf of the Authority.

問：You see, if you have such a large batch of talented professionals who were unaware of the risk, it is really unfair to assume that a contractor should have the same or a different state of mind.

答：喺我哋嘅合約裏面，我哋就已經訂明咗，採用嘅 solder material 就應該係 lead-free category，咁呢個就同我哋大家不論係發展商或者係我哋嘅同事知唔知道嗰個 risk of lead，係冇必然嘅關係。我哋合約嘅要求，就係用--solder material，就係要 lead-free category。

問：The only reason why the contract stipulates lead-free, the rationale for that, is because it was believed there would be a risk if lead was used. Do you agree with that?

答：呢一個我只可以話睇番同事當年做嗰個規格嘅時候，佢就參照咗就係 BS EN 裏面嗰個 table，就係然後嗰個 footnote 嗰度提到嗰個



category of solder, 應該就係 lead-free, 咁佢就將佢擺咗落去嗰個 spec. 裏面, 就係咁嘅一個過程。

問: You know, we are just going to waste a lot of time, which is not my wish. The reason why the specification exists is because there is a known risk, and that is the reason why lead-free is specified.

答: 呢個我只可以講, 就話當時同事只係參照嗰個 BS 嘅 standard 擺落去嗰個規劃裏面, 唔係表示佢當時就會察覺到如果嗰個 solder 係可以係含鉛嘅。

問: So it was important enough to be in the contract, but not important enough to be checked or inspected?

答: 如果我哋察覺到嗰個係一個高風險一個 risk area, 當然我哋喺當時已經有一啲要求, 就喺個 inspection 等等, 就加強嗰個監察嘅。呢點我都講過都唔止一次, 的確當時我哋真係唔 aware, 係要 7 月之後, 發現咗呢件事嗰陣時, 我哋先至係 aware。

問: But the very existence of a site inspection form is because the Housing Authority must audit or check what the contractor or trade workers do; is that right? That's the rationale for the creation of a site inspection form.

答: 嗰啲 forms 係幫助我嘅同事係進行嗰個 site inspection, 或者係 periodic inspection 嗰陣時候, 係作為一個指引。

問: Do you accept that the direct cause of lead in the water, the excessive lead in the water, in the relevant housing estates, is because soldering material containing lead was used in jointing the copper pipes? Do you accept that; that's the direct cause?

答: 呢個根據我哋睇到個 Task Force 報告, 呢個係一個主要嘅原因嚟嘅。

問: But I'm asking you, do you accept that?

答: 我相信專家嘅意見, 佢哋係咁樣去做咗一個研究之後, 而作出呢一個論據, 我係同意嘅。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：Can I suggest to you that the indirect cause is that the direct cause went unnoticed, because there was no in-progress inspection or test during construction?

答：呢一個我認為係因為風險方面我哋大家都察覺唔到，所以喺嗰個物料方面，同埋係嗰個施工方面都察覺唔到。

問：And the indirect other cause is because no proper water sample-tests on lead and other heavy metals were taken?

答：呢個我哋睇就係，一般嚟講，最後 testing and commissioning 嗰陣時個 test，如果係有呢啲測試嘅，就可以發現；不過係冇呢啲 testing 嘅，就發現唔到。

MR McCOY: Excuse me a second.

I think I have exceeded my welcome with this witness. I am grateful. I have many other things but I shall wait to witnesses who have greater hands-on knowledge, to put the issues to them.

主席：Alright, thank you.

MR McCOY: Thank you.

主席：Thank you.

Mr Pennicott?

MR PENNICOTT: Mr Chairman, I don't have any questions for this witness, but can I just make this observation by way of a marker?

I was proposing to ask the witness some questions about the switchover from the galvanised lined pipes to the copper pipes, in about 2002, that she refers to in her witness statement.

My understanding is, from the questions that Mr Shieh put to the witness, that there's a possibility at least

B

B

C

that we will see some documentation which shows us, as it were, the document trail that led to the decision to switch over.

C

D

D

E

In those circumstances, I don't think it would be sensible for me to start asking questions about that particular process at this stage. If the documents turn up, then perhaps I will either ask this witness or some other witness about that particular topic. So if I could just put down that marker, rather than waste time asking questions at this stage.

E

F

F

G

G

H

主席：Thank you.

H

I

MR PENNICOTT: Thank you very much.

I

J

主席：Thank you.

J

K

林大律師，你想而家問，抑或食完飯之後先至問呢？

K

L

林先生：主席，可以食完飯之後先問。

L

M

主席：好呀，咁我哋或者而家午膳時間先，兩點半再繼續。唔該。

M

N

N

上午 12 時 50 分聆訊押後

O

O

下午 2 時 32 分恢復聆訊

P

P

出席人士如前。

Q

Q

R

主席：林大律師。

R

S

林先生：係，主席。

S

T

T

香港房屋委員會第二證人：馮宜萱女士（房屋署副署長（發展及建築））  
宣誓繼續作供

U

U

V

V

林先生盤問

問：馮女士，我想有啲問題係請教你嘅--或者我首先講關於今朝早，王資深大律師代表水務署問咗你有少少問題。如果你去番 C6.1 嘅 4506，關於葵聯邨嗰度。馮女士，嗰個 context 佢之前就問你，就係關於嗰個時間上面嘅幾時係 form--邊一個 form，個 date，同埋個 testing，基本上佢咁個講法，就係「我 test 嘅時候，其實已經出咗水紙嘞，咁之後嘅 test」--我想講講呢一個 4506 先。如果呢度睇呢--就咁去睇，佢就係淨係驗 chlorine 嘅，見到，係咪？

答：係。

問：而我哋--因為暫時我哋就未搵番啲所有嘅資料，或者啲文件，我相信你哋同一時間都係搵緊啲資料同埋文件。根據我哋暫時嘅紀錄就係，如果就咁淨係驗 chlorine，係應該係好後期，要重新--可能有一啲嘢需要再驗，咁咪叫一啲 test laboratory 去驗。例如淨係驗 chlorine，睇下嗰個水質有冇含 Chlorine，係一個特別嘅要求嚟嘅，就唔係之前啲例--嗰個 8 parameters 啲驗法嚟嘅，你同唔同意？即係暫時我哋睇到嘅就。

答：我同意，我覺得一般嚟講，因為我哋有啲 test 係比平時水務署嘅要求係多，咁就我哋喺出咗嗰個入供紙，就交樓之前，就會做一次 cleansing and disinfection，跟住又會再 check 一次 chlorine，然後就入伙。

問：冇錯。

答：我就咁睇，我覺得呢一個報告就係嗰個 test 嚟。

問：冇錯，係好後期，後期，到就嚟入伙之前，咁有個最後嘅 test，睇下嗰個 chlorine 嘅成分，有冇違標嘅 test 嚟嘅。

答：係。

問：就唔係--當然，我哋會再搵啲資料，可能係會再重新去睇睇嗰個 chronology 係點。但係呢個睇嚟呢，暫時就唔係嗰個你--我哋講關於嗰啲其他需要 test 嘅--關於水務條例需要 test 嘅嘢嚟嘅--唔係，呢個當然係要 test，但係亦都有其他嘅 test，應該做咗嘞，响前面，係咪？

答：應該係。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
VA  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：係。或者我哋 flag 咗呢度，我哋遲啲會再有晒嗰度所有嘅文件，同埋嗰個流程我哋先會再講。但係反而我想請教你一樣嘢，法例上，水務署就係其實係要保證所有嘅水質嘅無論係安全標準，水嘅質量，所有嘅--令到香港市民係飲用食水嘅時候，係安全㗎嘛，係咪？

答：正確。

問：咁唔會有--即係我又用番主席講嘅 common sense，唔會去到--突然之間我淨係去到嗰個 connection 嗰度呢，我淨係驗到去 connection 嗰度，就唔會突然間停咗喺嗰個 connection 位，咁一定係去到--我相信 common sense，係去到用家嘅時候，都係一定要有一個標準會 test 㗎嘛，係咪？你同唔同意我咁講法？

答：同意嘅呢點。

問：唔。而根據頭先 Mr McCoy 資深大律師亦都有畀你睇過啲水務嘅條例，其實係一個好--因為佢已經講咗嗰度，所以我唔需要再重複，其實係有個好 wide-ranging 嘅，佢哋有好多唔同類型嘅權力畀咗佢，其實係確保香港市民飲用嘅食水係安全㗎嘛，係咪？

答：係。

問：而去番轉頭，房署嘅 role，淨係講水質同埋嗰個 plumbing 嘅 system，其實係咪到最後，無論係 British Specification，無論係法例嘅要求，房署係咪其實跟水務署嘅要求而係訂立唔同嘅準則，叫總承建商去 compliance？

答：房委署就一定係遵守法例，即係按照水務署嘅要求，就去進行一啲測試同埋跟佢嘅準則。不過我哋就話有陣時，如果可以嘅話，係有需要嘅話，我哋就會做多一步。例如我哋就係話，其實係喺交樓之前--即係交樓，入伙嗰個時間，就準備交樓畀嗰個住戶，就再多做一次清洗水缸，嗰個就係因為--因應就係避免有 Legionnaires' disease 嗰個問題，咁我就做多一步咁解嘅啫。

問：冇錯。

答：但係全部嗰啲測試嘅一般嚟講，個標準同埋要求呢，都係按照水務署訂定嗰啲要求，同埋嗰啲 parameters。

問：冇錯。因為到到最後，其實你--房署喇，就係一定係根據佢哋嘅 expertise，佢哋話做乜嘢，咁係咪一個好正常嘅說法呢？

答：係，即係我哋同一般嘅發展機構都係--喺呢方面係冇分別，但係我哋就話如果可能嘅話，如果有需要，我哋會多咗一步咁解嘅啫。

問：冇錯，係嘞。所以我就想請教你，畀你睇睇，响--係有啲 Specification，我都想同你探討一下。如果你首先去 B4.2，item 74 嘅--或者去 4.2，item 74，page 係 3405。或者你睇睇嗰個 heading，呢個就係關於葵聯邨嗰個嘅 contract booklet 嚟嘅，咁每一個總承建商呢，佢簽咗個 contract 之後都會有咁嘅 booklet，就去跟進嘅，係咪？

答：正確。

問：如果你去呢個 booklet 嘅 3483，你之前就已經同我講咗，其實你好多關於個 Specification，都係根據法例，同埋根據水務局嘅要求係去做嗰啲，或者叫總承建商去遵守個 Specification。咁我都想向你睇一睇呢，個 Specification，如果你睇第 1 個度：

"Specification referred to Articles of Agreement and Conditions of Contract shall be deemed to include all of the following:

(a) The Hong Kong Housing Authority Specification Library 2008 Edition issued by Housing Department.

見唔見到？

即係換句話講，總承建商亦都係要根據你哋出嘅 Specification Library，因為 2008 年就適用於我哋今次嘅 contract 裏面，係咪？

答：唔。

問：如果你睇睇响 B2 嘅 item 25，就我哋會去到嗰個 2008 年嘅 Edition，關於個 Specification Library。Item 25，page 575。呢個就係佢嗰個 Table of Content，就係嗰個--如果你落到去呢一個--如果你落到鬼呢一版嘅底部，左手面，就應該見到。係嘞，你見到有 Specification Library 2008 Edition。即係我哋啱啱適用嘅 Edition 嚟嘅，係咪？

答：係。

問：如果你--請你揭去 page 581，關於 all pipes and fittings。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

你會睇到响 PLU1，當然係個 plumbing 嗰個 system，呢度寫住，就係：

"All pipes and fittings shall:

1. Confirm to this Specification. Alternative materials may be used if approved by CM; and
2. Be constructed of materials suitable for the required working and test pressures and temperatures of the fluid carried. Comply with BS6920 for internal lining for potable water."

你見到，係咪？

答：係。

問：即係換句話講，响呢個無論係 con--或者嗰個 handbook，加埋嗰個房署嘅 Specification 嘅 Library，就要求總承建商，至少瑞安，就係要 comply with BS6920 嘅，係咪？

答：係。

問：而家我哋畀你睇睇個 BS6920，我有幾樣嘢想請教下你。

林先生：Sorry，法官閣下，根據我嘅了解，呢啲 BS 係需要畀錢嘅，所以我哋就擺咗個 BS 關於 6920 嘅 (1)。

講者（不能辨別）：應該有 copy。

MR McCOY：Yes, yes.

問：咁我想向馮女士請教幾樣嘢，關於呢個 Specification。

林先生：主席，你會唔會有啲 copies 係 on hand?。我哋係本來應該

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

有好多 copies 嘅，但係暫時未搵到，但係有啲 copies 我哋畀--  
或者畀馮女士，或者主席。

問：呢個就係 BS6920，响呢個 Library 嗰度叫要遵守嘅。如果係睇睇  
呢個左手面，如果第 1 頁嘅--唔係嗰個面嗰頁，就係裏面嘅第 1 頁。  
你見到左手面，見到係咪有寫住：

"This British Standard has been prepared under the  
direction of health and environmental sector committee  
was published under the authority of the standard  
committee and come into effect on 15<sup>th</sup> of May 2000."

你見唔見到嗰個內頁嘅左手面近下角呢？

答：見到。

問：係咪見到呀？

答：見到。

問：即係換句話講，呢一個當時嘅 BS6920 就係 2000 年嘅 5 月就係生效，  
係咪？

答：係。

問：如果你揭去第 4 頁。睇到有個表嘅。你見唔見到 under 8，  
"extraction of metals"嘅表？

"When tested in accordance with BS6920-2.6..."

2 呢，我哋睇過，就係嗰啲 testing 嘅時候嘅要做嘅工序。1 呢，  
就係呢一個咁嘅 Specification：

"...the product shall be deemed suitable for with  
water intended for human consumption...", if the  
amount of the specified metals in the final extract  
exceeded the specified limit given in table 1."

Table 1 就喺下面。



A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

換句話講，如果佢嗰個 test 係唔超過 table 1 下面嘅 limits，就係人類可以適合飲用，係咪？或者照字面解。

答：係。

問：跟住佢當然講話，如果超過，當然唔適合飲用喇，係咪？第二段。

答：係，係。

問：我哋睇睇個 table 1，係有個 test 係 for lead 嘅，當時响 May 2000 年嘅時候，嗰個 British Standard，就係 25 個 microgram for 1 litre 嘅，係咪？

答：係。

問：當然喇，反而我有一樣嘢真係要請教你嘅，我見到嗰個 Specification Library，就寫“fittings and pipes”，係講呢個 inner lining of pipes 嘅。但係我見到呢個 British Standard 嗰個 heading，就係講 non-metallic products 嘅。我就諗極都唔明，點解例如嗰度講緊 copper 嘅 pipes，係應該係 metallic 嘅，因為裏面嘅 lining 係會係唔係 metallic 呢？即係我想呢個請教你呢樣嘢。

答：我就咁睇，呢個 BS，就係 non-metallic 嘅 products。

問：係。

答：咁而個 Specification 嗰度提到嘅，就係講一啲 internal lining pipes。

問：係。即係換句話講，呢一個 Specification 一定係適用㗎喇，當時。因為佢裏面--即係你講話裏面係應該係 non-metallic 嘅 inner lining。

主席：你再講多一次，你慢慢講。

林先生：係。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：即係換句話講，呢個 Specification 呢，關於嗰個“fittings and pipes”，係適用於當時嘅叫總承建商去沿用嘅 British Standard 嚟嘅，其中一樣，係咪？

主席：關於乜嘢呀？

林先生：關於嗰個 pipes and fittings for 呢個飲用水。

主席：咁你睇下你乜嘢 pipes 先得㗎，同埋你個 pipes 裏面究竟有冇 lining 先得㗎。

林先生：我知，因為我...

主席：係咪呀？

林先生：係。

主席：如果你個 pipes 裏面冇 lining 嘅，咁呢個...

林先生：我明，所以我就請教馮女士，呢個係咪沿用於我哋而家講緊啲 pipes 嘅 lining。

主席：邊一啲 pipes 嘅 lining 呀？

林先生：Copper pipes。

主席：Copper pipe 冇 lining 嘅咩？

林先生：我就想問一問。

答：我哋 copper pipes 係冇 internal lining。

問：冇 internal lining 嘅，唔。或者咁我調番轉頭咁樣問，馮女士，就算响呢一個嘅 British Standard 嘅 Specification 裏面，驗嗰個 lead 呢，去到 2000 年嘅 5 月，都係沿用於 25 個 microgram per 1 litre 嘅，係咪？

答：睇個 table 1，就係。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：而根據我哋嘅資料顯示，其實要去到 2014 年，至少呢個咁嘅--呢個 British Standard 6920 呢...

主席：等一陣先。

林先生：唔。

主席：因為我覺得啫，即係我可能啱，又可能錯。

林先生：唔。

主席：我就覺得有少少係好似斷章取義。因為呢度就咁寫嘅，“The extraction of metals”：

“When tested in accordance with British Standard 6920, the product shall be deemed suitable for contact with water intended for human consumption ...”, if the amount of specified metals in the final extract do not exceed the specified limits given in table 1.”

Final extracts does not necessarily 等於水。Depending on 嗰個 6920-2.6 究竟係用乜嘢 test，同埋用乜嘢 solder 去攞到呢啲 extracts 出嚟。

殷先生：主席，我呢個...

主席：唔係，我唔知呀。

林先生：係，或者...

主席：你明唔明呀？

林先生：我明，我明，或者我...

主席：因為我呢就係一個 science 人嚟嘅。

林先生：主席，或者我另一個...

主席：係囉。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

殷先生：主席、我可唔可以提出一點先呀？因為--to be fair to the witness，因為如果我哋睇下頭先林大律師讀出嚟嗰個 BS6920，係取自於嗰個 PLU1.M110.5 General 嗰度第 2 段，講明係話“BS6920 for internal lining of pipes and fittings。”

主席：係呀。

殷先生：咁頭先證人已經答咗話，copper pipes 係有 internal lining。

主席：係呀。

林先生：或者--哦。

殷先生：咁 relevant 喺邊度呢？

主席：唔係，我唔係唔畀佢問，即係我呢度有幾樣嘢，因為第一，首先 copper pipes 就有 lining 嘅。

林先生：唔。

主席：如果你話 GI pipes 有 lining 嗰啲，呢個呢就係可能講緊喺 GI pipes 裏面嗰啲 lining 幫佢哋，就要 fulfill 一啲 specification。

林先生：唔。

主席：而你點樣樣可以 fulfill 呢個 specification 呢？就係如果你 follow 6920 呢一個 test method 去做一啲嘢出嚟，做完啲嘢出嚟嗰個 extract 裏面係，如果嗰啲 heavy metal 係 exceed 呢一個咁樣樣嘅表嘅話，咁你就係唔合規格。呢度我唔知佢係咪講緊水，所以就要講清講楚，因為你如果個問題問得唔清楚，當然馮女士啲 science 可能會好過我，不過就一個唔清楚嘅問題，base on 一啲唔清楚嘅 premises，去出一啲唔清楚嘅答案嘅話，就係實際上嗰個 evidential value 就係 0。

林先生：係，或者咁樣，主席。

問：我首先問一問馮女士先，呢個“product shall be deemed suitable for contact with water intended for human

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

consumption...”，呢一個講緊嗰個 extract 嘅 to be tested，  
係會係講緊嗰個喉管嘅 test 係？

主席：個 lining 呀。

林先生：我知。

主席：係咪呀？

林先生：係，我知。

主席：個 lining 係 deemed suitable for contact with water.  
“The product shall be deemed suitable”係講緊個 lining  
係 suitable，唔係講緊咩嘢咁嘛，係咪呀？因為我哋而家講緊  
non-metallic products 咁嘛。

林先生：Okay，我明嘞，主席。

問：或者馮女士，我想請問你先，我哋見到個--或者我講緊表，in so far  
係個表嗰個嘅 maximum allowable 嘅 concentration, for lead  
係 25，係咪？

答：我只可以話呢個表嘅數值係咁寫出嚟。

問：係，係。咁去到 2000 年嘅時候，呢個 British Standard，或者  
我用個表嘅方法去提問先。個表去到 2000 年嗰個 allowance，都  
係去到 25 個 microgram per litre 嘅，即係可以 suitable。如  
果你睇番上面，當然 extract 咗之後，suitable for intended  
for human consumption 嘅話，即係換句話講，呢個 standard，  
就係去到 2000 年嘅時候，就係嗰個 allowance 係去到 25 嘅，就唔  
係 0 for 呢個 lead 嘅，或者亦都 at that time 唔係 10？

答：我諗同--頭先主席提到，就係你唔知--我哋唔係好清楚佢嗰個  
extraction 係點樣去 extract，同埋佢係點樣去測試，所以現在  
我就咁睇，我就好難答到呢個係抑或唔係嘅情況。

問：I see.

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

答：我就睇個表嘅數值呢...

主席：我想問下你嘅意思，係咪即係話喺 2000 年嘅時候，當時可能仲係用緊...

林先生：舊嘅...

主席：...GI pipes 嘅時候，係容許有啲 lead 係走咗出嚟，係咪咁嘅意思呀？你係咪想咁樣表達呢？

林先生：我--或者主席，係差唔多咁嘅意思，但係或者咁樣表達。

問：响 2000 年嘅時候，嗰個標準係容許嘅 lead 呢，都係去到 25 嘅，個 mini-gram。

主席：乜嘢標準？

林先生：嗰個 concentration of certain metals，個 maximum allowance...

主席：你講緊世衛嗰個 drinking water quality 抑或講緊 British Standard 嗰個 concentration 呀？兩件事嚟嘅。

林先生：我哋講緊--冇錯，我哋講緊呢個--而家係講緊 British Standard 咁嘛。

主席：Okay。

林先生：唔。

問：即係換句話講，係當時我哋睇緊個 British Standard 嘅 Specification，馮女士，就係去到 2000 年嘅時候，你自己都睇個表，2000 年嘅時候，係嗰個 maximum 嘅 concentration of lead 係 25 microgram per 1 litre，係咪？

答：係。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：咁又係講番嗰個 British Standard，如果去到最 update 嘅 British Standard，就會--我唔知你會唔會面前有另外一個去跟進咗嘅 edition，就係 2014 年嘅 fifth edition。如果你睇到，又係第 2 頁，你會唔會有？

講者（不能辨別）：佢未有。

林先生：哦，，而家啱啱攞緊上嚟。

問：會見到呢個就係 2014 年嘅 update 咗嘅 version。如果你睇，又係睇第 2 頁。一搵出嚟，個 British Standard，fifth edition，就係 June 2014，咁我哋之前嗰個係 5 月 15 號，2000 年就係。啱啱畀你睇嗰個，就係 forth edition 喇，係咪？

答：係，係。

問：咁去到 2014 年，如果你睇佢幾時 come into effect，就响第 --forward，你見唔見到有 forward？响第 1、2、3，裏面第 3 頁。你見到 publishing information，係關於呢個 6920 嘅。嗰個 British Standards Institution 就話呢個 came into effect on the 6 月 30 號，2014 年，係咪？

答：係。

問：我哋頭先亦都見到，個法例上係我哋就要--我哋香港就要跟足佢哋嗰個，update 咗呢，咁香港就要跟番嘅，係咪？如果你睇番第 6 頁，又係同樣嗰個表，去到 lead 嘅時候就係--換句話講，2014 年嗰個 British Standard，6 月 30 號，2014 年嘅 6 月 30 號，嗰個 lead 嘅 concentration 就變咗去咗 10 個 microgram per 1 litre 嘅，係咪？

答：係。

問：即係，亦都換句話講，呢一個嘅 British Standard 嘅改變，係其實去到 2014 年嘅 6 月先至變到去 10 個 microgram per litre 嘅，至於香港，如果跟番嘅時候，啱唔啱？

答：呢一個係適用於一啲 lining。

問：當然，當然，但係我而家舉個例，就係，第一，佢站在鉛嗰方面，唔係好似--譬如舉個例，好似 Cyanide 咁樣，係少少都唔可以，其實係有個 allowance 畀佢嘅，係咪？至少根據。當然嗰個--至少根據呢啲表，嗰個 allowance 其實係--即係唔係--或者飲咗好少鉛都會有問題嘅。

答：我只可以睇話，响呢啲表，佢個數值係有修訂過。

主席：係吖，有修訂過。

林先生：係。

主席：水唔會話完--唔係完全冇--唔係一定要完全冇鉛吖嘛。

林先生：冇錯，冇錯吖，係。

主席：係。你如果想表達呢樣嘢，唔需要兜咁大個圈講。

林先生：唔係，但係我仲想表達，就係就算去到例如呢啲修訂，至少呢一個嘅修訂，British Standard 嚟講，都其實去到 June 嘅 2014 年嘅。

主席：係。

林先生：即係如果你講與時並進，其實喺好近嘅時候發生嘅呢樣。

石先生：其實我想搞清楚，就係世衛嗰啲標準都係有陣時 25，你外國有陣時 25、30。但係而家我哋好大部分嘅屋邨嗰啲，你無論你用乜嘢標，佢都超咗。你用 25，佢都超咗，而家係。所以而家個問題唔係話你用 25 嚟量度就少啲超標，所以你就有咁罪疚，唔係咗，似乎。

林先生：唔係，如果用而家嘅標準，可能 10 就係會超喇。但係我想表達嘅，唔知馮女士同唔同意，就算講緊呢啲表，去到 2014 年先至喺 British Standard 有改變咗呢個咁嘅標準，由 25 去到 10。

主席：咁你想--我都唔係好明你想表達啲乜嘢嘢。

林先生：或者又咁樣講，...

主席：係。



A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

林先生：...其實呢個改變，當然唔同時間有唔同嘅改變嘅，但係呢個鉛去到 10 as a maximum allowance，其實係講緊係都好近期發生嘅。

主席：你講緊 BS standard 抑或 WHO 嘅...

林先生：BS，BS standard，specification。

主席：On 呢一個 product，係咪？

林先生：唔。

主席：因為可能每一個 product 都唔同㗎。

林先生：係。

主席：嘎。

林先生：係。

主席：On 呢一個 product，non-metallic materials on 呢一個 product，我哋見到 2000 年就有一個 6920 嘅 standard，就去到 2014 年就有另外一個 standard 咁樣樣，佢個意思就係咁啫。

答：我就係睇到呢一個 BS 係有呢一個改變，係由 2000 年個版本去到 2014 年嘅版本係有呢一個 adjustment 㗎度。

問：係。因為我其實想探討就係關於嗰個--因為你成日講，或者响個口供度有講，係嗰個 risk base 嘅 assessment 呢一樣嘢。即係其實講緊風險管理。响你嘅口供裏面，因為之前亦都好多大律師問咗，個風險管理就睇下你其實當時嗰個睇法有冇一個存在嘅好高嘅風險，同埋或者係好低嘅風險，因為你都已經講咗，就係其實你需要驗嘅嘢有好多、好多，千種，係咪？

答：係。

問：咁你亦都好多次咁樣提出，無論响業界、你哋自己 HA，無論係 HA 做嘅 projects，同埋業界，出面，响個 private sector 嘅 project，

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

對於鉛响呢個 soldering material 呢一樣嘢，係如果用張教授嘅講法，缺乏認知；用你嘅講法，即係我哋當時唔知道有件咁嘅--咁嘅問題存在嘅，係咪？

答：係。

問：我想問，鉛呢一嘢樣會响呢個 soldering material 呢度產生，當時嚟講，係我哋睇過有關於响外國嘅經驗，我哋見到响威爾斯嗰度，就有啲小朋友係會有頭痛，會嘔吐，而因為--之前好似讀過畀你聽，或者我哋知道喇，係有啲咁嘅個別嘅醫療個案嘅。我想請問你，因為呢一隻 copper fitting 其實係响--其實用咗都好多年㗎喇嘛，有冇你自己嘅認知，有啲咁嘅醫療嘅個案先呢，响香港？

主席：對唔住，你講係有鉛...

林先生：因為有鉛嘅 poisoning，而有啲咁嘅醫療個案，响香港有冇咁嘅，响你嘅認知上面，有冇發生過咁嘅同類事情？

主席：因為呢啲水管，淨係講水管咁嘛，你而家？

林先生：淨係講飲用食水。

主席：嘎，唔緊要。

答：呢點我就唔--我唔知道。

問：係喇。但係--唔係，如果--喺，或者調番轉頭問，如果有咁嘅醫療事故，係由水管飲用鉛水，有鉛水嘅 poisoning，或者有咁嘅個案，我相信會通行都知㗎嘛，因為呢個緊要嘅事故嚟㗎嘛。

答：如果係一啲嚴重嘅事故而又引起公眾注意嘅，我哋都會清楚嘅。

問：冇錯。但係响你嘅認知，或者係响其他--响行內面嘅認知，暫時或者至少係有一個特定嘅事故，係關於飲用水嘅鉛水，有人飲過，有 lead poisoning，而發生有唔同嘅醫療事故嘅，係咪？

答：我哋係唔知道。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：冇錯。換句話講，當你睇嗰個 risk base 嘅 assessment 嘅時候，當如果突然之間有個重要嘅醫療事故，呢個係一個好重要嘅 pointer 喇，係咪？

答：係。

問：首先，我哋其實沿用咗呢一啲咁嘅物料係都幾耐下嘞。首先，响你嘅認知裏面，冇任何嘅醫療事故。咁有冇咩嘢特別重大嘅事故，令到你會覺得鉛响呢個 soldering material 係一個好--係存在一個高風險嘅危險呢？當時吓。當然講話 7 月之後，我哋唔好講嗰樣。但係 7 月，2015 年之前。

答：以前我哋的確就有呢一個認知。

問：唔。所以我就想請問你，嗰個認知係從咩嘢 basis？因為--我哋會知道，如果你响嗰個 building 裏面，突然之間跌咗瓷磚落嚟，呢個危險，我相信點樣嘅 common sense，我哋大家都知道係一個好大嘅危險，係咪？

答：係。

問：或者調番轉，如果嗰個 plumbing system 係成日會漏水嘅，呢一個亦都大家會知道，係一個需要關注嘅事項，係咪？

答：係。

問：咁我想問你，呢個咁嘅鉛响呢個 soldering material 呢一樣嘢，係點解係有人會提出，或者點解喺當時，响業界裏面，至少你嘅講法喇，就我哋都同意嘅，係一個好 low risk 嘅一個嘅情況嚟嘅呢？

答：首先，我哋就有呢個認知，即係有呢個 awareness，就係嗰啲焊料會含鉛，或者會因此而影響到係食水會含鉛或者含鉛量超標，或者係影響到嗰個係健康嘅狀況。呢幾個部分，我哋都好有呢一個認知嘅，可以話喺 7 月之前。

問：我知道係大家係有咁嘅認知。咁例如要咩嘢情況之下，變咗我哋突然之間會有咁嘅認知呢？除咗當然佢本人即係驗咗鉛嘅時候，驗到有咁嘅超標嘅情況喇。即係我想知道你個風險管理係嗰個 basis 係咩嘢呢？

答：如果抽離啲講，即係話，第一，有冇啲醫療個案喇；第二，就係有冇

一啲係即係化驗，顯示到啲食水嘅含鉛量係超標。如果唔係，我哋係無從知曉呢個問題。

問：但係你又要知道當時嘅化驗係唔驗--即係之後係唔驗--除咗啲 parameters 之外，係唔驗呢個鉛呢樣嘢嘍嘛，係咪？

答：係。

問：所以，換句話講，我哋又去番個風險啲個管理嘅情況嘞，咁係要係咩嘢嘅情況之下你會--因為而家有醫療事故，冇其他嘅特別嘅 pointer，會唔會突然之間有人會諗起，「喂，我哋係咪應該睇睇個 solder, lead in 呢個 solder joints 呢樣嘢呢」？

答：如果有任何嘅跡象或者警示係令我哋有呢個憂慮，咁我哋就可能跟進。即如好似以前就出過，譬如你話退伍軍人症咁，咁就全香港都知嘅，咁我亦都會除咗因應水務署嘅要求之外，可能諗一諗，「會唔會做多少少嘢，再洗多一次呢」咁，我哋就會咁樣諗。即係要係有一啲真係啲事故，令到我哋--真係引起我哋嘅關注呢，咁我哋會跟進嘅。

問：係。因為其實啲事...

答：即係假如如果當時有第二啲人喺第二地方驗到話啲水有鉛嘅咁，咁可能我都會有呢個 awareness，喺香港裏面。

問：係，係。或者至少你會去睇下啲個情況係嚴唔嚴重，或者有幾嚴重，先至再睇下啲個成因嘅，係咪？

答：係。

問：而去 keep up to 關於水務方面，去令到你或者房署係 keep up-to-date 嘅關於外國嘅經驗，係啲個責任應該係响你嘅度，HA 度吓，抑或响水務署嘅度？

答：如果係同食水嘅質素啲個，主要我哋都係遵守法例嘅，所以我哋一定就係會係以水務署頒布嘅一啲法例同埋一啲守則係為依歸，因為房委會都係要遵守香港嘅法例或者係水務條例。

問：係。即係換句話講，其實最後你哋都係 rely on 啲水務條例啲啲，例如 British Specification，係咪？

答：係。

問：我想去番頭先嗰個 25 嗰個 milligram 同-- microgram 同埋佢個 1 litre 呢個，同埋 10 嗰度。咁佢 25，其實對--至少吓，鉛水嚟講，至少嗰個高風險程度，如果當時，2000 年嘅時候，去到 2014 年，嗰 25 嗰個 metallic 嘅 allowance，其實對你嚟講嗰個 risk 係有幾高呢？係例如 Cyanide，我哋知道一定係 0 嘅 allowance。但係如果 25 嘅時候，你嗰個對於鉛，飲用食水裏面嗰個嘅 risk factor 嚟講有幾高？

主席：你應該咁問，調番--即係我唔知咁問會唔會好。英國去到 2013 年嘅 12 月先至將呢個 25 就改咗做 10。你明嘛？

林先生：明。

主席：唔。

問：咁其實係一個去到咁...

主席：即係你繼續接落去問喇，嘎。

問：係嘞。如果你講與時並進，如果去到 2013 年，英國先至轉呢個咁嘅 standard 嚟講，其實嗰個嚴重性，係咪其實都係去到 2013 年尾先至我哋覺得「喂，呢個係值得再進一步關注啫」？

主席：再進一步關注？

林先生：係，再進一步關注。

問：係咪呢？或者我再重複吓。你見到我哋--至少嗰個 Specification，响 2013 年尾先至推行，2014 年 6 月先至其實係實行，咁換句話講，如果我哋站在呢個與時並進，或者進一步關注嘅

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

範疇嚟講，其實去到好後期，呢一、兩年，先至將呢個食水，British Standard 嚟講，係轉到去 10 個 microgram 去 1 litre 嘅，係咪？

答：喺呢個，有個表度顯示就係嘞。

問：即係換句話講，去到 2014 年嘅 6 月，個 British Standard 先至覺得呢個，嘩，10 先至係一個 allowable 嘅 limit？

答：係。

問：其實我哋有啲文憲講係 84 年嘅時候其實係 100 嘅。84 年之前其實係 100 個 microgram per litre 嘅。所以其實個認知方面係去到好近期，14、15 事後先至--都至少 British Standard 嚟講嘅，係近期先至有改變嘅，係咪？

答：我睇到就係 2000 年呢份同埋 2014 年嗰份就係咁，就係睇到有咁嘅，係數值嘅轉變。

問：Okay。或者我最後一個範疇係問你嘅。如果你去到你嗰個口供，證人口供嘅 paragraph 51，page 30 嘅，响你個證人口供。Paragraph 51，馮女士，係咪已經有嗰個？

答：係。

問：係。想向你指出，如果你响你嗰個第一段，你就講所有 HA 嘅 contract 係 drawn up with the statutory and regulatory requirements under WWO。即係換句話講，係關於用水、食水方面，佢個 requirement 全部係根於--根據呢個 WW，Waterworks 嘅 Ordinance 嘅法例規定嘅。至於個 specification，關於個 solder materials，shall be lead-free，呢個係我哋大家都知係 comply with the contract，但係响其他嘅 regime 裏面，關於鉛嘅 content in water，contract 裏面其實冇任何嘅 specification 嘅，係咪，即係你咁講喇？

答：跟個-- specification 會跟番水務條例，或者佢下面，嘎，頭先提到，就係跟 BS 嘅標準㗎嘛。

問：冇錯，冇錯。

答：咁我哋跟咗 BS 嗰個標準，咁就寫咗嗰個 details，就寫埋喺嗰個 lead-free category 嘅 solder。我呢點我哋琴日都提過嘅。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：冇錯。我...

答：咁呢個亦都係即係我哋按照 BS 嗰個 relevance 嘅 specification 裏面，就係 extract 出嚟擺落去。

問：冇錯。咁當然响合同上面就冇任何嘅 stipulation 係關於 lead content in water 嘅，呢個好清楚喇。但係嗰個關於用鉛...

答：講合約-- sorry。

問：Sorry。

答：合約裏面，我哋冇提到 lead content in water。

問：係。

答：嘎，我哋係冇提到呢點嘅。

問：所以我又睇番轉頭，主席嘅講法，其實我哋去到 2013、2014 年，先至個 British Standard 係有改變。到到今時今日，2015 年，先至有個認知係--或者行裏面有個認知...

主席：唔係，你成日講 2014 年，British Standard 先至有改變，係咩嘢意思？

林先生：係因為 June 嘅時候，至少跟嗰個 Specification，係 2014 年 June 就有個咁嘅改變，關於嗰個由 25 去到 10 嘅 microgram。

主席：係。嗰一個 product 係啫，咁但係你根據 1254,1998 嗰個 British Standard，喺 1998 年都已經話係唔可以有喇。

林先生：唔係，嗰個 soldering 係唔可以有，嗰個 joint。

主席：我知。

林先生：但係嗰個 lead content in water，而家我哋講緊另外一個範疇。

主席：Lead content in water？

林先生：係嘞。因為如果你睇番嗰個表，都係去到2014年嘅6月。

主席：唔係，我...

林先生：即係如果關於 lead content in water 嗰個係有數據。

主席：我都唔係好明白你。呢個，你成日講嚟講去都係講緊呢個 British Standard 之嘛，係咪？呢個 British Standard 就係話，啊，當你做完，根據嗰個 test 做完之後，出嚟嗰啲 fluid 或者 extract 就唔可以多過呢一個咁樣嘅 concentrations 咁樣，就係咁多嘍咋。佢冇講過話水、冇講過話乜嘢嘅，總之就係你唔可以釋出咁多嘅鉛。

林先生：唔。

主席：就係咁多嘍。係咁多之嘛，呢個。

林先生：係。

主席：點樣樣同 water qualities 有關係呢？好似唔係好--即係當然呢一個部件、呢一樣嘢就係愛嚟就係用嗰呢一啲水管上高，...

林先生：係。

主席：...不過個問題就係呢一份嘢就係話畀你哋聽，「啊，如果你裏面係擺啲 lining 喺度，你嗰啲 lining 就要符合我哋呢個裏面嘅其中一個 test。而喺做完呢一個 test 之後出嚟，嗰啲 extract 裏面，你就唔應該搵到超過咁多鉛嘅濃度嘅嘢」，就係咁多嘍。

林先生：係，主席，呢個完全明白嘅。但係我想指出嗰個，就算個改變，關於個濃度嘅 extraction for human consumption，都係响2014年先至改變嘅。當然係我完全明白主席你嘅講法。

主席：唔係，如果你想講番英國個 water qualities，根據佢嘅 regulations 又好，根據佢嘅 bye-law 又好，就係去到2013年嘅12月改。

林先生：唔。

主席：Okay? 就係由25個 microgram per litre 就轉咗去10個 microgram per litre，呢一樣嘢我相信就唔會有 dispute 嘅。所以就其實呢一個，你 cite 呢一個，其實就可以唔 cite，因為如



A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

果你講番英國嗰個 standard，咪就係 25 變咗 10 囉，就係 2013 年 12 月，...

林先生：好。或者，主席，我...

主席：...就係嗰個 requirement 更加 stringency，就係咁簡單。

林先生：係。

問：馮女士，我最後一個範疇同你探討嘅，就係關於响呢個--我哋見到大家都係用呢個“FRY”嘅一個嘅 non-lead 嘅 solder material。

答：係。

問：我知道當時係 submit 咗一個 sample，嗰個 sample 係 non-lead，亦都係 approve 咗。跟住就因為--我相信你會同意我嘅講法，因為呢一個 material，當時嘅大家嘅認知，係一個好低嘅風險，所以變咗從來係冇任何嘅--無論係業界，private 或者係你哋 HA 嘅 sector，從來冇人會關注呢個物料，究竟當時工人去用嘅時候係點解處理嘅，係咪？

答：我只可以講話呢個係一隻我哋覺得就係市場，喺香港裏面，普遍好成熟嘅一隻物料，咁就好多人用，私人有好多用，甚至居民自己，佢哋去裝修嘅時候都可能用得到呢隻銅喉，咁喺個市場上面係相當成熟嘅，事先亦都有特別嘅警示或者跡象，就話畀我哋聽佢隻焊料係可能含鉛。

問：係。即係換句話講，當時從來有好似而家咁樣嘅，大家响度加深咗嘅--因為有個咁嘅認知，而係變咗無論佢响買咗，我哋大家會 test 佢，究竟其實佢係咪真係唔含鉛；買嘅時候個 sample，去到用嘅時候，做嘅時候，就算佢直情係焊緊嘅時候，可能喇；焊緊嘅時候，即係總之佢做緊嘅時候，都大家會 check；去到後期，嗰個完成品，而家大家亦都會 check，係咪？而家嗰個程度係去到咁樣嘍嘛，係咪？

答：我哋一向就以為批咗嗰隻料係 lead-free 嘍喇，一般用得落去嘅都應該係 lead-free。

問：冇錯。因為--當然，如果你去到--之前亦都有個問題問過嘅，如果你去到工地度，嗰個工人其實佢當佢拆開咗嗰個“FRY”嗰個盒，佢用緊

嘅時候，其實你係唔會知道佢，如果佢係偷龍轉鳳，或者係好似話你講嘅，就陽奉陰違嘅時候，其實你根本上冇--當時喇，係唔會察覺到--喺目測嘅時候唔會察覺得到㗎嘛，啱唔啱？

答：如果佢做完咗製成品之後，係目測好難分辨得到。佢...

問：唔。做緊嘅時候呢？

答：做緊嘅時候，頭先提到就話如果佢揸住一條焊絲，其實都唔知道佢係唔係嗰一隻物料嘅。

問：係。

答：咁你頭先提到就話「成卷擺喺旁邊，咁都可以信得過喇啫」咁，咁照計就可以，可信性高啲。但係嗰卷，係咪佢用嗰一個物料，其實都要考究嘅。

問：係，當然。但係其實到到最後，其實都係講緊如果有個情況係有工人或者係有三判，「三仔」啲啲，或者係陽奉陰違，或者係特登唔用，當然佢唔知道咩嘢原因，暫時；其實都好難測試得到嘅，即係當時2015年7月之前。除非佢好似而家咁樣樣，咁--或者可以咁講，高成本去每一個步驟都 check 佢，係咪？

答：可以咁樣理解。

問：嘎。咁所以又去番嗰個 risk assessment。當時如果大家全行都有咁嘅認知，係冇人會咁樣，花咁高嘅成本去做一樣咁--其實講到最後，其實都係好細微嘅一個嘅 component 㗎嘛，啱唔啱？因為大家都冇認知嘅時候。

答：如果察覺得到呢個係風險嘅所在，當然大家就會做呢啲測試工作嘅。

問：係。

答：不過以前就大家都睇唔到有呢一個咁嘅風險，就呢一個我哋就係事後再睇番返轉頭。

林先生：主席，我有其他問題。

主席：唔該。下一位係 Mr Li。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

李頌然先生：係，唔該，主席。

李頌然先生盤問

問：馮女士，我有幾個簡單嘅範疇想請教你，澄清一下。就住 2002 又好，2005 年都好，關於個轉變，就係用呢個“GI pipes”，我簡稱，轉做銅喉呢個環節，我哋知道--當然之前石資深大律師都要求你去搵番一啲文憲或者紀錄嘅，呢個我知道嘅；但係喺呢一個範疇入面，我自己亦都想問一問你，睇下而家答唔答到，定係你都要時間去搵番嘅，okay？

答：好。

問：喺呢個轉變入面，其實我哋最主要房屋署當年其實係睇緊個喉嘅物料，同埋呢個喉點樣接駁，接駁嘅用料，啱唔啱？

答：正確。

問：就住呢一個轉變，我相信你哋喺個考慮期間都會諗到，啊，呢啲喉或者嗰個接駁位會接觸到水源，係咪？

答：係。

問：喺呢幾日，我聽過你嘅證供，就係話如果係關於水方面嘅，水質方面，你哋都會諮詢一啲專家，而喺你心目中嘅專家就係水務署嘞？

答：係。

問：咁 05 年又好，02 年都好，呢個轉變嘅討論，如有的話，你記唔記得--即係如果你需要嘞，你同我哋講。當時有冇諮詢過水務署，「啊，而家我哋會有咁嘅建議去轉變嘞，水務署方面有冇意見畀番我哋呀，有冇啲提點呀、警惕呀」？有冇啲諮詢你而家可以提供番畀我哋，喺呢方面？

答：呢個資料我要返去搵一搵先至得。但係就據我理解，當年啲同事做嘅過程都有諮詢過業界，甚至有啲係國際嘅一啲平台嘅。

問：係。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

主席：甚至一啲國際嘅咩嘢話？

答：嘅平台。係有佢諮詢過一個係 International Copper Association。

主席：係。

答：即係咁佢就即係除咗香港，亦都睇番成個世界，例如 BS 或者 international 仲有啲咩嘢嘅 reference 可以參考呢咁。

問：唔。咁呢度我等你個資料，可以提供番，係水務署嗰方面嘅參與，同埋水務署嗰個認知，喺當年呢一個轉變嘅物料嗰方面，麻煩你睇下搵唔搵到資料出嚟。

答：我哋嘗試去搵，但係我話要搵番當年嘅檔案紀錄，可能都要花一啲時間同埋可能有困難嘅，...

問：明白。

答：...但係我盡量去做。

問：係。剛才你有提過關於業界、業界喇。呢幾日我都聽到「業界」。就住業界嗰方面，你哋房委會同業界嘅諮詢，當然就係希望可以了解多啲業界入面嘅一啲 practice，即係嗰啲做法，有冇遇到困難，即係多方面嘅嘢都想知㗎嘛，係咪？

答：係。

問：除咗同業界，譬如話你哋可能定時定候，會唔會約啲譬如話大判或者一啲承建商去開下會，了解下或者 update 下市面嘅狀況？

答：呢啲工作我哋時不時都會做。同承建商--即係總承建商就可以話有一啲係 regular 嘅會，就兩個月開一次嘍，另外可以加一啲 ad hoc 嘅會。咁就同另外譬如你話水喉、潔具嘅商會，或者一啲職工會嘅，我哋都會時不時都有一啲聯繫嘅。

問：係。除咗呢啲方面嘅開會，以至到你哋房委會得到業界提供畀你哋嘅資料之外，我相信你哋--當然你未必需要負責請人喇，喺房委會入面。但係以你嘅認知，喺你--房委會入面，咁多同事入面，有啲同事都係來自業界，譬如話轉工，做完私人嗰啲大判又好，承建商都好，

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

向你哋嗰度去應徵，你哋當中嘅同事，都有呢啲咁嘅背景嘅人士㗎嘛？

答：我哋都有呢啲同事嘅。

問：而喺呢啲嘅同事入面，有啲會唔會都係啲比較高級啲、決策者嘅 ranking，個職位？

答：一般同事入職都係喺個 basic rank，然後就開始晉升嘅。

問：係。但係譬如話出面有啲大判，有啲好高級嘅工程師去應徵，咁你哋當然見到，啊，個背景好好，個 CV，有好多經驗，你哋請--當然會可能相應番你哋嘅空缺或者你哋需要，而請番咁嘅背景嘅人？

答：都係由基層嗰度去 recruit 嘅，去招聘嘅。

問：你所謂嘅「基層」，其實係嗰個職位或者嗰個職位架構入面嘅基層啫，係咪？

答：係。

問：唔一定係成個房委會裏面最低級嗰個㗎嘛？

答：唔係。

問：Okay。

答：係嗰個職級裏面係最基層。

問：所以喺--同唔同意我嘅講法，就係其實房委會入面，對於業界嘅認知，其中一個來源會係喺外面請番嚟嘅同事，都可以問佢哋，「啊，憑你嘅經驗，啲建築商有點樣、點樣嘅狀況」，都會係有機會從佢哋得到啲資訊嘅，啱唔啱？

答：係，正確。

問：所以你喺呢幾天作供話，啊，其實房委會一向嘅認知，或者認知不足喇，個用字唔好咁斟酌，其實都係有囊括埋呢一啲外面轉職入嚟嘅同事嘅認知嘅，係咪？

答：總括嚟講可以咁講。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：就住嗰八個 parameters，嗰個範疇，如果驗水，水務署驗水，驗嗰八個 parameters，如果係唔達標嘅，肥咗佬，房委會係咪會收到信息嘅？

答：如果嗰啲 test 有任何嘅 result，承建商向我哋提交，我哋收到，我哋收到呢個 result。

問：係。喺呢八個嘅--你--一路我哋從你嘅證供就聽到，你哋就有倚賴水務署所制定嗰八個 parameters，係咪？

答：（沒有可聽到的回答）

問：我記得昨天嘅證供就提過話，啊，其實喺呢件事入面，牽涉嗰啲邨，嗰啲建築入面，有大部分都係 12 年之前落成，記唔記得？

答：記得。

問：我哋睇番--其實睇番 12 年 2 號嗰個 circular。咁麻煩我哋睇睇就係 B15.1，第 37558 嘅，我知道。我個電腦就有嗰個 pagination，但係我數過，應該係 37558，15.1，B15.1，係。好快啫，馮女士，請你睇睇，呢個-- 37558，係嘞。我哋見到呢一個係 12 年 8 月 10 號所發出嘅通函，喺最尾嗰段，我見到，“This Circular Letter is to supersede Circular Letter No. 6/2002 issued on 26 August 2002.” 見唔見到？

答：見到。

問：好嘞，我揭後兩頁嘞，呢個係 37560，唔該晒。第一段嗰度，第二行，嗰度就話，咁講嘅，“To this end, the consumer or agent concerned shall clean and disinfect a newly installed fresh water inside service before it is given a supply from the Water Supplies Department.” 見唔見到？

答：見到。

問：呢個其實總體嚟講就係去進行呢一個驗測，係就係喺水務署正式係放水入去呢個屋苑之前要做嘅一啲檢測嘅，係咪？

答：係。

問：好嘞，喺下面嘞，呢一頁嘅下方，(3) 嗰度，我哋留意有啲字眼，其實而家將會畀一份文件，想你比較一下嘅，喺，呢度嘅字眼係咁講嘅，

“Arrange with the Water Authority to collect samples and representative sampling point(s) as agreed by the Water Authority for bacteriological and chemical analysis. The test parameters and the related acceptance criteria are listed in the Annex.” 呢度咁講嘅。我再好快睇一睇第 4 -- (4) 個度，就係“To avoid possible contamination, the fresh water mains concerned shall be put into operation within 7 days from the successful disinfection. In this respect, the Licensed Plumbers are advised to allow sufficient time for the Waterworks Chemists to carry out sampling and analysis and to avoid arranging disinfection immediately before long public holidays.” 因為就住個檢測個度，就提醒一啲有牌嘅 licensed plumbers, LP, 係有咩嘢要注意嘅。見唔見到？

答：係，唔。

問：呢幾個段落其實都係關於之前嗰一頁，“(A)”，就係一個“Newly Installed Fresh Water Inside Service”，一個新建成嘅 inside service 嘅 system，有啲步驟同埋有啲嘅關注嘅，係咪？

答：係。

問：唔。同一時間，我想畀個文件你睇，因為我唔...（聽不清）委員會個度有冇呢份文件？呢一份就係 02 年 6 號嘅通函嚟嘅，咁我而家有二十五份派畀...（聽不清），有。好嘞，我哋善用下呢個時間，雖然派緊呢一份文件。馮女士，你見過呢一份通函未㗎，之前？

答：之前應該係見過嘅。

問：見過嘅？

答：之前，之前。

問：唔。我哋見到呢份通函，我哋去番佢個第--喺 02 年 8 月 20 號所發出嘅，係水務監督，咁我哋睇入面嘅內文嘅第一版，下面會見到個頁數。咁個文件個 heading，佢就寫住“Cleaning and Sterilization of Fresh Water Mains of Inside Service”嘅，咁就見喺第一段，第一段都係咁講嘅，“The newly installed fresh water mains of inside service should be cleaned

and sterilized to the satisfaction of Water Authority before they are put into operation.” 咁呢個文件，佢所關注或者佢所制定嗰啲程序，其實就係喺 12 年 2 號個通函之前，咁就水務署就根據呢一個通函入面所講嘅一啲做法嚟到去驗測啲水質嘅，啱唔啱？

答：啱。

問：唔。剛才我提過，你對番啲字眼喇，其實喺呢一份 6 號通函，02 年 6 號嘅通函，喺 (a) 入面嘅 (3) 嗰度，就咁寫嘅，“Arrange with the Waterworks Chemists of the Water Authority to collect bacteriological and chemical samples for analysis.” 跟住“The contact person”，咁就有啲電話號碼。見唔見到嗰段？

答：見到。

問：呢個其實對番起剛才我引領你睇過 12 年 2 號嗰個通函入面嘅 (3) 有類似嘅字眼，就剛才睇過，我唔讀出嚟嘞；除咗有個分別，就係話喺 12 嗰度，佢就將嗰八個檢測嘅目標，八個 parameters，就喺個附件嗰度就列明咗出嚟，但係呢份 02 年嘅通函就有列明到嘅。

答：係。

問：但係以你嘅記憶，或者我幫到手喇，就係喺零-- 12 年之前，我哋個驗水，佢哋水務署嘅準則--如果你答到就答喇，個準則都係基於一啲固定嘅幾項嘅 parameters 嚟到驗嘍嘛，啱唔啱？

答：啱。

問：未必係八項。你記得會--你有冇記--即係個記憶，關於之前個驗測，個 parameters 係大概有幾多項，同埋係關於啲乜嘢嘅物質嘍？

答：呢一個 circular 睇唔--現在睇唔到。

問：呢個 circular 就有嘞，因為佢就有一個 annex，即係有附件喺度睇到，但係佢都係關注 bacteriological 同埋 chemical 方面。

答：但係呢一個 test 佢--如果睇番 (A)，(4) 嗰度，就係 licensed plumber 就要 allow sufficient time for Waterworks Chemists to carry out sampling and analysis。

問：係嘞。呢個其實相對喺剛才我引領你睇 12 年，有個好類似、好類似



A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

嘅要求，就係要畀足夠嘅時間。如果我哋睇番 37561，上--係嘞，4 個度-- (4) 個度，可以對比到嘅，個字眼其實好似嘅，爭少少，都係要容許有足夠嘅時間去畀 Waterworks 嘅 chemist 去進行一啲樣本嘅提取，其實咁樣講，馮女士，喺 02 年呢一個通函入面，佢要求有啲咩嘢 parameters，其實實質要求啲乜嘢唔係好關注，但係以你認知，就呢份通函入面都有要求驗鉛㗎嘛？

答：據我哋理解，就有嘅。

問：所以咁耐以嚟，就算喺 12 年之前，房委會嘅認知方面，其中入面，佢認知入面一個元素會唔會都有基於呢個 02 年嘅通函入面同埋業界或者你知道水務署會驗啲乜嘢，所以你哋先預設到佢最後嘅結論，即係關於你哋嘅認知方面達到嘅結論？

答：係。

問：喺我哋見到 12 年呢個通函入面嗰八個基數，八個 parameters，譬如話第八樣，第八樣嗰個叫做 heterotrophic plate count，即係異養總群數咁樣，冇睇錯嘅話，都係喺--你知唔知其實係關--係咪關於退伍軍人症方面嘅要求...

主席：係咪咩嘢話？關於咩嘢話？

李頌然先生：退伍軍人症。

答：係，呢個係同個--同菌係有關嘅，我知道呢個係。

問：其他嘅 parameter，譬如係 E. coli、coliforms，都係即係一啲菌會令到人身體會當然不適，甚至乎有更嚴重嘅後果，要需要測試嘅？

答：係。

問：咁你認知，睇下同唔同意，就係其實你哋咁耐以嚟，02 年個通函之後，一路你嘅認知，你倚賴嘅基礎，去到 12 年見到呢一份通函，以你嘅認知，同唔同意就係其實屋宇署--房委會，對唔住，房委會倚賴水務署嘅驗測，就會安於就係話水務署其實驗嘅都係--最終係關注飲用者嘅健康嚟到為一個最終嘅出發點嘅，係咪？

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

答：係，呢個我係--我哋係咁理解。

問：當然，會唔會染污咗成個水源以致到好多個地方一路一路污染落去，呢個係其中一個關注點，但係最終嘅目標就係飲用者嘅健康？

答：係。

問：而家 15 年發生咗呢件事之後，就加多四項嘅重金屬喺要驗測嘅範疇入面？

答：係。

問：呢四個範疇，其實你知唔知其實邊個提議加呢四樣嘢，邊個機構？

答：我哋睇係水務署頒布嘅公函，咁我哋就由水務署嗰度得知嘅。

問：即係其實水務署自發地話加呢四樣嘅物質係需要再去驗嘅，係咪？

答：嗰一點我哋係冇乜考究，但係我哋見到就係水務署嘅通函要求我哋做，我哋就會跟進。

問：我有少少唔明啫，其實係你見到水務署新嗰個公函，知道加咗呢四樣嘢，...

答：係。

問：...你先知道「啊，原來而家加咗呢四樣」？

答：但係嗰陣時候因為既然就講番就係要驗中含鉛嘅問題，大家都對鉛係比較關注，或者對重金屬比較關注，咁我哋亦都即時都要求我哋都要驗鉛。

問：明白。咁嗰日你都有提過--幾日前提過證供，就係關於 cadmium 呢一個物質。

答：Cadmium。

問：係一啲 bronze alloy joint 同埋一啲...

答：嗰個係 silver brazing，係 brazing。

問：係，係，呢個認知，關於 cadmium 呢一個物質會有可能喺呢一個

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

brazing 入面釋放出嚟，水務署冇諮詢過你哋㗎嘛？

答：呢一個資訊就可以睇番 BS 1254 裏面嗰個 table 下面嗰個註腳，就有提到嘅。

問：明白，但係...

答：係同埋一個註腳講晒兩種物料。

問：但係剛才聽你嘅證供就話點解呢四樣物質會放落去，就唔係房委會提議畀水務署去加落去，係咪？

答：哦，唔，...

問：所以如果水務署加呢四樣落去，就可能水務署見到 BS 1254 入面有呢幾樣，佢哋加落去？

答：呢個係水務署嗰個專家嘅一啲工作嚟嘅。

問：所以呢個由番水務署嘅專人去答。

答：係。

問：好喇，最後一個範疇，昨天就石資深大律師就畀過一封信係有利所發出畀你睇嘅，嗰個頁數就係 B7.4，第 17873 嘅應該，好，麻煩我哋睇一睇 1...

主席：178...

李頌然先生：17873。

問：馮女士，我哋見到呢個--其中一個段落，個題目就係 A1，跟住就“Line of Command and Subcontracting”，喺呢一個內容嘅第一、二、三，第三段，見到“But since the usual practice”嗰段？

答：係。

問：好喇，咁呢度咁講，“But since the usual practice was for

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

the workers to have the packaged wiring solder material cut into pieces at the workshop first, facilitating the later soldering of joints, it was impracticable to identify the brand of the solder used on site by Yau Lee's site supervision staff", 呢度想澄清少少，就係可能要倚賴一下你一啲專業啲嘅背景，譬如話 Fry 呢一隻焊料，一卷卷嘅，你自己有冇試過拎起過，有冇見過實物呀？

答：我見過件實物。

問：個實物係一卷好似個汽水罐咁闊咁粗嘅，不過冇汽水罐咁高嘅。

答：係，矮少少。

問：都幾重，係咪呀？磅幾兩磅，我自己拎過去磅，都幾重。

答：係。

問：好喇，喺燒焊嗰陣時，以你認知，其實好多時啲焊工係會前咗一條條方便佢哋唔使成日拎住咁重嘅一卷嘢去焊，如果有幾百個單位，就真係好似去做健身咁樣，佢哋都慣咗方便，佢就剪一條條咁樣拎去焊，係咪？

答：我哋見到佢做 demonstration，佢都係剪出嚟去用嘅。

問：而喺業界，“workshop”呢個字，你睇下可唔可以幫到手，其實係指緊一啲地盤入面可能係一啲貨櫃箱改裝咗，變咗做一啲裝啲器具、剪刀、一啲大型啲嘅嘢，或者收埋啲物料，收工嗰陣時鎖起佢，嗰啲 workshop 其實講緊呢啲叫 on-site 嘅或者叫 site office，workshop 就係呢個意思？

答：係，簡單嚟講，可以話當係一個工作間，一般嚟講，佢哋行內俗稱叫做「架步」。

問：譬如如果英文講，係咪都會有人會講呢個叫 workshop？

答：或者 store，或者 store。

問：即係 workshop 或者 store 都會有出現嘅？

答：唔。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：咁所以話，我即係咁講，你睇見呢一段話「啊，原來啲焊料會喺個 workshop 入面去切割嘅。」你會唔會其中一個諗法或者唯一一個諗法就話其實就喺個地盤入面個一個地方工作間切定晒，可能袋喺身，一條條拎上去各自唔同嘅單位去焊，呢個 workshop 就係講緊一個 site office 或者一個流動嘅貨櫃箱，喺個地盤入面嘅，有冇咁嘅印-- impression?

答：呢個係有咁嘅 impression 嘅，即係睇呢一段文件嘅 context。

問：Okay，唔該晒。

李頌然先生：唔該晒主席，我有其他？

主席：好。李大律師。

李頌然先生：唔好意思，主席，容許我少少時間搬開啲嘢畀 Mr Lee。

主席：好呀。

李柱銘先生：主席。

#### 李柱銘先生盤問

問：馮女士，我係最後一個盤問你嘅大律師。我想問一問，即係分判落去，即係二判、三判啲問題，好唔好？

答：好。

問：個總承建商就投到一個工程返嚟，然後佢就判畀個二判，係咁喇？

答：一般嚟講，就住呢啲水務安裝，通常都係咁樣分判出去，通常二判就會係一個負責係 plumbing 同 drainage 嘅 subcontractor 嚟嘅。

問：我首先講最高層次，即係政府，譬如話房委會想起一個咩嘢咁樣，佢係咪就搵一個總承辦商返嚟先？

答：係。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：係咪？呢個總承建商就成個地盤都係佢嚟喇？

答：係。

問：佢投標嘅時候，當然唔係一定價低者得，不過政府或者係房署你哋都唔想--都要同市民慳啲錢，咁梗係希望係低啲嘅價錢畀個嘅，但係如果佢--覺得佢經驗好，或者咩嘢唔好，咁你就未必畀最低個，啱唔啱呀？

答：呢個唔係嘅，因為我哋嗰個投標嘅機制就係用雙軌投標制或者係用雙信封投標制，有技術嘅評分，即係非價格部分嘅評分同埋係有價格部分嘅評分嘅，咁就並非價低者得，係以綜合個評分最高分嗰個投標者就可以中標嘅。

問：咁通常嗰啲總承建商，贏咗嗰啲係咪有啲即係你認為係以往嘅成績係可靠嘅，但係價錢又唔係高嘅，籠統嚟講，係咁嚟喇，係咪？

答：唔係咁嘅，因為要--仲要夾埋睇個分數，譬如一般嚟講，現在好多時我哋就如果係建築合約嚟講，就 35 分就係非價格嘅評分，就包括技術同埋過往嘅成績、安全等等，另外 65 per cent 就係嗰個價格嘅評分，咁即係兩者要配合埋係最高分嘅先至會中標。

問：明白。

答：但係如果係價格過低嘅，我哋可以唔會就將份標書批畀呢個最高分嘅投標者。

問：但係以你嘅經驗，通常嚟講，係咪都係有啲所謂熱門啲嘅，即係未揭盅，你都估到都係大概呢幾間嚟喇，會唔會呢？

答：一般嚟講，係唔會嘅，一般嚟講，就投標者其實不論佢同我哋過往有冇一個工作經驗，如果佢可以有份去落標嘅，佢係有份--佢有機會去中標，咁純粹睇佢嗰個表現。

問：好呀，好喇，咁佢投咗之後，你係預備佢會二判嚟喇，係咪？

答：一般嚟講，呢啲係即係特別嘅一啲工序或者工作，佢係會分判畀一啲係差唔多係比較專科少少嘅一啲分包商嘅。

問：會唔會成個工程都判出去呢？

答：呢個係唔可能，亦都唔可以，係合約裏面唔容許嘅。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：唔容許嘅？

答：係。

問：咁所以如果嗰個總承建商佢投咗返嚟，係可以分開斬件嚟判畀呢個二判、三判，係咪？

答：係，一般畀二判，而我哋合約好多時都規限佢就唔可以再批得係多過三判。

問：咁即係二判係完全冇問題嘅，三判都有問題嘅？

答：三判都容許嘅，因為第二浸就係一啲可能係專責啲嘅分判商，例如係譬如水喉呢類，或者係譬如話有啲特別嘅工種咁樣，如果個地盤係大嘅，佢就可以可能再將佢分判出去係第三浸嘅分判商。

問：第三浸係通常有咩嘢嘅呢？譬如我哋講開啲做水喉嘅，咁應該係咪個持牌水喉商，就未到三判？

答：其實第二或者第三，佢都應該係有持牌--應該第二浸--即係譬如咁講，應該第二浸嗰個就有一個持牌水喉匠嚟喇。

問：哦，即係總承建商一判出去二判嗰個已經係持牌水喉匠？

答：一般嚟講，都係嘅。

問：但係有時就係第三嗰個至係？

答：都有可能係。

問：好喇，去到嗰個持牌水喉匠，佢又點做呢？我就睇到兩個可能性，一個就係個持牌水喉匠佢自己請啲工人返嚟同佢做，一個可能性就係佢又分判出去，咁你知唔知呢？

答：我哋見過啲持牌水喉匠，佢有啲可能係一間公司嘅主管嘅人員，佢有啲亦都可能係受聘於嗰個分判商嘅，都有可能嘅。

問：好喇，會唔會係佢自己親手親腳做嘅呢？

答：照計條條例應該寫就係咁寫，叫佢自己做，但係好多時喺香港一般嘅 general practice，個持牌水喉匠下面都可能有啲工友同佢一齊做，咁佢就負責打理番嘅。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：但係其實唔可能㗎喎，係咪呢？嗰個持牌水喉匠唔可能一個人做晒㗎喎？

答：現在睇落去，似乎--除非你話全部啲地盤工作嘅水喉匠都係持牌水喉匠，...

問：係喇。

答：...如果唔係嘅話，就呢個比較困難。

問：香港有幾多位呢啲持牌水喉匠，大概？

答：據我理解，有幾--有數千名嘅。

問：數千名？

答：係，不過數字，我諗應該就由水務署嗰邊提供...

問：好，咁我哋自己...

答：...就比較恰當一啲。

問：好呀，好呀。好喇，咁會唔會去到呢個水喉匠嘅時候仲落幾浸呢？會唔會呢？

答：呢一個我就冇呢個資料。

問：即係你唔可以否定呢個可能性？

答：一般嚟講，就應該嗰個持牌水喉匠應該就佢自己負責監督嘅。

問：如果佢--但係佢判咗出去，佢就冇得監督喇？

答：照計，如果分判嘅工作可以分判出去，但係個責任佢都要即係照樣係負上嘅，咁所以佢分判出去嘅時候，佢亦都要負責番嗰個監督方面嘅工作。

問：係照理就係咁做嘢，實在你唔知，啱唔啱？

答：實在應該係施工嘅時候，係有人負責去監督嘅。

問：應該有人，你唔知有冇人㗎嘛，因為我知你好忙嘅，你唔可能你自己會咁樣逐度睇㗎嘛，唔可能㗎，咁你個部門，房委會或者房署係有冇



A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
VA  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

邊啲人負責睇住即係去到第幾多浸嘅呢，每一個工程？

答：其實應該第一樣就我哋將個合約就判咗畀個總承建商去負責係承接成個工程，即係佢要負責全部嘅施工嘅項目，包括埋係呢啲水喉安裝部分，佢亦都要負責就係有個 continuous supervision on site，即係一個持續嘅監督，咁所以就我哋都會對呢個總承建商有呢個合理嘅要求，就係佢一定要去做呢個巡查嘅工作，呢個就應該係啲個持牌水喉匠或者佢個分判商之上佢自己嘅監督嚟嘅。

問：咁你即係話合約上，你哋就將呢個責任就交咗畀個總承建商，係咪？

答：呢個主要係呢一部分，佢負責工作同埋--負責施工同埋係監督，但係我哋房委會作為一個業主，亦都有派駐一啲係駐地盤嘅人員就係我哋嘅叫做 Site Inspection Team 嘅同事幫我哋做一個係抽查，我哋叫 periodic inspection 嘅一啲工作，咁呢個就係總承建商之上再多一浸嘅 checking，呢個就係為咗房委會嗰個質素保證方面嘅工作嚟嘅。

問：好呀，咁就房委會嗰方面，你哋都有啲監管，係咪？

答：係。

問：係邊個人負責嘅呢？

答：一般嚟講，係講成個合約先，合約管理工作，我哋叫做 Contract Manager，如果係 building contract 嘅話，就係一個總建築師，係 Chief Architect，咁另外就有某一部分嘅工作，特別係啲食水供應方面嘅，就會係由一個 Chief Building Service Engineer。

問：Sorry？

答：Building -- Chief Building Services Engineer，總屋宇裝備工程師去負責，特別係呢個係啲個泵房裏面嘅。

問：好喇，但係關於我頭先講，如果你想睇住佢再判落去幾多判、幾多判，有冇人負責睇呢啲嘢嘅呢？

答：一般嚟講，嗰個總承建商佢嘅自己嘅自選分包商，我哋就知道佢係第二浸嗰個會係咩嘢名，咁第三浸嗰啲如果有時我亦都或者會知道，但係就裏面嘅監管，我哋就會由總承建商自己去管，而我哋嘅同事去作為呢個巡查嘅時候，即係嗰啲總建築師、總工程師下面嗰啲同事就會

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

各司其職就去做一個抽查，但係就唔會查究竟嗰樣工作係佢邊一浸嘅工友去做，但係只不過就話地盤嘅工作上面，工友嘅工作就應該總承建商負責一個係 continuous supervision，而我哋同事就去抽查。

問：你講到第二、第三浸，你講到第三浸嘅，你就話有時會知道，咁即係有時唔會知道，啱唔啱？

答：一般嚟講，佢因為我哋有個 wages monitoring mechanism，我哋就話最多係可以去到第三浸，就要嗰啲工友就同第一--嗰個三判就有一個僱傭嘅合約，咁所以我哋會知道第三浸嘅分判係邊一啲公司。

問：佢哋有冇對嗰啲總承建商有冇要求，就係話「你判到落去，判畀邊個都好」，都要話番畀你哋聽嘅，書面話番畀你哋聽，有冇咁嘅要求？

答：呢個係有一個基本要求嘅，咁所以...

問：都有嘅？

答：係喇，所以就係睇番我哋嘅紀錄，就可以知道邊一個係佢嘅二判，咁我哋有啲知道有三判，就係因為我哋另外仲有一個就係要監督佢地盤工人嗰個出糧紀錄，咁就知道佢係--嗰啲紀錄係同邊一個分判商去簽署嘅，就會知道...

問：咁即係話譬如啟晴邨咁，你係--你哋部門係知道去到最底下係邊一個，判到去邊一--最底下嗰個係邊個，應該知道，係咪呢？

答：應該知道嘅。

問：但係如果佢唔話畀你聽，而私下再判落去，咁你又知唔知？

答：咁我只可以話即係靠我哋睇佢出糧紀錄就知道嗰個工友係受聘於邊一個判商。

問：哦，你即係話去到個工友嗰個層次，即係落手落腳真係做嘢嗰個層次嗰啲人，你哋係知道嘅？

答：我哋係知道佢係同邊一個分判商係有呢個僱傭合約，呢個我哋係知嘅，咁所以話我哋知道就會係去到第三浸嗰個分判商，如果佢係有嘅話，我哋都會知道。

問：如果嗰個工友，佢話呢個就係 X 公司，就係第三判嘅咁，原來佢講大話嘅，咁你哋查唔查到嘅？即係原來唔係 X，原來 Y 嘅。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

答：咁如果要去到做警--做即係偵探嘅工作，可能我哋就未必係最擅長。

問：唔係，老實啲，你哋唔知，如果係佢咁蠢惑就，係咪呢？

主席：呢個問題冇得答㗎，係咪？

問：咁即係話靠佢--你靠佢哋嘅報上嚟就信？

答：係。

主席：係囉，即係呢啲冇得答嘅，呢啲。

李柱銘先生：好喇，okay。

問：即係你信佢報上嚟啲啲？

主席：係，咁你話...

答：因為佢出糧嘅時候，已經係要用 autopay，就要有埋紀錄嘅，有埋 MPF 嘅，咁我哋應該相信佢係嗰個係僱傭關係係成立㗎嘛。

問：因為我話畀你聽點解我會咁問，因為有啲人話畀我聽就好多去到六判都有嘅，當然你嘅口供我哋聽到，係咪？所以我唔係話亂咁貪得意問你嘅，你明我意思嘛？

答：我明，不過我可以講，就係話我哋現存嗰個機制就係因為由建基於係要就係 monitor 嗰個工友發薪嗰個方面，就知道應該佢係同邊一個係有個僱傭關係咁解。

問：咁如果係咁樣講，係咪即係唔可能有散工嘅呢，或者嗰啲非法勞工嘅？

主席：散工先喇。

問：散工先，即係唔可能，係咪呢？即係親手去地盤或者喺個--入去嗰間屋裏面，嗰啲工屋裏面裝設水喉嗰啲唔應該有散工個囉嗎？

答：咁佢一定就要--第一，佢一定有個僱主，睇下個僱主係邊一個--邊一間公司，係佢分判商、總承建商，抑或有--佢一定要有一個人係同佢

有一個僱傭合約嘅。

主席：或者喺呢方面，我想問一問嘅，因為我都係睇報紙嘅啫，我唔知報紙講嗰啲真定假，咁好多時，好似報紙就話有話過通常裝水喉，就去到差唔多完工嘅階段，咁所以換句話嚟講，就可能要喺個半月裏面就要裝晒一幢大廈嘅水喉，假設係咁講，甚至唔好講話一個半月，或者可能三個月，畀夠一倍時間佢咁樣樣，個問題就係咁，當然你去到第三判都有問題，但係譬如好簡單，如果你係咁樣樣，你霎時之間你可能要幾百個工人突然之間去一個工地裏面做譬如三個月，而三個月之後又有嘢做，即係我嘅意思就想表達，就係話你好難一間公司係 keep 到三百個員工喺咁短嘅時間做完之後又會走咗嘅，咁好多時會唔會有咁嘅情況出現呢，呢間公司，A 公司就可能下面就有十個工友嘅啫，但係呢十個工友就長期都有工開嘅，但係一去到--譬如去到個公屋後期要真係落手落腳趕，於是呢十個工友就去搵佢識嗰啲人，咁第二朝返工咪畀件 T 恤佢，有個冧把，咪入去做囉咁樣樣，係咪咁呀？李大律師，你係咪想咁問呀？

李柱銘先生：係呀，係呀，唔該晒。

主席：係囉，即係換句話嚟講，可能實際上就唔係話一個好有系統嘅分判，但係好多時就會係拉雜成軍，咁而由嗰個十個人--譬如好簡單，佢就會話畀另外嗰十個人聽「噏，聽日去嗰度開工，500 釐一工，包工包料，去，去到嗰度就會有人畀焊料你，你就擺件 T 恤著喇。」咁樣樣？

答：不如講一講，一般嚟講，就應該唔會係得咁短嘅時間去安裝，（錄音系統回音聲）...

主席：仲有冇問題呀？好，我哋...

李柱銘先生：主席，個問題就係你講完之後就有呢個問題發現。

答：就唔應該係得咁短嘅時間安裝成座樓嘅水喉，因為其實幫--嗰個時間要安裝水喉，除咗係供水，仲有排水，都係屬於係水喉科嘅，都係屬

於嗰類工種，咁就一般嚟講，個時間就臨尾趕工係需要，但係喺佢一路施工嘅階段，好多水喉或者係一啲喉管其實係可以安裝嘅，但係要全部連接起一齊，再做一個 testing and commissioning，全部都唔漏，如果漏，要再執，咁嗰段時間就喺一件工程最後個階段就會出現，我正話咁樣形容係比較貼切啲，就唔係話去到最後忽然間就要啲水喉安晒，其實就唔係咁，因為我有啲水喉--即係譬如喉管，包括汲水同埋係排水嘅喉管，全部都係走明，咁即係好多時間其實佢可以一部份咁樣去夾埋一齊去做，最後先連起一齊都得嘅。

問：你話「都得」即係...

答：係會係咁做，即係譬如每個房口咁等佢做完，做完之後，可能佢有啲要喺出面再駁等等，咁佢就會最後個階段就會多啲呢啲工序，但係每一個單位裏面做嘅時候，其實佢可以早好多時間就已經開始咗做。

問：係咪即係早好多時間畀佢去個地盤度做㗎喇？

答：係。

問：即係起碼嗰啲層起晒，你都會起晒先？

答：我哋一層一層咁樣跟住去做，咁通常就會係即係一個個單位裏面，其實佢可以有某一部分嘅工作係可以安裝㗎嘛，佢譬如做完潔具，先至可以安裝水喉，一般都係咁樣做，如果未安潔具就要安水喉，就咁當然就係潔具、水喉一齊安，係咁上下嘅一個工序，咁但係另外有一啲可能一處處咁做嘅，例如一條 down pipe 就 downfeed，由上至下咁做又有，咁所以就有一啲佢一層層咁樣去打橫做，有啲就一條條直嘅柱嘅 downpipe 都係打直咁樣去做都有。

問：咁譬如你哋--你知唔知道譬如話有一個公屋一座，當然一座有時大啲，有時細啲，平均要幾耐係做呢啲喉管嘅工程？

答：一般我哋一個...

問：用 manpower 計，即係逐個人小時咁計。

答：一般嚟講，我哋興建一座如果係四十層高嘅公屋而言，大概係二十八個月嘅，一般如果你話大手去安水喉，就會係下半段嘅時間先會做嘅，因為之前嘅時間仲做緊石屎瓢等等，就未有咁快去安水喉，除咗做一個我哋叫做樣辦房，個 sample flat，就會早啲做，咁嗰個就會做晒--睇晒成個--成件實物，就作為一個係收貨標準，咁嗰個就會

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

早啲做。

問：你嘅意思即係頭先主席問你嗰個假設個問題，即係話突然間要趕，趕工嘅時候，即係你即係話普通情況下就唔應該出現，係咪咁講？

答：一般情況係冇乜可能係全部水喉係喺最尾嗰個半月做，就呢樣就唔會出現嘅。

問：好，如果唔係全部...

答：但係喺個合約裏面嘅後期做，呢個就係大手做，就會係嗰個情況就會係準確一啲去形容。

問：明白，但係有冇情況之下就係臨到尾，乜嘢理由都好，就畀佢哋安喉管嘅時候，變咗係唔係好多時候，所以自己差唔多就吹雞，咁就拿拿聲嚟喇咁樣樣，會唔會有啲咁嘅情況出現過呢？

答：喺尾段嘅時候有好多個呢啲我哋叫 finishing trade，即係嗰啲行業都係要增加人手，就去追到個進度，咁好多時佢要--佢唔係淨係一個 trade，一個行業嘅，佢一環扣一環嘅，有一啲係要先做完，先可以第二步跟住去做嘅，咁變咗佢一行跟一行接住去做。

問：而做喉管呢啲就去到尾嚟喇，係咪？

答：主要譬如喉管、安玻璃嗰啲都係到到最尾先至會安嘅，一般嚟講，就係會即係到到尾段嘅時候，就會要增加人手，咁就水喉就會一路施工嘅進度嘅時候，佢可以安裝某一部分嘅喉管嘅，不過最後將佢接駁晒一齊等等嗰啲最後嘅工序就會係最後階段係需要用多啲人手。

李柱銘先生：就適當嘅時候，主席，我希望你可以透過石大律師話聲畀我聽你睇邊張報紙，我都未能--你攞嘅資料係多過我睇報紙得到嘅資料。

主席：我都係秘書處剪畀我嗰啲報紙嗰度。

李柱銘先生：哦，嗰啲。

主席：係呀。

李柱銘先生：咁即係全香港嘅報紙嚟喇喇？

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

主席：係，我唔會睇啲冷門嘅。

問：馮女士，咁樣就因為我咁樣睇個問題，就係當佢二判、三判咁樣落嘅時候，去到最後嗰判，唔理佢幾多判，通常佢可能佢得到嘅錢，即係攞到個工程，得到嘅錢就唔係多嘅囉喎，總承建商就梗係最大份，因為佢攞番嚟，係咪？咁你一分判落去就梗係越少越少咁落嚟喇嘛，啱唔啱？一層一層咁落，啱唔啱呀？分判就係咁嚟喇。

答：呢個視乎佢分判係連工包料分抑或係淨係判個工，就唔將啲即係買材料嘅工作判出去，咁呢個又視乎個別嘅承建商同佢嗰個分判嘅一個安排。

問：無論佢點樣分都好，而家我哋講緊做生意吖嘛，咁佢哋總承建商佢唔會蝕本咁判落去嚟嘛，同唔同意先？

答：咁所以我哋就話我哋...

問：譬如佢一百萬，佢判落去，佢唔會百五萬咁落嚟嘛？

答：係，咁所以我哋就係希望就係話同佢--我哋嘅紀錄就睇到係應該係同第三浸嘅分判商就要請--要聘用嗰啲工友，如果你話佢因為要趕工，要增加啲工友或者增加一啲所謂三判，但係佢嘅浸數，我哋管制其實都係三浸。

問：Okay，由第一浸到第二浸，即係總承建商去到嗰個二判嗰度，平均上，大概上係個 percentage 爭幾多嘍，即係百分比？

答：呢一點我就無從稽考，因為我哋係冇踩到咁深去規管嗰個總承建商同佢嘅自選分包商嗰個關係嘅。

問：因為佢啲商業秘密？

答：一般嚟講，呢個都係承建商佢自己裏面嘅內部嘅運作。

問：即係你唔知...

主席：或者咁講，李大律師，即係呢一度可以話聲畀你知，即係就我哋所知，焊料就係基本上就要係包埋嚟--即係因為佢哋從來都唔--房委會

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

亦都唔數究竟係你買咗幾多，就包埋喺嗰個...

李柱銘先生：工程度。

主席：...工程裏面，咁所以你頭先所問嘅問題嘅意思就即係如果你去到下面第五、第六嘅時候，佢就要包埋提供焊料，咁佢就一定買啲最平嘍喇，係咪咁嘅意思？

李柱銘先生：起碼一個誘因，係喇。

主席：係喇。

問：同唔同意，有呢個誘因？即係偷工減料係一個誘因？

答：呢一點我哋亦都掌握--冇咗呢一個咁嘅資料，我哋只可以就話如果佢嘅焊料買得啱嘅或者係嗰個型號係啱嘅，當然你係邊一個人去買都應該係合規格嘅。

問：唔係咁講，你睇下嗰度，去到錢嘅問題嘍嘛，去到最底下嗰浸，佢係包埋啲料個嗎，係咪？咁梗係如果佢諗住買嗰啲貴嘅料、合規則嘅料，佢都有得賺嘅，佢可能會咁做，但係如果佢話佢跟足嚟，佢可能冇得賺添，可能蝕嘅，咁佢分分鐘就有個誘因，「我不如買啲平嘍喇，係唔合規矩嘅料。」個誘因肯定係個嗎，我用常理嚟問你啫。

答：據我哋睇到啲資料，就係焊料嘅價錢就唔係貴嘅，個分別亦都唔係好大，當然如果你話咁就梗係如果--即係如果賺錢賺多啲係會對個分判商係會更加吸引嘅咁，呢個就係我諗係一個一般嘅事實。

問：因為而家問題就係佢去到最收靚嗰浸，佢用幾多錢投番嚟吓嘛，係咪？佢然後要計數嘍喇嘛，請幾多個人，咁然後計過條數，已經投咗喇，唔做都唔得喇，因為佢都有合約綁住佢，咁嘅時候，佢係有一個好大嘅誘因就偷工減料同埋用非法勞工，首先你知唔知有呢啲嘢先？知唔知先？

答：非法勞工，我諗我第一點要澄清，就係喺我哋嘅地盤裏面肯定不容許有非法勞工，因為全部都入閘嘅時候，工友有--我哋有一啲係掌骨機，加埋佢工人--工友嘅 trade test 嘅卡、平安卡等等、身分證，全部有紀錄，所以就我--喺我哋房委會嘅地盤都行之有效好多年，一定就唔會有所謂黑工或者非法嘅勞工。第二樣，我哋亦都有一個係工



A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

人發薪嘅制度，可以清楚知道邊啲工友邊日有開工，不過就唔知道佢  
喺邊層樓開工嘅啫，...

問：咁即係話你哋...

答：...咁我哋地盤係有晒呢啲監控嘅紀錄。

問：咁即係話你哋嘅房委會嗰啲工程，警察就唔需要去查有冇非法勞工嘍  
喇，肯定唔會有，係咪咁？

主席：呢個已經唔係好關係嘍喇。

答：但係呢一點，我都可以作...

李柱銘先生：因為咁肯定吖嘛。

答：係，係，呢點係--呢一點係幾確實嘅。

問：Okay，好喇，但係嗰個用有含鉛嘅焊接物，我聽番嚟，佢哋用起上嚟  
係做工程嘅時候係快過用銀啲啲，含銀啲啲做嘅，你同唔同意？

答：呢個問題我要分兩步去答，因為我哋第一樣就要比較係 lead-free  
嘅焊料，即係 lead-free 嘅 solder，另外一隻就係有 lead 嘅  
solder，我亦都聽過坊間有人咁樣講，但係我哋喺地盤就親身做過  
或者試過一啲係實地嘅一啲 site demonstrations，兩種物料做  
出嚟嘅焊，燒嘅時間係差唔多，冇乜呢一個 time 嘅 difference，  
不過如果你用另外一隻叫做 brazing，即係 silver brazing，叫  
燒銀焊嘅隻，佢嗰隻料要用嘅工具就唔係好似平時做 soldering 嗰  
隻物料，而要另外用預風煤樽，就燒嘅時間就會長好多，咁我亦都睇  
過，都試過呢啲試驗嘅，但係我哋嚟講，我哋只係用一個係屬於大嘅  
喉，就要用 brazing，如果細嘅喉，一般嚟講，我哋就係用 lead-free  
嘅 solder，而佢燒嘅時間同另外一隻係含鉛嘅，相差嘅時間係甚少，  
甚至有咁滯，因為佢嘅溫度...

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：你話相差嘅時間係邊個耐啲呢，係有鉛啲係耐啲吖，定係有鉛啲係快啲？

主席：我就其實就唔係好想打岔呢個你嘅問題嘅，李大律師。

李柱銘先生：唔緊要，唔緊要。

主席：不過個問題就係我哋其實今朝早都花咗唔多唔少時間去探討。

李柱銘先生：我知道，我知道，係呀，但係...

主席：因為我就唔想同一個議題就不斷重複又重複咁樣樣問，如果你係問一啲新啲嘅嘢，我絕對會批准嘅。

李柱銘先生：但係我亦聽到--因為我係問過啲大律師嘅，就話「係呀，呢個問題問過，不過證人個答案就 inconsistent 嘅。」

主席：Inconsistent，點樣樣 incon...

李柱銘先生：係，有啲，或者我哋陳詞啲陣至...

主席：隨便你，不過我就諗唔到有啲--不過你話埋畀我聽個 inconsistency 喺邊度。

李柱銘先生：因為佢頭一次講，就好似話冇乜分別嘅，但係講講下，就話如果有啲--你可能用啲啲嘢，啲啲熱就多啲嘅。

主席：因為--我嘅理解就好簡單嘅啫，lead 同埋 non-lead 嘅 solder 就有分別，但係當你用到 silver 嘅 brazing 嘅時候，就要用啲高溫，甚至燒完之後，嗰個接駁位都轉咗顏色添，呢位女士就咁講，而用 silver 嘅 solder 去做嘅話，就需要嘅時間就長啲嘅，呢個就係佢嘅 evidence。

答：但係 silver brazing 並唔係我哋喺地盤係 specify 用啲啲細喉啲度嘅。

主席：冇錯，另外就係話 silver brazing 就用啲一啲比較大口徑嘅喉管上高嘅，...

李柱銘先生：我知道。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

主席：...細就唔值得用，呢個就係啲 evidence。

李柱銘先生：我知道嘅。

問：咁就係，但係你話喺個地盤度做，你自己有冇落去睇住佢哋做？

答：有。

問：Okay，咁我再--我簡--一個好簡單嘅問題，你哋房委會或者房署係有定係冇人係個責任係落去睇住每一個工程係去到--判到邊一層次，有定係冇呢一個咁嘅人？

答：我哋會睇地盤施工嗰個工作同埋佢個產品，但係就唔會睇--去問一個工友「你係第幾浸㗎？」咁...

問：即係冇嘅，okay。

答：嗰個部分我哋就唔會去追究，但係就會--我頭先提過，因為我哋有一個係個工人發薪個紀錄，我哋一定要求承建商就係佢係同佢第三浸嗰個分判商係簽嘅，如果唔係第二浸嘅話，咁所以我就知道佢第二浸或者第三浸個分判商係乜嘢公司，呢啲咁嘅有紀錄，每一個月都要 check。

主席：我想問下你，出糧畀最低層啲員工係咪自動轉賬㗎？即係規定佢...

答：我哋要求--係，我哋要求係自動轉賬。

主席：即係有晒，唔會話用現金、出 cheque 呀啲嘅嘅？

答：除非一啲係喺地盤，譬如一日、兩日，好短期啲，除非--如果唔係，就咁嘅都係應該係用自動轉賬，同埋仲有就係 MPF 等等，都有紀錄嘅。

主席：都要同佢哋交 MPF 㗎嘛？

答：係。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：你話有呢個要求，但係你係咪好肯定呢個要求係佢哋係遵守？

答：係執行嘅。

問：吓？執行。

答：因為我哋仲有另外我哋自己聘用一啲係叫做勞資關係主任，每個月就去 check 佢呢啲紀錄嘅。

問：好喇，你哋就用總承建商就一定有合約，好清楚㗎喇？

答：係。

問：但係佢一判出去，個大判或者判到個二判嗰度，嗰啲合約你係冇嘅？

答：嗰個合約我哋係冇去管理，即係佢...

問：即係唔會畀個 copy 你嘅？

答：佢唔需要畀個 copy 畀我哋。

問：唔需要嘅，okay。好喇，我哋今日講咗咁多，又二判、三判咁，甚至可能再落，呢啲咁多人，咁多層次，持牌水喉匠或者再落嗰啲，好喇，你所謂業界其實係包括咩嘢人呢？定係所有人都叫做業界呢？

答：一般嚟講，就係總承建商同埋一啲係專業嘅分判商，甚至一啲係--即係當然有包括埋就係學界或者係專業嘅界別嘅人員，同埋仲有，有啲係工友嘅團體。

問：工友嘅團體，okay，咁就工友嘅團體就即係佢代表啲工友喇呢啲就，係咪呀？

答：係。

問：即係工會嗰啲？

答：係。

問：咁就其他嗰啲就唔算業界喇？

答：其實唔係，總之係成個業界嘅從業嘅人士，如果佢可以畀意見畀我哋

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

喺某一個範疇嘅，其實都統稱為業界，視乎係講開邊一個課題，即係如果係有啲專科嘅，例如係譬如水務咁，當然有有關嘅即係水務嘅專家等等，咁都會係一啲持份者，咁個業界其實就統稱係包括建造業裏面一啲相關嘅人士或者一啲團體。

李柱銘先生：我有問題。

主席：冇問題。你長定短呀？

殷先生：都可能--應該唔會長過 30 分鐘。

主席：30 分鐘好長啲。

殷先生：因為要睇下佢個答案，睇下點樣。

主席：好，咁你問埋先喇。

殷先生：係。

殷先生補問

問：馮女士，我有啲嘢想同你澄清嘅，第一個就係頭先李柱銘資深大律師問嘅，而家，關於分判嗰度，你答過我喇，就係話譬如個總承建商攞咗個項目返嚟，某啲類別嘅工種佢可以分畀一啲專係做嗰啲工種嘅分判商？

答：係。

問：但係如果我有聽錯，你嘅證供就話佢唔可以話攞咗一個項目返嚟就咁自己 take the cut，即係收咗--賺咗一浸，就成個項目交界人做，唔可以咁？

答：呢個係唔可以嘅。

問：咁換言之，係唔係喺嗰個--即係譬如水喉嗰個工種嘅分判商嘅層面，嗰個分判商就算佢再分落去，佢都唔可以話就咁自己攞咗一浸嘅利潤，就成個項目推咗落去，係咪唔係咁樣嘍？

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
VA  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

答：佢唔應該咁樣做法。

問：咁所以如果我哋就算話係拉雜成軍咁做散工，係分到好多人做㗎喇，係咪咁講呀應該，再分落去？

答：其實再分落去，都應該佢有個打理或者有管理，不論佢係第二浸或者第三浸嘅一啲係分判商，佢必須有一個佢嘅合約同埋有佢啲聘用嘅工友嘅合約。

問：我明白，因為點解呢？李柱銘資深大律師個意思，我相信佢就話「喂，你整個項目有五躉樓夾埋晒用有鉛同冇鉛嘅焊料，爭 30 萬個嗰--三十幾萬就好大誘因嗰。」咁，我想同你探討嘅就話如果就算你話分出去，係叫啲工友每人自己買料咁，如果係嘅話，如果每人做十個單位嘅，幾十釵一個單位，佢慳都係慳幾百釵嘅咋嗰，即係賺晒佢個份。

主席：幾百釵對於閣下就唔係好多啫，對於一個工友嚟講，就可能係夠錢返工、放工㗎囉嗰。

殷先生：我可以個問題就係咩嘢呢？

主席：係，你明唔明呀？你唔可以...

殷先生：我唔係話嗰個--唔係嗰個錢，但係佢同樣其實佢犯嗰個錯同埋佢走嘅險係一樣嘅，即係佢要衡量佢賺幾多，因為佢嗰個--如果佢有刑事成分、欺詐嘅行為...

主席：如果佢知道原來房委會或者房署由啲料入嚟都已經唔 check，去到最後啲水出嚟又唔 check，而佢又做咗十年、八年地盤工人，又可以慳番一百、幾十，可以買包叉燒返屋企加餸，咁有乜問題呢？我都話相對嚟講，相對嘅之嘛，你三十萬，成個 project 對個大判嚟講，梗係微不足道，係咪？對於大判嚟講，事後畀人捉到，要由頭做過晒嗰，梗係唔值得，視乎層面喇。

殷先生：得。或者我哋轉轉個方向。

問：你琴日--應該係琴日，你講過就話--呢個係澄清嘅啫，就係你講點解唔去檢測，我首先想講兩個題目先，一個就係所謂批料，approve

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

嗰啲 materials，你知道我講即係好早期嘅時候，個承建商根據你嘅 specification 就擺啲物料嚟批？

答：係。

問：我哋聽咗就話有啲係需要批，有啲唔需要批，係咪？即係譬如 PLU1 就唔使批嘅，雖然習慣上佢都擺埋嚟批咁樣，係咪呀？

答：係，但係其實我話成個 specification 裏面，好多物料都係所謂約定俗成，承建商一定畀我哋批完，佢哋先至會去用或者去做，因為仲有一個就係 sample flat 嗰度，佢都要做埋出嚟，咁即係成個批辦或者批嗰個 sample 嘅過程先叫做完成嘅。

問：但...

答：咁所以就--但係 PLU2 嗰個特別嘅情況就係嗰個係特別、特殊嘅情況咁解啫。

問：明白。但係所謂批其實只係兩個元素，咁講啱唔啱呢？譬如 PLU2 嗰啲，因為佢有花款嘅，唔同嘅花款，所以其實你係講緊係揀...

答：揀料。

問：...揀邊一種？

答：係。

問：而所謂批，一般嚟講，其實你只不過係覆核佢所提交話建議用嗰種物料或者部件係符合你嘅 specification，係咁簡單？

答：正確，係。

問：就唔係話真係一個去檢測佢個質量嗰種咁樣嘅批核嘅，係咪？

答：唔係嗰種，如果係嗰種，又有特別另外一啲測試㗎喇。

問：我亦都想你澄清一下，就講到話，我哋亦都睇過有個表嘅，或者唔需要擺出嚟，就係話喺嗰個地盤嗰啲物料到步收貨嗰陣時係有人去驗收嘅，你記唔記得？

答：記得。

問：我哋就講到話呢一個焊料嗰度係從來係唔會有人去驗收焊料嘅？

答：係。

問：我記得好似就有人問過你--有幾個人都問過你「係咪因為呢個物料係細眉細眼，所以你就唔驗呢？」咁樣。

答：係有人問過呢個問題。

問：我想了解一下，其實呢個唔需要驗收呢個過程同因為佢已經喺嗰個水喉工種入面連工包料，包咗喺入面，即係我哋所謂佢唔係一個 bills of quantity 嘅 separate items，係有--即係同你個決定話唔需要驗收有冇關連嘅呢？

答：我都答過，就係話如果我哋知道佢係一個 risk item，如果係風險高嘅，其實就不論佢係唔係一個 separate 嘅 billed item，我哋都會去驗收，例如現在就會 7 月之後就拎佢出嚟獨立，仲唔淨只驗收咁簡單，即係唔係 verification，而係要去到一個係 quarantine 嘅一個咁嘅程度嘅，即係要去到地盤 quarantine 驗咗佢係 pass 之後，先至可以 release for use 嘅，但係一般嚟講，因為既然以前冇呢個認知，加埋個 item 亦都係--嗰一個物料亦都係 included as part of copper pipes，喺個 BQ 裏面，所以大家就有特別去留意佢呢個--即係嗰個物料嗰個 risk，就有將佢拎出嚟做一個特別嘅一個驗收咁解。

問：我明白到你而家係有一啲特別嘅程序去防止呢個含鉛個焊料走到入去嗰啲物料嗰度嘅，我明白嘅。

答：係，但係呢個一般我諗同香港業內嘅 practice 都一致嘅，即係我哋以前嗰個 practice。

問：但係一般嚟講，如果地盤驗收嗰個收貨嘅程序，嘅志在會唔會係因為你--如果你 bills of quantity 嗰度講明話逐件要畀錢嘅，而且你講好咗係用邊件貨嘅，咁你就要 check 下佢「究竟你送嚟嗰啲嘢係唔係我要幫你逐件買，畀錢嘅？」就個原意就唔係去做一個所謂 risk control，唔畀啲唔合乎--即係唔係話譬如有鉛呢啲，呢啲係另類嘅危機嚟嘅，可唔可以咁講呢？

答：係，可以講係兩類，一類就係 risk 方面，risk-based 嘅 approach，風險方面，另外一類就真係的確係同個 BQ 裏面有 item 同埋係有嗰個來料到地盤需要去係畀錢嗰類咁嘅 checking，都有啲關係。



A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

問：咁其實你講你--我哋聽咗你講咗好多話所謂 risk-based 嘅 decision on checking，其實你講緊嗰個係--即係有--差唔多可以講係--即係英文話 by definition，本身一定係出咗事之後，經一事長一事至會做嘅嘢嚟？

答：普遍就如果係曾經有過毛病、出過事嗰啲就一定係知道嘅，就會係擺佢落去呢一個咁嘅清單裏面。

問：因為可唔可以咁講呢，一般嘅情況之下，你哋管理一個建築項目就係根據合約入面嘅 specification，...

答：係。

問：...咁你對下嗰啲送嚟嘅嘢，根據佢報上嚟講話要用嘅嘢唔唔合，...

答：係。

問：...如果佢話係你個 spec 係譬如講話要係符合 BS 乜嘢嘢嘅咁，你就話「你有冇出世紙㗎？有冇嗰啲驗證㗎咁？化驗紙呀咁？」對過，符合，咁就基本上係從個管理建築項目嘅角度嚟睇，就做足夠㗎喇？

答：基本係，即係睇下佢提供嘅物料，佢有冇一啲就係呢啲化驗嘅報告證明佢係合乎我哋嗰個合約嘅規格，另外仲要睇埋佢嗰個實物，如果有 sample 嘅話，同埋就係佢有冇一啲係 job reference，即係嚟香港係用過嘅，佢有一啲成功嘅例子等等。

問：除非係以往出過事嘅，就係例外？

答：係，出過事例外，即係譬如出過事，就發覺「咦？呢隻物料有問題㗎。」咁，咁就會--即係可能就會唔批准佢嚟地盤嗰度使用嘅。

問：咁我可唔可以咁講呢，如果我形容你呢一種咁樣嘅風險管理模式，就係事後防止同類事件將來再發生嘅，可以咁--可唔可以咁講呢？

答：呢個一般可以咁形容，另外一啲就係唔係我哋自己地盤發生過問題，而係見到業界有第二啲事件...

問：明白。

答：...或者事故出過嘅，我哋都會有呢一個 awareness。

問：防止同類，係。

答：係，或者呢個 risk awareness。

問：但係你哋除咗話即係通報--通行都知道嘅事故發生過，就話「我要防止--意識到要防止將來同樣嘅事。」你有--你哋個個--我首先問你作為一個資深嘅建築師，業界普遍有冇一個做法就係話「我哋要做一個」--我話「proactive 去 anticipate，即係要通處去睇下有冇啲危機--潛在危機係冇人聽過嘅，不過我要樣樣都去睇下，譬如話有冇啲環境衛生學、外國嘅報告，搜集資料，睇下會唔會喺香港同樣嘅嘢爆煲。」會唔會咁做嘅呢？

答：一般嚟講，我哋就有呢個咁嘅 capacity 嘅，咁我哋一--肯定就要睇晒香港相關嘅法例有冇最新嘅 updates 我哋要去跟進或者要去關注嘅，最基本就係做呢一部分。咁如果你話世界性，如果你話全世界都真係好觸目啲啲事件或者事故，就可能我哋都會有呢個 attention，如果唔係嘅話，我哋都好難有呢種咁嘅認知嘅，但係如果--譬如好大件事，譬如 SARS 啲啲，當然我哋就會知。

問：咁可唔可以咁講呢，你哋基本嘅政策就係「有咩嘢規例、有咩嘢法律規則，我就遵守。」但係個個規則守得夠唔夠嚴，你就係倚賴有關嘅政府個部門或者規管個部門佢哋去把關，係咪咁講，可以？

答：呢個亦都唔係可以單一咁樣講，因為有陣時，即係譬如我哋知道相關法例有咩嘢特別嘅要求，有一啲係特別係驗收或者係檢測方面嘅要求，我一定唔會第一樣都自己把關先，但係就第一樣我都要知有邊一啲係檢測嘅 criteria 我要跟--我要去即係作為一個測試嘅基本要求，即係我就唔會識得譬如係喺世衛標準裏面個八十九樣嘢我要 check 佢幾多樣，我只係識得根據就係譬如水務署嘅要求，我 check 究竟係七樣、八樣定係十二樣，我就會跟個個作為一個依歸。

問：同樣，如果有個部件係話有個 certificate 話佢符合某個標準嘅，你都唔會自己走去 check 下佢，除非有人話呢啲嘢成日做假嘅咁樣嘅啫？

答：係，正確。

問：我頭先問你就係話一般建築師嘅業界唔會去即係 proactive 去搵啲問題，房委本身個架構入面有冇咁做？

答：我哋本身同一般嘅發展機構，你可以話我哋都會有一個--即係肩負一

個所謂社會責任，可能會做多一步，但係都係一定建基於就係一啲係已知嘅規管嘅要求，然後喺按嗰個規管要求，可能會跑多一步，舉個例而言，譬如我哋話《建築物條例》，個欄杆，要求佢係高 1.1 米，咁喺我哋嚟講，房委會就會將佢提升為 1.2 米作為我哋一個家規咁，我哋都係要建基於一啲係法規、法例裏面已知嘅 parameters，然後如果我哋覺得喺我哋嘅情況需要進一步加強嘅，先至會再做多少少嘅一個所謂驗法。

問：我哋轉一轉方向，你知道房委不單只係一個法定機構係要畀一啲房屋畀有需要嘅人士，你哋除咗發展--仲有就係除咗你哋作為一個類似發展商個角色去起一啲公屋出嚟，你亦都係一個大業主嚟，啱唔啱？

答：係，啱。

問：當然你作為個業主，即係起好樓之後，你會對你嘅住客有充分嘅照顧，對佢哋嘅身體、健康，你都有關心，啱唔啱？

答：係。

問：咁嗰個係一種風險管理喇？

答：係。

問：但係喺嗰個建築嘅發展嘅過程之中，你哋嘅做法係咪基本上同一個私人發展商係冇別嘅呢？

答：正確，我哋係一個公營嘅發展機構，同香港一般嘅發展商都係應該守同一套嘅法規。

問：我哋知道你哋就唔受呢個《建築物條例》嘅規管，但係你哋有一個機制，係好似一個影子咁樣同《建築物條例》一樣嘅？

答：係，正確，嗰個係一個獨立嘅審查組。

問：咁喺嗰--如果我哋講番《建築物條例》入面，嗰個 AP，即係個 authorised person 代表嗰個業主嗰個 architect，佢嘅責任只不過係一個所謂間接性嘅監察，係咪呀？

答：嗰個係一個係 periodic inspection 嘅一個功能，佢係一個 coordinator，一個統籌嘅角色，佢需要統籌嗰個項目嘅。

問：但係嗰個 registered contractor 先至係有責任做一個

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

continuous 或者 constant 嘅 supervision，即係延續性、不間斷性嘅去規管？

答：係，正確，係。

問：所以喺地盤上--入面有冇出錯，嗰個第一嘅責任喺個承建商嗰度，係咪呀？

答：正確。

問：其實你哋自己話嗰個 periodic supervision，其實我咁了解啱唔啱呢？即係嗰個 AP equivalent，即係而家如果講《建築物條例》，就講 AP，但係我哋唔係講緊《建築物條例》，AP 個角色其實係戴兩頂帽嘅，佢係有《建築物條例》下面需要令到嗰個建築物係符合嗰啲--即係我哋話入咗嘅則--批咗嘅則喇？

答：係。

問：嗰個係法定--法例下面佢有嘅責任，但係除此之外，佢係協助個業主，去保障個業主嘅利益㗎嘛？

答：正確。

問：即係換句話講，佢係防嗰個承建商交一啲次貨畀佢吓嘛？

答：係。

問：佢個角色係同個承建商係對立㗎嘛，可以咁講？

答：可以有個監察，有...

問：個利益個角度嚟講，係對立。

答：有個監察嘅一個功能㗎度。

問：佢唔係代替個承建商去做嘅？

答：佢唔可以代替承建商，佢只可以係喺承建商個監管上面再多一重嘅保障。

A 般先生：法官閣下，我可唔可以攞少少指示？可能我有嘢問。 B

C 主席：可以。 D

E 般先生：我有其他問題。 F

G 主席：冇其他問題。 H

I 馮女士，就暫時就你就作供完畢，除咗啲律師要求你去做啲嘢  
J 之外啲啲嘢，到時如果你搵到嘅，就或者麻煩你通知我哋秘書處。

K 答：好，好。 L

M 主席：咁就如果有需要嘅話，可能都會再叫番你返嚟，有咁嘅可能性，我  
N 唔可以排除呢個可能性。

O 答：好。 P

Q 主席：不過喺呢一個階段，你嘅證供就完結。 R

S 答：多謝。 T

U 主席：就好多謝你出席。 V

答：多謝主席。

主席：唔該晒。

各位大律師，就我哋星期一就係--我就--我哋就會開庭就處理  
一啲證人嘅問題，咁你哋喜歡嘅就可以嚟，唔喜歡嘅，就星期一、星  
期二都有任何嘅證人嘅證供我哋係會聽嘅，咁就咁...

石先生：主席先生，有一個我哋叫做 housekeeping 嘅課題，就係我哋  
尋日就處理咗起碼係四個--四大承建商延期嘅申請，佢哋嘅證人供詞  
就由星期一嘅 close of business 延期到去星期三，但係就尋日，  
即係尤其是係臨到尾，就至於--因為另外仲有一批嘅證人佢哋嘅證人  
供詞都係同樣原本係禮拜一下午到期嘅，咁就尋日臨尾嘅時候就可能  
有些少立立亂，我哋就有一--即係確切咁樣去 make sure 有邊啲人

同樣地都係要擺延期嘅，我而家 go through 一次，就睇下有冇人想即係澄清佢哋係唔係想擺延期定係唔需要延期，定係直情係冇人喺度。咁四大承建商就擺晒，直至禮拜三，四大承建商裏面，顧增海律師行代表有利，佢順帶亦都係代表埋明合同埋伍克明先生呢個持牌水喉匠嘅，就由 Tony Li 代表，咁我想確認，就係你哋係咪亦都係申請埋延期呢，幫呢個明合同埋幫伍克明先生？

李頌然先生：係，如昨天我--可能我諗唔夠大聲，另外明合同埋伍克明都係有同樣嘅申請。

石先生：都係同樣 extend 到禮拜三嘅。另外就係 Golden Day，即係金日同埋 Golden Day 嘅持牌水喉匠張達欽先生，就由 Norton Rose 代表，Norton Rose 冇人喺度，尋日都冇人喺度。

主席：冇人。

石先生：冇人，咁就我哋就當佢冇延期，尋日應該亦都唔似係冇人代表 Norton Rose 起咗身擺呢個 extension。

主席：冇。

石先生：係，咁就我哋而家就係 proceed on this basis，即係 Golden Day 同埋張達欽先生就有延到期。林德森先生就已經係呈交咗佢嘅證人供詞。咁就仲有就係何標記，何標記就原本即係我哋秘書處有個紀錄，就係喺 preliminary hearing 嘅時候就由趙、司徒、鄭律師行係代表嘅，但係就尋日亦都唔覺何標記係有申請過係要延期，亦都冇何標記嘅律師嘅代表喺度。

主席：冇，冇，似乎何...

石先生：咁我哋就即係當佢係冇延到期，就係何標記嘅證人供詞就星期一下午到期，咁即係除咗顧增海律師行代表嘅 subcontractor 同埋水喉匠之外，其他嗰啲 subcontractor 同埋水喉匠就全部就係照舊，係星期一到期，如果咁睇。

主席：正確。

王先生：主席，我有啲嘢關於嗰個證人供詞嗰度想陳詞嘅，水務署署長個證--嗰個供詞今日如期會提交嘅，但係就因為嗰個涵蓋嘅範圍有幾個方面就係會由水務署其他同事去 address 嗰個 issue，咁所以嗰--另外嗰啲同事嗰個證人口供，我哋都想延遲到禮拜三。

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

主席：我都睇唔到有啲咩嘢問題，係咪呀？

石先生：冇問題。

主席：冇問題，照准。仲有冇其他問題需要處理？如果冇嘅話，咁就我就星期一會喺度，咁就再見各位就星期三嘅朝頭早 10 點鐘，唔該晒。

2015年11月6日  
下午4時43分聆訊押後

C Friday, 6 November 2015 C

(10.03 am)

D (Transcript of simultaneous interpretation except where D  
E otherwise specified) E

CHAIRMAN: Mr Wong SC.

F MS ADA FUNG YIN SUEN (on former oath) F

G Cross-examination by DR WONG G

H DR WONG: Thank you, Chairman. H

I Ms Fung, a couple of questions I would like to put I  
to you from the Water Supplies Department.

J I have three main themes, and the first one is about J  
K the eight parameters. If I may refer to you K  
L paragraph 34 of the witness statement, page 20, 37522. L

In the last sentence, you said:

M "In this form, HD's project officers and LP shall M  
N jointly certify that the pipes and fittings N  
O installed/intended to be installed are as prescribed by O  
the WWR."

P Paragraph 35(b): P

Q "HA's project officers shall apply to the WA for Q  
R connection of water supply and confirm that the plumbing R  
S is in full compliance with Waterworks standards and S  
shown to me marked 'Exhibit [7]')." T

T I have seen the forms myself. For Kwai Luen estate T  
U  
V



Phase 2, bundle C6.1/4502. Page 4502 of bundle C6.1.

Here on this sheet, this is form 132. It was dated  
14 April 2014. You have got that, Madam Fung?

A. Yes, I do.

Q. The address is "Public Rental Housing Development in  
Kwai Shing Circuit, Kwai Chung, NT". This is in fact  
Phase 2 of Kwai Luen Estate. The estate hasn't been  
named -- that's the address.

A. Yes, this is Kwai Shing Circuit.

Q. In this certificate, in the middle:

"I confirm that the plumbing fittings and pipes  
used ... are in full compliance with Waterworks  
standards and requirements."

I won't dwell on that because many questions have  
been asked. If I may refer you to page 4505. This is  
form WWO 1005. This is what they call the water  
certificate to have the water connected to the inside  
service; is that correct?

A. Correct.

Q. This is dated 28 April. The submitted date is 14 April.  
Then, on 28 April, this certificate of full connection  
was issued by the Water Supplies Department.

If I may refer you to page 4506, here on this  
page there is this Qualitech Testing & Consultancy Ltd  
test report. The customer is Shui On Building

Contractors Ltd. The date is 16 July 2014. Do you have that?

A. Yes, I do.

Q. So, for the testing of the inside service, it was conducted after the form was signed, the form 132; can I say that?

A. Referring to the date and also these documents, it seems to be the case.

Q. Page 4506, regarding this test report, in the middle, "chlorine content in water after flushing", there is a column there.

A. In this certificate, it was before the occupation permit was issued. The test was conducted before the OP was issued.

Q. I appreciate that. Ms Fung, would you agree, from recollection, the Housing Authority, the landlord, conducted the water testing on the inside service, and for Kwai Luen Estate Phase 2, for instance, it was conducted after form 132 was submitted. So, in fairness, if you say that you rely on the eight parameters to issue the form 132, then it seems that this is correct from the document; is that right?

A. I don't think you can just look at one single test report. I have to trace the records before I can answer this question. Normally, procedurally, before

occupation permit was issued, we would conduct the testing on water sampling and sterilisation, and this was the second additional report on sterilisation.

Q. Let's turn to another estate, Kai Ching Estate. If I may refer you to C7.1, page 5235. On page 5235 -- you have seen this form before -- but it is dated on 5 June 2013. The address is "Kai Tak Development Site 1A, Phase 1 & 2, Kowloon City, Kowloon". This is in fact the address of Kai Ching Estate; is that correct?

A. Correct.

Q. This is a certificate dated 5 June 2013.

Turn to page 5246. It is dated 19 June, also form 1005, regarding Kai Ching Estate. This is the certificate regarding water supply connection dated 19 June. Page 5246. This is stage 2. Stage 1 is on page 5168. Page 5246 is regarding stage 2, the certificate regarding water supply connection.

Turn to page 5248. Here, on this page, China State Construction Engineering (Hong Kong) Ltd submitted to chief architect 2 a "Resubmission of Water sample Analysis Report Summary for Bacteriological and Chemicals"; have you got that?

A. Yes.

Q. The date is 17 March 2014.

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 05	
C	Let's turn to page 5249. There is a "Water Sample	C
D	Analysis Report Summary for Bacteriological and	D
E	Chemicals". Here, we have the location of the inside	E
F	service, where the testing was conducted; is that	F
	correct?	
G	A. Correct.	G
H	Q. Let's turn to page 5250. Here, you have the "Test	H
I	Report on Analysis of Water". You have the test	I
J	parameters, that's the eight parameters?	J
K	A. Yes.	K
L	Q. Then you have the sample identification. That's where	L
M	the water sample was taken.	M
N	A. Yes.	N
O	Q. There are many different locations. I don't propose to	O
P	name them one by one. But all in all, this water sample	P
Q	test was conducted after form 132 was issued; the	Q
R	Housing Authority received from the main contractor,	R
S	China State, the water test analysis -- it was after	S
T	this that this happened.	T
U	A. Yes, I have to check up on that. Sometimes, we ask the	U
V	contractors to conduct additional water sampling, more	V
	than what the Water Supplies Department requires. If we	
	follow the BEAM Plus sampling rate, then after the water	
	connection there would be additional testing. I'm not	
	sure. So I have to test the water samples.	

As to what purpose the testing was done for, some of them would be done on the basis of the Water Authority's requirements; we ask the contractor to conduct further testing.

Q. Yes, please furnish us with further information if available. Let me turn to Wing Cheong Estate.

May I refer you to C8.1, page 5561. This is dated 3 June 2013. There is the address there: Sai Chuen Street. This is in Sham Shui Po. This is the address of Wing Cheong Estate; is that correct?

A. Yes.

Q. We have seen this before. Let's move on. I would like to take you to form 1005 on page 5600, dated 5 July 2013. That's form 1005, and it's also the water test report. Page 5602, this is a memo from chief architect 2:

"Attached please find two copies of the Certificates of Analysis for Fresh Water Supply System prepared by the laboratory ..."

Over the page, 5603, Paul Y General Contractors Ltd.

Page 5609, you see the date, you have ALS Technichem (HK) Pty Ltd. The date is 16 October 2013.

If you turn to page 5611, you see the eight parameters, and the results are shown there; is that correct? Page 5611, here you show the results?

C A. Yes. C

D Q. If I may take you further to page 5599. Here, on D  
E page 5599, dated 25 June 2013, this is conducted by the E  
F Water Supplies Department at the connection point, and F  
not at the inside service. It was taken at the  
connection point.

G But the date is even later. If you refer back to G  
H 5561, the Wing Cheong Estate, the certificate was dated H  
I 3 June, the certificate by the AP, dated 3 June, but the I  
J connection point testing by the Water Supplies J  
Department was dated 25 June.

K CHAIRMAN: Say again, please. K

L DR WONG: Page 5561. That certificate was dated 5 June. L

M CHAIRMAN: What certificate? That's for the water M  
N connection, isn't it? N

O DR WONG: No, that's for the certification, that it complies O  
P with the Water Supplies Department's standard P  
Q requirements. Q

R Page 5599. It is dated 25 June. It is a test R  
S conducted by the Water Supplies Department on the S  
T connection point on water quality. That's dated T  
U 25 June 2013. U

V In other words, in connection with Wing Cheong V  
Estate, the certificate on page 5561, can I say that the  
Housing Authority did not rely on the test results of

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 05 B

C the eight parameters when the certificate was issued on C  
3 June?

D A. 3 June was a certificate, was it? D

E Q. That's on page 5561. E

F A. 5561? F

F Q. Page 5561. F

G CHAIRMAN: Hang on, can you pull it down a little bit? So G  
H what you mean is "I confirm" -- H

H DR WONG: Yes, as put by the chairman: H

I "I confirm that the plumbing fittings and pipes used I  
J in the captioned project are in full compliance with J  
K Waterworks standards and requirements." K

K That was signed on 3 June. This is on plumbing K  
L fittings and pipes used. L

L If you can turn to page 5599, that is a connection L  
M to inside service; at the connection point WSD did M  
N a test on 25 June. N

O A. Yes, this is in line with the general practice of the O  
industry. O

P Q. Am I correct in saying, Madam Fung, regarding water test P  
Q of inside service, it's never done by the WSD; rather, Q  
R it is for you or your contractor to do the results first R  
for submission to the waterworks in 2012? R

S CHAIRMAN: I didn't quite get you; can you repeat? S

T DR WONG: Regarding water quality of inside service, WSD's T  
U U  
V V

testing is done at the point of connection. Regarding water quality of inside service, the test reports, all such test reports, are done by the landlord, and that is the Housing Authority or a contractor commissioned by the HA. All these reports are done by these parties for submission to the WSD; am I correct?

A. I don't think this is in line with the practice.

Q. Can you tell us what the practice is?

A. Following the circular in 2012, referring to all new buildings, WSD will collect water samples at underground mains for bacteriological and chemical testings, and the inside service agreed by the Water Authority. We should follow this form to proceed.

Q. Do you agree that this circular was a guideline for landlords and other parties, telling them what to do?

A. Yes, this is a guideline. But that doesn't mean that the steps performed by our colleagues deviated from this guideline.

Q. All right. I will ask another relevant question. All right? I will refer to three housing estates for the remaining: Phase 1, Shek Kip Mei, Tung Wui, Hung Hom Phase 2, Yan On Estate, Choi Fook Estate, Un Chau Estate Phases 2 and 4, Ching Hon Estate Phase 1.

For the remaining eight PRH estates, as far as inside service was concerned, no testing on the eight



parameters was done -- what was it, water test of inside service, that was not done; am I correct?

A. I don't have the information with me to prove that it was not done or when it was done. I have to check my files first.

Q. Thank you. According to the information I have, WSD did it at the connection points.

CHAIRMAN: Can you slow down a little bit? After asking your question, can you allow the speaker to answer your question?

DR WONG: Sure.

For the eight estates, they were built or commissioned before 2012. You can go and check. Prior to 2012, when the buildings were commissioned, that was before the circular, tests of water quality -- or the HA, or contractors commissioned by the HA had not submitted reports to the WSD; do you agree?

A. I can only say that in general, for building projects under the HA, when they apply for connection of water, the tests were no different from the general practice in Hong Kong.

CHAIRMAN: No different, no different from the general practice in Hong Kong. That means it was possible that tests were not done; do you get my point? Now, he is saying that basically, for PRH projects completed

before 2012, no tests were performed on the eight parameters, and your answer was that was in line with general practice in the market.

So, according to your logic, in other words, if the HD had not done it, then the private sector had not done it as well?

A. I can only say that the practice of HA construction sites were in line with the general practice in the industry.

CHAIRMAN: Yes, but the counsel from WSD was simply saying this: following your evidence, the HD was of the view that because WSD was the gatekeeper and WSD would only require their clients or contractors to conduct tests on the eight parameters, but are you saying that no tests were done on these parameters; do you get his point?

A. I do, but to find out the answer, I have to check my files. It would be fairer for me to answer after I have done that, because if all of a sudden you ask me whether it is the case and -- that would leave you to draw a conclusion. I think I have to do some homework before I can answer.

CHAIRMAN: In other words, for the three housing estates used as illustration by the counsel, those parameters were additional requirements and they were done after occupation, and perhaps they were already done before

occupation; is that what you mean?

A. Possibly, but I have to check my files, otherwise

I might not be answering the question according to my  
knowledge.

DR WONG: All right. Regarding the certificate, form 132,  
we have referred to a number of times, perhaps I will  
show you another form 132. Take Kwai Luen Estate as  
an example. C6.1, page 4502.

It is said here:

"I confirm that the plumbing fittings and pipes used  
in the captioned project are in full compliance with  
Waterworks standards and requirements."

We know that usually this is usually signed by the  
chief architect or someone delegated by him; is that  
correct? Am I fair to say that this certificate is for  
submission to the WSD and upon receipt of the  
certificate, the WSD has reason to believe that the  
content here is true; am I fair in saying so?

A. I think this form is not something under the Waterworks  
Regulation. It's just a certificate, usually filled in  
by colleagues. The purpose is to apply for  
a certificate, for the Authority to apply for  
an occupation permit.

Q. Yes, I do understand the purpose of this certificate.  
My question is: when a chief architect or someone

delegated by him says, "I confirm that the plumbing fittings and pipes used in the captioned project are in full compliance with Waterworks standards and requirements", and this certificate is for submission to the WSD, am I fair to say that the WSD can assume that what is said in the certificate is a fact?

A. Yes, I think we can take it literally. The one who signed the form has confirmed this.

Q. Thank you. Now we move on. We have completed this topic.

Regarding the use of building materials, a lot of questions were asked yesterday, looking at the transcript, so I will ask no further questions on building materials. To be fair, there is a contract between the HA and the contractor, main contractor, and they agree on building materials to be used. So we have not come to any conclusion as far as the inquiry is concerned, but it seems that on the lead content in soldering materials, it's excessive.

But for other building materials such as the water taps and water tanks, if the lead content is excessive, the result would be just the same. So it's not just the soldering joint. If the material used for the water tap contains excessive lead, then even if the joints are okay, if there is excessive lead in the material of the

water tap, it would be just as risky?

A. According to the report by the Task Force from the WSD, this is not the reason for the excessive lead found in drinking water.

Q. Yes, of course. This time around it is nothing to do with the taps. But from the point of risk management, it's quite likely that this time it's because of the soldering joints. But the water tanks and also the water taps at customer's point -- now, if the materials used contain too much lead, it is just as risky; right?

A. Well, all the fittings, including water pumps, the valves and the water pumps, and so forth -- well, all the materials may have that potential, but we must study to see whether the lead released will cause the lead content in drinking water to be excessive. We trust the views of the expert's report.

Q. May I refer you to paragraph 6 of your own statement. Paragraph 6 on page 5, 37507. Counting from the bottom, the sixth or seventh line:

"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."

Correct? Okay, this is correct.

All right. I would like to focus on the plumbing installations. I will set aside questions on the materials used.

The HA is the landlord. What expectations do you have for the main contractor? If the MC is to be fully responsible for the plumbing installations, then -- now, let's set aside the materials -- we have a plumber, a licensed plumber, carrying out the plumbing works on site. From a landlord's point of view, what do you expect the MC to do when it comes to continuous supervision? What responsibilities or duties do you expect the MC to perform on site?

A. In general, we expect the MC to be responsible for the quality of all works and management of all works. Plumbing installations are no different from other works.

Q. So you believe that the MC has a duty to send people to oversee the works?

A. Yes. It is the MC's responsibility to manage its subcontractors. For plumbing installations, he must employ a licensed plumber, LP.

Q. Let me imagine, because you are not going to do the patrolling yourselves, your colleagues will be doing that, let's say there is a plumber, a worker, joining two pipes. Of course soldering has to be done; right?

So the soldering should be observed by the supervisor;  
right?

A. Yes. He should be able to see such works going on.

Q. Now, if the one responsible for patrolling observed the  
soldering process, from a supervision point of view,  
will he be able to find out the materials used is not  
the famous brand name he is supposed to use, rather  
other kinds of soldering materials is being used?

A. May I clarify whether this question is about the main  
contractor's continuous supervision of the  
subcontractors, or are you referring to supervision by  
people hired by the HA?

Q. No, no, I'm not talking about the HA's supervision.  
Now, you expect the MC to be fully responsible and  
therefore you would expect him to supervise all works,  
to ensure that they comply with the contractual  
requirements. So I'm not talking about the  
responsibility or duty of the HA. Rather, if the works  
procedures are carrying on, and then the subcontractor  
or main contractor or sub-subcontractor is supervising,  
will he be able to find out whether the materials being  
used are in compliance with the five lead-free brands  
required by the HA?

For instance, I am supervising the work, can I see  
that the material you use is not the one we require?

Will someone who is supervising the works be able to know that?

A. Of course, our expectation is, first, for the MC to purchase the right materials, and secondly, whether the right materials are being used at works, can it be easily seen by the naked eyes. I won't comment here.

We can only say that our requirements for the MC is, in terms of procurement of materials and supervision of works on site, we expect him to ensure that everything is in compliance with requirements.

CHAIRMAN: I think it's very simple. Of course you won't be able to guarantee 100 per cent, but if next to the worker there is a row of Fry soldering materials, then that's prima facie for you to believe, but if it is already cut into different sections, you won't be able to tell; is that what you mean?

A. Even if there are Fry materials next to him, there can be no guarantee.

CHAIRMAN: Well, apparently, that may be the case.

A. If they look similar, it's difficult for us.

CHAIRMAN: I think we should apply common sense. There is no need to resort to very high-level arguments. If the MC is supervising a site, is visiting a site, and he sees rows of Fry soldering materials on the floor, he has reason to believe that it is being used. But if the



soldering materials are already cut in different sections, then he won't be able to tell. I don't think you have to imagine that he is asking a very sophisticated question.

DR WONG: Now let's go back to paragraph 6 of your witness statement. The last line says:

"As contract administrators of the HA, the CAs and CBSEs of DCD are responsible for periodic supervision of the contractor's work on site."

So, apart from inspections from the main contractor, according to what you said, the contract administrators of the HA would conduct periodic supervision.

Now, I have two questions. First of all, how regular would that periodic supervision be?

A. Overall speaking, CAs, CBSEs and their site representatives would carry out periodic supervision. Normally speaking, the DASM manual would mention the frequency of inspection, and on one of the forms, the items that we check 10 per cent, 100 per cent, et cetera will be specified, and occasionally the materials would be inspected, the storage areas would be checked.

There's a daily inspection form to check the specified and approved materials to see whether they are saying that's the ones we approved. So this would be done in the daily inspection.

For the 10 per cent inspection, there is a list of items, and we have an inspection guidebook, and then the guide will specify the materials above ground that will be checked on PLU1. And the form we looked at yesterday was called "Daily inspection check on materials", and it's to check the compliance of the materials, whether the brands used are right, and so on.

So the items as specified in the percentages, the details are listed in the guide-book.

CHAIRMAN: The question is on plumbing installation, not materials.

A. Yes, I was referring to plumbing installations, which include the materials, because plumbing installations include both materials and workmanship. So we would see whether the materials used are specified, whether the brands are correct.

For the Fry soldering materials, we saw the tag of Fry in the rolls of solder, but when they are cut up, then it will be hard to tell visually whether the soldering material belonged to Fry. So this is a common-sense approach.

DR WONG: I just want to have an idea of the words "periodic supervision". How frequent would the supervision be done? How many officers on site would be responsible for that and how many contract administrators would

there be to carry out the supervision? Can you give us a rough idea?

A. Are you referring to the main contractor or the site inspection staff of the HA?

Q. I am referring to contract administrators of the HA.

A. Our site staff belong to the supervisor grade, and they correspond to 10 per cent of the work done.

Q. Excuse me if my question wasn't very clear. I want to understand if periodic supervision is done once every month or once every two months and how many staff or officers would be sent. I just want to have an idea of the on-site supervision by the contract administrators.

A. There are daily inspections. Plumbing is one of the items. Other trades must also be checked. And the inspection would only be done on completed items, in the presence of so-called trades. When work is done, there would be daily checks, and 10 per cent of the flats would be checked. So that's the frequency.

So whenever work is done, then 10 per cent of the work would be checked. As the site staff conduct daily checks, they would check whatever they can see and reach.

Q. During the plumbing works, would your contract administrators see how the workers carry out the plumbing works, or would you wait until they finish the

works?

A. I think both scenarios are possible. Generally speaking, when inspections are being carried out, when sample checks are carried out, our colleagues might check plumbing as well as other trades. So they will check whatever they see. They will not just check plumbing or specific trades within a day. So that's the way it works.

Q. So can I put it to you that HA's contract administrators might see how plumbers install the pipes during the inspection; they might have a chance to see how the workers weld the pipes?

A. It's difficult to answer this question, but I wouldn't rule out such possibility. But they would not specifically target workers who are doing the work. The key is that, at the beginning, we would look at a sample flat and see how the work is being done. When the trade or works actually begin, we will check whether the job is done properly. We should focus our resources on the most critical milestones and that's where we will do the bulk of the inspection.

If they begin their work properly, then we would expect the main contractor to do their work properly thereafter. So we would do sample tests during the inspection.

Q. Ms Fung, from a management and supervision standpoint, during the course of the works -- well, managing the works during the construction would be more effective than afterwards. We are talking about a lot of joints in the project. So, from a risk management or supervision perspective, do you agree that managing the works is more important than conducting spot checks afterwards?

A. Under ISO 9000, the in-work process is necessary. The testing and commissioning are both important. For some systems, for example the water supply or discharge systems, we have to carry out holistic checks.

We are talking about entire systems, not individual components. In-process checking is important, but the final check is also very important, because at that time we can see whether the system functions properly, whether there are flaws to be fixed. So that's a very important stage. For building services installations, this is especially important. For such systems, final tests are always important.

According to assessment requirements under BEAM Plus, officers that don't belong to the project team would conduct independent testing and commissioning.

Q. In your witness statement, you said after the incident the HA stopped issuing tenders to the four main

contractors.

A. I think I didn't mention it in my statement.

Q. So was it the case? Did you reach out to the  
contractors?

A. Our Tender Committee, we had a meeting on 30 September,  
and we adopted certain measures. Discussions are still  
ongoing so I cannot disclose details.

Q. In your witness statement, you said you requested them  
to replace all problematic pipes, so that's a remedial  
measure.

A. According to the contracts, if any parts of the works or  
materials are non-compliant, we would indemnify the  
contractors for all defects. 12 years after completion,  
we would still request the contractor to rectify all  
problems.

Q. Does it show that while the in-progress inspection is  
important, if everything is completed you have to use  
extra resources?

CHAIRMAN: Well, she never said it wasn't important. Can  
you move on to the next question?

DR WONG: Let's turn to paragraph 47 of your statement. In  
your witness statement, page 27, 37529. The fifth line  
from the bottom, it says:

"However, HA's staff did not inspect the joints  
between pipes or check for presence of lead ..."

I want to focus on the line, "HA's staff did not inspect the joints between pipes". Was it correct or was it a mistake?

A. What this meant is that this sentence is about the lead in solder or joints. It doesn't mean that our staff would not inspect the joints, but it was -- well, it was a visual check to see whether the joints functioned properly. But they are not inspecting for the presence of lead in soldering materials in joints between pipes.

Q. You used the word "or", so I thought you did not check the joints?

A. We do check the joints, but we would not check for presence of lead in soldering materials in the joints.

That's the correct interpretation.

Q. Perhaps I didn't make myself very clear.

MR SHIEH: (Chinese spoken).

CHAIRMAN: I think as Ms Fung said clearly, they do conduct performance-based functional tests. Perhaps you weren't here when she said that.

A. Our staff did conduct such visual tests.

DR WONG: Now let's move on to the final topic. Please turn to paragraph 15, on page 10, 37512. The sixth to last line says:

"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."

Now I have a question: what kind of alternative waterwork materials did you explore?

A. We have used steel pipes and they have been used in certain projects. For Kai Ching Estate, for the shopping mall of Kai Ching Estate, stainless steel pipes were used. Stainless steel pipes were an alternative. We have looked at it for some time.

Q. So if stainless steel pipes are used, do you agree that the risk of lead presence would be lower?

A. Let me put it this way. Even if we use stainless steel pipes, these pipes are not very common in the market, and if stainless steel pipes are used in public projects, the HA would still use copper pipes. Most landlords or owners would use copper pipes for most of the time in their renovation projects. So even if we switch to stainless steel pipes for public housing estates, copper pipes would still be used indoors most of the time.

If soldering joints are not used, we can use mechanical fittings like press-fit or push-fit. These



are examples of fittings we can use. For press-fit, more tools and time would be required; for push-fit, the joint is more expensive but the time would be less and it's easier to manage. But apparently there's no BS standard governing these fittings yet, so we have to study further with the trade regulators, including WSD and the certifiers, and we have to see how we can update our status. We want to move with the times and reduce the risk in such materials, and we want to make sure the contractor procures the right materials and their workers use the right materials and that the materials are used properly, and we have to minimise any mistakes or inadvertent errors.

Right now, we are aware of the availability of tests to test for lead in solder, and if such tests can be done. For high-risk elements, they can be tested; we would be able to test for them eventually. If repairs are involved, there would be cost implications for main contractors, subcontractors or even the workers themselves. If the problem is traceable, we can see where the problem comes from and no one can be absolved from blame. But we would have to spend a lot of effort in that case.

It might sound simple, but back in July we met the trade to discuss these issues. If we are to avoid any

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 05 B

C problems, it would be wise to avoid solder joints. If C

D everyone understands the risk of leaded solder, D

E including the workers, then everyone will be more E

F careful in order to ensure safety. F

G For mechanical joints, there are concerns of G

H seepages and they are not as secure and solid as solder H

I joints. I

J So we are considering such factors at the moment. J

K We have to look into the issue with the trade. We are K

L not alone. We have to involve experts from the Water L

M Supplies Department. In the past, we have studied with M

N WSD on many issues. So we have to mobilise the entire N

O trade. O

P For components or the production of components P

Q rather than soldering joints, these tasks might not be Q

R covered by standards, but for some components, such as R

S alloys, for quality assurance, the HA's practice would S

T implement product certification schemes and they have T

U proved to be effective. But we have to involve the U

V entire trade, as well as the Authority, the WSD, V

manufacturers' certification bodies, and we have to

involve the contractors as well, so that we can update

and draft, or create such schemes. And we have to make

sure that the components produced in the production

lines or fabricated components are error-free. That's

C how we can avoid any defects in the future. C

D We are working with the trade to launch this scheme. D

E Q. Madam Fung, in the industry, is there a silver brazing  
F for welding? E

G A. Yes, this is to make sure it is cadmium-free. Silver  
H brazing, we conducted a test on site. For the same  
I joint, we used the lead-free solder, leaded solder, and  
J also silver brazing. K

L Now, for silver brazing, the tools would be of  
M a high-risk, because they have to have the acetylene  
N cylinder, it would take a long time. It is of a high  
O temperature, the joint would change colour, and the pipe  
P might be a little more brittle. For pipes over  
Q a certain size, we would use silver brazing, but we  
R shouldn't use silver brazing for small pipes. S

T Unleaded solder and leaded solder, the time would be  
U shorter. We conducted a test on site. If there is  
V a risk awareness in the trade, there is little  
likelihood for them to get it wrong, because there is no  
incentive to do it because the price they pay is to  
strip out the pipes and redo it again. And if they fail  
to get a certificate for completion, they have to do it  
all over again. If there is a price to pay, then this  
would disincentivise them to do anything like that.

Now, for leaded solder, there would be some odour,

C some vapour. It is detrimental to health from  
a layman's point of view. C

D Q. There may be private developers that are beginning to  
use silver brazing; is that right? D

E A. I haven't seen it myself. Some used PVC pipes instead  
F of copper pipes. We haven't tried this ourselves. But  
G during our site visit, we tried using silver brazing for  
H small-sized copper pipes and this is not considered  
appropriate and this is not the best method. H

I Q. Would you agree that whatever materials you use, there  
would be a direct relation with the risk involved? I

J A. We have chromium, cadmium and nickel. These are the  
K materials. There will be components in stainless steel  
L pipes. Whatever materials we use, we have to conduct  
M a certain degree of tests, and from the test results we  
would understand whether there would be any exceedances.  
N So whatever materials we use, we have to understand the  
risks involved. N

O As to the implications on the water quality, we are  
P no expert. We have to defer to the expert as to what  
Q parameters there should be for consideration. Then we  
know whether we can ensure water safety. O

R Q. A last question, Ms Fung. R

S On Wednesday, (Chinese spoken), "do it right the  
T first time", (Chinese spoken), "do it right the first  
U  
V

time". You have to identify the suitable materials.

You have to identify the suitable materials for the water piping, and that would minimise the risk; would you agree with that?

A. I keep saying this to my colleagues and to the trade: do it right first time and what gets measured gets done.

Testing would be important, and you have to get it right the first time and that would be important. Under ISO principles, you have to plan, check, do and act. Each step would be of equal importance.

Of course, if you can plan ahead, it would be good, but at the end of the day testing would be important, and you have to look at the scores. If you fall short of the right level of scores, you have to redo it, and you have a hefty price to pay, and that would encourage people to adjust their behaviour.

DR WONG: I have no further questions.

CHAIRMAN: Mr McCoy, please.

Cross-examination by MR McCOY

(All questions from Mr McCoy in English)

MR McCOY: Ms Fung, good morning. Together with Mr Daniel Hui, I represent Paul Y.

I will ask you the questions in English, but I would encourage you to answer in Cantonese.

A. (In English) Okay.

Q. I am afraid if I ask you questions in Cantonese, my tones may well create an additional public health hazard.

Would you please look at the booklet, "Hong Kong Water Supply". You may wish to look at the Chinese version.

A curious feature of this little booklet is that if you go to the back cover, you see that it was designed and printed by various government departments, but it's not clear which government departments authored or wrote the pamphlet. Did the Housing Authority play any part in its authorship?

MR YIN: (In English) Chairman, maybe I will say in English:

the Housing Authority is not a government department.

CHAIRMAN: You don't have to be so pedantic. Please carry on.

MR McCOY: Did the Housing Authority play any part in the authorship of this document?

A. Well, with regard to this document, there is no particular mention of the involvement of the Housing Authority.

Q. I know. That's why I am asking the question.

A. Well, there are some technical numbers. The Housing Authority has a number, technical number there, at the back, at the last page, I think, and there is also

a webpage of the Housing Department.

Q. But my question is: did the Housing Authority play any part in the authorship of it, the content of the document?

If you do not know, please say so.

A. So this question --

CHAIRMAN: We don't have to make it so complicated. Don't make it so complicated. The question basically is: was the Housing Authority involved in the authorship of this particular booklet? If yes, say so. If no, say no.

You can say "I don't know".

A. Well, in the process, the Housing Department colleagues observed the process of production of this booklet. But as far as the Housing Authority is concerned, it wasn't a party to the production.

COMMISSIONER LAI: Sorry, if you look at this, in Chinese it refers to the Housing Department, but in the website, www.housingauthority, here in the website, both are here.

A. The Housing Department is the executive arm of the Housing Authority. So, on this page, there is a number of the Housing Authority's.

In this booklet, there is a mention of something about the Housing Authority.

CHAIRMAN: That it's mentioned doesn't mean that it's

involved. Our committee is also listed here.

COMMISSIONER LAI: We were never involved!

MR McCOY: I am just going to move on!

Would you turn to page 5, please. In the Chinese version, the last two or three lines on page 5, the English translation is:

"The use of lead-based soldering to connect copper pipes for potable water use has been prohibited in Hong Kong since the 1980s."

Does that appear to be a fair translation of what is written in the Chinese text?

A. It seems, for the Chinese and English versions, there might be a bit of discrepancy.

CHAIRMAN: No, in the last paragraph, it is the last paragraph of the Chinese version, the very last paragraph, "Starting from the 1980s".

I think the counsel is asking you whether this is a correct translation.

A. I don't really know. I don't know.

MR McCOY: Well, is it correct, as a statement? That is, does Hong Kong law since the 1980s prohibit lead-based soldering in the connection of copper pipes for potable water use? Is it correct?

A. From my understanding, we look at the requirement of the Waterworks Ordinance and also the British Standard,



regarding the fact that the solder used has to be  
lead-free.

Q. Is there a prohibition -- you can see the Chinese  
characters, even I can read them, "(Chinese spoken)" --  
is there a prohibition under Hong Kong law? Is there?

A. Yes. From what it reads, yes.

CHAIRMAN: I don't quite get it. My understanding is that  
if you look at the WWR, Waterworks Regulations,  
section 17 -- I'm not sure where you can get it -- here,  
it refers to a British Standard 864. BS 864 has been  
replaced by 1254. 864, my understanding is that it was  
in 1983, if I remember correctly.

Do you have this kind of knowledge?

A. I never delved into the BS information in the 1980s,  
because we are using BS 1254.

CHAIRMAN: I have never seen 864 myself, as I am not sure  
whether in 864 it is similar to 1254, but no lead solder  
would be allowed to be used.

A. We haven't really looked into that. In the 1980s,  
BS 864, we haven't delved into the details.

MR McCOY: All right. My suggestion to you, Ms Fung, is  
that this statement is actually inaccurate, because  
there is no such prohibition in Hong Kong. If you don't  
know, please say so.

A. I don't know.

Q. What I want to ask you about now is the regulatory regime of the Water Authority in relation to the Housing Authority.

The learned chairman has just referred to the Ordinance and regulations, and it would be good if perhaps the Chinese version of the Waterworks Ordinance could come up on the screen, please.

CHAIRMAN: Do we have a Chinese version of the WWR?

MR McCOY: While that is happening, perhaps I can ask you a few more questions. The Housing Authority obviously deals in housing. You would agree that the issue of water is inseparable from the issue of housing; they must go together?

A. Well, as a matter of fact, you talk about housing, water definitely has to do with housing because everybody has to use water. Water supply, drainage, electricity or even lifts, elevators, they are all things that have to do with housing.

Q. That's my point. Now, in Hong Kong, is it the Water Supplies Department which is the specialist government department dealing with water?

A. Yes, true. The Water Supplies Department is a regulator of water issues in Hong Kong.

Q. That's right. And the Housing Authority has to comply with the Waterworks Ordinance and regulations?

A. Yes, correct. We don't have an exemption.

Q. Please, if section 2 of the Waterworks Ordinance could come up on the screen, the definitions section, and we look at the definition of "inside service". It is relevantly defined as meaning "the pipes and fittings in premises", and then there is a further extended definition.

You see that, Ms Fung?

A. Yes, I do.

Q. So the critical components of the inside service are pipes and fittings.

When solder is added to a copper pipe, the net effect is that the solder becomes part of the pipe; do you agree?

A. (In English) Agree.

Q. And indeed the very reason for soldering is to achieve that outcome, namely that the solder will thereafter form part of the pipe?

A. (In English) Agree.

Q. Could now, please, page 15907 come up. Page 15907 happens to be an example of WWO 542, which is an "Application for water supply/request for work to be carried out by the Water Authority". Are you familiar with this form?

CHAIRMAN: We have yet to find it.

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 05 B

C (In English) Let's take the morning break first and C  
then we can resume later.

D (Via interpreter) We will take a break of D  
20 minutes.

E (11.22 am) E

F (A short adjournment) F

G (11.44 am) G

H CHAIRMAN: (In English) Yes, Mr McCoy. H

I MR McCOY: Ms Fung, I asked for page 15907 to come up. Do I  
you have that in front of you?

J A. (In English) No. J

K Q. On the screen? It's an application for water supply; do K  
you see that?

L A. (In English) Yes. L

M Q. Thank you. If you look at the very bottom right-hand M  
corner, you see it's called WWO 542, and appears last to

N have been revised in the month of September 2008. N

O A. (In English) Yes. O

P Q. If we come up towards the top, it's the "Purpose of P  
Submission", and you have two choices: you can apply to

Q become a consumer, relevantly, of an inside service, or Q  
you can apply to become an agent of a communal service,

R and in this case the application is to apply to become R  
a consumer of an inside service. You see that?

S A. (In English) Yes. S

T

U

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 05	
C	Q. Come down to the last quarter of the form. The name of the consumer is the Director of Housing; yes?	C
D	A. (In English) Yes.	D
E	Q. Is the Director of Housing the consumer for the purposes of each block and estate under the authority of the	E
F	Housing Authority?	F
G	A. (In Cantonese) This is generally what they will write down in the form. And when our colleagues signed the	G
H	form, they would usually put down "Director of Housing".	H
I	Q. Right. The particular service address is	I
J	Sai Chuen Road, which becomes Wing Cheong estate?	J
K	A. (In English) Yes.	K
L	Q. If you turn over, page, to 15908, there is, one-third of the way down, a cross-heading, "Undertaking and	L
M	Agreement", and I won't read it all out because it's too difficult, but the last relevant sentence says:	M
N	"The applicant(s) undertake(s) to be responsible for the custody and maintenance of the abovementioned	N
O	service ..."	O
P	Do you see that?	P
Q	A. (In English) Yes.	Q
R	Q. So the applicant was the Director of Housing. The Director of Housing is named as the consumer for the	R
S	purposes of the Waterworks Ordinance in relation to this block, this estate; yes? Is that correct?	S
T		T
U		U
V		V

A. (In English) That is correct as far as this form-filling is concerned.

Q. Right. Please just come down, on page 15908, to "Notes". Number 1:

"This application includes among other things the undertaking referred to in Section 7 of the Waterworks Ordinance ..."

Do you see that?

A. (In English) Yes.

Q. Right. If you please put that away and come back to the Waterworks Ordinance, preferably in Chinese, please. Back to section 2. I hope that's up on the screen in front of you. You see the definition of "consumer" means "a person who is approved under section 7 as a consumer of a ... inside service".

If you would come over, please, to section 7, it provides:

"The Water Authority may approve, as the consumer of a ... inside service ... any person who --

(a) occupies the premises; or

(b) is responsible for the management of the premises or any part thereof; and

(c) gives an undertaking, in such form as the Water Authority may specify ..."

This is the undertaking which I just showed you,

signed on behalf of the Director of Housing, is it not?

A. (In English) Yes.

Q. Now I would like to ask you some questions about the role of the Water Supplies Department in relation to the Housing Authority and estates.

We have seen WWO 46, and if you want it to come back up on the screen, I'm sure it can. Are you able to confirm that there is no role in WWO 46 for the contractor? The contractor does not sign the form?

I don't want this to be a test of memory. That's not fair. Would you like to see it?

A. Part I of the form is probably signed by the licensed plumber, and the licensed plumber was employed by the main contractor. So you can say that the main contractor would be responsible for the acts of the licensed plumber.

Q. That's a matter of law which I won't debate with you, appropriately, at the moment.

The licensed plumber is a person approved by the Water Authority, is he or she not?

A. (In English) Yes.

Q. And the parties who sign WWO 46 are, first of all, an authorised person; yes?

A. (In English) Yes.

Q. And an authorised person is, by law, a highly qualified

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 05 B

C specialist in an engineering, building or appropriate C  
discipline; for example, an architect, yes?

D A. (In English) Yes. D

E Q. So you've got a highly qualified professional, and the E  
other party who signs it is a licensed plumber; yes?

F A. According to the WW Ordinance, the role of the licensed F  
G plumber has been mentioned, but there's no mention of G  
H the authorised person. H

H Q. But the form is signed by the authorised person. H

I A. Generally speaking, before signing the form, during the I  
J drafting stage or design stage, the subordinates of the J  
K authorised person would submit to the WSD designs of the K  
L waterworks for approval, and after that a WSD letter of L  
approval would be granted. L

M Q. Please confirm with me that the responsibility of the M  
N authorised person is a personal responsibility; it's not N  
delegable to others, is it? N

O A. Under HA's projects, we are exempted from the Buildings O  
P Ordinance. Our normal practice -- well, we have P  
an understanding with the Development Bureau. P

Q Q. We may be at cross-purposes. It will be my fault. Q

R A. For HA's projects, when we see the words "authorised R  
S person", it may well be the contract manager can sign it S  
or the delegates of the contract manager, and it would S  
T apply in those cases. You can refer to the Development T  
U  
V



C Bureau's website, under the section "Construction  
Matters", "Construction Guidelines", and so on. C

D Q. I would like, for ease of questioning, then, for WWO 46 D  
E to come up, and a convenient example is at page 14089. E  
F I think it's on the screen in front of you now, Ms Fung. F

G So here we have part I, and at the bottom you see it G  
H is signed by the licensed plumber, and opposite that is H  
I the authorised person, who is a representative of the I  
J Housing Department; do you see that? J

I A. (In English) Yes. I

J Q. Thank you. J

K If you turn over to 14090, part II is to be K  
L completed by the registered consumer, and we have L  
M already seen that the consumer is the Director of M  
N Housing. And the Director of Housing, as the consumer, N  
O applies for a new water supply. Do you see that? O

N COMMISSIONER LAI: Hold on a minute. N

O (Discussion off the record) O

O We are not showing the right page. O

P MR McCOY: I'm so sorry. I'm sorry, I have created my own P  
Q core bundle with the numbers, and I had taken out the Q  
R volume numbers inadvertently. I do apologise. R

R While that is happening -- and I'm sorry to burden R  
S the Secretariat with that -- it's page 14090 I'm looking S  
T for, which is part II of WWO 46. T

T

U

V

T

U

V

MR SHIEH: (In English) B6.2.

MR McCOY: So we now have coming up on the screen, 14089.

If we can move to 14090, the next page. Yes, that's  
it.

Now, Ms Fung, to bring you back to speed, this is  
part II of the form, and it is to be completed by the  
registered consumer for the new water supply; you see  
that?

A. (In English) Yes.

Q. And the Director of Housing is the registered consumer?

A. (In English) Or any person signed for Director of  
Housing.

Q. Right. The director doesn't have to personally sign it;  
someone can sign it on his behalf, of course.

A. (In English) Yes.

Q. Would you turn to the next page, 14091.

A. (In English) Yes.

Q. This is part III, and this is signed on behalf of the  
Water Authority; do you see that?

A. (In English) Yes.

Q. And the final part of the form, relevantly for us at the  
moment, part IV, at page 14092, that's to be completed  
by the licensed plumber; you see that?

A. (In English) Yes.

Q. If we turn over to 14093, part V, the end, it's signed

by the Water Authority?

A. (In English) Yes.

Q. Now, understanding your point that when the licensed plumber signs, you say that's a relationship on behalf of the contractor.

A. (In English) Yes.

Q. Just put that to one side. I understand what you are saying. But you are agreeing with me, apart from that possibility, there is no role for the contractor in the relevant five-part form?

A. (In English) Actually, operations doesn't work like that, because it's the contractor.

Q. (Chinese spoken).

A. The contractor would submit this form to our colleagues for our signature. Normally the form would be attached with a letter when our approval is sought. So, first of all, we would vet the information provided by the licensed plumber -- well, they would vet the information written by the licensed plumber before submitting to us for approval.

Part III of this form is issued from the WSD to the licensed plumber. Our colleagues might not have a copy of that and they might not be aware of the content.

Q. My question was about the role of the contractor. I am asking you to confirm that the contractor has no express

role in terms of that form; "yes" or "no"?

A. On the form, we see no part that requires the contractor's signature. But as I mentioned, when the contractor submits this form to our colleagues for approval, the contractor is aware of what's written.

Q. Now would you please look at the Waterworks Ordinance again, and if it could come up, please, in Chinese. Again, I apologise to the Secretariat for the inconvenience I am causing to them.

If we look at section 4 -- and I'm not asking you questions of law, that would be wholly unfair, but I am just asking you to note with me that section 4 imposes duties on the Water Authority. Do you see that, Ms Fung? Section 4.

A. (In English) Yes.

Q. It imposes duties on the Water Authority.

If you then come across to section 12, it also provides that the Water Authority -- and I'm leaving some words out -- but can at any reasonable time enter any premises, and you see section 12(1)(e) said the Water Authority can at any reasonable time enter premises -- then there's a whole series of words -- including to inspect and test "any part of the waterworks".

Do you see that?

A. (In English) Yes.

Q. And this power is one that the Water Authority might be able to exercise by itself or perhaps somebody might be able to ask the Water Authority to do it, such as a government department or another organisation. Would you agree with that?

A. (In English) Yes.

Q. If you are unsure, just say so.

CHAIRMAN: She answered the question. She said "yes".

MR McCOY: Forgive me, I'm so sorry. Sorry.

Now -- I am getting to a point very soon -- could we turn to the Waterworks Regulations, please, which also come in Chinese. What I am going to do, Ms Fung, is to suggest to you that the Water Supplies Department has many duties and responsibilities in relation to the construction of the inside service, and has many opportunities to inspect whether it is compliant.

So, first of all, if you come to Regulation 5 please. If you look at Regulation 5(1) -- and I'm not going to read it all out -- but the material words really are that the Water Authority can give permission to construct an inside service, and an application for an inside service has to be accompanied by such plans, specifications and other information as the Water Authority may require. Do you see that?

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 05 B

C A. (In English) Yes, correct. C

D Q. That would make common sense, wouldn't it, that you have D  
to tell them what you intend to do, and that should then  
E alert them to what duties they have which may be E  
engaged; agree? F

F A. (In English) Agree. F

G Q. Then, please, if you come across to Regulation 21. G  
Regulation 21(1) provides that the Water Authority may  
H require any pipe or fitting before it is installed or H  
I used to be tested. Do you see that? I

J A. (In English) Yes. J

K Q. So clearly they have another source of power to inspect K  
or test pipes and fittings, and any part that makes up  
L the inside service? L

M A. (In English) That's right. M

N Q. That's right. N

O Now let's go up to Regulation 20, the one just above O  
it. First of all, it says:  
P "Subject to Regulation 25 ..."

P And I am going to spoil the mystery. If you just P  
Q come and look at Regulation 25. Because it provides Q  
R that the Water Authority can either generally or in any R  
S particular case relax the provision of the Waterworks S  
T Regulations in relation to various aspects of pipes or T  
U fittings. And you see Regulation 25(2): U  
V

"The Water Authority may approve any pipe or fitting which is not of the British Standard."

Now, having looked at that, please come back to Regulation 20. Because Regulation 20(1), avoiding the words before the comma, says:

"... every pipe or fitting shall be of the British Standard."

Yet the words before the comma, referring to Regulation 25, actually permit the Water Authority to approve any pipe or fitting which is not of the British Standard.

A. (In English) Yes.

Q. So the Water Authority has a very considerable discretion as to what constitutes a pipe or fitting; yes? It's got many powers.

A. (In English) It can approve any departure.

Q. Correct. And if you look at Regulation 20(2), it's quite long, but as long as the Water Authority's opinion is that the relevant pipe or fitting, that its efficiency or its suitability will not be affected, it's allowed or it's allowed to deem compliance with the British Standard. That appears generally to be what it says; do you agree?

A. (In English) Yes.

Q. Then -- only two more bits -- if you come back to

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 05	
C	Regulation 6 now. So we have seen that the Water Authority has a whole lot of powers and discretions.	C
D	Then at Regulation 6(1):	D
E	"A person who constructs or installs a ... inside service shall apply to the Water Authority in such form as may be specified for --	E
F		F
G	(a) inspection and approval of the ... inside service ..."	G
H	That appears to be WWO 46, perhaps; do you agree?	H
I	A. (In English) Yes.	I
J	Q. We see down in Regulation 6(3):	J
K	"No pipe or fitting forming part of a ... inside service shall be used or covered up until it has been inspected and approved by the Water Authority."	K
L		L
M	Yes?	M
N	A. (In English) Yes.	N
O	Q. So the regulation appears to be repeatedly giving the Water Authority the duty of inspection and approval of the inside service throughout the construction phase; would you agree?	O
P		P
Q	A. (In English) From these processes, yes.	Q
R	Q. Yes. Now, once the inside service is actually approved by the Water Authority, Regulation 7 comes into play, because then, under Regulation 7(1):	R
S		S
T	"... a consumer shall be responsible for keeping	T
U		U
V		V



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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 05 B

C an inside service clean." C

D Well, this would appear to show that the Director of Housing has the obligation of keeping the inside service D

E clean, which must mean safe and not involving danger. E

F Do you have a reaction to that proposition? F

G A. (In English) This is after occupation. G

H Q. Correct. It's "a consumer", is the word, and the consumer is defined as the Director of Housing. H

I "Occupant" is not there, it's consumer, and that's you. I

J A. (In English) After occupation, what would happen is that if the premises are being let out to tenants, then the J

K consumer would be changed to the tenants themselves. K

L Q. I see. So, until you let it out, your position is that you might be having that obligation? L

M A. (In English) Yes, on the face of it. M

N Q. Now could we just look at Regulation 2, please: N

O "BS means the latest revised edition of a specification issued by the British Standards Institution ..."

P "The latest revised edition". So there plainly is an obligation on someone to keep up with revisions to P

Q the specifications; correct? Q

R A. (In English) Correct. R

S Q. If you then turn to schedule 2 of these Regulations -- that's probably page 16 for the Secretariat -- S

T

U

V

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 05 B

C schedule 2, we see a cross-heading, "Part 1". Do you have that? C

D Do you see that? D

E A. (In English) Yes. E

F Q. Thank you. F

G Now, part 1 is called "Pipes and Fittings", and if you look at 1(3) you see this, in English: G

H "Pipes on a fresh water inside service shall be made of ..." H

I Then it specifies a number of materials, including I

J copper. J

K A. (In English) Yes. K

L Q. We can see already, at item number 5, references to a British Standard, because against number 5(a) it says, "Cast iron pipes shall comply with BS 4622", and there's a reference to BS 4772 on the same line. L

M M

N A. (In English) Yes. N

O Q. I won't go through all of this, obviously, but if you look further, especially on the next page, from items 9 right down to 21, there are numerous references to different BS to deal with pipes and fittings; agreed? O

P P

Q A. (In English) Yes. Q

R Q. Is there no reference anywhere, is there, to a British Standard that deals with lead-free solder; it's not there, is it? R

S S

T T

U U

V V

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 05 B

C A. (In English) 17 says "capillary fittings and sanitary fittings", or 16, so there are a number of clauses referring to copper pipes. C

D

E Q. Right. I'm sorry, I'm not disagreeing with you about that. You do see, as you correctly observe, in 16 E

F there's a reference to BS 2871. F

G A. (In English) Yes. G

H Q. And in 17 we see a reference to BS 864. H

I A. (In English) Yes. I

J Q. But this is the point: neither of those actually deal with lead-free solder, do they? J

K A. (In English) This may be superceded by subsequent BS. K

L Q. My question, and I'll do it again: neither BS 2871 or BS 864, or any revision of them, deal with lead-free solder. That is my proposition. Do you agree? I'm L

M sure you have been told by now. M

N A. (In English) I think I have to double-check, okay? N

O Q. Okay. O

P A. (In English) I can't respond to something that I have not checked. P

Q Q. Very prudent. Q

R A. (In English) Because we know this has been superseded. R

S Q. Very prudent. S

T Do you have any idea how many licensed plumbers there are in Hong Kong? T

U

V

A. (In English) It should be a few thousand.

Q. A few thousand. So with 7 million people, that means one in about 2,300 people in Hong Kong is a licensed plumber? I think it would be right. Maths must be part of an architecture degree, I think. Never mind. All right.

Mr Paul Shieh, senior counsel, helpfully referred this Commission to the provision in section 15 -- of the Ordinance, not the regulation -- section 15.

Again, I won't read it out, but the essence is that for the construction of an inside service, only a licensed plumber can construct, install or maintain it. That's the thrust of the legislation; is that correct?

A. (In English) That is correct, but I understand there are subsequent circulars.

Q. Sorry, yes.

A. (In English) Since that the work is being supervised by the licensed plumber.

Q. Right. That's the point. So as long as there is a licensed plumber, he or she, the licensed plumber, can have underneath him or her a number of non-licensed plumbers?

A. (In English) That is what we understand is the practice.

Q. All right. Thank you.

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 05	
C	In the Housing Authority, is there a research and	C
D	development division or department -- I may have the	D
E	wrong label -- but is there an R&D unit?	E
F	A. We do have a function to develop the standards, and we	F
G	do have some R&D work, but that goes on at the same time	G
H	as our project work.	H
I	Q. Is there a separate division permanently dedicated to	I
J	research and development?	J
K	A. Even developing the standards, they would also undertake	K
L	some project works. So they are not single-mindedly	L
M	dealing with R&D work.	M
N	Q. Is there any reason why, then, there is not a permanent,	N
O	dedicated R&D unit?	O
P	A. Generally speaking, our colleagues, in particular the	P
Q	professionals, if they want to balance a healthy	Q
R	development, they must have some frontline experience	R
S	and they also deal with the standards, and they would be	S
T	more in tune with the work and they would not be	T
U	divorced from what's happening, and that would make the	U
V	things more smooth. Normally, 80 per cent of their time	V
	would be devoted to standards and 20 per cent would be	
	devoted to actual work, so they know what the front-line	
	is happening and also doing the development.	
	Q. So how many people are spending 80 per cent of their	
	time inside the Housing Authority dedicated to research	

and development? How many people do that?

A. For your information, other than these colleagues, we have got our colleagues responsible for project, and they spend 80/90 per cent of the time on project and the remaining time on R&D. So I cannot give you any number in general, for your information.

Q. But the people who are spending 80 per cent on R&D, you must have some estimate of how many fall into that category.

You can't help us?

A. I don't have such information with me in hand now, because we are not talking about one single colleague; you have to work out all the staff time and find out the aggregate before we have that staff equivalent.

Q. I want to turn to something different, please. Could the Advisory Committee on Water Resources and Quality of Water Supplies Minutes of Meeting No. 1 come up? I believe it's been handed to the Secretariat.

I will have to create an acronym for this. The ACWRQWSM. There's no mercifully shorter version, I think.

Yes, now it's coming up on the screen, Ms Fung.

Have you seen this before?

A. It was not the same as yesterday's. I think -- I haven't seen this before.

Q. No, no, that's right. You have never seen this before?

A. (In English) No.

Q. Okay. Then this should be a voyage of discovery.

First of all, look at the date. It's 22 May 2012.

A. (In English) Yes.

Q. It's at the conference room of the Water Supplies

Department, and a very distinguished cast of

individuals, including the Director of Water Supplies,

numerous other people with an interest, and including

an Assistant Director of the Housing Department.

I won't name the relevant person. Assistant Director of  
the Housing Department; do you see that?

A. Yes, I can see. He is responsible for maintenance and  
management of housing estates, Mr Chan Siu Tack.

Q. And you also see someone from the Department of Health,  
someone from the Food and Environmental Hygiene  
Department, from the Development Bureau, and an engineer  
from the Water Supplies, and in attendance is the Deputy  
Director of Water Supplies and a cast of senior  
executives from that department; do you see that?

A. (In English) Yes.

(Via interpreter) I do.

Q. Right. We will avoid most of this, but come across,  
please, to item 4, "Publication of Water Quality Data".

We see, at 4.2, the following:

"Mr Chan Kin Man gave the meeting'' -- and he is from the Water Supplies Department -- "a brief comparison between the testing requirements World Health Organization 2008 which was currently adopted by [the Water Supplies Department] and those of [World Health Organization] 2011 which was launched by WHO on 4 July 2011. Mr Chan advised that preparation work for the development of suitable methods for testing of water quality in compliance with WHO 2011 would be completed by [the end of] July 2012 and the associated water quality monitoring would commence in August 2012."

I believe I have read that out correctly. This would appear to show, does it not, that the Water Supplies Department were totally aware of World Health Organization Standard 2011, certainly by May 2012. That's the first thing it shows; yes?

A. (In English) Yes.

Q. Secondly, it shows that the Water Supplies Department were, in that reasonably short period of time, able to organise themselves to be able to test water quality in compliance with that standard; yes?

A. (In English) Yes.

Q. Thirdly, it also shows that by that time, or certainly the next month, August 2012, they would be starting water quality monitoring that would comply with World



Health Standard 2011, full stop. You see that?

A. (In English) Correct.

Q. Do you believe they did that? Do you know with whether they did that? You may not know.

A. (In English) I know there's a quality water examination.

Q. But do you know whether they started it in August 2012?

A. (Shook head).

Q. You don't know that. There's a bit more. Let's have a look at 4.4. Now, the chairman, a distinguished man, Dr Chan Hon Fai, said:

"The Chairman enquired when [the Water Supplies Department's] laboratories would be accredited under the Hong Kong Laboratory Accreditation Scheme for water quality testing in accordance with [World Health Standard] 2011."

So he asked the exact question.

"Mr Chan Kin Man [from the Water Supplies Department] replied that some of [the Water Supplies Department's] laboratories had been accredited under [the Hong Kong Laboratory Accreditation Scheme] for selected testing parameters in accordance with [the World Health] requirements, having regard to resources available. That said [said Mr Chan from Water Supplies], the quality assurance system of laboratories was based on the requirements ..."

And he gives a 2005 specification.

"In view that [Water Supplies] would commence the water quality monitoring in accordance with the new standard [WHO 2011] in August 2012, the Chairman expressed his appreciation on WSD's effort on the prompt adoption of the latest water quality standard for monitoring in compliance with WHO 2011."

Ms Fung, I know you haven't seen this before. If Water Supplies Department had done what they said they were going to do in August 2012, it would follow that the lead incident would have been discovered much, much earlier than it was; correct? Years earlier, three years earlier.

A. (In English) The earlier, the better.

Q. (Via interpreter) Of course.

A. (In English) Before that, should be 2005 or 1993.

Q. My question to you is, if they had carried out what they said they were going to do, the lead water incident would have been discovered about three years earlier; yes?

CHAIRMAN: (Chinese spoken).

I think I know the purpose of your questions.

However, I believe that in the bundles from the WSD, you would be able to see, and in fact we had asked the WSD to provide, data for the period between March and

September 2015. We did ask for data earlier than that and we did ask WSD to provide us data to see what they were testing for in those water samples. So we did see that they tested for various parameters stipulated by WHO, but for some chemicals, they might test for them more frequently and some less frequently.

So, while I won't say that your questions are totally wrong, I won't say that they are entirely correct, because test for lead, for instance, depends on where water samples were taken.

We know that when water arrives from Dongjiang, the water would arrive at the Muk Wu pumping station, and as far as we know, they would test for lead there, and then from Muk Wu pumping station to different service reservoirs or water treatment works for treatment, and then after treated, water is also tested for lead.

But of course, that is not done on a daily basis.

I feel that, to be fair, it's not entirely correct to say that the WSD doesn't test for lead. I think the most critical question is where water samples are taken. If it is at the public water supplies system, they would certainly be able to identify problems within inside service.

So you have to make a distinction here, because I think this will be fairer.

MR McCOY: Thank you very much, Mr Chairman. I fully understand exactly what you have said, and I have no wish whatsoever to be unfair to Ms Fung.

CHAIRMAN: No, no, no. Well, you are asking Ms Fung to give evidence, to tell us the actual situation, and actually we have received bundles and we of course also visited the WSD. I am not saying it is right or wrong, but this is the message received.

MR McCOY: Thank you. I will move to a slightly related aspect.

Ms Fung, we can see the Assistant Director from Housing Department was present, and you told us he is from maintenance.

A. (In English) Estate management and maintenance.

Q. Yes. You would accept that the purpose of such a higher-powered meeting, his attendance at the meeting, would be for him to bring back what had been learned from the meeting. That would be the purpose, would it not, of attendance?

A. (In English) I think to contribute as well as to bring back what experience he can.

Q. Yes. What happens when the minutes of this high-powered committee are received? What is the distribution network from the Assistant Director, Housing SD Maintenance, to people in the Housing Authority or the

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 05	
C	rest of the Housing Department? What would be the	C
D	distribution network, so that people would learn the	D
E	valuable items that had been discussed?	E
F	A. (In English) I cannot specifically reply on this point,	F
G	but generally there will be liaison meetings where we	G
H	held with maintenance colleagues about quality. So that	H
I	can be an area for sharing. And probably this will be	I
J	shared amongst the building services colleagues of both	J
K	divisions.	K
L	Q. You have about 2,450 staff in the Housing Authority, in	L
M	your division; is that correct?	M
N	A. (In English) That is correct. It's 2497, to be exact.	N
O	Q. Okay. Thank you. And apart from yourself, there are	O
P	25 chief professionals?	P
Q	A. (In English) Yes, and four senior directors.	Q
R	Q. Beneath those levels, is there a hierarchy of seniority,	R
S	going downwards?	S
T	A. (In English) Yes, senior professionals and	T
U	professionals, and technical grades and also site	U
V	supervisory grades.	V
	Q. Yes. About, round numbers, how many professionals are	
	there in the Housing Authority, in your division?	
	About? Hundreds? 500? 800?	
	A. (In English) Over 500.	
	Q. These people would generally have tertiary education?	

A. (In English) Yes.

Q. And many of them would have been to prestigious universities and have postgraduate qualifications as well?

A. (In English) Yes.

Q. These people represent a highly skilled, multidisciplinary group of professionals?

A. (In English) Correct.

Q. Now, it follows, from what we have learnt in the inquiry, that that large group of talented professionals were unaware of either the risk of lead poisoning or the presence of lead. Were they aware, or were you aware -- you personally, as a distinguished architect in your own right -- of the general concept of lead poisoning before July 2015? Were you aware?

A. (In English) We are not aware of the presence of lead in solder or lead in water, or the impacts of such existence of lead.

Q. I'm sorry, I asked whether you personally, and your first word was "we", so I'm asking you: were you personally aware of the general concept that lead is a poison, before July 2015? Were you aware?

A. (In English) I think this question has to be seen in its own context.

Q. Now, I'm giving you the context. It's before July 2015.

Were you aware of it? You are a distinguished person.

A. (In English) I'm not aware of the presence of lead in solder, and the presence of excess lead in water, and the consequences.

Q. But you are answering questions I haven't asked. I am asking you a different question. My question is: were you aware of the general concept that lead was a poison before July 2015?

A. (In English) But this is not a direct relationship of the excess lead in water. Being known, the problem of lead -- or, for example, petrol, or unleaded petrol, as a kind of general concept, I think as citizens we do have these kind of broad concepts.

CHAIRMAN: The concept that lead is a poison I think is just a very general or a simple question. Lead is a poison or lead is poisonous; were you aware of this concept prior to July 2015?

A. Well, generally speaking, the concept that lead is poisonous, and that some petrol contains lead and there is also unleaded petrol and some food may have lead, well, this is general knowledge, I have heard of it.

CHAIRMAN: So you do know that lead is a poison? All right.

You may continue. So you do know that lead is a poison?

You do know that?

A. (Nodded head).

CHAIRMAN: All right.

MR McCOY: You have said several times, over several days, that the Housing Authority did not know that there was lead in the solder that had been used on the estates. You have said that several times.

A. (In English) Yes.

Q. How do you know that the members of the Housing Authority, the 2,496 other people, were unaware of that fact? How do you know that? Because another possibility is they were aware of it, they just did nothing about it.

A. Generally speaking, as we understand, our colleagues were not aware of the situation, of the issue.

Q. But my question is, how do you know they were unaware of it? How do you establish that?

A. We rely on the information provided by our frontline staff.

Q. Your position is that, with all your professionals, no one was aware of the risk that solder posed; is that your position?

MR YIN: (In English) Chairman, I don't mean to interrupt Mr McCoy, but, to be fair to the witness, she never said that each and every individual within the Housing Authority did not know. She said the Housing Authority as a whole did not know. There is a difference. She



was giving evidence on behalf of the Authority.

MR McCOY: You see, if you have such a large batch of talented professionals who were unaware of the risk, it is really unfair to assume that a contractor should have the same or a different state of mind.

A. Our contracts have stipulated that the soldering material used must be of the lead-free category. This has no relation with whether our colleagues or our developers know that the material is lead-free. According to the contract, the soldering material must be lead-free.

Q. The only reason why the contract stipulates lead-free, the rationale for that, is because it was believed there would be a risk if lead was used. Do you agree with that?

A. When the specifications were drawn up years ago, the table in BS was referred to, and in the footnote the category of solder used should be lead-free, and as such it was included in the specifications.

Q. You know, we are just going to waste a lot of time, which is not my wish. The reason why the specification exists is because there is a known risk, and that is the reason why lead-free is specified.

A. At that time, our colleagues referred to the British Standard, and they just included them in the

specification. It doesn't mean that our colleagues were aware that the solder contains lead.

Q. So it was important enough to be in the contract, but not important enough to be checked or inspected?

A. For high-risk areas, we had certain requirements in our inspection standards. We would step up inspections. As

I have said more than once, we were indeed not aware at that time. After the incident in July, we became aware of that.

Q. But the very existence of a site inspection form is because the Housing Authority must audit or check what the contractor or trade workers do; is that right?

That's the rationale for the creation of a site inspection form.

A. The form served to help our colleagues carry out site inspection or periodic inspection. They would take that form as a guideline.

Q. Do you accept that the direct cause of lead in the water, the excessive lead in the water, in the relevant housing estates, is because soldering material containing lead was used in jointing the copper pipes? Do you accept that; that's the direct cause?

A. According to the Task Force report, this was the main reason.

Q. But I'm asking you, do you accept that?

C A. After the study by experts, they came to this  
conclusion. I concur with that conclusion.

D Q. Can I suggest to you that the indirect cause is that the  
E direct cause went unnoticed, because there was no  
F in-progress inspection or test during construction?

F A. In terms of risk, no one was aware of the risk. So in  
G terms of material and in-work inspection, we weren't  
H aware of that.

H Q. And the indirect other cause is because no proper water  
I sample tests on lead and other heavy metals were taken?

J A. Generally speaking, in the testing and commissioning  
K stage, if such tests existed we would have detected the  
L problem, but in the absence of such tests we could not  
detect it.

M MR McCOY: Excuse me a second.

N I think I have exceeded my welcome with this  
O witness. I am grateful. I have many other things but  
I shall wait to witnesses who have greater hands-on  
knowledge, to put the issues to them.

P CHAIRMAN: Thank you.

Q Mr Pennicott?

R MR PENNICOTT: Mr Chairman, I don't have any questions for  
S this witness, but can I just make this observation by  
T way of a marker?

T I was proposing to ask the witness some questions

about the switchover from the galvanised lined pipes to the copper pipes, in about 2002, that she refers to in her witness statement.

My understanding is, from the questions that Mr Shieh put to the witness, that there's a possibility at least that we will see some documentation which shows us, as it were, the document trail that led to the decision to switch over.

In those circumstances, I don't think it would be sensible for me to start asking questions about that particular process at this stage. If the documents turn up, then perhaps I will either ask this witness or some other witness about that particular topic. So if I could just put down that marker, rather than waste time asking questions at this stage.

CHAIRMAN: Thank you.

MR PENNICOTT: Thank you very much.

CHAIRMAN: Mr Lam, would you like to ask your questions or leave it until after lunch?

MR LAM: All right.

CHAIRMAN: So let's take a lunch break and we will re-convene at 2.30. Thank you.

(12.51 pm)

(The luncheon adjournment)

(2.33 pm)

CHAIRMAN: Mr Lam.

Cross-examination by MR LAM

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

This morning, Mr Wong SC for the Water Supplies Department put a question to you. If I refer you back to C6.1/4506, regarding Kwai Luen Estate.

Madam Fung, the context was the timing, the date of various forms and the testing, and so on. Basically, what they said was that when the test was done, the water certificate has been issued.

Let's refer to page 4506. Here, the test is about chlorine.

A. Yes.

Q. We haven't got all the information. All the documents. I'm sure you are also digging up the information. But according to our record, if you just test chlorine -- it would be at a pretty late stage, and you commissioned the laboratory to test chlorine, to see whether the water contains chlorine, that would be a special request, it's not part of the eight parameters kind of test; would you agree? At least that this is what we can see.

A. I agree. Some of the tests are more than what is required by the WSD. Before the OP or before occupation, we would carry out cleansing and

C disinfection. We would check the chlorine before  
occupation. This report presumably is the test. C

D Q. Yes, it is at a very late stage, prior to occupation,  
E there was some test on chlorine to see whether there was  
any exceedance. E

F A. Yes. F

G Q. We can dig up more information later on to look at the  
H chronology, but for this, for the time being, this is  
not the test conducted under the Waterworks Ordinance? H

I A. Yes. I

J Q. Let's flag up this one until we have all the  
documentation, and also the document trail. J

K If I may put this to you here: under the law, the  
L Water Supplies Department ensures water safety and  
M quality, to make sure that the people of Hong Kong can  
consume the water safely? M

N A. Right. N

O Q. Let's use the common-sense approach suggested by the  
P chairman. You would not just test up to the connection  
and stop. Presumably, using common sense, you would  
Q test all the way to the point where the water reaches  
the user; would you agree with me? Q

R A. I agree. R

S Q. Mr McCoy SC showed you the WWO and WWR. I don't have to  
T repeat them. They do have wide-ranging powers conferred  
U  
V

upon the WSD to make sure the water is safe to consume?

A. Right.

Q. Now, for the role of the Housing Department, in terms of plumbing and water quality, is it the case that at the end of the day, whether it is the specification or the legal requirements, that the HD would comply with the WSD requirements and come up with all the standards for the main contractor to comply with?

A. Yes, we would comply with the law, we would act in accordance with the requirements of the WSD. We follow their standards. But sometimes, if necessary, we would go an extra mile, like before occupation or before handing over the units to the users, we would cleanse the tank to guard against Legionnaires' disease. That's the extra step that we take. But for the standards and requirements regarding the tests, we would follow the parameters laid down by the WSD.

Q. The HD will follow their expertise. Is it really a normal kind of thinking?

A. Yes. We are no different from other developers. Where necessary, we would take an extra step.

Q. Let me put this to you, Ms Fung. There are some specifications I would like to take up with you. B4.2, item 74, page 3405.

The heading is "Kwai Shing Circuit Contract

Booklet". Each main contractor would have such a contract booklet to follow up on the issues; is that right?

If you turn to page 3483, earlier you said that regarding the specifications, you act in accordance with the law and also the WSD requirements, and asked the contractors to comply with the specifications.

If you look at number 1:

"The Specification referred to in the Articles of Agreement and Conditions of Contract shall be deemed to include all the following:

(a) The Hong Kong Housing Authority Specification Library 2008 Edition (SL) issued by the Housing Department ..."

Can you see that? In other words, the main contractor has to follow the Specification Library; 2008 Edition applies to this contract.

B2, item 25. We are going to see the 2008 edition regarding the specification library. Page 575. That's the table of contents.

If you move down to the bottom of this page, on the left-hand side you should be able to see Specification Library 2008 Edition. That's the edition that applies.

Page 581, "Pipes, fittings and joints". PLU1:

"All pipes and fittings shall:



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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 05 B

C "1. Conform to this Specification. Alternative materials may be used if approved by CM; C

D 2. Be constructed of materials suitable for the D

E required working and test pressures and temperatures of E

F the fluid carried. Comply with BS 6920 for internal F

G lining of pipes and fittings for potable water." G

H You got that, right? H

I So in the handbook as well as the specification I

J library of the Housing Department, the main contractor, J

K at least Shui On, should comply with BS 6920; is that K

L right? L

M A. Yes. M

N Q. Let's have a look at BS 6920. I would like to put some N

O questions to you. O

P My understanding is that you have to pay for P

Q this BS. So BS 6920-1. I would like to put some Q

R questions to Madam Fung regarding this specification. R

S Thank you. We should have a lot of copies but we S

T can't find them. Perhaps we will let Madam Fung have T

U some copies. U

V (Handed). V

This is BS 6920. That has to be complied with.

On page 1, not the cover but page 1 inside: this

British Standard has been prepared under the

environmental sector and comes into effect on

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

B Commission of Inquiry into  
Excess Lead Found in Drinking Water Day 05 B

C 15 May 2000. C

D Have you got that? The inside page, lower left-hand  
corner; you have got that? D

E A. Yes. E

F Q. In other words, the BS 6920 was effective in May 2000? F

G A. Right. G

H Q. If you turn over to page 4, there is a table there.  
Under 8, "The extraction of metals", there is a table  
there: H

I "When tested in accordance with BS 6920-2.6 ..."  
I

J Number 2, this is the steps to be taken during test,  
and number 1 is the specification: J

K "... the product shall be deemed suitable for  
K

L contact with water intended for human consumption ...",  
L

M if the above specified metals in the final extract  
M

N exceeded the specified limit given in table 1. The  
table is under there. N

O In other words, if the test doesn't exceed the  
O

P limits in table 1, then the water is fit for human  
consumption; is that right? And it goes on to say that P

Q if there is any exceedance, then water is not fit for  
human consumption. Q

R Let's take a look at table 1. There is a test for  
R

S lead. In May 2000, BS was 25 micrograms per litre;  
S

T right? T

U

V

A. Yes.

Q. Now I would like to be enlightened on this. The specification library, fittings and pipes, is about the inner lining of pipes, and yet the heading here is "Non-metallic products". Now, if we talk about copper pipes, that should be metallic. How come the lining is non-metallic? Could you please enlighten me on this?

A. Well, this BS is for non-metallic products, from what I see here, and the specification here refers to inner lining of pipes.

Q. In other words, this specification was valid at that time; right?

CHAIRMAN: Can you repeat? Please speak slowly.

MR LAM: In other words, this specification on fittings and pipes was applicable to standards of MCs on what pipes and fittings for potable water.

CHAIRMAN: That depends on what pipes you are talking about and whether the pipes have lining, have inner linings. If the pipes do not have linings --

MR LAM: Yes, so I would like to ask Madam Fung whether we talk about the linings of pipes.

CHAIRMAN: What pipes?

MR LAM: Copper pipes.

CHAIRMAN: Do copper pipes have lining?

A. Well, copper pipes do not have internal lining.

C MR LAM: Then, even under this BS specification, in  
D May 2000, the limit of lead allowed is 25 micrograms per  
litre; am I correct? D

E A. Looking at table 1, that's the case. E

F Q. According to our information, it was not until 2014,  
that is BS 69 -- F

G CHAIRMAN: Hang on. Wait. I might be wrong but I have the  
H feeling that you are taking things out of context,  
because it says here, "The extraction of metals": H

I "When tested in accordance with [British Standard]  
J 6920-2.6, the product shall be deemed suitable for  
K contact with water intended for human consumption ...",  
L if the amount of specified metals in the final extract  
do not exceed the specified limits given in table 1. L

M Final extracts does not necessarily equal water, on  
N 6920-2.1, depending on the tests and solder used for  
obtaining those extracts. N

O MR LAM: I don't know. Do you understand? O

CHAIRMAN: Because I'm a science man.

P MR LAM: (Chinese spoken). P

Q MR YIN: Can I point out one point? To be fair to the  
R witness, if we look at BS 6920, read out by Mr Lam, it  
S was taken from PLU1.10.5. There is reference to BS 6920  
T for internal lining. The witness already said that  
U copper pipes had no internal lining. U

C CHAIRMAN: It's not that I want to stop that question. But  
D there are a few things. First, copper pipes do not have  
E lining. For GI pipe, they may have lining. So this is  
F may be talking about internal lining of GI pipes has to  
G fulfil certain specification. And how can you fulfil  
H this specification? And that is, if you follow BS 6920,  
I do some tests, and if the extracts have got heavy metals  
exceeding the limits set out in this table, then you are  
not up to standard. How do you know whether it is  
talking about water or not?

J So you have to be crystal clear. If your question  
K is not clear -- of course, Madam Fung may be more  
L knowledgeable in science than I, but if a question is  
M based on unclear premises, it may give rise to unclear  
answers. And the evidential value of such would be  
zero.

N MR LAM: Here it says:

O "... the product shall be deemed suitable for  
contact with water intended for human consumption ..."

P So the extracts, are we talking about the pipes?

Q CHAIRMAN: No, the lining. The lining is deemed suitable to  
be in contact with water:

R "... the product shall be deemed suitable ..."

S I think we talk about the lining, right, and not any  
T other things? We are talking about non-metallic  
U  
V

products.

MR LAM: Madam Fung, may I ask you, for lead, the maximum concentration allowed in this table is 25 micrograms per litre.

A. Well, this is the value on the table.

Q. And in the year 2000, the allowance was still 25 micrograms per litre, as in the year 2000, and the water is intended to be suitable for human consumption.

So, for this product allowance, it was 25 micrograms per litre for lead, not zero, in the year 2000. And at that time, it was not 10.

A. First, I would like to know how that extraction was done and how the test was done. So, offhand, I can't really say whether that's the case or not, the data in the table.

CHAIRMAN: So are you saying that in the year 2000, back then, when GI pipes were still used, some lead was allowed? Is that what you mean?

MR LAM: More or less, Chairman. In 2000, the standard allowed the limit to be 25 micrograms per litre.

CHAIRMAN: What standard are you talking about?

MR LAM: Concentration of this amount.

CHAIRMAN: No, you are talking about the WHO drinking quality or British Standard concentration?

MR LAM: We are talking about the British Standard, yes.

Back then, we were considering the BS specification.

In 2000, at least, in May 2000, according to the table,

the maximum concentration of lead allowed was

25 micrograms per litre; right?

A. Yes.

Q. Okay. Still on the British Standard. In front of you,

there's a follow-up edition, the fifth edition, in 2014.

Please turn to page 2.

A. Yes.

Q. We are handing it out. That's an updated version

in 2014.

You may turn to page 2, British Standard, fifth  
edition, June 2014. The one we referred to previously  
was May 2000. That's the fourth edition.

When did it come into effect? Turn to the foreword,  
page 3. Publishing information, on 6920, the BSI, it  
came into effect on 30 June 2014; right?

A. Yes.

Q. Well, under the law, we are required to follow their  
updated version.

Page 6, the same table. The allowance for lead  
in 2014, as at 30 June 2014, lead concentration became  
10 micrograms per litre.

A. Yes.

Q. In other words, the British Standard changed to

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 05 B

C 10 micrograms per litre on 30 June 2014, and Hong Kong C  
had to follow?

D A. That applies to lining. D

E Q. Yes. As far as lead is concerned, take cyanide, there E  
is zero tolerance, but with lead there is some  
F allowance; right? At least according to this table, F  
G there is some allowance. It's not that a very trace G  
H consumption is problematic. H

I A. I can only say that the data here has been amended. I

J CHAIRMAN: Well, water itself, it's not that water must be J  
lead-free. If this is what you want to present, you  
K don't have to beat around the bush. K

L MR LAM: At least for the BS, the amendment was only made in L  
30 June, on 30 June 2014.

M CHAIRMAN: To keep abreast of development, it only M  
happened --

N MR SHIEH: Well, overseas it might be 25 or 30, but for most N  
O of the public housing estates in question, even if you O  
P use the 25 micrograms, then that lead is still P  
Q excessive. You should not seek to lessen the guilt Q  
here.

R MR LAM: No, I just wish to say that even for the British R  
Standard, it was only changed from 25 to 10 in 2014.

S CHAIRMAN: I still fail to get what you want to get across. S

T MR LAM: Of course, there will be different values at T  
U  
V



different times, but 10 micrograms for lead as the maximum allowance, that only took effect quite recently.

CHAIRMAN: Are you talking about the BS standard or WHO standard?

MR LAM: BS.

CHAIRMAN: For this product, different products might be different. On this product, for non-metallic materials, we can see that in 2000 there is the 6920 standard, and then in 2014 there is another standard.

A. There was a change from the 2000 version to the 2014 version.

MR LAM: What I'm trying to find out is that -- in your statement, you keep talking about the risk-based approach. Many of my colleagues have already asked a similar question. So the question is whether there was a high risk or a low risk.

You said that there are so many things that you have to test, and you said many times that in the industry and also, for that matter, in the HA, whether it is HA projects or the private sector projects, in terms of lead in soldering materials, to use Prof Cheung's words, there was a lack of awareness and you didn't realise that there was such an issue.

A. Right.

Q. With regard to lead in the soldering materials, at that

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 05 B

C time -- now, we looked at overseas experience in Wales. C

D There were some children who suffered from headaches and D

E vomiting and so on, and there were individual medical E

F cases that occurred. F

G This copper fitting has been around for some G

H considerable time. Do you know any medical cases -- H

I CHAIRMAN: I beg your pardon? You talked about lead I

J poisoning and the medical cases involving lead J

K poisoning. K

L MR LAM: Because of the water pipe. L

M A. Are you talking about water pipe? M

N Q. Yes, for fresh water, drinking water. N

O A. I'm not sure. O

P Q. Let me put it this way. If there were medical cases P

Q involving lead poisoning for drinking water, I'm sure it Q

R would be possible knowledge in the industry. R

S A. For serious cases that would attract public attention, S

T we would be aware of it. T

U Q. But in your understanding or in the understanding of the U

V industry, there were no particular incidents arising V

from lead poisoning due to consuming drinking water?

A. We are not aware of that.

Q. When you look at the risk-based assessment, if there was

a very serious medical issue, it would have become

a pointer, right?

A. Right.

Q. These materials have been in use for a long time and in your understanding there were no medical issues. Were there any particular incidents that alerted you to the high risk of lead in soldering materials before July 2015?

A. Before, we didn't have this awareness.

Q. I would like to put this to you. On what basis did you have the awareness? In a building, if tiles come off, then we would understand it would be a grave danger.

A. Yes.

Q. If the plumbing system is not water-tight enough, there is always leakage, then it would be something of concern.

A. Yes.

Q. So, with regard to lead in the soldering materials, why is it that nobody raised it and why is it that in the construction industry it was considered a low-risk situation?

A. First of all, we didn't have this awareness that the soldering materials would contain lead, and also caused the lead content in the drinking water to be in excess of the standard, and also detrimental to health. We didn't have this awareness before July 2015.

Q. I understand there was no such awareness, but why is it

all of a sudden there was such an awareness, other than the fact that the tests showed excessive lead? I would like to find out about the risk management.

A. First, whether there were any medical incidents, and second, whether there are any tests to show that the drinking water contained excessive lead, otherwise we wouldn't become aware of it.

Q. Now, under the eight parameters, lead wouldn't be something that was tested. Let's come back to the risk management. Under what circumstances, in the absence of any medical incidents, in the absence of any particular pointers, would somebody think of the lead, potential lead in the soldering joints or the piping joints?

A. If there are any signs or indications that cause these worries, then we would follow up; like the Legionnaires' disease, it was public knowledge all over Hong Kong. So, other than the WSD requirements, we would take an extra step to cleanse the water tanks. So there would be some incidents that would arouse our concern and then we follow up on the situation. If lead was picked up in the water, elsewhere or in Hong Kong, we would have this awareness.

Q. At least you would ascertain the seriousness of the situation and also the causes, right?

A. Right.

Q. To keep up with the waterworks, in relation to overseas experience, do you think it is the HA or it is the Water Supplies Department that should keep up to date with the situation in overseas countries?

A. We follow the legislation regarding drinking water, so we would abide by the guidelines and the requirements of the WSD. The HA has to abide by the laws in Hong Kong, or the WWO.

Q. In other words, at the same time, you have to rely on the WWO and also the British specification?

A. (Nodded head).

Q. Let me come back to the 25 mg and 10. Now, 25, in terms of lead in water, in the year 2000 through to 2014, this allowance of 25 mg per litre, how risky do you think it is that cyanide, it has to be a zero allowance, but 25 mg per litre for lead in drinking water? How high is the risk factor?

CHAIRMAN: I think this would be better. In December 2013, the UK lowered from 25 to 10. Are you with me?

Please carry on.

MR LAM: If you want to move on with the times, it wasn't until 2013 that the UK lowered the standard or the level; do you think that towards the end of 2013 we became aware that this was something that we should be further concerned about?

Let me repeat. At least looking at the specification, towards the end of 2013 -- or it wasn't until June 2014 that the new standard was in place. Now, we want to be moving on with the times. It wasn't until very much later that the BS was adjusted to 10 micrograms per litre.

A. Yes, from this table.

Q. In 2014, June, the British Standard was adjusted to 10 per litre.

A. Right.

Q. We do have some documents to show that in 1984 it was 100 micrograms per litre. So in terms of awareness, it wasn't until 2014, 2015 that the BS was changed.

A. Yes, I am looking at 2000 and 2014. There were some changes in values.

Q. My final issue to take up with you -- if I may turn to paragraph 51 of your statement. Page 30 of your statement. Paragraph 51. Have you all got a copy?

"HA's contracts with the contractors are drawn up to comply fully with the statutory and regulatory requirements under WWO."

In other words, for drinking water, you comply with the WWO requirements.

As to the specifications, regarding the solder materials, in other regime there are no specifications

regarding lead in water.

A. Under the WWO, we follow the BS standard, so we stick with the British Standard, and we specify the lead-free category's solder. That's the point I referred to yesterday. So we looked at the BS standard and extracted it from it.

Q. In the contract, there is no stipulation regarding lead content. That much is clear.

A. Sorry, sorry, in the contract, there is no mention of lead content in water. There is no mention of that.

Q. Let's come back to the chairman's point. It wasn't until 2013-2014 that the BS was changed. In 2015, we have the awareness, at least.

CHAIRMAN: You keep on talking about 2014 the BS was changed. How do you mean?

MR LAM: In June 2014, according to the specifications, there was a change from 25 to 10 micrograms per litre.

CHAIRMAN: That's for that product, but for the 1998 BS, you said no.

MR LAM: It's soldering. Lead content in water. I am talking about lead content in water.

CHAIRMAN: Lead content in water?

MR LAM: If we refer to the table, it was June 2014 concerning lead content in water.

CHAIRMAN: I don't think I am with you. You keep referring

to this British Standard, don't you?

After the test has been conducted, the fluids or the extracts cannot be higher than this concentration.

That's all about it. It doesn't refer to water. In any case, you cannot release this much of lead. That's all it is. So that's all in this table.

How is it related to water quality? Of course, this part will be used in water pipes. The question is, this booklet is telling you, if lining is used in pipes, then the lining must comply with one of the tests here, and after the tests the extracts should not contain lead exceeding this concentration.

MR LAM: I totally agree, Chairman. Even in this change in concentration of lead in the extract, the change only took place in 2014.

CHAIRMAN: No. If you would like to talk about water quality in BS -- according to the bylaws, it was changed in December 2013, from 25 it is changed to 10 micrograms per litre. There is no dispute over this point.

I don't think you need to cite this table, because the standard in the UK was changed from 25 to 10 in December 2013. The requirements got more stringent; it's as simple as that.

MR LAM: Okay. There's one last area I would like to explore with you. So everyone is using Fry non-lead



solder. I know that back then a sample, non-lead sample, was submitted and approved. I believe you agree with me that, back then, the understanding was that this material was of very low risk, and therefore all along, whether it be the industry or the HA, was there any concern about how workers deal with this material when it was actually used?

A. Well, I will only say that this is a very mature material in the market. It was used in the private sector and even members of the public may use it for their own home renovation, and there were no signs that the soldering material might be problematic.

Q. In other words, back then, there was not this heightened awareness. Nobody tested whether that solder material was indeed lead-free, and when material was used, actually, or whether it be -- so that is during the construction phase and completion phase. Now, the extent is that you would test at every step; right?

A. We think that since the material approved was lead-free, when it is put to use, it should be lead-free too.

Q. Now, when you are on site, when the packaging for Fry was removed, and when the solder material was being used, now, if the material was swapped or something else, or if there was no genuine compliance, that would not have been observed on site; is that right?

A. After completion, it is difficult to tell with the naked eyes.

Q. What about when soldering is going on?

A. Even if the worker is holding a solder material, we cannot tell whether it is the right brand. A question was asked when a whole row of Fry solder material was seen behind the worker; well, we might be more certain but there is still no guarantee.

Q. Now, if a worker or some subcontractor did not really comply, for whatever reasons unknown to us he chose not to use that material, it was hard to test it out prior to July 2015.

A. Unless you are adopting this very cost-taxing policy of testing at each and every step, you may say so.

Q. Back then, throughout the industry, no one had the awareness to spend so much on such a minor component due to the awareness back then?

A. If we are aware that that is risky, that there are risks, we will certainly do it, but before that no one was aware of such a risk. Looking back, with hindsight, we have this conclusion.

MR LAM: No more questions. Thank you.

CHAIRMAN: Next, Mr Li.

Cross-examination by MR LI

MR LI: Thank you.

Madam, I have a few questions for you. Whether it be 2002 or 2005, there was a change from GI pipe to copper pipes? Even the previous counsel asked you to look up the documents or documentation. Please try to see if you can answer the following questions.

Back then, you were considering the materials of the pipes and also the soldering materials used; am I correct?

A. Indeed.

Q. So, as far as this change is concerned, you were thinking that the pipes and the soldering joints would be in contact with water; is that right?

A. Yes.

Q. From evidence we have heard these few days, when it comes to water quality you would consult the expert, with the Water Supplies Department, and in 2005 or 2002, if indeed there was a change -- you may look up if you want to -- did you consult the WSD on the proposed change? Was there any advice or reminder or views from WSD?

A. I have to look up whether there is this information. As far as I understand, our colleagues did consult the industry in the process, and even international --

CHAIRMAN: I beg your pardon?

A. An international platform. It was an international

copper association. So, in addition to Hong Kong, they look at whether there is BS or international reference for information.

MR LI: So what about involvement on the part of the WSD, WSD's view on the change in materials?

A. We have to go back and check, but it's going to take time for us to dig up documents so long ago.

Q. Understood. So the HA can consult the industry with the intention to understand the industrial practice and whether there would be any difficulties and a number of things.

In addition to the industry, do you have regular meetings with contractors, to get updated with the situation in the market?

A. We do this from time to time. We have regular meetings with main contractors on a bi-monthly basis, and there can be ad hoc meetings, and merchant associations in pipes and sanitary appliances and also trade unions, we have contacts with them from time to time.

Q. So you have these meetings to learn or to get information from the industry. I know the HA is not responsible for recruitment, but you have colleagues from the market. They might have worked for main contractors or private developers, and then they may then come to work for HA. Do you have colleagues with

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 05	
C	such background?	C
D	A. We do.	D
E	Q. Among these colleagues, will some of them be in the senior management, with decision-making authority?	E
F	A. Usually, we recruit at basic ranks.	F
G	Q. But what about very senior engineers from major contractors in the market? Would you employ them	G
H	because of their very rich background, because of their CV, or will you employ these to fill your vacancies?	H
I	A. Well, we always recruit at the basic rank level.	I
J	Q. So you are talking about the basic rank of the grade concerned, not really the lowest strata of the HA?	J
K	A. Yes, it's the former.	K
L	Q. So one of the ways that you can understand the practice in the industry is to consult colleagues that have	L
M	served in the private sector before. You can make use	M
N	of such opportunities to gain information of the industry; right?	N
O	A. Yes.	O
P	Q. In these few days, you have been saying that there was not enough awareness on the part of the HA, but you have	P
Q	included the awareness of colleagues recruited from the private sector; is that right?	Q
R	A. You may say so, in a general sense.	R
S	Q. So, as far as the eight parameters are concerned, the	S
T		T
U		U
V		V

WSD conducts tests on these eight parameters. Now, if the water quality fails to meet the standard, will you receive any information?

A. Well, the results of tests would be submitted to us by the contractor. We do receive the results.

Q. From your evidence, we have heard that you rely on the eight parameters formulated by the WSD. And yesterday's evidence was -- well, there was mention that in this incident, for the PRH estates concerned, most of them were completed a year ago. Do you remember giving this evidence?

A. Yes.

Q. If we look at B15.1, the 2012 circular. It's page 37558. B15.1.

Very quickly, Madam Fung, please take a look at this. Page 37558, a facsimile issued on 10 August 2012:

"This Circular Letter is to supersede Circular Letter No. 6/2002 issued on 26 August 2002."

Do you see that? Two pages down, 37560, the first paragraph there, line two.

"To this end, the consumer or agent concerned shall clean and disinfect a newly installed fresh water inside service before it is given a supply from the Water Supplies Department."

You've got that?

A. Yes.

Q. So, to carry this out before water connection is allowed. (3), further down the page, the wordings are like this:

"Arrange with the Water Authority to collect samples at representative sampling point(s) as agreed by the Water Authority for bacteriological and chemical analysis. The test parameters and the related acceptance criteria are listed in the Annex."

(4):

"To avoid possible contamination, the fresh water mains concerned shall be put into operation within 7 days from the successful disinfection. In this respect, Licensed Plumbers are advised to allow sufficient time for the Waterworks Chemists to carry out sampling and analysis and to avoid arranging disinfection immediately before long public holidays."

So it is a reminder for LPs regarding the things that they have to pay attention to.

So this is about newly installed fresh water inside service, and there are steps that have to be taken.

A. Right.

Q. I'm not sure the Commission has this. This is No. 6/2002. That's a circular letter. (Handed).

While this is being distributed, have you seen this

circular letter before?

A. I think so.

Q. In this circular letter, it was issued on 20 August 2002. The heading is "Cleaning and Sterilisation of ... [the] Inside Service". The first paragraph:

"The newly installed fresh water mains of inside service should be cleaned and sterilised to the satisfaction of the Water Authority ..."

What this paper is concerned about is before the 2/2012 circular, the Water Supplies Department would rely on this circular for the steps; right?

If you compare the wordings, in 6/2002, (a) (3):

"Arrange with the Waterworks Chemists of the Water Authority to collect bacteriological and chemical samples for analysis."

There are also the telephone numbers. Have you got that?

A. Yes.

Q. Compared with the 2012 (3), there are similar wordings. I won't read that out. The only difference is that in 2012 the seven parameters are listed in the appendix, whereas in the 2002 circular, there are none.

Before 2012, answer as far as you can, the WSD would look at a number of parameters in testing water, not necessarily eight. Do you remember how many parameters



were there before, also what substances were included?

A. I can't see that in the circular.

Q. Not in the circular. There is no annex to this

circular. But it is concerned about bacteriological and  
chemical aspects.

A. If you look at (a)(4), the licensed plumber shall allow  
sufficient time for carrying out chemical analysis.

Q. In 2012, there is a similar arrangement: sufficient time  
should be allowed. If you refer to page 37561, number  
(4) there, the wordings are very similar: sufficient  
time should be allowed for the chemists to carry out  
sampling and analysis.

Madam Fung, let me put it this way. In the 2002  
circular, from your understanding, this circular doesn't  
require the testing of lead?

A. My understanding is no.

Q. So all along, the Housing Authority's awareness was  
based on this 2002 circular, and also the kind of things  
that the WSD would be testing, and that contributed to  
your awareness?

A. (Nodded head).

Q. Now, for this 2012 circular, there are eight parameters.

Number 8, "Heterotrophic Plate". If I haven't got it  
wrong, this is about Legionnaires' disease.

CHAIRMAN: About what, sorry?

MR LI: Legionnaires' disease.

A. This has to do with bacteria.

Q. What about other parameters, E.coli, coliforms, these are bacteria that would cause discomfort or some more serious consequences, so you have to test them?

A. Yes.

Q. Do you agree that all along, after the 2002 circular, and then in 2012 you had this circular, in fact, the Housing Authority relied on the Water Supplies Department's parameters, and the WSD would be concerned about the health of the users, and that would be the overriding consideration of the WSD?

A. Yes, this is our understanding.

Q. Whether the source of water would be contaminated would be a matter of concern, but at the end of the day they have the health of the consumers uppermost in their mind?

A. Yes.

Q. In 2015, after the lead incident, four heavy metals were included. Now, for these four items, who suggested that they be included?

A. I think it was from the circular letter of the WSD.

Q. So the WSD took the initiative to include these four items; is that right?

A. That we haven't delved into, but we work on the basis of

the WSD circular.

Q. Now, is it the case that when you became aware of these four items being included, then you became aware of these four items?

A. Yes. People were more concerned about lead after the incident, or heavy metals, and immediately we made sure that lead would be tested.

Q. Cadmium, from the bronze alloy joint?

A. That's silver brazing.

Q. For cadmium as a substance, there may have been brazing. Has the WSD consulted you?

A. We can refer to BS 1254. There is a table there. There is a footnote that refers to this. It covers the two materials.

Q. From your evidence, why the four items were included, it wasn't the Housing Authority that made this suggestion for inclusion, so probably the WSD saw BS 1254 and considered including them?

A. Well, this is part of the work of the experts of the WSD.

Q. Yes, we can ask the WSD.

The final area: yesterday, Mr Paul Shieh SC showed you a letter, that's page B7.4, page 1783, I think.

CHAIRMAN: 17873?

MR LI: 17873.

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

B Commission of Inquiry into  
Excess Lead Found in Drinking Water Day 05 B

C Further down the page -- further down, please. Yes. C

D Madam Fung, one of the paragraphs: D

E "A1 -- Line of Command and Subcontracting." E

F If I may refer you to paragraph 3, "But since the F

G usual practice", that paragraph: G

H "But since the usual practice was for the workers to H

I have the packaged wiring solder material cut into pieces I

J at the workshop first, facilitating the later soldering J

K of joints, it was impracticable to identify the brand of K

L the solder used on site by Yau Lee's site supervision L

M staff ..." M

N By way of clarification, I would like to benefit N

O from your expertise. Fry, for instance, this solder, it O

P comes in rolls. Have you ever picked them up? Have you P

Q picked up a physical item? Q

R A. Yes, I have seen it. R

S Q. Does it come in a roll, like the diameter of a soft S

T drink can? T

U A. I picked it up. U

V Q. About a pound or two? V

A. Yes.

Q. So, during the welding, the welders would cut them up

into pieces so they don't have to carry it in their

hands. If they have to do more than 100 units, it would

be too heavy for them, so they would cut them up into

pieces for the welding work; is that right?

A. Yes, during demonstration, they also cut them up.

Q. In the industry, can you help us, for the "workshop",

does it mean the container boxes which are converted  
into storage for appliances or for materials or for

storing their tools -- now, these may be the site

office, but is it what "workshop" means?

A. It's a workplace. They called it (Chinese spoken) or  
workshop.

Q. Do they refer to it as workshop in English or a store?

A. Either store or workshop.

Q. Now, according to this paragraph, the solder material  
may be cut into pieces at the workshop first. So would

it be a certain store in the construction site and the  
material is cut into pieces for taking to different

units for operations? So we talk about a unit, a store,

a container, at the construction site; do you have this  
impression?

A. I do have this impression but not from the context of  
this text.

MR LI: I have no more questions.

CHAIRMAN: Mr Lee, senior counsel.

MR LI: Please allow me some time to remove my documents.

Cross-examination by MR LEE

MR LEE: I will be the last senior counsel questioning you,

Madam Fung. I would like to ask you questions about subcontracting; okay?

The main contractor wins the tender for a project and then he will be subcontracting the project to the subcontractors; right?

A. For installation of electrical and water supplies, that would be the case. Usually it would be a plumbing supplier subcontractor.

Q. Let's say the HA would like to build a PRH estate, so a main contractor will be employed first?

A. Yes.

Q. And then the main contractor is responsible for the whole site?

A. Yes.

Q. When he tendered for the contract, of course it is not always the case that the lowest bid would get the contract, but of course the HA and the government would like to save money for the community, and you might go for the lowest bid, but if the subcontractor is not the most experienced, then you will not necessarily give them the contract?

A. This is not always the case. We have a two-envelope system. We have a price-related score and non-price-related score, and the tenderer who gets the highest consolidated score will get the contract.

Q. Well, for the successful contractor, I think you would choose a contractor with a track record but are not very expensive? Is it the case in general?

A. No, it depends on the score he gets. For building contracts, 35 per cent would be accorded to non-price matters, such as a safety track record and skills, and 65 per cent is the price factor. So the one who gets the highest consolidated score gets the contract.

But if the price is too low, we will not give it to the contractor with the highest score.

Q. So, according to your experience, is it true that even before a decision is made, you have some idea who will get the bid; is that right?

A. No, that's not the case. No matter whether the tenderer has a previous relationship with us, whoever submits the tenders has a chance, depending on his performance.

Q. All right. So you are prepared that main contractor would always have a subcontractor?

A. Well, for special works, usually there will be subcontracting to more professional subcontractors.

Q. Would the whole project be subcontracted?

A. This is not possible and not allowed under the contract. So that's not allowed.

Q. So the main contractor can carve the project and sublet it to a subcontractor?

A. Under a contractor, there can be no more than two layers of subcontracting.

Q. So it's okay if there is a first layer of subcontractor and second subcontractor?

A. This is possible. The second subcontractor may be a specialist subcontractor in plumbing or special trades. If the construction site is very big, then a third layer of subcontracting may be allowed.

Q. So, now, for plumbing, I would like to know whether -- you talk about a licensed plumber, will he be in the third layer of subcontractor?

A. Well, even in the second layer of subcontracting, there should be a licensed plumber.

Q. So the subcontractor subcontracts his contract to a subcontractor, and he is already a licensed plumber?

A. Usually.

Q. Can it be the second subcontractor?

A. Sometimes.

Q. All right, now, I see two possibilities here. Either the LP, licensed plumber, employs workers to work for him; another possibility is for him to subcontract his work. Are you aware of that?

A. Some LPs may be the proprietor or the person in charge after company, some might be employed by the subcontractor. That's possible.



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 05	
C	Q. Will the LP be doing the works himself, personally?	C
D	A. Well, under the law he is required to do so, but in Hong Kong the general practice is the LP might have	D
E	workers under him to do the works.	E
F	Q. But that is not possible; right? It is impossible for the LP to do everything?	F
G	A. Unless all the workers, all the plumbers, are	G
H	construction site LPs, otherwise that's not possible.	H
I	Q. How many LPs do we have in Hong Kong?	I
J	A. Thousands. I think the exact figure should be better provided by the WSD.	J
K	Q. All right. When it comes to the plumber, will there be another few layers of subcontracting; can there be?	K
L	A. I don't have such information.	L
M	Q. So you cannot rule out this possibility?	M
N	A. Usually, the LP is responsible for monitoring the works.	N
O	Q. But if he has subcontracted his work, then it is not possible for him to supervise?	O
P	A. Well, he can further subcontract, but he has to be responsible. So even if he has subcontracted the work,	P
Q	he has to be responsible for supervision.	Q
R	Q. Well, it should be, but in reality you never know; right?	R
S	A. When works are being done, there should be somebody to supervise the works.	S
T		T
U		U
V		V

Q. That should be the case but you never know that is really the case, because it's impossible for him or for you to inspect each and every site.

I would like to know whether there is someone in the HA or your department to ascertain the layers of subcontracting there are.

A. The contract is awarded to the main contractor to be responsible for the whole project. He is responsible for all items, including installations of water pipes and fittings, and he has this continuous responsibility of supervision on site.

We have reasonable expectation or requirement for the main contractor to continuously supervise the works, and that should be his supervision responsibility above the LP.

Q. So contractually you have given this responsibility to the main contractor?

A. That's only part of it, implementation of works and supervision, and as the landlord, the HA has got site inspection team, colleagues from the site inspection team, to carry out periodic inspections. That is another layer of checking above the main contractor, for quality assurance of the HA.

Q. All right, on the part of the HA, so you do have some form of supervision. Who is responsible for that?

A. Usually -- let's look at the whole contract, we have a contract manager to manage the contract. If it is a building contract, it will be a chief architect. And for supply of fresh water, it will be done by a chief building services engineer, chief building services engineer responsible, in particular in the pump room.

Q. But if there are more layers of subcontracting, would there be someone in the HA to supervise this?

A. Usually, we will know the name of the first level, first and second level of subcontractors chosen by the main contractor. Sometimes, the third layer, and the MC is responsible for supervising these subcontractors. And for colleagues under our chief architect or CBSE, they would take periodic inspections depending on their profession. And on site the work of workers should be the responsibility of the MC who is responsible for continuous supervision.

Q. When it comes to the third layer of subcontractor, sometimes you know who he is; that means sometimes you don't?

A. Well, we have a wages monitoring mechanism. We say that there can, at most, be three layers of subcontracting and there must be an employment relationship between the workers and the third subcontractor.

Q. Do you require your main contractors to inform you in

writing of the different layers of subcontractor? Do you have this requirement?

A. This is a basic requirement. Checking our records, we will know who are the subcontractors. We know, for some cases, there is the third level of subcontracting because we have to monitor the wage records, the payroll records.

Q. Take Kai Ching Estate as an example. Your department was aware who was the lowest level of subcontractor?

A. We should know.

Q. But if they have further layers of subcontracting without informing you, then would you be able to tell?

A. Well, we have to rely on checking the payroll records and then we know who the employers of these workers are.

Q. That means you know who the workers are?

A. We know with what subcontractor they have this employment relationship. That's why, if there is a third layer of subcontractor, we will be able to know.

Q. Now, if the worker tells you, "This is company X, the third subcontractor", and he is lying, how can you tell, if instead of X it should be Y?

A. Well, we are not an expert in detective work.

Q. Well, if he is tricky or cunning, you won't be able to know; right?

CHAIRMAN: It is impossible for her to answer this question.

MR LEE: So you rely on their report?

CHAIRMAN: No, these questions cannot be answered.

A. Well, we require them to pay wages by autopay, there should be MPF contribution records, and then we trust that there is an employment relationship.

MR LEE: I tell you why I am asking this question. I have been told that there might even be six layers of subcontracting. So you understand that I am not asking you these questions for fun.

A. I do see that, but our mechanism is through monitoring of payroll for workers, and then we know who their workers are.

Q. That means you won't have casual workers or illegal workers?

CHAIRMAN: Let's take casual workers first.

MR LEE: Is it possible for the construction site to have casual workers?

For instance, for installation of pipes and fittings you can't have casual workers?

A. They have to have an employee of a company. There must be someone who has the employment relationship.

CHAIRMAN: Let me put this to you. I am learning this from the newspaper. I'm not sure how true this is, from the newspaper. According to the newspapers, for plumbing work, it is undertaken at the end of the contract; maybe

within a month and a half they have to do all the plumbing work within one block. Let's say three months instead of one and a half; let's double the time. The question is, obviously for the third tier of subcontracting, it should be fine. All of a sudden, you would need hundreds of workers who turn up at the site for three months, and after three months there would be no work for them.

My question is, it would be difficult for a company to keep 300 workers for one short spurt of work. Would there be any situation where company A would have ten workers and these ten workers would be given work all the year around, but, when it comes to the end of the project, when work has to be rushed, then these ten workers would be approaching those they knew and they would be given a T-shirt with a number on it and they would be asked to start working? Mr Lee, is that what you are driving at?

MR LEE: Thank you, Chairman.

CHAIRMAN: In other words, it's not a very systematic subcontracting. They need to assemble the team all of a sudden. Let's say the ten workers would say to their friends, "You have to turn up, \$500 a day, you have to turn up and be given the soldering material and all you have to do is put on your T-shirt and start working"?

C A. Well, normally -- C

(Interruption due to audio feedback noise)

D MR LEE: This problem arises from what you said, D

E Mr Chairman. E

F A. Normally, we don't have this short space of time. For F  
G the plumbing work, we have to deal with the water supply G  
H as well as the drainage, and this falls within the H  
I plumbing trade. I

J At the end of the contract, they have to get on with J  
K their work very quickly, but during the course of the K  
L work there are pipes that can be fitted, but to connect L  
M all the pipes and conduct testing and commissioning to M  
N make sure the system is water-tight, if it is not, then N  
O it has to be patched up. This might happen at the end O  
P of the contract. P

Q It is not the case that, towards the end of the Q  
R contract, they need to get the plumbing system together R  
S all of a sudden. For pipes, water supply and drainage, S  
T they are surface-mounted, and they can get on with the T  
U work step by step. U

V This is how it happens. They may make the V  
connection at the last stage. But in individual units,  
they have time to get on with the plumbing work.

Q. So there would be time for them to go to the site, but  
the building has to be built first?

A. Yes. In individual units, there can be plumbing work, they can be fitted, they would do the sanitary appliances first and then they would move on to the plumbing, and that's the process they go through.

Now, let's say there is a downfeed pipe, that would be installed. This is going vertical.

Q. Let's say there is a public rental housing block, how long do you think it would take for this piping work to be undertaken, in terms of man hours?

A. Generally speaking, let's say a 40-storey PRH block, it would take 28 months to build. For the piping work, it would be the second half of the period that would be needed. In the first half of the period, we do not do the plumbing. There will be sample work that will be undertaken. That would be regarded as the standard.

Q. But the chairman asked you a hypothetical question: if they have to rush. Normally this would not happen; is that right?

A. Normally, it is not the case that all the piping work will be bunched together at the end of the contract. It is true that the plumbing work will be left to the end of the contract.

Q. But is it the case that they don't allow very much time for them to do the piping work?

A. Towards the end of the contract, we have the finishing



trades that need more manpower to catch up with the progress. It is not simply one single trade; all of them are intertwined. We have to wait for one trade to complete before other trade will would carry on.

Q. For the piping work, this is left to last; is that right?

A. Yes, the glasswork and also the piping, they are undertaken at the end and there is need for more manpower. For plumbing, during the course of the contract, they can install some of the pipes. It is the jointing work that will be left to the last period of the contract.

MR LEE: Chairman, through Mr Paul Shieh, you should tell us what newspaper you are reading. Perhaps you have got more information than we have.

CHAIRMAN: This is the clipping from the Secretariat.

MR LEE: So these are the newspapers all over Hong Kong.

CHAIRMAN: I wouldn't read the obscure ones.

MR LEE: Madam Fung, you have the subcontracting, however many tiers there are. They get the contract. At the bottom of the layer, they don't get a lot of money. The main contractor would get the largest share. As we go down the tiers, the further down you go, the less money they get; is that right?

A. It all depends on how the subcontracting works, whether

they are including the materials or they are providing the labour. It all depends on the agreement and arrangement between them.

Q. However they try -- whatever the model, the main contractor would not make a loss when doing the subcontracting. Let's say 1 billion, they are not going to subcontract it for 1.5 billion?

A. Our records show that for the third-tier subcontracting, they need to recruit the workers, and we regulate three tiers.

Q. For the first and second tier, what percentage are we talking about, in terms of fees?

A. Well, it's hard to say, because we don't go into that, we don't regulate the relationship between the main contractor and the domestic subcontractor.

Q. Is it commercially sensitive?

A. This is something internal.

CHAIRMAN: Mr Lee SC, I would like to say this to you. As far as we know, the soldering materials would be included. The Housing Authority wouldn't count the quantity. That would be counted within the contract.

MR LEE: So the question that you put, you refer to the fifth and sixth tier, they would have to provide for the material and there would be an incentive of for them to cut corners, wouldn't there?

A. We don't have this kind of notification. For soldering materials, if they get the right type, if they get the right model, whenever buys the materials, it should be up to standard.

Q. It may not be the case because they will have to look at the dollar sign, because they have to provide the materials as well. If they go for the more expensive, the standard ones, and still they can make a profit, probably they would do it, but if they follow the standard, they may make a loss, and there is every financial incentive for them to go for the substandard ones. There is definitely an incentive there, from common sense?

A. From the information, the price of the solder would not be high. It would not make that much of a difference. Of course, it would be more attractive for the subcontractor to make more than money. That's a fact.

Q. The question is, for the last tier, they bid for the project, and then they have to get the sum right. They get the project and have to get on with it and they are bound by the contract, and there is every incentive for them to cut corners, and they may resort to illegal workers; are you aware of that?

A. I must clarify that in our site, this would not be allowed, illegal workers wouldn't be allowed, because

there is the trade test card, the safety card, the ID;  
we have all the records there. So, within the HA sites,  
this has been going on for a long time. We don't have  
the illegal workers.

We also have the payroll for the workers. We know  
for sure who worked on what day, although we don't know  
what floor they are on, but we do have all the  
surveillance records.

Q. So for the HA projects, the police don't have to turn up  
and check about the illegal workers; is that right?

CHAIRMAN: Well, that's not really relevant to the issue.

A. Yes, on this particular point, it is true.

MR LEE: Now, for the leaded solder, I heard that the leaded  
solder would make the process that much faster than the  
solder that contains silver; would you agree?

A. There are two parts to this question. First of all,  
lead-free solder. The other one is leaded solder.

I heard this kind of statement from the industry,  
but we have tried the site demonstration. For the two  
materials, the timing would be more or less the same.  
There wouldn't be any time difference. But if you use  
silver brazing, the tools that will be needed would be  
not the same tools for this solder. They need to have  
the acetylene cylinder; that would take a longer time.  
We did try that out.

Now, for larger pipes, we need to resort to brazing, but for smaller pipes we use a lead-free solder. And the time it takes would be very negligible between the leaded and the unleaded solder.

Q. The leaded solder, would it be taking longer?

CHAIRMAN: I don't really want to interrupt here, but the thing is we did spend quite a bit of time this morning on this very issue. We don't really want to repeat over and over again on the same subject. If you have something new, I would allow that.

MR LEE: Yes, I have consulted the counsel. Yes, this question has been asked, but the answers given were inconsistent. Perhaps I can elaborate in my submission.

CHAIRMAN: All right. It's up to you. But do tell me where the inconsistency is.

MR LEE: Well, according to the HD, there should be no difference, but suddenly we are told that, for another material, the heat use should be higher.

CHAIRMAN: For lead and non-leaded solder, it would not be too different, but for a silver brazing, you have to use a higher heat, and the shoulder joint may have its colour changed and it takes longer to use silver brazing.

A. But silver brazing is not the specification to use in smaller pipe.

CHAIRMAN: Silver brazing is used for large diameter pipes.

For small diameter pipes, it's not worthwhile.

MR LEE: I do know that.

Did you go to the construction site to watch the  
demo?

A. Yes.

Q. A simple question: for the HA, do you have people who  
are responsible for checking the tiers of subcontracting  
for each contract?

A. We will inspect the works and also the products. So we  
will not ask the workers, "What tier of subcontracting  
are you from?" But we have a payroll record of workers.  
We require the workers or the main contractor to sign  
with the third or second subcontractor. We know the  
companies concerned. We have monthly records.

CHAIRMAN: Paying the lowest level, lowest tier of workers,  
is it by autopay?

A. We require autopay to be used.

CHAIRMAN: What about paying with cash or by cheque?

A. Unless we are talking about very casual workers who work  
on site for just a couple of days, otherwise it's by  
autopay and also MPF records.

MR LEE: You have this requirement, but are you sure that  
this requirement is complied with?

A. We do enforce it. We also have labour relations

officers to check the monthly records.

Q. So, for sure you will have contracts with the main contractor, but you do not have any contractual relationship with the first and second subcontractors?

A. We do not manage these contracts. They do not have to give us copies of these contracts.

Q. Let me talk about the first and second tiers of subcontractors, and then LP, and further down the chain. You talked about the industry. I would like to know, who is covered in the industry? Do you mean everyone?

A. In general, the main contractors are professional subcontractors, and of course including the academia and also professionals, and also workers' unions or associations.

Q. So for workers' unions, they would represent workers; they are trade unions?

A. Yes.

Q. And other than these, they are not counted as the industry?

A. No, every petitioner in the industry, if they give us views, they can be generalised as from the industry. Now, for specialities such as water supplies, there are water supply experts; they are stakeholders as well.

So the industry, I mean all related individuals and organisations in the construction industry.

MR LEE: I have no further questions.

CHAIRMAN: No further questions?

Will you be short or long?

MR YIN: It will be no longer than 30 minutes.

CHAIRMAN: 30 minutes is quite long.

MR YIN: It depends on her answers.

CHAIRMAN: All right.

Re-examination by MR YIN

MR YIN: Madam Fung, I seek to clarify the following with you. Mr Martin Lee, senior counsel, asked you about subcontracting. You told us that, after the main contractor has got a project, for some trades, subcontracting to specialised subcontractors can be done. But if I heard you correctly, you said that the main contractor cannot just subcontract the whole project out to another subcontractor?

A. No, this be is not allowed.

Q. So, for the subcontractor responsible for plumbing works, even if there is a further subcontracting, he cannot just reap the profit and subcontract the whole project out to another subcontractor?

A. He should not do this.

Q. So even if we are talking about casual workers?

A. Further down, there should be many, many workers, where there still should be management. No matter whether we



are talking about the first or second tier of subcontractors, there must be a subcontracting contract and also an employment contract of workers.

Q. The reason why I ask this is, I think Mr Martin Lee's meaning is, if there are five blocks in this contract, the use of leaded and unleaded solder will make a difference of \$300,000, so there is every financial incentive for people to do that.

If you ask workers to buy their own soldering materials -- well, if they are responsible for a few units, at most the worker can get a few hundred dollars.

CHAIRMAN: Well, for a worker, that may mean a lot.

MR YIN: Yes.

CHAIRMAN: No, no, I am not talking about the money only.

I am saying this is proportional to the risk.

MR YIN: The worker or the person concerned has to consider how much gain he has, given that there is a criminal liability.

CHAIRMAN: Now, if he knows that the HD or the HA won't check the soldering materials and won't check the water, and he has been a construction worker for decades, and if he can save a few hundred dollars, and he can buy "cha siu" for dinner as an extra dish, what's the problem here? I said everything is relative. \$300,000 is not big money to the main contractor, because he has

C to do everything anew if it is cost, so it's not  
worthwhile.

D So it depends on the tier we talk about.

E MR YIN: Let's turn to another direction. You told us  
F yesterday -- this is just for clarification -- why no  
testing was done.

G First, I would like to talk about approval of  
H materials. At the very early stage, that is the MC  
I submits materials for your approval, according to the  
J specification, and from what we heard yesterday,  
approval is required for some items but not for others.

K For PLU1, no approval was needed, although  
L habitually they would submit those materials for  
approval as well.

M A. Well, for all soldering materials, they will seek  
N approval first before they start works, and there is  
also approval of the sample work. So for PLU2, that's  
O just a rather special circumstance.

P Q. So, for PLU2, because there are different types, so you  
are talking about choosing the type you want, and by  
Q "approval", we are talking about double checking, to  
ensure that the materials or the parts are up to your  
R specifications?

S A. Correct.

T Q. So this is not really a process to test for the quality,

C to test the quality of the materials? C

A. No, that's another type of testing.

D Q. Now we have read that table. There is no need to refer D

E to it now. But when the materials arrive at the E

F construction site, there would be somebody there to F

G check it and accept it. And for soldering materials, G

there is never anyone to check and accept. G

H I think a few people asked you whether it's because H

I this soldering material is too minor and, as a result, I

J you have never tested these materials or never checked J

these materials upon receipt. J

A. Yes.

K Q. The fact that you never checked soldering materials upon K

L delivery, has it got anything to do with the arrangement L

M that the contract includes both the workmanship and also M

the materials? M

N A. Well, I've already said if it is a high-risk item, N

O whether it is a separately billed item, we will always O

check upon delivery. O

P Now, we have this quarantine arrangement. Now, when P

Q the soldering materials arrive on site, we will Q

R quarantine them and it can only be released for use R

after proper checking. R

S But, because this is in the BQ, and we never paid S

T particular attention to the risk involved, so this item T

U

U

V

V

was not singled out for checking upon delivery.

Q. I understand that you have special procedures to prevent leaded soldering materials from finding their way into your materials?

A. Yes. This is in line -- our previous practice was in line with the general practice in the industry.

Q. The procedures of checking at your construction site. Now, if you have specifications and if it is in the bills of quantity, you will check first upon delivery. The purpose of this move or this measure is not for risk control, because --

A. Yes, we have a risk-based approach, and for other types of materials, because if they are items in the BQ and if we have to pay when the materials are delivered to a site.

Q. So you have mentioned a number of times risk-based decisions on checking. I think by definition you would only do this after there's an incident?

A. Well, usually, if they were on our alert list, we would do them. It would be put on our alert list.

Q. Can I say that usually, you manage building contracts according to specifications in the contract, so you will check the materials delivered to the construction site, to ensure that it tallies with your specifications? For instance, if the specification is BS this and that, you

will ask for certification from laboratories, and you check, and if it tallies with your specifications, then, from the perspective of managing a building contract, that is sufficient; right?

A. We will find out whether they have any laboratory reports. We will also look at the samples, and also look at the job reference, whether they have been used in Hong Kong or any information there. Except that those that got into trouble; if certain materials got into trouble before, then we would not allow this to be used on site.

Q. Can I put it like this. For this risk-based management, you are trying to prevent similar things from happening again?

A. Yes. I think you can put it this way. If there are problems that occurred elsewhere in the industry, we would have awareness, we would have the risk awareness as well.

Q. As an experienced architect in the industry, would there be a practice for people to proactively anticipate the potential risk, things that were never known before, like whether there are any overseas reports, the gathering of information on incidents elsewhere, and then use it in Hong Kong?

A. We don't normally have this capacity. We have to have

C regard to the legislation in Hong Kong. Any updates  
D would be looked at. If you talk about the global  
E events, if there are notable events, this would come to  
F our attention. Otherwise, it would be difficult for us  
G to have this awareness.

F Now, for things like SARS, of course we would be  
G aware of that.

H Q. Can I put it like this: it is your fundamental policy  
I that if there are any statutory requirements, you would  
J comply with them; as to how stringently the regulations  
K are complied with, you would rely on the government  
L departments to play the gatekeeping role?

K A. I don't think you can just put it like this. We  
L understand that there are certain requirements under the  
M law. There are requirements regarding tests. We would  
N play the gatekeeping role ourselves. We would follow  
O the criteria in relation to testing, and so on.

O Under the WTO, there are eight or nine items, we may  
P not be aware of all of them, and under the Water  
Q Supplies Department's parameters, we would follow all  
R these as the basis.

Q Q. If there is a component that comes with the certificate  
R to show that it measures up to a certain standard, you  
S would not check on it, unless there are reports that  
T these are fake?

A. Yes, indeed.

Q. A moment ago, I asked you about the industry, that it would not identify the problems proactively. What about the Housing Authority; would you identify the problems proactively?

A. Like developers, we do have the responsibility, but we are working on the basis of the known regulatory or statutory requirements.

We may go an extra mile. Like under the Buildings Ordinance, the railing is 1.1 metres. For the Housing Authority, we raise it to 1.2 metres. And we work on the basis of the parameters of the existing statutory requirements. If we do see the need for enhancement, we would do so.

Q. Let's change the direction a little bit. The Housing Authority is a statutory body which provides housing to the needy. Other than development -- you are playing the role of a developer -- you are also a landlord?

A. Right.

Q. As a landlord, once the buildings are completed, you would have to look after the tenants and the users, in terms of their health, and this is one element of risk management.

But if during the course of development, would you be acting in a similar way to a private developer?

A. Yes, we are a public developing body, developer. We should serve the same regulatory requirements.

Q. I understand that you are exempt from the remit of the Buildings Ordinance, but you do have a mechanism which would be like a mirror of the Buildings Ordinance?

A. Yes, we have the Independent Checking Unit.

Q. Let's come back to the Buildings Ordinance. The AP, authorised person, representing the architect, the responsibility is indirect supervision; is that right?

A. Yes, he is playing the role of a co-ordinator, conducting periodical inspection.

Q. But the registered contractor has the responsibility to provide constant and continuous supervision, without any interruption?

A. Yes.

Q. So whether there are any problems on site, the first responsibility lies with the contractors?

A. Right.

Q. Now, for the periodic supervision, am I right here to say that for the BO, it is an AP? But we are not talking about the BO. The AP is wearing two hats. Under the BO, he has to make sure that the building is in compliance with the approved plan. Under the law, this is his statutory responsibility. But other than that, the AP is also safeguarding the interests of the



owners. So he is there to guard against the possibility of any substandard units. So he is on the opposite side of the developer?

A. Yes, he has the monitoring role, supervisory role.

Q. He is not replacing the developer?

A. No, he can't. On top of the supervision over the developer, this is an added protection.

MR YIN: Can I take some instructions, sir?

I've got nothing further.

CHAIRMAN: Madam Fung, this is as much as we need to take evidence from you, with the exception of the additional information from you. If you get hold of the information, please let us know, let our Secretariat know about it.

If needed, probably you will be invited back. There is such a possibility. I cannot rule this out.

But anyhow, at this point in time, we are done with your evidence. Thank you very much for coming.

(The witness withdrew)

CHAIRMAN: All right, counsel, on Monday, we will be dealing with some issues and you may wish to join. Otherwise, on Monday and Tuesday we are not going to take any evidence from any witnesses.

MR SHIEH: Chairman, there is a housekeeping issue.

Yesterday, we dealt with at least four applications for

C extension from the contractors, and their deadline has  
D been extended until Wednesday, towards the end of  
E yesterday. There is a batch of witnesses that their  
F statements will be due on Monday. There was a bit of  
chaos yesterday. We didn't specifically ascertain who  
would like to seek extension.

G Let's go through the list and see whether there is  
H anyone else would like to seek extension.

I The four contractors have sought the extension until  
J Wednesday: Wu Chung (?) for Yau Lee, Ming Hop and Mr Ng  
Hak Ming, the LP.

K I would like to confirm that you are seeking  
an extension for Ming Hop?

L MR LI: Ming Hop, Ng Hak Ming, yes, an extension until  
Wednesday.

M MR SHIEH: Also, Golden Day LP and Mr Cheung Tat Yam,  
N Norton Rose representing them; nobody here. So we  
O assume that there is no application for extension.  
P I don't think anybody sought an extension yesterday. We  
will proceed on this basis: Golden Day didn't ask for  
an extension.

Q Mr Lam Tak Sum has submitted his witness statement.

R Ho Biu Kee, according to the Secretariat's record at  
S the preliminary hearing, he is legally represented, but  
T yesterday we didn't hear any application for  
U

C an extension. So we assume that Ho Biu Kee, the C  
statement is due on Monday afternoon. So, other than D  
Wu Chung Ho (?) and the subcontractors and LP, all the D  
other subcontractors and LPs, their statements will be E  
due on Monday. E

F DR WONG: Chairman, something about the witness statement. F

G The Director of the Water Services Department, his G  
statement will be submitted today. But since it covers H  
quite a number of areas, they will be addressed by other H  
I colleagues in the Water Supplies Department. For the I  
other statements, I would like to seek an extension to J  
Wednesday. J

K MR SHIEH: I can't see any problem with that. K

L CHAIRMAN: All right. Go ahead. L

M Anything else? If not, I will be here on Monday, M  
myself. I will see you all on Wednesday, at 10 am.

N Thank you very much. N

O (4.44 pm) O

(The hearing adjourned until 10.00 am

on Monday, 9 November 2015) P

Q

Q

R

R

S

S

T

T

U

U

V

V

<b>A</b>	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>		<b>A</b>
<b>B</b>	Commission of Inquiry into Excess Lead Found in Drinking Water		<b>B</b>
		Day 05	
<b>C</b>		INDEX	<b>C</b>
		PAGE	
<b>D</b>	MS ADA FUNG YIN SUEN (on former oath) .....	1	<b>D</b>
<b>E</b>	Cross-examination by DR WONG .....	1	<b>E</b>
<b>F</b>	Cross-examination by MR McCOY .....	30	<b>F</b>
<b>G</b>	Cross-examination by MR LAM .....	70	<b>G</b>
<b>H</b>	Cross-examination by MR LI .....	91	<b>H</b>
<b>I</b>	Cross-examination by MR LEE .....	102	<b>I</b>
<b>J</b>	Re-examination by MR YIN .....	121	<b>J</b>
<b>K</b>	(The witness withdrew) .....	130	<b>K</b>
<b>L</b>			<b>L</b>
<b>M</b>			<b>M</b>
<b>N</b>			<b>N</b>
<b>O</b>			<b>O</b>
<b>P</b>			<b>P</b>
<b>Q</b>			<b>Q</b>
<b>R</b>			<b>R</b>
<b>S</b>			<b>S</b>
<b>T</b>			<b>T</b>
<b>U</b>			<b>U</b>
<b>V</b>			<b>V</b>