

2015年11月18日

上午10時正恢復聆訊

出席人士：許偉強大律師，為外聘律師，代表食水含鉛超標調查委員會

殷志明大律師，由羅夏信律師事務所延聘，代表香港房屋委員會

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

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

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

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

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

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

主席：繼續，許大律師。

許偉強先生：係，好。

香港房屋委員會第七證人：譚瑰儀（房屋署（葵聯邨第二期總建築師））  
宣誓繼續作供  
許偉強先生繼續盤問

問：係，馮女士，我哋尋日就最後都係講緊嗰個有關房署就係檢測嗰啲總承建商攞嚟嘅一啲樣本嗰個問題嚟嘅，咁我而家都再想有幾個問題同

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你跟進一下嘅。

答：唔，唔。

問：咁就即係以你嘅講法，即係話好似呢啲咁嘅焊接物，如果承建商--總承建商佢擺嚟，呈交上嚟畀你哋房署去檢測同埋核准嘅，咁你哋就會做呢個檢測同埋核准嘅工作。如果佢哋唔擺嚟，你哋就唔會做㗎嘞，係咪？

答：係，冇錯。

問：而呢個呢，除咗係焊接物之外，亦都係適用於 PLU1，一啲其他嘅組件或者係材料嘅，係咪？

答：係。我補充，大部分喇，係。

問：大部分，係，冇錯，我尋日都知道有幾個 exceptions 喇。

答：係。

問：我想問一問，從你嘅經驗就係係咪--即係你處理過嘅發展項目，所有或者係大部分，總承建商都會呈交呢啲咁嘅焊料嘅樣本畀你哋嘅？

答：據我了解，我哋係好多啲合約，總承商都會呈交呢啲焊料嘅，係。

問：係。

答：即係好似我喺我嗰個 witness statement 咁寫，一個 general practice 喇，佢哋係。

問：即係平均嚟講，大部分都會畀嘅，係咪？

答：平均嚟講都會嘅，係。

問：我就唔係好明白，就係如果我哋--喺呢啲咁嘅 PLU1 嘅材料嚟講，咁即係話對於呈唔呈交呢個樣本，就除咗嗰幾個 exceptions 喇吓，...

答：唔，唔。

問：...對於呈唔呈交樣本畀你哋去核准、畀你哋去檢測呢樣嘢呢，即係房署嚟講，佢自己本身就有一個制度嘅，就淨係話，啊，依靠總承建商去畀或者唔畀嘅啫，係咪咁呀？

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答：如果我哋冇列明要佢呈交樣本，梗係佢係冇需要去呈交樣本。

問：唔。

答：係嘞。咁而呈唔呈交，係如果佢覺得佢有咁嘅需要喇吓，或者佢即係想澄清多啲嘢喇，同我哋，咁佢係可以呈交嘅，係。

問：好。我嘅意思即係話你哋房署內部有任何指引，就住 PLU1 嘅物料、組件，總承建商需唔需要呈交樣本呢樣嘢係冇嘅？

答：因為喺個合約已經寫得清楚，所以我哋係有需要...

問：就係冇嘅？

答：...係其餘嘅指引喇。

問：即係你嘅答案都係冇嘅？

答：係。

問：我想問一問你，總承建商唔會話就住一啲例如好似話螺絲、螺絲母，呢啲咁嘅嘢，呢啲咁細眉細眼嘅嘢喇，就向你哋呈交樣本㗎嘛，同唔同意？

答：通常嘅情形，係唔會有嘅，係。

問：係，好。而就住你嘅證人口供入面所講，另外有一啲好似你話常用啲啲 iron typing wire，啲啲鐵線，...

答：係。

問：...即係啲啲經常要用㗎喇，...

答：唔，唔，唔。

問：...啲啲都唔會話向你哋呈交係樣本嘅，一般嚟講？

答：可以咁，因為啲個 tying wire 喇，應該係一個 sundry items，係，係，...

問：所以就唔需要嘞，係咪？

答：...咁所以 BQ 度都會冇嘅。

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問：係。

答：係。咁而如果有承建商想呈交，咁就會呈交界我哋結構工程師嗰面，係，所以我唔會...

問：係。但係一般嚟講，即係以你嘅認知嚟講，呢方面嘅物料，佢哋就有呈交到樣辦嘅，你同意嘛？

答：以我哋--即係喺我建築嗰面，係，可以咁講喇，係，因為呢辦都唔係屬於我哋建築呢面，係屬於結構嗰面，係。

問：噏，我咁講你會唔會同意呢，就係就住焊料嚟講，承建商嘅角度--即係總承建商嘅角度，佢哋呈交界你哋一啲樣本作為檢測，作為去核准嘅，總承建商係覺得有個需要，喺你哋嚟講係；呢樣你同唔同意呢？

答：佢係咪--佢嘅 intention 係乜，我哋冇去查究。佢覺得需要嘢，定係因為係佢哋一貫嗰個 practice 去做呢，未知係邊個--實際係邊個原因，係，我哋唔會去--即係真係去查究嘅。因為即係佢上到嚟，我哋最緊要睇物料。即係如果佢話要問我哋，我哋就會去答佢哋，幫佢哋去睇下佢哋嘅物料係唔係合乎個合約嘅標準。

問：好。程序嚟講，佢哋擺咗物料嚟嘞，擺咗啲焊接物嚟嘞，焊料嚟嘞，咁就你哋睇完--我哋尋日都睇過嗰張表格喇，就剔完嘞，咁就亦都核准咗嘞，咁就會擺喺間房度嘅，係咪？

答：唔，冇錯，係。

問：係。喺你嘅證人口供第 55 段，我哋睇一睇，B15.2，38025。

答：係。

問：第 55 段。

答：係。

問：呢度你就講話 "After approval of plumbing material proposals with submitted samples," 即係有啲啲嘅材料，即係關於樣本嘅資料，"all the approved samples were kept in a lock-up sample room for record"，呢個亦都係你剛才所講，...

答：唔噃。

問：...會擺喺間房度嘅咁，"and for reference by HA Site Inspection Team for routine checking during the construction process." 即係你話「因為擺喺度呢，就有啲 routine checking 嘅」咁樣。

我想問一問呢樣嘢啫，就係就住焊料嚟講，呢個咁嘅 routine checking 唔適用㗎嘛？因為你哋從來都唔會喺嗰個施工嘅過程之中再去檢測㗎喇嘛。即係嚟到嘅物料係唔會再檢測嘅。

答：就關於個 soldering materials，喺我哋嗰個 site inspection 嗰個 guidelines 嗰度係冇需要去 on-site delivery check，亦都有需要喺施工階段去 check 嘅。咁我--呢個--嗰個 witness statement 係一個 general 嘅 statement 喇，嘎，嘎，係呀，唔。

問：就唔適用於呢個 soldering material，係咪？

答：係嘞，唔，唔，唔。

問：係咪咁樣呀？

答：係，好。

問：係。我哋又睇一睇你嘅第 80 段，38032。第 80 段，你就講話你哋都唔會要求承建商就住嗰啲焊料提交一啲 purchasing record 嘅，即係例如好似啲 delivery note 或者 purchase order 嗰啲。即係嗰啲買焊料嘅一啲文件，你哋都唔會要求嗰個總承建商去呈交界你哋睇嘅，係咪？

答：係，冇要求。

問：你同唔同意我咁講呢，就係對於喺工地，即係喺地盤現場，焊料嚟到，你哋對於嚟到嘅焊料係咪符合你哋嘅規格或者標準嘅，房署係有任何把關嘅，除咗--我知道你個既定答案就係話你哋倚靠總承建商；除咗你倚靠總承商之外，係有任何其他把關嘅，同唔同意？

答：因為我哋房署、房委會覺得呢個 soldering materials，即係喺水事件發生之前，我哋覺得呢個唔係一個 high-risk，我哋唔認知呢個會係一個 high-risk 嘅 items，高風險嘅 items，所以我哋喺我哋嗰個成個 inspection system 嗰度係有一個去認證佢去到地盤嗰啲物料係唔係跟嗰個即係 contractor requirements 喇，係。即係由我哋嗰個 Site Inspection Team，我哋係冇畀呢個去

認證嘅，係，係。

問：簡單啲嚟講，你都係同意我嘅講法喇，係咪？

答：唔，可以咁講。

問：即係對於佢送嚟嘅物料，係咪真係符合你哋規格，你哋係冇把關嘅？

答：係，因為我哋覺得呢個係無需要，對一個如果唔係 high-risk 嘅 items。

問：係。我哋睇一睇 B15.1, 37641。我哋之前都聽過其他證人提及呢一份文件。我亦都知道--係從其他證人，我哋都知道呢一份 6210 嘅呢個 Record Form，就係講咗係有關物料嚟到地盤現場嘅時候作一啲檢測，即係睇下佢係咪符合你哋嘅要求嘅，就係下列由 a 到 af，我數過，應該有三十二種物料，就會進行呢啲咁嘅檢視嘅，...

答：冇錯。

問：...係咪？

答：係，冇錯。

問：我哋就住葵聯嚟講先，就住葵聯嚟講。你哋嘅 Site Inspection Team，即係嗰個地盤監督嗰個團隊，地盤，冇材料送嚟，你哋去作檢測，個情況就只係適用於呢三十二種物料嘅啫，係咪？即係你哋會跟呢張 form 去做檢測？

答：係，會跟呢張 form。

問：可唔可以同我哋簡單介紹一下，呢一張 form 係邊位同事，或者係邊個部門制定㗎？

答：呢個係 under 我哋叫做 architectural site inspection guide，嗰個 guide 裏面其中一張嘅 form 嚟--嘅表格嚟嘅，係。而其實呢個表格，據我了解，呢個表格點解會列呢三十二種呢？咁其實因為呢三十二種，喺後面呢個--“Page 2 of 2”呢度喇，都有寫明“Specified in the contract”，佢嗰個-- specification clause 去寫喇。咁如果你會睇到入到個 specifications 去睇嘅時候，個 specification 就會話需要嗰個 on-site delivery verification。

問：唔。

答：係。咁而係我哋會係基於我諗當時去--去製造呢個表格嗰陣時係基於喺個合約--即係我哋嗰個 Specification Library 裏面喇，嗰啲 clauses 喇，然後根據嗰度，而係抽咗出嚟嘅，係。

問：明白。所以制定呢張表呢就係咁嘅過程嘅，就係先你要喺嗰個 specifications 嗰度先講咗，喂，邊啲物料你係現場要檢測嘅，然後就從個 specifications，就將呢啲咁嘅物料就 summarise 一次喺呢一度嘞，係咪？

答：係嘞，方便同事去跟進，係。

問：咁我想知道就係一開始，喺個 specifications 嗰度，制定咗邊啲物料送到嚟嘅時候需要做檢測，呢一個步驟，即係邊個去制定，「咦，呢啲物料，我哋係現場要檢測嘅，有啲物料就唔使嘅」咁；噏，呢個過程，係邊部門嘅同事去做㗎，制定呢樣嘢？

答：Specifications 係有個 team 去做個 specification drafter 喇，有，係。咁嗰個--我當時冇 involve 喺嗰個步驟嗰度，係。但係如果我根據去睇呢三十二種，我諗係會好多都會有 sample submissions 做過喇，係。咁如果做 sample submissions，即係佢會可能有顏色、有尺寸、有特別嘅規格佢要睇到，visually 我哋都會去睇到嘅，係，咁所以亦都係避免可能呢啲如果嚟到，錯。即係譬如話，呀，本來係嗰個--呢度其中一個喇，“Cooking bench / sink units”嚟到，咁佢嗰個尺寸都唔啱，唔跟到嗰個 sample approval 嗰個，咁可能拎度嚟，佢裝唔到囉。所以嚟到，如果擺咗喺嗰度，收咗貨嘞，我哋唔睇佢嘞，咁擺咗上去，喂，唔跟尺寸，裝唔到囉。咁跟住會影響乜嘢呢？就會影響工程嘅進度嘞，係。

問：我停一停你先吓。

答：咁呢個就變咗 high-risk，...

問：噏，明白。

答：...呢個，所以我哋就會去睇喇，係，唔。

問：我釐清一下你剛才嗰個答案先。即係話你嘅--即係唔係你去制定嘅，即係話邊啲需要、邊啲唔需要嘅。

答：唔--係，係。

問：但係你喺制定嘅過程之中，第一樣嘢去諗嘅，就係有冇 sample submission 先，係咪咁嘅意思？

答：或者係基於係喺我哋 specification 裏面有冇要求做 sample submissions，係嘞。但係我唔可以講話呢個一定係包括晒所有喺合約裏面要求要做 sample submissions。

問：好。咁我想問下嘞，如果你話合約入面有要求做 sample submissions 嘅，咁你哋會去考慮喇；咁當然你哋亦都知道有啲係合約入面雖然係有 sample submission 嘅要求，但係總承建商都會畀你哋嘅，都會畀你哋 samples 嘅，咁呢啲你哋會唔會考慮喺入面呢？

答：我哋冇，我哋唔會跟佢，因為--即係可能佢入咗好多，而我哋呢個可能已經一早做 Specification Library 嗰陣時，已經決定呢樣有冇個 high-risk 喺度嘞，係。

問：我想進一步問一問，就係你揀邊一啲物料，揀邊一啲物料，即係我哋制定個 specifications 嗰陣時，話「喂，呢一啲要現場嚟到檢測」，邊一啲唔使，其中最大嘅考慮喺邊呢？除咗你剛才話，即係睇啲 sample submission 之外，有啲咩嘢考慮呢？例如會唔會啲物料特別貴，物料嘅數量特別多，用得比較廣泛嘅，咁而擺落去呢，定係點呢？即係你哋個--我想知道你哋嘅 parameters，即係你哋嘅準則係點樣嘍？

答：係，咁我所了解喇，我就咁睇喇，呢三十二隻喇，係，因為我頭先講過，我唔係 involve 喺嗰個 drafting 嗰陣時喇，係。但係如果我可以去睇咁，你譬如話“Tile adhesive”，“p”，item p，“Tile adhesive and tile grout”，即係話啲瓦嗰啲--竊瓦嗰啲喇，物料喇，係。咁亦都我哋以前曾經或者係業界都有發生過有譬如甩瓦嘅情形，咁所以我哋都會知道呢樣，如果佢唔合規格嘅話，佢會跟住有機會有影響跟住嗰個工程，係。我哋既知嘅，即係有，以前喺 trade 嗰度發現嘅事，或者係我哋自己嗰個項目度--即係其餘啲項目度發現嘅事，咁所以可能咁，亦都所以會擺喺 tile adhesive。雖然 tile adhesive，即係有 dimension、有 colour，即係嗰啲會特別去睇喇，係。

問：唔，唔。唔。

答：嘅，咁亦都係一個原因會係擺咗喺嗰度囉，唔。



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問：Okay。即係以你所講即係話亦都要講有關嘅經驗喇，係咪？

答：係，嘅，冇錯。

問：即係可能有出過事啲就特別會緊張啲嘅，係咪？

答：我哋會知道，所以我哋會知道個問題嘅存在囉，係。

問：係。除咗呢啲呢？

答：有可能會存在，係。

問：即係除咗你話，啊，以前曾經，喂，試過有啲物料，喂，衰咗嘅，即係唔啱嘅，咁除咗呢啲之外呢，仲有冇其他嘅考慮呢？

答：我諗...

問：物料嘅價錢會唔會係其中一樣呢？

答：我睇落去，我唔覺得呢度係任何有關物料嘅價錢喇，係。

問：好。

答：因為呢度都有啲 item 大啲，有啲係細啲喇，係，嘅。

問：我想問一問你就係--你見到呢個“GUIDELINE”上面就寫住“Document check”，咁“contractor shall submit written confirmation”，有啲產地來源證、delivery note 等等喇；第2，“Materials check”，咁就要睇個個大小，睇下佢個表面個個質量，佢啲配件，等等嘅。我想知道就係話如果就住呢三十二種物料，你哋係嚟到現場嘅時候，係咪做 document check plus materials check 㗎，即係兩樣都做晒嘅？定係淨係睇文件就得嘅？即係係點樣，個程序，我想知道。

答：應該--如果根據呢個 DASM 6210 呢張 form，係需要兩樣都要做嘅。

問：兩樣都要做嘅？

答：係，兩樣都要做，係。

問：唔該。

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答：除非話係--即係譬如話唔適合做。我頭先講 tile adhesive，冇 dimension check 咁，...

問：係，嘎。

答：...嘎，除非話睇包裝、大細喇，係嘞，係嘞，係冇，咁咪冇囉，係， not applicable 囉。

問：係。但係一般嚟講就係睇樣，亦都要睇--睇文件，亦都要睇，係咪？

答：文件同埋嗰個樣，係。

問：係。我想知道你哋--如果你話就住呢一個表格，你哋喺檢測嗰個貨物 嚟到嘅時候，係點樣呀？即係例如有十箱--噏，假設有十箱嗰啲 tile adhesive 嚟到嘞，咁你哋係每一箱都睇吓，定係都係抽樣咁去睇呀，即係呢個表格需要你做嘅程度去到邊度？即係你哋揀咗呢三十二樣 出嚟嘞，嚟到個貨，點樣 check 呢？

答：嗰個表格就係要佢去 check delivery 嚟到嘅物料，...

問：係。

答：...咁就應該係要 check。即係有十箱，check 晒十箱喇。

問：都 check 晒嘅？

答：係嘞。佢 delivery note of 嗰十箱嚟到，咁就有佢十箱嘅 delivery note 喇，唔可以有九箱嘅 delivery note 咁喇，係應該，...

問：啱，唔。

答：...應該係咁喇，係。

問：即係 100 per cent 嘅？

答：即係 normal 喇，係嘞，係嘞，係嘞。

問：100 per cent 嘅，呢樣嘢，明白。

答：係嘞，係嘞，據我了解喇，應該，如果我跟呢個，6210 嗰個。

問：明白。我又想同你睇一睇呢一度，就係呢一個文件，我哋之前應該係

馮女士作供嗰陣時都問過佢，就有關呢個文件，佢嗰個出生日期，即係佢一開始制定呢份文件，就應該係 05 年即係出現嘅，呢份文件。

答：係。

問：係咪？

答：冇錯。

問：所以如果咁樣計，都大概都用咗十年嚟嘞，係咪？

答：係，冇錯。

問：呢十年期間，我想問下有冇啲咩嘢討論，喺你哋署入面有冇啲咩嘢討論，就係話「啊，有冇邊啲物料需要加上去呢個名冊上面呢，有冇邊啲物料，從呢個名冊入面要抽離嘅呢」咁樣，有冇啲咁嘅討論？

答：我哋有呢個特別就呢個表格嘅討論，但係因為呢個 guide，architectural site inspection guide，就係兩年嘅喇，都會做一個 review 嘅。咁而如果地盤，或者同事，唔同項目嘅同事，會發覺，欸，有啲唔適用嘞，咦，某一啲 clause 唔適用嘞，或者個 guide 唔適用，佢就會 feedback 畀我哋喇，係，咁然後我哋咪去收集各方嘅意見，覺得適用，需要改嘅，我哋咪改囉。但係就呢個，呢張 Form 6210，係未改過嘅，因為有同事係去--我哋資料上有同事係話有覺得需要更改，係。

問：明白。即係話呢十年裏面，嚟到地盤現場嘅物料，需唔需要作檢測，大家--即係你哋嘅團隊，Site Inspection Team，就係睇住呢個，即係作為一個根據嘅，係咪？

答：係，唔同項目嘅 site inspection team，係，咁我葵聯嗰度應該都係。

問：你剛才講就係話喺你嗰個 specifications 嘅制定就話，喂，邊啲物料，你需要現場檢測，邊啲物料唔需要；你剛才同我講就話其中一樣有 sample submissions，需唔需要 sample submission；另外一樣，喂，可能以前有過事故嘅咁樣。咁我想問下嘞，你哋喺個制定呢啲，邊啲需要檢測、邊啲唔需要檢測嘅時候，你哋房署會唔會作一個比較全面--即係對於嗰啲物料，對即係用家，即係對住客嘅安全，呢樣嘢呢，係咪一個你哋個首要嘅一個考慮呢？

答：我哋房委會去興建公屋，興建資助出售房屋，咁永遠都會係我哋根據《建築物條例》，對呢一個 safety and health 係一個重點嚟嘅，呢一樣嘢係，唔--係，呢一樣嘢係一個重點嚟嘅。

但係去到呢個細節，我哋去 draft specifications 嗰陣時，咁我哋都會 bear this in mind，即係 safety and health 嗰一樣嘢。咁而係當時亦都係覺得，每一個項目就覺--會覺得，啊，呢個項目覺得--譬如 tile adhesive，咁覺得，「咦，有問題喎，可能」，咁所以咪擺咗落去囉。咁都會係有一個 safety and health 嘅考慮嘅，in general 會係，...

問：好。

答：...但係要 from 我哋嗰個以前過往嘅經驗，行內嘅經驗，係，咁然後我哋會寫落去囉。

問：唔，好呀。你哋會唔會特別話--即係就住個物料嗰個成分，例如「咦，啊，呢啲可能有鉛喎，嗰啲可能有 platinum 喎，另外有啲可能有其他嘅有毒嘅物料喎」，咁將佢歸類，喂，睇下，「咦，應唔應該再擺埋落去嗰個名冊入面呢」咁，有冇呢方面嘅考慮㗎？

答：我頭先講過我唔係 involve 嗰個 drafting of Specification Library 嗰度。但係我諗做一個 spec，即係每一個 section 嗰個 spec，啲同事都會係基於一個 principle of safety and health，然後佢跟住去做。係唔係會話每一個 materials，你話有咩嘢成分，因為其實每一個--好多種嘅 materials 都有好多種嘅成分喇，係咪淨係就呢個成分，而係跟住要去--就要擺落去 on-site delivery verifications 嘅話呢，咁我可能一千種嘅物料我哋都要擺晒落去。

問：噏，誼，...

主席：我想問下問，隔離嗰一頁，37640，就係你哋嗰個 On-Site Delivery Verification，即係 part of 你哋嗰個 Record Form，6201 嗰度嘅。你見到呵，隔離嗰版？

答：係，唔。

主席：下低，喺呢個“Material Check”嗰度，就寫住，第 i)，就係

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“dimension check”；第 ii)，就係“surface quality”。

答：唔。

主席：就係 check 呢兩樣嘢？

答：如果係 sample，係。但係如果上面有 document check，如果話 delivery note 同埋有個 written confirmation by 個 main contractor，嗰度有。

主席：係，我唔係問上高啲嘢，唔使答上高啲嘢。

答：係，okay。

主席：答下面啲嘢。

答：係。

主席：係，第 2，“Material Check”嗰度得兩個 items，係咪淨係 check 呢兩個 items？

答：原則上係。

主席：唔。譬如好簡單，cement，咁 check 乜嘢呀？

答：好似我頭先咁講，譬如 tile adhesive、cement 咁喇，...

主席：係嘞。

答：...咁我哋就會係--可能冇個真係嗰件物體嘅 dimensions，但係亦都會--譬如 delivery note，就會寫嚟呢個 package，誼，呢包係幾多個 kilograms 咁。咁變咗佢都可以去 check 嗰個係唔係真係嚟到嗰樣嘢，即係話佢話 delivery note 嚟呢係 10 個 kilograms 嘅；嚟到，「係咪真係呀？」呢包同嗰--即係話佢嚟到嗰包係咪一樣呢，...

主席：得，得，唔該。

答：...咁都會有個 cross reference 囉。

主席：係。咁跟住 surface quality，就係望下啲嘢 cement 係英泥呀？

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答：因為包住嘅，都睇唔到嘅，係。

主席：係，即係...

答：咁但係呢一個會係--我頭先講過喇，如果唔 applicable 嘅，tile adhesive，你見唔到嘅，咁咪唔 check 個樣嘢囉。

主席：係嘞，我明，我明。

答：即係呢樣嘢係--即係我講係原則上有得 check 嘅，咪要 check 囉；適合，咪 check 囉，係。

主席：好，得，我明。

答：唔。

主席：換句話講，譬如好似 emulsion paint 咁樣，emulsion paint，咁就係望下佢，啊，一罐嚟幾多 KG，跟住可能打開個蓋，望下佢裏面咩嘢顏色，靚唔靚呀，咁跟住就得嘞，完嘞，就係咁嘞？

答：嚟個個罐會有寫咩嘢顏色囉，...

主席：係喇。

答：...咁亦都係我哋 approved sample 話要咩嘢顏色喇。

主席：好嘞，得嘞。

答：嘅，咁都可以去 check 個樣嘢，係。

主席：好呀，好呀。基本上就係 check 呢兩樣嘢嘞。好呀，唔該。

問：好。咁我哋再睇一睇另外一個，即係你哋地盤監督嘅另外一個環節，咁就係即係除咗剛才我哋睇 6210，就係有關物料送達嘅時候，即係你哋個做法喇。咁另外就係喺個施工過程之中，我都見到係有啲即係我哋叫做 inspection procedures、inspection percentage，個啲咁嘅嘢嘅

答：唔，唔，唔，yes，yes。

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問：或者我哋睇一睇 B1；B1，78。

答：唔噃。

問：呢個佢寫出咗有個“CATEGORIES OF INSPECTION”，即係就住呢個地盤嗰個視察，咁就有唔同嘅組別嘅，咁 Category ‘A’就係 100 個 per cent，Category ‘B’就 10 個 per cent，Category ‘C’就 random 嘅，即係啲隨機嘅抽樣嘅。

答：唔噃，係，係。

問：我想問一問，嗰個 B 嗰度，嗰個 10 個 per cent 嘅，係點樣去界定㗎？即係例如做十日，check 一次㗎；做十層樓，check 一層樓㗎；定係點樣呀？即係點樣去界定嗰 10 個 per cent？

答：通常我哋個 site inspection 就會跟嗰個地盤嘅進度而進行嘅。譬如咁講喇，係，上咗三層樓，上咗三層樓嘞，係，即係個 finishing，通常打上擺嘅，係。咁好嘞，打上擺嘞，三層樓咁喇，係，咁我哋見到--咁你三層樓度，每層樓就會擺 10 個 per cent 喇。即係話如果有二十個單位，我哋就擺十個單位囉，裏面嗰個有關即係要 check 嘅項目去睇囉，係。

問：譬如二十個單位，你就會擺兩個單位喇，係咪即係咁樣？

答：唔，唔，唔，兩個單位，係，基本上係用咁。即係真係去仔細到每一個項目、每一個工程做到嗰陣時，我哋都會視乎嗰個進度，係唔係可以有嗰個 items 去 check 呀，咁囉，係。

問：唔，好。我想問一問你，就係好似--後面有個表嘅，個表都講咗話，即係有邊啲項目，你哋就係去--有邊啲項目就係做 10 個 per cent 嘅 check，邊啲項目就係做 random check，同埋邊啲項目做 100 個 per cent check，等等。

答：唔噃。

問：我哋而家可以睇一睇，由第 80 頁開始。如果你睇一睇有關水喉嘅工程，就應該係講緊第 86 頁。

答：唔，係。

問：86 頁，我哋見到畀二嗰度有個“Plumbing - Above Ground Water Supply Pipes”，即係都係有關我哋講緊嘅嘢。

答：唔㗎。

問：咁就我哋見到，例如“Pipe Testing”等等，就係100個per cent喇，跟住“Pipe Sleeve”、“Materials, Type & Dimensions”、“Pipe Joint”、“Expansion Joint”、“Pipework Installation”、“Valves”、“Pipe Bracket”，等等。即係嗰啲你係--即係我想知道呢，就係你呢啲嘅check呢，係講緊你check啲物料，即係嚟到嘅物料，睇啱唔啱，睇下個valves，係咪呢隻喇？定係你直情係check佢做咗嘅工程，嗰度做緊嘅時候，安裝咗嘞，嚟去check下佢，「咦，得唔得呀」？係講緊邊樣呀？係講緊工序㗎，工程㗎，定係講緊個物料呀，呢度，嗰10個per cent？

答：我諗如果你話每一個item去睇呢，check啲咩嘢嘢呢，咁你就要去睇番啲呢個site inspection guide裏面有個guidebook，佢就會每一個item去寫，譬如PLU1，佢就會有PLU.01喇吓，咁佢有一個guide嘅，咁就話，啊，pipe joint，咁check啲乜嘢呢？誼，pipe sleeve，check啲乜嘢呢？係check誼嗰個workmanship㗎，定check materials㗎？咁會跟番。因為每一個guide，即係每一個guidelines喇，可能應該咁講喇，嘎，每個guideline嗰度呢，就會去refer番一啲specification clause。而specification clause裏面有分開material，有分開workmanship，有分開testing，in general都係呢幾樣喇。咁就變咗就算寫一樣pipe sleeve，唔係所有pipe sleeve有關pipe sleeve嘅嘢都係去check嘅，係。

問：係，得。咁我...

答：嘎，咁解。咁所有我哋啲site inspection team，每個項目，都會係跟住呢份，然後加埋嗰個guidelines啲啲去做，係嘞。

問：其實我係問你呢樣，其實我係想搞清楚你呢一個十個per cent，100 per cent呢個check，同嗰個6210嗰個關係係邊度？好明顯，呢一個inspection procedures入面有好多item，就6210入面有啲喇，係咪？

答：係，冇關係嘅兩張form。

問：冇關係嘅？

答：冇關係嘅。



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問：冇關係。即係話如果好似我哋舉另外一個例，80頁，“Panel Wall”第二項。

答：唔，係。

問：例如我哋講緊呢一個--好似 panel wall 嘅 sealant，即係佢嗰啲--即係竊嗰啲物料。

答：Sealant，係，係，yeah。

問：咁 panel wall 個 sealant，就應該--就唔關 6210 事嘅，不過你呢度就話十個 per cent check 咁。我想知道嘅就係話，你嗰個 sealant 嘅 check，係講緊 check 佢嗰個物料符唔符合你個規格吓，定係話真係用個物料之後，或者用個物料過程之中，佢符唔符合嗰個要求？係邊樣嘢？

答：我頭先講過 sealant 呢度，咁就要 refer 去 guideline 嗰度，係佢跟邊個 specification clause。如果 specification clause 係話 materials，咁你咪話跟嗰個 specification clause 話要 materials，你咪 check 佢啱唔啱囉。如果你話 workmanship，或者佢話--workmanship 話要佢平嘅，知道 sealant 好似成叭咁走咗出嚟，咁你咪跟佢嗰個去 check 囉。

問：唔，得。

答：因為係兩樣嘢嚟嘅，因為呢個 inspection percentage、inspection procedures 呢個，係講緊係當工程進行咗，...

問：當中。

答：...做咗嘞，即係譬如我做咗三層，三層裏面做晒，咁佢就譬如當 10 per cent，二十個單位一層，咁我擺兩個單位去睇喇。咁嗰兩個單位就做完，譬如我當 panel wall，佢係做完咗個 panel wall 嘅，咁佢就會去 check 呢樣嘢，係。

問：我問題就係咁，你剛才都講，好似你話如果唔屬於 6210 嘅範圍入面嘅一啲物料，嗰啲物料到達現場嘅時候，你就唔需要 check 㗎，係咪？呢個你同意吓嘛？

答：冇錯，係。

問：咁變咗你真係喺做嘅過程之中，去到呢個十個 per cent check 嘞，

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假設，假設我哋講緊 sealant 先喇，panel wall sealant。佢做個過程之中，佢已經過咗嗰個送達物料嗰個時間喇喇嘛。

答：係，冇錯。

問：咁佢可能已經拆開晒啲箱，已經做緊。

答：係，冇錯，係。

問：所以你喺呢一個十個 per cent，就會睇唔到佢送嚟啲物料，同埋可能如果你有 sample，係咪同個 sample 符合嘅，呢樣嘢你睇唔到喇喇嘛？

答：Sealant 佢用咗、做咗之後，我係睇唔到嘅。

問：另外，就係都係呢一個文件夾...

答：或者我補充喇，...

問：係。

答：Sorry，我補充喇。即係話睇唔到，但係如果話你揀咗隻 sealant 係白色嘅，咁出嚟，你做嗰陣時見到係變咗係灰色嘅，咁呢個 obviously 就會見到。

問：即係好明顯啲啲當然喇，係咪？

答：好明顯喇，係嘞，係嘞。

問：係，係，係。我想你睇一睇，就係 B1 嘅 308 同埋 309 頁。309 就係一個 testing form 嚟嘅--sorry，嗰個 testing form 嘅 guideline 嚟嘅。308，就直情係嗰個 material testing 嗰個 form 嚟嘅。

309 就講咗話，即係有啲物料係即係需要擺去驗呀直情，即係唔係淨係現場睇，或者係就咁 inspect 或者點，或者係睇文件又好，睇外表又好，唔單只係咁，再進一步，直情係擺去做啲 lab test 嘅，即係呢個--你知道有呢個文件個呵？

答：唔噃，唔噃，係。

問：呢個文件入面就講咗，就話：“Testing of build...”--第(2)

項：

“Testing of building materials required to be carried out :

(i) When the results of vetting of product certificates 或者 on sit delivery checks are in doubt. For those materials registered in the Building Materials Database as advised by JMG. On tests required by other Government Department.

跟住你就話：

“Materials testing Specification & Compliance are as follows.”

咁你講咗呢幾隻物料出嚟。我想知嘅，就係咪淨係呢幾隻物料係需要擺去做 testing 㗎？即係其中包括蠟青、嗰啲 ready-mixed mortars、嗰啲預拌嘅沙漿嗰啲，係咪就係呢幾隻物料先至要擺去做啲 lab test 㗎？

答：喺佢嗰個 guideline (2) 嗰度有講喇，“Testing of building materials required to be carried out.”

問：係。

答：如果話見到嗰啲 product cert. 有問題嗰陣時，就可以去 test 喇，係。

問：唔㗎。

答：如果呢個 guideline (3)，係 list 咗呢一拵，呢十數項咁，應該 in general 就係包括喺呢十數項嗰度。Unless，即係我哋永遠都可以--如果我哋發覺有問題嘅嘢，或者係 surveillance team，即係 JMG 嗰面想我哋要去睇嘅嘢，...

問：好。

答：...我哋都可以去問佢嘅。“For those materials ...”--因為 (ii) 係 “For those materials registered in the Building Materials Database” 咁嘅。

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問：呢個其實正正就係我想問你嘅嘢，就係呢個 JMG 呢，就係你所講嘅 surveillance team？

答：係，係。

問：嗰個 surveillance team 憑乜嘢去制訂嗰個 Building Materials Database 㗎？

主席：JMG 係咩嘢？Joint Material Group 咩嘛？

答：Joint Material Group。

主席：係囉。

答：係。佢 exactly 點去揀選 materials 去睇呢，我唔可以而家話講得好清楚咁話畀你聽，因為我從未去做 Joint Material Group 喇。但係佢哋會喺 certain items 裏面，有啲係比較係要多--high risk 嘅 items，可能佢哋就會擺咗落去去睇嘞。

問：你所謂嘅 high risk 嘅意思係咩？即係話會有危險、或者係佢嗰個成分係有害、定係個 risk of non-compliance 係 high 咩？個 high risk 個 risk 喺邊度？

答：More 係 non-compliance，non-compliance 喇，係。如果話 non-compliance 得嚟又會有--我哋睇到有重大嘅問題嘅，safety and health，咁我哋都會去睇，係。

問：你哋同呢個 JMG，即係個工作嗰個--每天嘅工作嘅範疇裏面，你哋會唔會同 JMG 匯報下，「喂，有邊啲物料你哋需要擺落你哋個 surveillance list 嗰度㗎」咁樣，有冇呢啲咁樣嘅 discussion？

答：我哋會話如果我哋見到我哋地盤有啲物料咩嘢問題，咁我可以同佢講，係。如果佢哋發覺佢哋喺個 surveillance 嗰度，又發覺有問題，譬如有一個項目，因為佢哋係 random 去 take 啲 surveillance test，咁佢發現呢個項目有問題，佢咪話番畀其餘啲項目嗰啲同事去聽，咁我哋大家係一個變咗知道--即係留意多啲，係。

問：因為我--即係我點解覺得奇怪一樣嘢呢？就係我當然同意你講喇，你

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成個工程，入面有過千個物料，咁你唔可能樣樣嘢都走嚟 test 呀，樣樣嘢都走嚟話去核實、去監測、去檢測嘅。但係即係我哋就住一個工程嚟講，我哋剛才睇 6210。

答：唔。

問：千幾種物料，淨係有三十二樣你需要喺現場去睇下，「喂，送達嗰陣時啱唔啱個標準，符唔符合個 contract，或者符唔符合你哋一早預定嘅規格。」都好少嘍咋喎，三十二樣？

答：我頭先話一千樣，一千種 materials，我呢個 guide，係 architectural site inspection guide。

問：係吖。

答：係。我哋其實喺我哋成個 site inspection system 裏面有好多 --因為好多個 disciplines 我哋 involve，亦都有 engineering inspection guide 喇，有 building services，咁佢哋有佢哋自己佢哋會 check 個 point，係嘞。

問：我明。暫且我哋先即係擺喺呢一個 6210 嗰個範疇入面，即係睇 site delivery of materials 呢一瓣先，唔好講到 engineering，其他嗰啲咁遠先，淨係 delivered of material on site 呢樣嘢。即係你覺得淨係得三十二樣要檢測嘅，即係幾少下喎。如果你一千幾樣物料，淨係抽三十二樣？

答：喺我哋頭先講一千樣，係包括好多唔同嘅，唔係我哋 architectural 去睇嘍喇係。而我哋會係基於我哋過往嘅 experience，個 trade practice 而去睇嘅，所以我唔可以 -- 你唔可以話三十二種係多定係少，我哋當時係覺得足夠。

問：但係你同唔同意我咁講，就係你去到決定喺現場物料嚟到嘅時候，對呢三十二種物料作呢個檢測，就只係有賴一張咁嘅 6210 嘅表格，咁樣嘅做法你覺唔覺得好僵化呢？就淨係憑呢啲咁嘅 checklist 呀、一張 form 呀，咁樣嘅做法會唔會好僵化呢？

答：我哋覺得呢個係一個足夠，而係一個可用嘅方法，係。

主席：或者咁樣樣，許大律師，基本上我認我哋要聚焦番去呢個鉛嗰一方

面。

許偉強先生：唔，好。

主席：因為我基本上就有興趣檢討房署嗰啲 QC 嘅。

許偉強先生：唔。

主席：亦都唔係我嘅責任。佢哋點樣樣 QC 佢哋起樓，唔關我事呀，唔關我哋個 commission 事。

許偉強先生：唔，係，其實我係就住呢一個 inspection procedure，...

主席：係。

許偉強先生：...我得番最後一個問題嘅啫。

主席：好呀。

問：就係--或者我哋睇睇 U bundle，U 嘅 382 頁。唔好意思，係 U 嘅 91 頁。我就係有一段想睇下你個意見係點樣。呢個就係香港工程師學會，就住呢個鉛水事件就作出咗一個報告。佢亦都係對即係唔同嘅界別，唔同嘅持份者係作出佢一啲嘅意見嘅。其中佢對你哋，即係 Housing Department，第 382 頁呢，有咁樣個講法，佢話：

「The role of professionals should take up the dominant role in project management, not blanks, not checklists 或者 numerals. The impression that engineers were not accorded duties in line with their attainments and attributes must be demonstrated incorrect.」

對呢個咁嘅講法，你同唔同意？

答：我唔係好明白其實佢講緊乜嘢，佢嗰句英文，係呀。

問：啊，我都花咗少少時間--我花咗少少時間去明嘅都。即係我諗佢嘅大意就係講話--即係我諗你哋係做嗰個--即係例如嗰個 quality management 嗰度，就唔可以純粹係靠一啲 checklist 呀，或者靠一啲數字咁樣去到作為根據嘅，即係都要睇下實際嘅情況，我相信佢

係咁嘅意思，大致上。

答：係，係。我諗如--我唔可以否應佢講話唔可以淨係靠 blank form--填 forms 呀啲。而實際我哋成個 system 亦都唔係，我哋係有人落到去睇，不過我哋亦都知道係需要 recording，即係要紀錄清楚嘅。所以實有一啲 forms 要去填，有需要要去填嘅係。亦都係我哋成個 inspection system，有前線啲，亦都有佢一個 supervisor 去一齊 joint inspections，一同去檢測，係。

問：唔。

答：所以我哋成個制度嚟講，其實可以我哋聚積咁多年嘅經驗，其實都係一個可行可用嘅，適合嘅制度嚟嘅。

問：Okay。我同你講一講--轉一轉另外一個話題，就係你都知道嘅大概 2002 年嘅，淨係講房署先喇，都有一個做法就係話--開始都考慮緊即係換--即係改個用喉。

答：係，係。

問：即係由嗰個 GI pipes，我哋知道，就轉去做 copper pipes 嘅。

答：唔。

問：而當時嗰啲總承建商亦都係即係有個咁嘅選擇，即係佢哋可以選擇用呢個銅喉嘅。

答：唔。

問：即係當時你都喺房署工作㗎嘛？

答：係，冇錯。

問：咁我想問下，就係馮女士都同我哋講過，就話呢一個改變嘅時候，其實你哋房署或者房委會係做過一啲嘅諮詢工作，就係對--同呢個業界做過啲諮詢工作嘅，你就住呢方面嘅諮詢工作，你有冇認知？

答：我有參與呢個諮詢工作，係。亦都係十多年前喇，所以我有記憶。

問：唔，係。你有參與呢個諮詢工作，但係當時，即係呢個 2002 年呢個時間，即係就住呢啲即係喉嘅轉變呢樣嘢，即係對於工程嚟講，都係一個即係幾重大嘅轉變，你同唔同意？因為你水喉工程，即係由唔同

嘅物料--由一種物料轉去另外一種物料，呢個咁嘅過程，呢個咁嘅演變呀，都係一個幾重大嘅變化，同唔同意？

答：Depends on 咩嘢為之重大喇係？因為其實喺銅喉，據所知，已經喺香港用咗都好多年，咁好多承建商都有過經驗嘅，只不過係喺我哋房署個項目，我哋需要係畀多一個選擇佢哋去揀，亦都係一個方便喇係。即係佢多一個選擇喇，係。

問：係，係。

答：而所有我哋有所轉變嘅嘢，我哋都會同業界去做諮詢嘅。即係一般程序，我哋都會去做嘅，係。

問：我所講嘅重大轉變，其中一樣，當然即係話--你當日用咗銅喉之後，對於你哋合同嗰啲咁嘅規格制訂，啲 specifications，有關用銅喉有啲咩嘢要求，有啲咩嘢準則，要達到啲咩嘢標準呀呢啲，當然你哋都係要注視㗎嘛。

答：一種新項目我要擺落去，咁有個 specifications，咁我哋一定會係做一套嘅 specifications 畀佢嘅，係。

問：你知唔知道當時房署就住呢一個咁嘅轉變，有冇話諮詢過一啲專家，即係睇下「欸，嗰個有冇啲咩嘢危險呀？有啲即係 risk assessment 嘅做法呀？」有冇呀？

答：我頭先講過，我有參與喺呢個諮詢工作，所以你...

問：我唔係講你參唔參與個諮詢工作，...

答：係，係。

問：...你自己作為即係建築師，喺當時，你知唔知房署有冇話「欸，聘用一啲專家嚟到做一啲風險評估工作呀？」呢樣嘢你知唔知道？

答：我唔知道有關於個諮詢工作裏面嗰啲即係包含咩嘢嘢囉，係，就算 as 一個建築師，當唔喺房署裏面都唔會知道，係。

問：哦，即係你話一件咁嘅事，如果你話喺房署就住呢個問題去做一啲研究呀，去做下一啲討論呀，係唔會牽涉你㗎？

答：你問嘅問題係，我係一個喺房署裏面做嘅同事㗎，定係以一個建築師，如果唔喺房署裏面呢？



問：或者...

答：所以唔係好清楚個問題，唔好意思。

問：我又唔係好明嗰兩個分別，不過如果你覺得有分別嘅話，你講畀我聽即係個分別喺邊度？

答：係。如果係一個係唔喺房署喇，當我唔係房署嘅建築師，會覺得呢一個只係一個--業界用咗銅管好耐喇，亦都有乜特別，不過咁要諮詢嘅，我哋梗係諮詢話「啊，喺呢個 contract 為層面呀，可能有啲安排呀」，咁梗係要諮詢喇，房署要諮詢喇。但係就呢個銅喉，as 一個建築師，如果唔係喺房署裏面，都唔會有--覺得有乜嘢咁特別一樣嘢，唔同話一樣 materials 呀，係，「咦，香港業界未用過嘞，大家都唔係好知嘞，大家想一齊去研究嘞。啊，或者又去睇下喺--唔喺房署，或者喺出面嘅項目會唔會用到嘞。」即係如果係有一種咁嘅新嘅物料、新嘅項目，咁大家我諗成個業界都會去睇喇，係。

問：我覺得你講得好啱喇，因為即係如果當時覺得好特別嘅話，我哋今日可能就唔會喺呢一度喇。即係如果你當時，2002 年嘅時候，又有冇有任何認知呢？當時就係話有冇你哋署方嗰度考慮過，「欸，用 soldering joints 咁，定係用 compression joints 呀，mechanical joints 呀？」有冇考慮過呢個問題，或者呢兩樣嘅分別？有冇呀？

答：我唔知當時嗰個有冇考慮過，不過如果你問開 compression joints 呀、soldering joints 呀，咁喺我哋嘅 specifications，都會話去到乜嘢嘅 size 嘅喉，即係會係適合於用 compression joints 喇，or soldering 嘅，或者 brazing 嘅，係。因為其實呢個，我諗就會係基於即係喺成個水喉嘅工程嗰度，受嘅壓力咁係會有唔同嘅。咁呢樣我唔知...

問：嗰啲 joints...

答：...--我唔知當時嗰個研究呀，或者係個 drafted 嘅 specifications。

問：好。即係整體嚟講都係唔知，其實好簡單。Push-fit joints 呢，push-fit joints 係有冇考慮過，當時？

答：我有參與工作，所以我唔知當時有冇考慮過。

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問：好。我想問一問你，就係你都知道就係做水喉工程，個法例都要求呢個持牌水喉匠，即係佢有一定嘅責任嘅。

答：係。

問：呢個你知道㗎喇？

答：係，冇錯，喺嗰個...

問：一個法例嘅要求，你都知道？

答：...法例 Waterworks Ordinance 嗰度係佢哋有一定嘅責任。

問：冇錯。我想你睇一睇你嘅證人口供嘅第 31 段。

答：係，幾多頁話？唔好意思。

問：係，38018，唔好意思。證人口供，B15.2。

講者（不能辨別）：哦，哦。

答：Okay，得，得，得，得。

問：38018。

答：係。Paragraph？係。

問：第 31 段。

答：31 段，係。

問：係嘞。呢度講呢，你話瑞安，即係個總承建商，“Was relied on to monitor the service of the LP”，即係個 licensed plumber。“and it was expected the LP would execute his duties under”嗰個法例喇，WWO、WWR 喇。“Presumably, the ‘Point Penalty System’ administered by the Water Authority reinforced this, as it provided a positive incentive for the LP to carry out the task professionally and

accurately.”。

我想問下，就係你係咪認為，即係就住工程嚟講，即係水喉工程嚟講，點樣去確保持牌水喉匠會遵守個法例，去重視呢一個環節？你係咪話房署冇責任嘅，責任就喺總承建商嗰度，你嘅意思係咪咁樣？

答：唔係，房署係有責任去跟法例嘅，房委會有責任去跟法例嘅，但係佢點跟一個法例，佢點做嘢呢，係一個好長嘅 process 嚟嘅。我哋喺我哋嗰個合約條件裏面，就列明晒好多要跟合約嘅--即係要跟法例嘅嘢。亦都有 contract conditions，要總承建商要去跟法例嘅。咁亦都我哋有咗 site inspection system 去 monitor 佢哋去做呢樣嘢。而跟住佢哋總承建商佢哋去請 domestic subcontractors，又請 licensed plumbers，一連串，咁大家都一路去 monitor，去做，但係某一上面，要真係 day-to-day 去做嘢，或者 liaising--同水務署嗰啲 liaising 呢，咁就一定係係要由 licensed plumber 嗰度佢會去做嘅，係一貫嘅 practice 嚟嘅。

問：先唔好講話即係 licensed plumber 做咩嘢先，或者佢遵唔遵守法例呀，遵唔遵--同埋你個合同係講咩嘢先。我好簡單問下呢個實際情況就係，喺地盤，你哋對個 licensed plumber 幾時嚟個地盤，做過啲乜嘢，有冇 record 㗎？有冇紀錄㗎？

答：我哋啲過係冇紀錄，冇紀錄有關個 licensed plumber 幾時嚟，係。

問：你哋即係如果冇紀錄呢，喺嗰個地盤現場，都唔會知道佢做過啲乜，或者有冇做嘢你係唔知個嗎？

答：所以我就話係--因為係每一個 party 冇自己個 liabilities，亦都我正話喺嗰個 witness statement，證人證供裏面講，就係話因為唯一個 party 喺水務條例裏面有就係 licensed plumber。Licensed plumber 佢個 licensing，係由 Water Authority 去做，而 Water Authority 亦都有一個 point penalty system。咁根據一個--咁係根據法例，係 license 喇，咁佢會係應該受到 Water Authority 嘅監管，佢係做到佢由法例需要要求做嘅，我哋就要係...

問：唔好咁快一下轉身就拋咗個波畀個 licensed plumber 同埋嗰個水務署先，我啱啱個問題只不過就係話，喺個現場，你係唔會知道 licensed plumber 有冇做嘢，做啲乜嘢，你唔會知㗎嘛？

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答：我哋冇紀錄，但係我哋相信佢需要係去做，佢亦應該去做。

問：亦都你哋冇--唔好意思，亦都你哋有一個制度係話個 licensed plumber 需唔需要定期向你哋匯報一下，「喂，工作進行成點呀？水喉工程有冇遇到啲咩嘢問題呀？」都有啲嘛？

答：冇直接由 licensed plumber，但係因為係總承建商佢會同我哋報告個進度呀、有咩嘢地盤問題呀、我哋圖需唔需要改呀、或者要夾呀，個樣嘢我哋都係經過總承建商去同我哋溝通嘅。因為喺我證人證供已經講過係，我哋直接嘅合約關係就係同總承建商。

問：不過咁喎，你有好多--即係我哋之前都睇過一啲表格喇，即係我哋所講啲水紙，啲申請表格。

答：唔。

問：都係需要你同埋個 licensed plumber 一齊 joining 去簽一啲表格啲嘛，你都知道㗎，係咪？

答：唔，係。

問：你喺簽呢啲表格嘅時候，係點嘅過程？例如 licensed plumber 簽咗，跟住交界可能你哋有個同事，跟住又交界可能你哋作為 chief architect 喇，就喺個表格度--上面寫 "AP" 喇咁樣。係咪就係咁嘅？即係你簽個表格嘅過程之中，你哋同個 licensed plumber 係冇溝通㗎？

答：我哋通常而家 practice 都會係 licensed plumber 簽咗，簽咗，咁佢--profession 佢需要去知佢簽咗啲咩嘢喇，係。

問：係。

答：然後跟住佢會交界我哋個總承建商，總承建商亦都有責任去 check 下佢講嘅嘢係啱唔啱，然後跟住就交界我哋。我哋就要需--同時，有時我哋會係 project engineer、building service engineer，有時係 project architect 就會去簽。然後跟住又會交番總承建商，總承建商或者交界 LP，LP 就會交界水務署，係。

問：即係話例如你本人都喺個簽個 form 嘅過程之中，就唔會同個 licensed plumber 有啲咩嘢溝通？

答：我哋冇約定開會去傾有關於--呢個係一貫嘅 practice，係咁做法係。

問：好。所以如果就住 licensed plumber，同埋佢自己嗰啲咁嘅--佢話可能佢自己有個班底，有啲 workers，或者係個 subcontractors，可能個 workers，喺嗰個工地上面出現啲咩嘢問題，即係你哋就只能靠個總承建商匯報畀你哋聽？

答：冇錯，係，總承建商報畀我哋聽。

問：我想你睇一睇呢--有兩個 statement 嘅，其中一個係何標記，K1，60 頁。係，我哋睇一睇呢一個第--首先睇一睇第 48 頁先，呢個何標記個證人口供嚟嘅。喺 48 頁嗰度，佢係講緊另外一條邨--佢答緊另外一條邨有關問題嘅。

答：唔。

問：咁佢其中佢嘅 Answer (e) 嗰度呢，佢就話：

「何標記 also believes that sufficient time should be reserved for plumbing installation. The plumbing work at the housing blocks was required to be completed in a very tight programme (usually only a few months prior to the completion of the whole housing estate) when time is limited, the risk to find sufficient labour... would be high. Better programming by the main contractor in reserving adequate time for the plumbing work would ensure [quality]」等等，呢個就係佢講另外一條邨嘅。

但係第 60 頁，佢就話同樣佢呢一個咁樣嘅觀點，都係適用於呢個啟晴邨同埋葵聯邨。咁就呢個就係佢哋嘅睇法，即係何標記嘅睇法，即係話佢哋話覺得嗰個工程嗰個 programme 好緊。即係就住 plumbing work 呢，個時間好 tight，所以就冇時可能喺請工人上面，會出現到一啲問題咁樣。

至於瑞安嘅講法，瑞安嘅講法就喺 H1，第 90 頁。第 23 段，都係就住葵聯嗰個項目。就呢度就寫：

「何標記 commenced their plumbing works in June 2013 and completed the works in April 2014.」佢話大概有十個月嘅 "execution of the plumbing works under the subcontract, which I consider to be a reasonable period for works of this scale. I therefore disagree with"

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何先生喺佢嗰個證人口供入面所講，就話嗰個水喉工程，係 under 一個好 tight 嘅 schedule 咁樣。

所以兩個講法，第一個，就何標記佢嘅講法，就話「喂，好緊張，未必真係請得晒工人返嚟。」瑞安就話「咦，唔係咩，都幾合理咩，呢個時間吓。」即係冇乜問題，佢又唔同意何標記嘅講法。你點睇呢？

答：呢個喺三十個月個 contract，咁頭嗰大半槓，就會係嗰個 structural work，上喇，由地開始上去，起石屎廊。咁剩番啲時間都會係年半嘅，由佢做--開始做 architectural 嘅 works 喇係。我數一數啲時間。咁如果係安排係喺最後嗰槓去做 plumbing works，係一個通常都係即係 trade practice 都係咁做法。咁如果總承建商覺得係冇問題嘅，佢自己去做個 subcontract 嘅，咁我覺得都係一個 reasonable 嘅 contract 嚟嘅，佢哋自己係 subcontract。即係做個時間喇，可以咁講係話，係有後嗰槓時間去做呢個水喉嘅工程，係。咁亦都我哋睇到佢完工嘅時間，都係可以完得到囉係。咁而佢開始亦都係喺後槓嗰陣時，開始有人手--好似大約係 2013 年 6 月嘅，係咁樣開始有人手喺度做喇，咁係一份 build up 去做呢個咁嘅工程，我唔可以話佢係一個唔足夠嘅時間。

問：唔，即係你係大致上係比較認同瑞安嘅講法，係咪？

答：可以咁講，即係。係嘞，可以。

問：我哋之前問過你，就係喺事發嗰陣時，有冇睇過啲咩嘢國際標準呀啲啲呀，咁就問過你喇，咁就即係關於世衛嗰啲，你當時有特別注意喇？

答：係，冇錯。

問：咁而家事發之後嘞，事發之後，咁有冇話睇過個世衛標準， requirement？

答：我未詳細去睇。

問：未詳細去睇？

答：係，未詳細睇，係嘞。即係...

問：咁以你所知，即係你哋房委會，或者你哋有份即係檢視呢個鉛水事件嘅同事，佢哋有冇話就住呢個世衛嘅標準，就去 check 下，「喂，除咗鉛，仲有冇啲咩嘢其他嘢可能係要注意呀」咁樣？

答：我諗我哋暫時未有嗰個時間會係去--再去研究其餘有咩嘢--譬如有咩嘢--仲有其餘嘅 heavy metal, apart from 即係水務署而家話要驗嗰啲係，咁我哋--可能我哋都有--初初會有啲問題，但係如果我哋有問題，我哋一定會去問水務署，即係如果有關水嘅事件係。咁如果研究，我諗我哋唔係水嘅專家--我諗呢樣好清楚，我哋唔係一個水嘅專家，我哋一定要搵番水務署去問，如果我哋會突然諗到「啊，有咩嘢問題呢？」係。

問：就住呢件事嚟講，即係我哋之前都聽過房委會嘅證人所講，就話嗰啲參數呢，你要驗邊啲嘢呀，咁呀「喂，我哋要睇水務署咩，係咪？因為佢係負責睇住個食水嗰個安全標準嚟嘛。

答：唔。

問：咁但係好明顯，即係呢次我哋個事件發生咗之後，大家都睇到，現有嗰個參數，就似乎冇包括到嗰個鉛同埋重金屬。咁我就想問下，就--即係經一事，長一智咩，即係你哋覺得，你哋覺得，而家開始你哋興建公共屋邨，除咗話聽水務署講咩嘢嘅，你哋覺得自己需唔需要作一啲獨立--即係例如委派，或者聘用一啲專家，就住食水安全，要作一啲獨立嘅檢視呢？話畀你哋聽，「喂，要測啲乜嘢呢？」有冇咁嘅睇法，你自己？

答：如果我自己--你嘅問題係我自己，係咪？

問：係。

答：我自己。我個--作為一個喺房委會，我哋要興建好多個工程喇係，我哋亦都有工程嘅籌備，每個項目之前要做好多嘅諮詢，先可以落到個圖嗰度，畫到個設計出嚟，然後跟住然後先搵--做 tender, 然後先起到，咁其實我哋嘅工作量係相當大嘅。咁而有關於呢啲咁專門，有關水，要水專家去 study 嘅嘢，我諗我哋係冇資源去做。咁亦都我覺得，因為始終有乜專門嘅嘢，我哋都會一定喺個法規度去跟隨。咁最緊要係，如果法規部門覺得係有需要嘅，有邊樣有危險嘅，話畀我哋聽我要去 test 嘅，咁我哋一定會 test 嘅。好似 7 月嗰陣時，水務署有張新嘅 circular, 話要加驗四個重金屬，我哋即刻我哋都會係要跟隨咗嘞，係。

問：即係...

答：咁亦都係...

問：即係你...

答：即係佢亦都啲 penalty system 亦都加咗話對 licensed plumber 有要--「啊，如果用有鉛嘅 solder，要 increase--即係要加個個--即係加個罰嘅 points 呢？」咁所以我哋亦都知道呢樣嘢，亦都會喺我哋最近個 6210 個張，由 32 張加到 34 個 items。

殷先生：主席，我唔想--冇必要咁樣去打斷許大律師嘅問話，但係個問題就係，譚女士喺呢個研訊入面出席，係作為某一個項目入面嘅總建築師嘅身分。我相信如果係要問一啲關於房委會嘅立場，喺保證食水安全嘅層面而唔涉及到個工程個項目點樣去規管嘅方面嘅，可能譚女士唔係一個適合嘅人去答，同埋佢個人嘅意見，係未必係可以代表到房委會喺呢一方面嘅立場。

許偉強先生：我明白殷大律師個論點，不過佢個證人口供其實已經覆蓋咗呢個範圍。因為佢證人口供裏面有講到個建議，即係以後點樣去防止呢樣嘢發生。

問：咁我咁講啱唔啱呢，譚女士？就係到現時為止，你都係覺得房委會就住將來嘅興建個項目，房委會都唔需要做一啲獨立嘅檢測係關於食水安全，都係依賴番水務署，係咪呢個係你個人諗法？

答：頭先我答嘅問題係講話係做研究，水嘅研究，咁你而家呢個問題，就問我哋會唔會，係咪呀？

問：哦，係，唔好意思，我可能問得唔好。即係就住個食水安全，即係你話應該要檢測啲乜嘢項目，有啲咩嘢標準呢樣嘢，我想你--問下你，你覺得房委會以後，需唔需要做一啲獨立嘅評估、研究呢？而唔係單單去依賴水務署呢？

答：如果你問係研究呢樣問題呢，咁我覺得，我哋就會係問番水務署，一齊，係。如果佢邀請我哋研究，就研究。

主席：唔係，唔係研究。

答：如果...



主席：你唔好成日咬文嚼字，即係人哋啲大題目嚟㗎嘛。你第二時起居屋呀，你係咪--第二時起公屋--個問題就好簡單，第二時起公屋，你係咪純粹依賴水務署，水務署叫你做幾多你就做幾多，你唔會做多過水務署嘅要求，就係咁多咋嘛，個問題就係。

答：哦，如果你話淨係去做 testing，或者去做--睇下嗰個 material 係唔係真係 lead-free 呢？咁而喺我哋個 site inspection system 呢，亦都會叫--以前冇叫，我哋而家會去叫 site inspection staff 就去試，到時去 test 下，「欸」--因為有幾種嘅，以前我哋唔知，而家我哋知，有 swab tests 呀，又有 X-ray tests 呀，...

主席：我明，我明你講咩嘢嘢。

答：...係嘞，咁我哋會做呢樣嘢，係。

主席：得，唔。不過佢嘅問題其實即係好簡單，水務署就睇住全香港所有嘅人，咁由呢個住木屋去到住呢一個公屋，幾十層嘅都有，木屋嘅 risk 呢，可能同公屋幾十層嘅 risk 呢係唔同嘅，啱唔啱？木屋係唔需要由下底又泵上去天台，又唔會經過啲 water tank，又唔會落番嚟，又唔會經過啲 booster pump，又唔會經過啲 reduce pressure 嘅 pump，諸如此類。咁當你作為一個建築師，要負責呢啲項目嘅時候，你諗嘅嘢，同起一個丁屋又唔同，同起個居屋又唔同，同起個醫院又唔同，同起間學校又唔同。佢水務署就畀咗一個大嘅指引出嚟啫，咁你會唔會喺佢個大嘅指引裏面，再做一啲詳細啲嘅指引，有關於食水方面？

答：多謝你頭先提出好多唔同嘅，但係其實我係同好多--我諗大部分人住緊嘅樓，都係同--都係四十層高，係高樓，都係有一個 up-feed system，亦都會經過 booster pump room，through water tank。所以我哋覺得，水務署佢會嗰個 system 係應用到我哋嗰個--我哋嗰啲 development 嗰度，亦都係需要應用喇吓，我哋都係 subject to Waterworks Ordinance。所以我哋係會依從水務署嗰個指引，嗰個嘢，嗰個規定去做，係。

問：唔該。

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許偉強先生：主席，...

答：咁如果話係去到最入，唔係做研究方面，如果真係去實際喺地盤個測試，咁就係變咗係我哋自己一個--只不過係我哋嘅 site inspection system，嗰個係一個 enhancement 嚟，係一個再完善啲喇，係。

許偉強先生：主席，我跟住落嚟嗰個問題，就係--因為我要可能 refer to 一個 document，因為我自己嘅 hard copy 呢就有，不過呢我睇番，可能仲未 upload 到上去，...

主席：哦。

許偉強先生：...所以我睇下可唔可以而家先作休息，...

主席：好呀。

許偉強先生：...我再返嚟再問番。

主席：好呀，我哋先休息廿分鐘先，唔該。

上午 11 時 21 分聆訊押後

上午 11 時 45 分恢復聆訊

出席人士如前。

香港房屋委員會第七證人：譚瑰儀（房屋署（葵聯邨第二期總建築師））  
宣誓繼續作供

殷先生：主席，喺我哋繼續今日上--下一部嘅研訊之前呢，...

主席：係。

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般先生：...我有一點疑慮，我想同委員會講講先。

主席：係。

般先生：個問題喺邊度呢？房委會作為一個公營房屋嘅供應者，佢唔係話佢冇責任要負責食水安全，佢對佢嘅--即係佢個最終嘅使用者，嗰啲住客呢係有一個責任，但係呢方面嘅責任，係概括一個好闊嘅範圍，就唔係單只話係嗰個建築房屋期間，從一個係個工程項目點樣管理嗰個範疇去睇嘅。咁而家個問題就係呢...

主席：我唔係好明你頭先嗰一句嘅意思係咩嘢意思？

般先生：因為而家個問題...

主席：房委會...

般先生：房委會作為一個房屋個供應者，...

主席：係。

般先生：...佢係有一個責任係要確保嗰個食水供應係安全。

主席：係。

般先生：但係嗰個食水供應安全嘅責任呢，係泛括咗係施工期間，起新樓嘅期間，亦都係起完咗之後，跟住係點樣保養維修。

主席：即係由頭到尾都關事喇。

般先生：由頭到尾。

主席：係喇。

般先生：但係而家我哋呢啲各個項目嘅 chief architect，總建築師，係而家係畀證供係關於從一個管控嗰個建築期間嗰個角度去畀佢嘅證供。

主席：係。

般先生：亦都唔係佢哋個範疇係講話所有關於點樣樣去保障食水供應安全，亦都唔係佢哋嘅職責嘅範疇。

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主席：咁我哋而家咪問緊佢哋就住起樓嗰啲嘢囉。

殷先生：嘅。因為有部分嘅問題，我哋嘅感覺就係可能係大家嘅演繹唔同，個問題同埋答案似乎係出咗淨係建築嘅範疇。

主席：咁冇問題㗎，我哋冇話一定唔准問啲咩嘢問題，...

殷先生：係，得。

主席：...或者我哋問嘅問題一定要係...

殷先生：但係唔係呢啲證人去答呢啲問題。

主席：咁我哋頭先好多時都係問佢，「啊，你個人嘅意見咋嘛。」咁佢可以話「我個人嘅意見同房委會嘅意見唔同㗎。我個人嘅做法同房委會嘅做法唔同㗎，如果我係呢，我就會咁做㗎喇」咁樣樣，冇問題㗎。

殷先生：我只係想帶出呢一點啫。

主席：係咪？即係你問我，我就會有我嘅意見。房委會我唔知佢點諗呀，佢嘅事喇，係咪？你問我，作為一個專業嘅建築師，如果我今日我做署長呢，我就會咁做，有咩嘢問題啫？冇問題㗎。

殷先生：而家大家明白係咁樣嘅方向。

主席：我哋都明白，不過佢--譚小姐嘅答案就係話，佢嘅立場同呢個房委會嘅立場係一致咋嘛而家。

黎先生：佢以為佢一致。

殷先生：佢以為係一致。

主席：係，okay，得。

許偉強先生：好。

許偉強先生繼續盤問

問：譚女士，就住你個證人口供最後嗰一部分，即係有關提出啲咩嘢建議，有啲乜嘢措施，嚟去到防止即係呢啲咁嘅類似相關嘅情況會發生呢咁

樣，咁你都有提出過幾點，我就想有一點同你討論一下。就係你都講出咗就係話，就住呢個含鉛嘅物料，咁你哋喺嗰個施工期間，或者完咗工之後，都會作出一啲措施嚟到確保就係冇呢啲含鉛物料即係第二時會用嘅，咁呢個就係其中一部分嘅建議嚟嘅，喺你畀嗰個證人口供。咁我都想問一問你，就係就住水喉工程，有啲銅喉或者嗰啲配件，除咗有啲係唔可以含鉛之外，你都知道即係有啲都係唔可以含有 cadmium 㗎喇。

答：唔㗎。

問：你都知道個呵？

答：唔㗎，係。

問：係。咁例如，即係我哋就唔想有個情況，就喂，頭痛醫頭，腳痛醫腳，咁呢次係個鉛嘅事件，咁你就有呢啲建議。咁我就想問下，例如就住一啲其他嘅成分，例如 cadmium，或者其他一啲--即係你嘅工程上面，或者水喉工程上面，有關嘅其他一啲嘅有可能嘅有害物質，你哋除咗鉛之外，會唔會再作啲全面嘅檢視？即係唔好淨係講鉛，其他嘅有害物資，你哋會唔會做啲全面嘅檢視？

答：我諗呢個係唔係我個範疇裏面可以去講。

問：好。

答：因為如果就葵聯邨，而家完咗工喇，係，跟住唔係 construction，咁如果話係唔係再大範疇去睇，咁就會係再--部門再去決定，係。

問：唔。

答：嘍。

許偉強先生：我有其他問題。

主席：唔該。水務署，Mr Lam 你想問先，係咪？

林先生：可以水務署問先。

主席：水務署問先。

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王先生：Okay。

主席：隨便你啦。

王先生：我只係得一條問題啫。

主席：好。

王先生盤問

問：譚小姐，我想請你睇你嘅證人口供嘅第 26 到 27 段。

主席：第幾段話？

王先生：25 到 27。

主席：唔該。

答：唔噃。唔噃。

問：咁 25 到 27 段，你就講有個分別，就 between domestic subcontractors 同埋 nominated subcontractors 嘅。

答：唔。

問：關於個泵房呢，就係用 nominated subcontractors，其他呢就係用 domestic subcontractors 嘅。

答：係，冇錯。

問：咁我想問，點解關於泵房以外嘅嘢，即係其他呢啲水喉呀嗰啲，點解唔用 nominated subcontractors，而要...

主席：問過個囉嗰，其實。係咪？即係之前嗰一條邨嗰啲都問過㗎喇，因為--問過嗰啲，唔好重複，重複。

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王先生：好。

主席：因為你有啲專業技術喺度吖嘛，啲泵呀，又要有--又要--係咪？

王先生：係。或者主席我其實都...

主席：一係你問番--你--佢講啲啲嘢同之前講啲啲--chief architect  
講啲啲一模一樣㗎咋嘛，...

王先生：我知，我知。

主席：...即係就住泵房啲啲嘢。

王先生：係。

主席：咁唔好問喇，係。

王先生：Okay。或者主席，我其實係想問啲個角度呢，就係想講，即係啲  
個--雖然泵房入面技術性係高啲，...

主席：係吖。

王先生：...但係就出面啲啲食水啲啲喉管，其實都係重要嘅，咁點解係  
唔用呢個 nominated subcontractors 呢？即係我嘅問題咁樣。

主席：呢個都--咪因為裏面--出面就有咩嘢--咩嘢--乜嘢嘅設備都有，  
直情純粹得條水管喺度運水，咁泵房就有泵，就係咁簡單。

王先生：Okay。

主席：仲有啲...

王先生：或者我另外一個角度問。

主席：出面有啲 valves，有啲--有啲 valves，有啲 taps 咁樣樣。

王先生：唔。

主席：即係我哋講泵房以外嘅，純粹係一個輸水上，純粹係講緊一個  
conveyance--conveys-- 即 係 delivery 嘅  
system--distribution system where as 你啲個泵房裏面，  
就要高少少技術，就要牽涉到個泵，泵上去上高。

王先生：唔。

主席：跟住又泵番落嚟。

王先生：主席，我明白。

主席：唔。

王先生：或者我其實想探討嘅角度就係話，由於個 nominated subcontractors 嗰個選擇嗰個過程比較嚴謹，咁我就想問，喺今次嗰個鉛水事件發生以後，關於嗰個改善措施嗰度，有冇考慮過--即係就算佢出面嗰個水喉、銅喉，都會考慮用啲...

主席：得，咁你直接問佢。

王先生：Okay。

問：好，譚女士，我想問你，由於嗰個 nominated subcontractors 嗰個篩選，由房委會篩選係比較嚴謹，咁喺嗰個出咗事之後，以你嘅認知，關於喺嗰個泵房以外嗰啲水管，房委有冇考慮過都採取嗰個 nominated subcontractors 嘅制度，而令到嗰個施工嗰個水準更高呢？

答：以我嘅理解係未有考慮，不過就係如果話你係--你提出呢個問題係話，會唔會令到施工水準係提高，咁我就會問番，其實係一貫 domestic subcontractors，佢哋係做水喉呢行嘅，做咗好多年嘅，佢哋亦都有足夠嘅技術去做呢樣嘢。即係可能喇吓，如果以我嘅專業--就咁我嘅專業去睇，我亦都唔會覺得係會特別係要由個 nominated subcontractors 去做會係特別--即係會令到嗰個會--會唔產生呢件事，唔產生呢件事。產生呢件事，係因為嗰個大家嘅警覺唔高，就係有呢件嘅警覺咁解啫係，唔係話嗰個工程嗰個水準係有問題。

王先生：好，冇其他問題。

主席：好呀，唔。



林先生盤問

問：係，Ms Tam，我代表瑞安嘅，我有啲--一系列嘅問題會問你。或者如果你首先你睇番去你嗰個證人供詞嘅 exhibit 1，同埋你嘅證人供詞嘅第 8 段，就係 38012，你嘅 exhibit 1 係 38038。

答：唔，唔。

問：係，你有兩份文件都喺度喇？

答：係。

問：係。你响第 8 段就講--指出呢一個合約嘅日期，就係 8 月 4 號，2011 年，係咪？

答：唔噃，唔噃，係。

問：但係如果我哋睇番你嗰個 exhibit 1 個表，你就係 2014 年 4 月嘅時候先至 join 咗--as 即係呢一個項目嘅 Chief Architect，咁我見到上面有兩位先生，Ken Cheung 同埋 Andy Leung，佢兩個都係打咗粒星，就係唔同時間就已經 retire 咗，係咪？

答：係，冇錯。

問：咁我哋睇埋第 9 段，嗰個--兩個 domestic blocks 同埋 footbridge，就係响 4 月 30 號，2014 年就完工嘅。你 certified 嘅，你自己，係咪？

答：係，冇錯。

問：咁換句話講，你--當然我相信一定會有個交接期，點樣 take over 嗰個 contract 嘅 administration。即係換句話講，去到 4 月--我見到呢度 5 月同埋 6 月嘅時候，你都有 involved in 嗰個最後嗰個階段嘅，係咪？

答：係，冇錯。

問：好。咁我想首先問一問你，因為琴日呢個問題係出現咗，我想問一問你呢個範疇先。如果你去 B4.2...

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主席：不如我--我想問一個問題，因為而家問緊 exhibit--你個個 exhibit 咁嘛。

林先生：係，係。

主席：我想問一問先，因為既然我哋喺呢一個 exhibit 上高。呢度有兩頁紙，就講葵聯邨嘅 project team 嘅，即係講啲人物，係咪？啱唔啱？

答：係。

主席：即係你哋房署嘅人。

答：係，冇錯。

主席：左手面嗰啲，就係比較高級啲嘍喇，就係啲 architect、DD、AD 呀，同埋啲 engineer。

答：係。

主席：呢一班人呢係不駐地盤嘍，啱唔啱？

答：係，唔駐地盤嘅。

主席：不駐地盤嘅？

答：係。

主席：好。咁隔離嗰度，就係有啲 COW，即係 clerk of works，同埋有啲 BSI，即係 building services inspectors。呢度有 CTO，CTO 係乜嘢？Chief technical officer？

答：係，冇錯，係。

主席：同埋一個 CTO (BS)。我想問，呢度一、二、三、四、五、六，呢度有六個人，呢六個人裏面，其實實際上駐地盤--每日喺地盤返工嘅有幾多個？

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答：CTO, SCOW, 同埋 CTO (BS), SBSI 可能係，都應該佢哋會係 oversee 有幾個唔同嘅地盤嘅，所以佢唔會係長時間喺某一個地盤嗰度，可以咁講。

主席：係。

答：係。

主席：咁即係換句話，...

答：咁 COW...

主席：唔。即係呢度實際上，即係一個 COW 同埋一個 BSI 係會駐地盤嘅啫？

答：COW、BSI，係。

主席：係咪？

答：SBSI 我唔係好清楚，應該呢樣要叫我哋 BS 嘅同事，更清楚啲喇，係。咁而可能呢一個，你如果你問，「啊，係唔係下底冇人呢？」因為我哋... (聽不清) involve 有限，變咗我哋會將高啲一層擺晒喺呢一度，係。

主席：唔係，你係咪即係一個 COW，就一定係永遠都係返呢個地盤㗎？

答：原則上係。即係有時如果話佢舊一個地盤有啲問題，又話要跟進，咁佢唔會...

主席：咁係另外一件事喇。

答：... 每一日都會喺度嘅，唔係每一日喺度嘅。

主席：咁即係長駐地盤嘅，就係一個 COW 加一個 BSI，啱唔啱？

答：仲有佢同埋佢哋嘅下屬。

主席：佢哋嘅下屬？

答：仲有下屬，係。

主席：佢哋嘅...

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答：佢哋下屬。可能我哋呢個 listing 嗰度，就有啲--即係譬如 ACOW，有 assistant clerk of works 喇。

主席：係。

答：有 work supervisor，係，咁我哋即係一個好概括，即係將上層擺咗喺嗰個表嗰度咁解嘅啫。

主席：咁即係有幾多個人會駐地盤㗎，呢兩棟樓，房委嚟講？

答：如果係呢一個地盤，我印--我記憶中，係應該大約會係五、六個嘍喇，會係。

主席：即係加埋呢兩個？

答：即係唔係，我話我 building works 嗰面，係。

主席：咁 BSI 呢？

答：Building works.

主席：BS 嗰面呢？

答：BSI, depends on 佢有冇 ABSI, assistant building--所以我呢樣--即係可能係幾個喇。即係通常喺地盤裏面，都會係...

主席：咁...

答：...building--BSI 可能兩--即係 BS 嗰方面，係兩、三個喇係，或者然後就--即係譬如兩棟樓嘅地盤，而係 building works 嗰面就係多一啲嘅。

主席：即係 COW 下底可能有四、五個人，係咪咁？

答：係，係。

主席：BSI 下底有兩至三個人，...

答：係嘞，...

主席：...加埋大約有十個人？

答：...有幾個喇，係嘞。

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主席：唔，得，好，繼續。

答：即係 exact 個數，我--唔係，唔係，呢度我有。

主席：唔。

答：係。

問：係。Ms Tam，如果你去睇睇，我哋琴日有個 topic 係講嗰個 contract 喇，其中一個課題，就係我相信係許大律師問你嘅，你從來冇睇過總承建商同埋何標記喇，呢個 case 嘅 contract，所以你點樣樣 supervisor 呀啲啲咁--嗰一類嘅課題。嚟緊我想你睇睇 B4.2 嘅 3483。之前亦都有問過你，同埋亦都有指出咗，嗰啲 specification 呢，係要用你哋 Housing Authority 嘅 Specification Library 2008 年嘅 edition，就係 apply 响呢一個 contract 度嘅，係咪？

答：唔，係，係。

問：如果你再睇睇另一份文件--或者點解我咁問你先，响行裏面，或者業界，係呢個 back-to-back contracts，其實係一個好普遍嘅情況，你同唔同意？

答：可以咁講，雖然我其實真正佢哋個 subcontract 嗰啲文件，係我哋當時我哋係唔知嘅，...

問：係。

答：...亦都我哋唔需要去知。

問：第一，你唔需要去知；第二，你亦都因為經驗嚟講，你知道係一個 back-to-back contracts 嘅運作情況嘅，係咪？

答：有咁嘅機會。

問：係。諗...

答：係，即係 depends on 嗰個主承建商佢自己個安排，係。

問：當然，當然。咁你睇--可以請你睇睇係 K1，有 2 of 2 嗰個 bundle。如果你睇第 800 頁。

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主席：邊一個 bundle 話？

林先生：K2.2 嘅 bundle，係何標記嘅文件嚟嘅，第 800 頁。

主席：第幾頁話？

林先生：Page 800，係一個 bundle--sorry，K1 嘅 2.2。

問：如果你--响唔响你面前？唔該，thank you。你見到係呢一個係瑞安嘅關於呢個葵聯邨嘅工程，係水喉工程。如果你再睇--呢個係嗰個合約嘅文件，如果你再睇去 802，你就見到兩個嘅簽署人--雙方嘅簽署人，就係瑞安同埋何標記嘅，係咪？

答：唔噃。

問：睇唔睇到？第 802 頁嘅兩個嘅，...

答：Okay。

問：係咪？

答：瑞安，係。

問：係。

答：跟住寫住「何標記」。

問：冇錯。

答：係。

問：如果你再去睇一睇第 813 頁，關於嗰啲 specifications。如果你睇第 7 段總章程，同埋章程嘅矛盾。7.2 佢呢度就寫咗「在所有英文嘅章程內，與本工程合約有關嘅項目所提及嘅“Main Contractor”或“Contractor”的名字，在此份合約，皆改為承判商（SubContractor），即本公司在該英文章程中所承受的責任將全部轉移至承判商的工程責任。」

即係換句話講，總承建商同 HA 有個 contractor，而佢就將呢個 contractor 就轉移咗，即係兩個嗰個身分就對調，所以叫 back to back。就係變咗總承建商同呢個何標記嗰個情況，就係將 main contractor 同埋嗰個 contractor 就即係套用咗嘞，可唔可以咁講？

答：唔噃，唔噃。

問：你同意嘛？

答：（沒有可聽到的回答）

問：如果你再睇 page 835，喺同一個 bundle 度。如果你睇 835，呢一個就係講嗰個工程合約嘅說明，就係講關於嗰個 “General Specification” 嘅，係咪？

答：唔噃。

問：即係我想就係指出嗰個標題。如果你去到第 839 嘅 7，補充嘅 7.1. 條款，嗰個題目就係總章程同埋章程矛盾。補充 7.1. 條款本合約總章程及特別章程是採用房屋署的：

7.1.1 就講：

“The Hong Kong Housing Authority Specification Library (2008 Edition) issued by the Housing Department.”。

7.1.2 總合約嘅 “Project Specific Specifications”，係 “Standard Preambles and Special Preambles”。

即係換句話講，嗰個 -- 頭先我第一份文件畀你睇嗰個嘅 special -- 嗰個 “Specification Library” 嗰個條文，除咗 apply 去總承建商度，而家總承建商亦都 apply 落去何標記嗰度，你同唔同意呀？

答：呢份係一份合約文件。

問：係。

答：係，總承建商同佢分判商嘅合約文件，我諗我咁快喺度，我唔可以係去 -- 每一個去 -- 好明白佢哋每一個嗰個。

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問：我明嘅，我明。

答：係嘞，我唔可以。

問：或者咁樣樣，...

答：因為其實我哋真係冇收過，除咗 investigation 之後，...

問：之後，我明嘅。

答：...我哋係先收到，所以我--係嘞。

問：唔係，我想首先向--你睇到 7...

答：你個問題係咩嘢呢？

問：...嗰一段，7.1.1 同埋 1.2.呢，我指 7.1.1，就係將咗嗰個 Specification Library 嗰個 2008 edition，就係套用咗去何標記。

答：唔，唔。

問：如果你再睇埋--或者我請你睇埋呢個 857...

答：857。

問：...呢一頁，我最後呢個範疇。即係佢唔知道合約上面套用咗喇，其實佢將嗰個原本响個 main contract 嘅 PLU1 嗰個文件--呢個文件，亦都係擺咗落去個 contract，同何標記嘅 contract 度嘅。因為嗰個我 check 過，係一樣嘅。

答：佢之前佢講過 2008 咁嘛，咁佢擺咗囉，已經。

問：唔，冇錯，係嘞。

答：係嘞，擺咗。

問：即係換句話講，其實响行裏面嘅做法，就係總承建商同 HA 簽咗份合約喇，當佢有呢個 subcontractor 嘅時候，所以叫做 back-to-back，其實套用番同樣嘅條文，或者我哋淨係 concentrate on PLU1 嘅條文，即係落番去 subcontractor 嗰度嘅。呢個係一個行裏面--或者你嘅認知，行裏面一個好普遍嘅做



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法，係咪？

答：我哋不參與正式佢哋 subcontract 嘅文件，所以如果用合約形式去睇，我講唔到畀你聽係唔係一樣。

問：係，明白。

答：我只知道佢哋會係分判，佢哋要做嘅工作，佢交界另一個分判商去做咁解。

問：係，明白。或者我咁樣問，你會唔會同意呢？其實响行裏面，業界裏面，呢個 back-to-back，其實係一個好普遍嘅做法。當然我唔係話究竟你有冇睇過佢哋個 contract 喇。

主席：答咗喇，答咗你喇。

林先生：Okay，唔，係。

問：今朝早就有個--另一個範疇，就係講關於嗰個 inspection 嗰一樣嘢嘅，我想畀你睇文件你睇，就站在呢一個瑞安呢個工程。如果你去 B4.3。如果去 4.3，我哋睇 4273。今朝早就問關於嗰個 inspection 係點樣進行，因為究竟 check 啲乜嘢嘅情況。如果去--或者我哋因為 4--4--係，你有冇 4273 先？你見到呢個係一個 inspection 嘅 supervision 同埋 inspection 嘅 record。其實如果你去 4347 先。你見到 4347，同埋我相信係 4346 同埋 4347，應該係嚟埋啲喇。我見到首先個 heading--响 4346，個 heading 就係“Daily Inspection Form”嘅，見唔見到？

答：唔，係，見到。

問：我見到日子 2010 年 11 月 7 號，有啲唔同嘅--我相信，如果你喺左手面下角，有個“Mr Lee”嘅，ACW，亦都有個“form checked by PCOW”。係咪你哋房署嘅職員呀？

答：... (聽不清) PC--如果 PCOW 就係。

問：Okay。如果你再睇一睇例如响呢個 4338。

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答：Sorry，43 幾多話？

問：4338。

答：38。係，係。

問：你見到呢啲 form，其實就係佢嘅 guidelines。你之前有講過，又話啲 guidelines 呢，你哋啲同事就會攞住。係 4338 嗰，係咪？

答：唔，唔，係。

問：4338，你啲同事就會攞住啲 guidelines，會睇到喇，譬如講 plumbing，你係如果 Above Ground Water，係應該 check 啲乜嘢。

答：唔噃。

問：例如 1，就係 Pipe Sleeve；2，就係 Materials；3，就係 Pipe Joint。

答：唔噃。

問：亦都有 PLU1.W210，我哋之前亦都有好多--就係講過關於啲啲係唔同嘅範疇咩嘢嘅情況。如果你去番再之前，4336。

答：係，4336。

問：見到例如 "Pass" 係 8,8 同埋 8。見到左手面嘅 reference number PLU1.02，即係 check 咗 PLU1.02 嘅 plumbing，响第一樓嘅 wing A，同埋 wing B，係咪？即係我相信係啱啱起緊樓嘅時候，最初最初嘅階段要 check 嘅嘢，咁佢就 check 咗 8 嘅，係咪？

答：係。

問：佢右手面，4337 呢，咁就見到唔同嘅單位有 reference number，check 咗唔同嘅嘢。唔同嘅單位，咁有唔同嘅 "Pass"，有啲咩嘢 failed，就有 check 咗，見唔見到？

答：係，係。

問：係咪？

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答：係，係。

問：變咗見其實嗰個實際嘅運作，就係你哋有同事，當佢例如喺第一層，咁有啲咩嘢需要 check，就係 PLU，頭先我哋見到嗰張 form 1.02，咁 pass 咗啲乜嘢嘢。當時需要 check 啲咩嘢，同埋 pass 啲咩嘢，就當時有同事就 check 咗嘅，係咪？

答：係。

問：如果你再睇--因為我唔想再睇太多時間，因為啲 form 係差唔多嘅。如果你睇 4334，我相信亦都唔只係咁少 form。4334，你見到 27 樓嘅 wing A，跟住有唔同嘅 reference number，我亦都見到中間有個 PLU1.02 喇。

答：係。

問：佢就話 check 咗邊一層樓，邊個單位，咁就 pass 咗 1、2、3、4、5、6、7 嘅，係咪？

答：唔噃，係。

問：咁就實際個運作，就係會係當時有個同事就攞住頭先我見畀你嗰張 guideline，就上到去 check 究竟做咗啲乜嘢嘢，完咗啲咩嘢工，同埋 pass 咗啲乜嘢嘢，係咪？

答：唔噃，唔噃。

問：當然，呢個就係頭先嗰份就去到廿幾樓嘞。如果我哋再去到再前一啲，或者我哋舉個例，4--或者係再前，4279。

答：係。

問：呢個嗰個日子，我就見到係 3 月 24 號，2014 年。

答：唔噃，係。

問：係咪？

答：係。

問：我哋見到就 check 咗就係 1019 至到 3318，係咪？

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答：唔㗎。

問：咁我見到 PLU1.02, all flats, 由 36 至到 38 樓, 咁而家佢已經  
起到 36 至 38 嘞。

答：唔㗎。

問：我見到下面, 有兩個 remarks 嘅係 test 㗎, "Testing to fresh  
water pipes", 咁有唔同嘅人簽咗名。去到尾嘅時候, 2014 年,  
就開始 check 36 至 38 樓所有嘅 flats, 係咪?

答：Right, 唔㗎, 唔㗎。

問：如果你再去到 42...

答：嗰個 moment 都有, 係。

問：吓? Sorry?

答：係, 係, 嗰日, 係, 喺 3 月 24 號, ...

問：冇錯, 冇錯。

答：...做咗嘅嘢, 係。

問：冇錯, 冇錯。如果你再睇 4277, 响隔咗冇幾多日, 就 check all  
flats, 5 至 6 樓。即係佢除咗啱啱起好嗰啲, 我相信, 5 至 6 樓返  
去, 佢就再 testing to copper pipes 嘅, 係咪?

答：唔㗎。

問：即係換句話講, 如果個實際運作, 就係會有同事咁樣做啲整個施工嘅  
過程, 當佢一起好嘅時候, 即係頭先你已經講咗, 只不過我畀啲文件  
你睇, 咁你可以--大家可以知道。其實就係你哋有同事去 check 晒  
所有, 做咗啲乜嘢, pass 唔 pass 嗰個 testing, 根據個  
guideline, 係咪?

答：唔係 check 晒所有。

問：當然。

答：係, 即係 depends on 咩嘢 items 同埋咩嘢 stage, 係。

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問：當然，當然，depends on 咩嘢 stage。好嘞，咁我哋去同一個 bundle，當去到最後嘅情況嘅時候，如果你去 4453。我見到一個--好多個表喇，嗰啲用中文，就係 items，但係基本上就係你哋同事嘅 final inspection 嘅 report 嚟嘅，係咪？

答：唔噃，係。

問：我見到個 heading 就“Kitchen”，例如佢“Kitchen”就會 check--其實我呢一個 bundle，或者呢一個，佢係好多頁嘅，由 4453 去到 49 幾頁，或者幾百頁嘅。或者總括嚟講，如果你就咁睇“Kitchen”，佢哋 check 晒所有關於嗰啲水、天花。就其實係每一個 block 嘅 floor 同埋 flat，由 1 樓 check 到去--其實所有嘅 flat 都有 check 過嘅。

答：唔，佢跟個 guidelines 去 check 囉。

問：係呀，冇錯。

答：Guidelines 話叫佢 check 咩嘢，佢 check 咩嘢囉。

問：冇錯。例如第 2，如果你去到 4475，就係 check 個“Bathroom”。一路就又係我哋見到好多唔同嘅 floor、唔同嘅 flat 係有 check 過嘅，係咪？

答：唔噃。

問：如果係去到 4493，就可能更加直接嘅關係，就個 heading 就係“Plumbing & Drainage”。我哋見到，如果你係睇到--我哋舉個例，响個--你由下面嗰度睇上去 Block 1，Floor 1，Flat 3 嗰度，下面有講廚房、有食水喉、盆、連接喉、去水喉，全部有位同事姓林嘅，我相信，就 check 過，係合格嘅。同埋有日子，响邊度 check 嘅。即係幾時 check 過，係咪？

答：唔噃，唔噃，係。

問：如此類推，當然呢一啲文件就淨係關於食水或者食用嗰啲水喉嘅 check，其實房署--你會唔會同意我講法，去到就算去驗樓嘅時候，其實風、火、水、電、煤，都會有人派去根據嗰個法例上面係會 check 過，嚟驗收嘅，係咪？

答：我哋會...

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主席：再講多次你個問題。

問：即係我哋而家有嘅文件就淨係得水嘅，但係佢房署嘅响法例上係好多其他嘅，無論--例如風、火、水、電，佢其實都要去驗收嘅。只不過我哋而家淨係睇咗淨係水，都已經有咁多嘅驗收嘞，係。

答：我哋如果去到 completion stage，我哋 flat-to-flat 喇，就會 100 per cent check 嘅。

問：冇錯。

答：係嘞，入到去睇，咁 of course 係一個 visual 嘅 check 嚟嘅。

問：係，係。

答：係，最緊要係一個 visual inspection 嚟嘅係。

問：Okay。即係換句話講，我睇下你同唔同意我講法，就係無論响施工嘅時候，去到最後嘅階段，房署係唔同嘅時間都有唔同人去 check，係關於合唔合乎法例嘅規格嘅？

答：我哋主要我哋 site inspection team，係 check 合唔合乎個 contract requirements。

問：Contract requirements，係。

答：係，係，of course。即係 contract requirements 裏面，都有總承建商係需要符合法例嘅，但係我哋有需要...

問：冇錯。

答：...符合法例嘅嘢，亦都會係...

問：冇錯。

答：...我哋個 specification 寫咗。

問：冇錯。其實就係 check 合唔合乎--根據當時簽署嘅合同去 check 嘅

個...

答：係，但係我哋...

問：...--究竟佢合唔合乎，或者總承建商合唔合乎個合同嘅標準？

答：係嘞。但係我哋都係一個 flat-to-flat inspection 係一個 visual 嘅 check 嚟嘅，係。咁我哋亦都喺嗰個施工階段唔會--好多物料我哋都唔會一百個 per cent check，頭先講過喇。之前喇，係嘞。

問：明白，明白，頭先已經問咗，所以我唔想重複嗰個範疇。反而我想探討一樣嘢，例如如果你--或者 HA 喇，唔係你個人喇，HA 覺得有一樣嘢係需要關注，而係之前當係一種物料係要 check 嘅，咁你會放咗喺你哋嗰個 checklist 度，係咪？就會話畀總承建商聽「喂，其實我哋想 check 呢一樣嘢」。例如而家，就我哋要 check 焊料，係咪？

答：唔，係。

問：嗰個做法，就係總承建商就會配合你嘅做法，「你而家要 check 焊料喇，咁我哋當有焊料 deliver 去 site 嘅時候，就會配合你嘅同事，就大家係一齊 check 呢一啲嘅物料合唔合乎你哋嘅要求。」係咪？

答：我諗可以咁講，我哋如果話我哋要--正話好似啱啱頭先 6210 講過，on-site delivery verifications，係總承建商係要畀啲資料，等我哋同事可以同你哋一齊去 check 到嗰啲嘢。但係除咗嗰咁多項，三十二--以前係三十二項，嗰啲要 check 之外，其實總承建商係有需要佢自己 check 我哋唔 check 嗰啲嘢，「你亦都有個責任。」總承建商都有咁嘅責任嘅。亦都有一個合約嘅條款，就係應該所有嗰啲特別係批過嘅樣本，係需要去 on-site delivery check。

問：批過嘅樣本？

答：係。

問：或者我咁樣問你，當然合約上係冇要求嗰個焊料嘅 sample 係要畀你哋去批核嘅。

答：係，有需要，不過總承建商係上咗上嚟，係。

問：但係只不過呢個係一個...

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答：係嘞，咁亦都批咗，係。

問：係，只不過係做咗咁多年，我相信喇，就係嗰個嘅習慣，就係你哋係--或者呢個焊--呢一個物料，係會畀咗你哋房署去審核嘅？

答：唔。

問：唔噃。即係換句話講，至少响嗰個合約上係有一個規定係要咁做，只不過大家做咗，因為個個人有唔同嘅原因，你哋就可以--最後可以核實到究竟係用過啲咩嘢喇，係咪？站在總承建商嘅立場，就係--睇下你同唔同意就係，我話咗畀你聽用咗咩嘢料，當然呢一樣嘢你都係 approve 咗嘅物料嚟㗎，係咪？

答：唔，唔。

問：Okay。我其實想返番去一個嘅課題就係，如果有一樣問題大家都有認知嘅，例如焊料如果係用鉛係可能會--即係而家我哋唔知道究竟係咪--呢個係個 clause 喇。焊料用鉛，係可能係會滲咗鉛落去啲食水度，呢個咁嘅認知。如果响 2015 年 7 月 1 日，成行，包括房署同埋業界都有咁嘅認知，包括嗰個 LP, licensed plumber, 都有咁嘅認知。呢一樣嘢、就如果有咁嘅認知呀，就呢樣嘢一定會擺咗去 as a check 嘅 item, 可唔可以咁講？

答：唔，係。

問：因為其你要諗番轉頭...

答：我哋要--房署要同你哋一齊 check 嘅 item, 係。

問：當然喇，係嘞。你--首先房署就會係一個會 check 嘅 item, 變咗係總承建商，就總承建商就會配合，大家就會再 check 咗呢一個咁嘅 item, 係咪？咁就會大家係可以講話高度去關注呢一個咁嘅情況，啱唔啱？

答：但係所謂高度關注，而係因為我哋亦都配合我哋自己--我哋嗰個人手喇，係。

問：當然。

答：而基本上總承建商係有責任去 check 佢啲嚟嘅物料，係。即係呢個唔可以完全一個掛鈎，係。即係可以咁講，你哋--我哋一齊 check 晒而言，但係你哋有責任 check 咗其餘啲嚟囉，係。



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問：我明你嘅講法，例如或者咁樣講，你哋當然要講 cost-effectiveness，你哋要講人手嘅分配喇，係咪？有一千隻物料，三十二項，你唔會突然無端端去關注一樣大家唔覺得係有問題嘅工序，或者係物料，係咪？啱唔啱呀？

答：係，我哋係。

問：係喇。同樣地，總承建商亦都係同樣一個 logic，係嗰個又係 cost-effectiveness，如果大家都有關注呢一樣咁嘅物料，所以 -- 或者我用高度關注係一個錯誤嘅講法，話至少大家有關注呢樣嘢，就變咗個 attention 就唔會擺咗落去呢一啲咁嘅物料度，或者嗰個 inspection 嘅程序，你同唔同意呀？

答：我諗係咁講，喺房委會同房署係需要做一個 pre-audit inspections，pre-audit inspections 係嗰個 frequency，或者係個 extent 幾多，係會需要我哋有一個 risk-base 去量度，係，咁又可以有所變化。但係喺個合約上面，總承建商係有個責任，係一個 continue supervisions 去睇晒所有嘅嘢，係。

問：當然。

答：咁你點嘅安排，係由你哋去安排喇，係。

問：係。

答：即係你哋由個 subcontractor 去做嘅有時，係。

問：唔係，我想請問你嗰個 logic 嘅。即係如果 -- 如果...

主席：佢嘅 logic 就好簡單，我唔關心嘅嘢，你都要關心。

林先生：我明，我明，但係同樣地...

答：我哋唔係唔關心，可能咁講，係我哋唔會...

問：唔係...

答：...特別去擺資源落去，特別去要做呢件 inspection 嘅工作，係。

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問：我明，我明。

答：唔係唔關心，我哋其實我哋樣樣事都關心，對 deliver 個個 product，係呀。

主席：我哋冇咁關心啲啲，你都要關心埋，唔。

林先生：明，我咪係囉。

問：或者我調轉個個方向問，如果大家行內面都未關心嘅嘢，咁係唔係--例如同一個 logic，你話我有一千樣嘢，咁唔會係樣樣都會驗㗎嘛，係咪？當然，我明你嘅講法，就係到到最後可能要負責嘅，正如你講咗，main con.可能有一定程度嘅責任，但係你會唔會我同意講法，如果大家都未留意嘅一個嘅物料，咁大家當時都未必會關心㗎？

答：唔...

問：因為關心同責任呢，而家係講--我哋應該分開嚟講㗎嘛，你同唔同意個講法？

答：我諗唔可以用呢個關心，關心我哋樣樣都關心。

問：係，關心。

答：睇在係畀幾多資源落去淨係去留意啲一點，係。

問：係，冇錯，冇錯。係，冇錯，係。

答：但係總承建商係有責任去每一樣都去睇到。因為嗰個合約內容係話要有無鉛嘅焊料，總承建商有責任係--由你嘅分判商點同你買料，分判商點去擺啲--將啲貨物運到嚟地盤，然後跟住你哋應用於喺個工程度，係有責任去監管。

問：唔。或者我明你講咩嘢嘅。或者咁樣，或者第二個 topic，調番轉嚟講，一個 licensed plumber，我見到你响唔同嘅地方，都有講話關於一個 point penalty system，係咪？

答：唔，唔。

問：其實因為之前亦都有大律師問過你，你係唔知道究竟一個 licensed 嘅 plumber 究竟去到 site 嗰度有冇做到佢應該做嘅嘢，你記得有個咁嘅課題講過，問過你就係「哦，你有監管呢個 licensed plumber。」我相信合約上你唔需要監管個 licensed plumber，你會同意㗎，係咪？

答：唔，唔，唔。

問：係喇。第二，其實嗰個監管嗰個制度，亦都有另外一種嘅監管形式嘅，就係例如呢個 points 嘅 penalty system。我嘅理解係唔係話如果有任何--例如個 licensed plumber 嘅工序、工作出現咗任何問題，咁 WSD 就會將佢嗰個牌呢，根據個 points，如果到最後，係可以去到--最嚴重係可以吊銷牌照㗎嘛，係咪？

答：可能水務署可以再詳細去講、我相信應該係嘅。因為我知佢罰幾多分，然後跟住會出 warning letter 喇，係呀，...

問：係，我唔係講個詳情。

答：...跟住一路進步，係嘞。

問：即係至少有個叫做監管嘅制度喇，就係個 points penalty system。

答：係。

問：同埋二來，你會唔會同意，嗰其實嗰個 bases，就係有一個 licensed plumber，其實我哋都叫做係一個專業人士。因為佢有 license，佢有一份 contract 去到去 carry out，相信站在一個專業嘅角度，佢會做佢合約上面係應該做嘅，例如就係做好啲水管呢一個咁嘅情況，係咪？

主席：你講 licensed plumber 咁嘛，係咪？

林先生：Licensed plumber 啫，唔。

答：Licensed plumber 有職責--喺水務條例--我認識到嘅水務條例，佢有職責去做個監管。咁而由總承建商佢用--無論佢直接去請個 licensed plumber，或者佢即係經過分判商去請嘅話，咁嗰個

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licensed plumber 嘅責任都會係要--承建商都會有個責任去負責，係。

問：係。

答：即係對合約嚟講，合約方面。

問：關於嗰個--有一個課題係响之前有啲證人嗰度亦都有講過，或者我想問一問你。如果你去睇一睇 B4.5 嘅 6938，唔該。佢嗰度由 6938 就去到 7038，就有何標記先生，因為呢一件事之後，就交咗畀總承建商，關於嗰啲員工嘅紀錄。我想呢個範疇去問下你一啲問題嘅。首先，我嘅理解就係所有嘅員工其實去到一個--例如今次葵聯邨咁喇，做緊工程嘅時候，佢哋要登記嘅，係咪？

答：係，佢哋每一個地--工人入地盤都有講有部機去登記嘅，嗰個掌脈機，係。

問：係嘞，有個機去登記喇。佢之前去--例如佢請啲咩嘢人，有個登記咗佢嗰個 skills 嘅 level 喇，係咪？

答：係，冇錯。

問：因為個合約上面有講話要幾多 skilled...

答：係，唔。

問：...同理 semi-skilled 喇。咁除咗登記之外，你亦都知道--或者我請問你知唔知道喇，就係呢啲工人其實係 direct debit 嘅，去畀錢嘅時候。

答：Sorry，你個問題係咩嘢話，sorry？

問：即係工人，當佢出糧嘅時候，係 direct debit 嘅。即係換句話講，係每個人就會有--根據你做咗幾多日工，而係會銀行會 direct debit 畀嗰個唔同嘅工人嘅。

答：因為我哋有個 labour relations officer，咁佢工人，會唔會收到錢呢，係，係分判商畀佢抑或總承建商畀佢嘅呢，係有，應該有登記嘅，係，...

問：係嘞，有登記。

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答：...畀番 record，證明佢哋係 fulfil 佢合約上，即係冇違...

問：冇錯，冇錯，冇錯。

答：...--係，呢個 contract。

問：但係至於係咪 direct debit，你自己個人知唔知道？

答：我唔係好清楚。

問：Okay，唔緊要。佢有登記，有出糧，你哋亦都知道，而且响每一個--或者係我哋講瑞安呢個 site，係出入係有一個叫做 palm 嘅 identification 嘅。即係你擺隻手落去--即係當然之前要做一個嘅確認嘅工序喇。咁如果你擺隻手落去--入去嗰個 construction site 嗰度，就要用呢個 palm 嘅 identification，...

答：係，係。

問：...先至可以入得到去嘅，係咪？

答：係，係，係，掌脈機，我哋叫，通稱。

問：吓？

答：掌脈機，我哋通稱。

問：冇錯。即係換句話講，每一個工人當時响呢個地盤度施工嘅時候，係無論有紀錄喇，唔係淨係身份證嘅 ID，仲有一個手掌嘅確認喇？

答：唔。

問：同埋佢每一次做完嘅佢嘅工喇，佢哋每個月，或者係我相信係兩個禮拜或者係一個月，佢嘅收錢嘅時候，都係有個確認嘅，係咪？

答：唔噃。

問：就唔會出現咗突然之間有二、三百個唔識嘅人，突然之間嚟咗個地盤嗰度，就突然之間去趕工嘅情況，至少响呢個地盤，睇嚟，啲資料上面，係冇呢啲發生嘅，係咪？

答：三百，我哋--應該我哋資料冇--即係我哋可以係有 record 話「噏，今日係幾多人」，...

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問：冇錯。

答：...唔會第二日變咗，由一百變三百咁啲，係嘞，係嘞。係咪？係咪你嘅問題就係咁呀？嘎。

問：唔係。呢個係--當然唔會突然間加咗，變咗突然間好多人喇。但係有個範疇曾經講過話，哦，諗，唔知有啲唔同嘅人，突然之間因為趕工，而突然之間出現咗。咁我想問你，响呢個--至少响呢一個嘅 site 度，因為有咁多嘅唔同嘅核實--咁當然你話「我加多十個、二十個」喇，咁我又唔知喇，但係如果講唔同嘅時間去核實呢，如果有--有個講法喇，就話突然之間多咗好多員工入咗去個 site 啲度，出現咗，因為趕工呢，至少响呢一個 project 裏面，個情況唔係咁嘅，你同唔同意？

答：我哋應該資料上有囉。

問：唔，thank you。

答：係，我了解係冇囉，係。

問：Thank you。我亦都想請教你一樣嘅範疇，响合同簽署嘅時候，法例上面係有任何一個標準話水嘅含鉛量，法例上，係要遵守嘅？

答：喺法例上，當時簽合約嗰陣時係有話水有冇含鉛，呢樣係有嘅，有 test 嘅。

問：冇。而換句話講，亦都响你同瑞安簽嘅合同裏面亦都有一個嘅明文規定喇，個水嘅含鉛量係要點樣嘅，因為當時係有任何嘅標準嘅？

答：係。

問：或者有標準喇，但係當時至少响合同裏面係有 set 咗一個標準嘅？

答：係。

問：我想睇下你可唔可以睇一睇有幾個嘅文件？請你睇睇 B2。B2 嘅 575，我之前已經畀你睇咗。或者你去一去 589。

答：係。

問：係。你有冇 B2 嘅 589 呢？

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答：有，有。

問：有冇嘛？

答：係，有喺度。

問：呢個就係又係嗰啲 specification 喇，係咪？

答：係，唔。

問：呢個係“VALVES FOR FRESH AND FIRE SERVICES APPLICATION”，係咪？咁我哋見到“Be constructed to the following minimum standards, wherever applicable”。

答：唔噃。

問：咁亦都講咗，例如，第一個喇，1.a.，嗰個“Body, bonnet and disc: bronze to BS 1400 or BS EN 1982”，嗱，有一炸符號嘅，你會唔會同意我嘅講法呢，就係“Pb5”係講鉛呀？

答：“Pb5”代表鉛？

問：係咪？

答：係咪“Pb”係咪一個係--即係...

問：係 lead 嘅符號？

答：係一個 lead 嘅 sign 嚟嘅，係。

問：係。“5”就係嗰個限制？

答：係，唔。

問：即係換句話講，响呢個 BS EN 1982 裏面，至少呢個 British Standard，係 envisage 咗即係呢一個嘅 bronze 喇，嗰個合金成分可以去到盡就係 Pb5 嘅。即係換句話講其實係含鉛含到去...

答：係。

問：...Pb5 喇，係咪？

答：係呀，嘎。

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問：唔噃。咁呢個亦都係沿用於一個 fresh water 嘅。或者你再去睇一睇 B4.1, 2422, 2422, 係 4.1。2422 就有個“Contract”個個 Booklet”喇，响最頭嗰度。

答：係。

問：如果你去 2587, ...

答：係, 2587, or the fire services, 2587。

問：...我哋見到嗰個--如果你睇“FWP6.2”, 或者個 heading, “CONSTRUCTION”, 呢個就係 fire services 同埋 water pumps 嘅 installation, ...

答：係。

問：...咁又係 fresh water 同埋 fire services 嗰個 pumps。

答：唔, 唔。

問：如果你睇“2”嘅, “Impeller”, ...

答：唔。

問：...“Bronze casting”又係去到“BS EN 1982”, 係同樣嗰個 standard 嘅。

答：唔, 唔。

問：係咪?

答：係, 係。

問：我想請問--或者請教你一樣嘢, 就係其實响行裏面嘅認知, 所有嗰啲銅喉其實裏面其實係會有含鉛個啲。

主席：等陣。

問：或者係呢啲銅喉或者嗰啲...



主席：銅喉抑或講緊泵或者 valves 先？

答：Fitting, fitting。

問：或者我咁問法喇。泵喇，泵裏面係含--或者 valves and pump 係含呢個鉛嘅，係咪？

答：某啲 fittings，係，可以有含鉛嘅。因為佢根據嗰個 British Standard，某啲係。但係喺個 British Standard 都有限制話幾多 per cent 到幾多 per cent，係嘞，嘎。

問：冇錯。佢嘅限制就係係--如果我見到咁多個，大部分嘅限制都係五喇。

答：嘎，係，到--係喇，大約喇，around 喇，有啲係六呀，咁啲喇，嘎。

問：係嘞。即係換句話講，當然，呢啲 valves 同埋啲啲焊料，有個唔同之處喇，因為有一個就係話 non-lead 喇，係咪？嗰個唔同之處係呢一樣喇，即係因為個 specification 有講過。

答：係，sorry，你嘅問題係...

問：或者咁樣講...

答：... 有關係焊料點樣？嘎。

問：係嘞，焊料係唔可以用鉛呢，...

答：鉛，係。

問：... 係有 specification 有講，即係唯一個個分別...

答：係。

問：... 就係咁喇。但係即係如果啲水係 pass through 唔止係 valves、pumps、喉管，所以其實水...

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主席：唔好講喉管。

林先生：唔好講喉管？

主席：唔。

問：水裏面或者有啲物料裏面含鉛係行裏面一個普遍嘅認知嚟嘅？

答：係。

主席：再講多一次。

答：係有啲 fittings 喇，嘎。

主席：再講多一次。

問：啲 valves 同埋啲 pumps 裏面有含鉛，而水係會經過呢...

主席：咪住先，分開嚟講先。首先，第一，啲 valves 同埋啲 pumps 含鉛，行內係知抑或唔知嘅？

林先生：係普遍認知嚟嘅。

答：我諗個 standard 寫，然後去 procure 嗰陣時會知嘅，係，嘎。

問：唔，冇錯。

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主席：得。

答：即係因為...

問：咁如果...

答：...個 British Standard 寫啲 fittings, fitting --某啲 fittings。

主席：第二樣，唔。

問：第二樣，水係會經過呢啲含鉛嘅物料，例如 valves and pumps 嘅物料係有鉛呢，亦都係行裏面亦都可能認知嘅。

主席：咪住先。當啲水經過呢啲 valves and pumps 嘅時候，因而令到啲水有鉛，行內都知嘅，係咪咁呀？

林先生：唔係，唔係。

主席：唔係，咁你講清楚喇。

林先生：唔係。好，再嚟。

問：當有水係經過呢啲有含鉛嘅 valves and pumps，水係經過呢，係行裏面係應該有個認知嘅。

主席：唔係，唔清--係。喲，唔好--坐低諗清楚想點問先。

林先生：唔係，或者我調番轉頭咁問，...

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答：我諗可唔可以...

主席：唔。

問：或者咁樣講，上水裏面--唔係，唔好講水嘞。即係物料上面，係有食水 pass through 嘅，裏面有含鉛嘅物料呢，係一個行裏面係會有認知嘅。

主席：唔明，我唔明。

問：而唯一或者話唔...

主席：唔。

林先生：主席，如果唯一個唔知道嘅，就係，例如，究竟嗰個含鉛係水裏面含鉛咩，係究竟係焊料--當然有人講話焊料喇，但係其實係咪個 valves 嘅，大家而家都未知㗎嘛。

主席：我都唔係好明你想問咩嘢問題。我就好清楚知道。

林先生：唔。

主席：不過我唔係好明。

林先生：Okay，或者我...

主席：我好清楚水務署同埋房委會調查完出嚟個報告個結果，不過我就唔係好清楚你個問題啫。嘎，你想--你個問題係問乜嘢？

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問：你記得之前有啲問題問過你，Ms Tam，就係話因為--我知道嗰個講法係咪咁喇，因為有一個 specification 話係焊料要用唔含鉛呢一個嘅 requirement，所以唔含鉛呢一樣嘢係你哋應該有咁嘅認知嘅。

主席：焊料不含鉛？

林先生：焊料，嘅。

問：所以就引申去到水裏面有鉛，或者會有機會，如果用咗有鉛嘅焊料嘅時候，呢一樣嘢係應該有認知，即係呢個咁嘅 topic 喇，...

答：呢個冇。

問：...唔，你係冇認知㗎嘛，係咪？

答：呢個冇認知。

問：係。

答：係。我哋跟個 British Standard 話係要焊料係無鉛，咁就寫咗落去嘞，係，咁亦都知呢個用咗喺個行裏面係用咗好多年㗎嘞，係，...

問：係。

答：...咁冇會諗過會有工人會用啲或者係 contractors 會用一啲含鉛嘅焊料。

問：冇錯。

答：係。咁而跟住亦都有諗過，冇去估計，因為冇--唔覺得有件事，所以亦都唔會去諗呢件事跟住有乜嘢嘅牽連嘅問題嘞，嘅。

問：唔。

答：有牽連問題，可能有一串嘅牽連嘅問題，係，咁我哋嗰陣時冇諗--唔 aware，係，唔 aware，係。

問：而呢個唔 aware 呢，係唔係因為，第一，有任何重大嘅醫療事故喇，

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响香港發生過，係咪？

答：係，冇聽聞有任何有關呢--係，即係會產生嘅問題喇，係。

問：係。

答：亦都有一個--任何指引，由該監管機構係有個指引或者提點喇，係。

問：係。

答：嘎，或者行內任何發生嘅事喇，係，唔。

問：而行內亦都從來未發生任何事故喇。當然我哋亦都已經有好多證據話一個食水嘅供應，裏面有好多唔同嘅 parts 㗎嘛，係咪？

答：係，冇錯。

問：而裏面 part --有啲物料、有啲 parts 係裏面係有鉛呢，因為 British Standard 都係畀佢有鉛嘅時候，咁呢個亦都係大家都知道佢係可以有鉛㗎嘛？

答：係，冇錯。

問：換句話講，一個物料裏面含鉛，而會發生事故呢樣嘢呢，既然其實啲啲物料裏面有鉛，當時，喺响 7 月之前，係從來冇人為意過㗎嘛。

主席：乜嘢話？再講多一次。

問：因為其實有好多物料裏面都係有機會含鉛嘅，British Standard 裏面，所以--睇下你同唔同意，換句話講，如果齋--唔係，唔好講話齋喇，或者如果淨係話一個 specification 係唔含鉛呢一樣嘢，係唔會突然之間有一個 alarm bell 㗎嘛，你同唔同意？

主席：我都唔係好明㗎。

黎先生：唔知道想問乜。

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主席：係。

黎先生：唔。

主席：唔係我話，係黎生話唔明你問乜嘢。

林先生：Okay。

問：或者我再咁樣講，因為其實好多唔同嘅物料都有鉛分喺裏面嘅，呢個  
British Standard 嚟嘅，係咪？

答：唔。

問：啱唔啱？

答：啱。

問：係吖。咁既然係咁，咁鉛响食水裏面會發生啲乜嘢嘅問題，當時係從  
來冇人會諗過㗎嘛。

主席：點...

答：諗，...

主席：唔係，唔係，你咪...

問：即係普遍行裏面，因為冇任何事故發生...

主席：咪住先。噏，幾樣嘢嚟嘅。

林先生：係，得。

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主席：鉛呢你就話喺呢個供水系統嘅部件裏面有呢係容許嘅，係咪咁嘅意思？

林先生：係吖，係吖。

主席：咁所以鉛喺水裏面出現，就唔係一個乜嘢嘅...

林先生：大嘅事情。

主席：...大件事。噏，...

林先生：唔會有 alarm bell 喇，或者我用呢個，嘎。

主席：咁我又唔係好同意㗎。鉛喺--我哋都成日講話以前啲水管用鉛做嘍嘛。

林先生：係吖。

主席：以前啲水管用鉛做，啲人中鉛毒，因為啲鉛嘅水管，都已經唔係乜嘢新聞嚟㗎喇嘛。

殷先生：主席，我...

主席：係新聞嚟嘅？

殷先生：唔係。我想講一句就係...

林先生：我又...

殷先生：...個問題始終...

主席：噏，所以我唔係好明佢問咩嘢囉。如果佢嘅意思話唔「啊，其實呢我都」--其實，即係應該咁講，我到而家我都唔係好明佢想表達啲乜嘢嘢嘅。如果你話，啊，鉛喺水裏面出現，其實都唔需--基本上係唔需要關心嘅一件事，因為啲部件都容許鉛，喺製造過程裏面，喺啲部件裏面出現嘅話呢，咁我就可以話畀你聽，並非這個情況。因為，當然，你喺啲 valves、喺啲 taps 嗰度，因為佢個 percentage 咁細，可能唔係一個問題。但係以前，都講咗好耐喇，鉛嘅水管係一個問題嚟㗎嘛。

我唔知你想表達啲乜嘢嘢。如果你純粹話撇除鉛嘅水管，我哋唔好講，淨係講啲咁嘅部件；呢啲部件裏面係有鉛滲出呢，其實係有



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機會係個個人都知嘅，咁我相信都唔係一個--都唔需要問喇，其實。

林先生：哦，咁呢個係--係呢個後者，我都想--我想了解下...

主席：係咪？因為...

林先生：...究竟佢哋行裏面，業界，係有滲到鉛呢樣嘢，係個個都應該有一個...

答：唔，唔。

主席：咩嘢呀？你講部件裏面滲鉛出嚟呀？

林先生：或者唔係部件滲鉛。部件裏面有鉛分。

主席：部件裏面有鉛，即係喺製造過程裏面係有鉛，係個個人都知嘅，係咪咁嘅意思？

林先生：係嘞，因為 British Standard 係畀佢有鉛分㗎嘛。

主席：佢話所有嘅部件，即係供水系統裏面啲部件有鉛呢，有鉛嘅成分喺度呀，製造呢個部件嘅時候，有鉛呢，呢一個事實其實都係好--業界都知㗎嘞咁。你同意㗎，抑或唔同意㗎，抑或唔知呢？

答：個合約內容有寫話要...

主席：唔好講合約內容，唔好講...

答：即係有寫喇，我即係唔係淨係呢個合約喇，其餘啲合約喇，都有寫話，啊，啲 fittings 喇，喺某啲 fittings 喇，要跟乜嘢 British Standard 喇，...

主席：係㗎。

答：...而 British Standard 裏面亦都話可以准許有鉛呢，...

主席：係㗎。

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答：...咁呢我知嘅，應該，係，即係如果真係去--即係去--去用呢啲喇。

主席：去睇。

答：係嘞，嘎。

主席：唔。

答：咁但係除此之餘，呢--之--呢樣之外，跟住嗰個有冇問題呢，我諗係因為其實從冇，亦都業界冇出事，話係有問題呀，話要 test 下個 water 有冇 lead 呀，啲 fittings 呀會唔會漏 lead 落嚟呀，從來冇研究過，冇用--即係佢冇去睇過呢樣嘢。所以冇冇人擔心過，咁冇，我諗大家都係用喇，水務署亦都批准喇。呢張咁嘅 fittings，係批准㗎嘛，咁點解會再去諗，呢個有冇個問題呢？有問題就唔批准喇。如果批准，即係冇問題。咁冇問題之後，跟住就唔會再去諗嘅，有乜嘢連帶嘅關係喇、連帶嘅問題喇。

主席：得。

林先生：係。

主席：明白。

林先生：係，法官閣下，咁我--主席，我有其他問題嘞。

主席：冇問題嘞，係咪？

林先生：係。

主席：冇問題。仲有冇人有問題？如果有問題呢，咁...

殷先生：仲有兩個好短嘅問題。

主席：不如你問埋佢喇，如果咁，因為我哋接近食飯時間，費事叫譚女士再返嚟喇。

殷先生：係。

殷先生補問

問：譚女士，兩個好短嘅問題，我希望你聽清楚我個問題，係想你澄清嘅啫。

答：係。

問：噏，一個呢，個範疇係關於頭先林大律師問你，關於所謂總承建商係將佢分判嘅工程出去嘅時候，用一個 back-to-back 嘅方式。我嘅理解就即係話嗰個總承建商就將嗰個--嗰個分判商嘅合同度淨係話「你自己睇嗰個同房委簽嘅合約喇」，咁樣嘅做法呢就好普遍嘅，嘎。你記得呢一段嘅問答嘛？

答：係。

問：我想問你嘅就係你覺得，總承建商如果佢分判嘅方式將嘅工程判咗畀人做，佢自己係咪就有責任去理解嗰個同佢--總承建商同房委簽嘅合約入面嘅要求呢？

答：你最後嗰個--嗰句...

問：佢係唔係有--佢一判咗出去，叫咗嗰個分判商，「自己睇喇」咁，係咪就唔使自己去理解個合約嘅內容嘅要求嘍？

答：喺我個 witness statement 嗰度寫得好清楚，雖然總承建商係可以分判出去，但係佢有個責任去做合約上要做嘅工作，係；係佢自己，總承建商嘅責任，係。咁亦都喺個合約條件，佢有--條款度，佢入個 subcontractor management plan 嘅，佢係點去管理佢嗰個分判商，佢都有話嘅，係。即係佢要安排嘅，所以佢無論分判定佢唔分判，佢一定有個責任去監管。

問：譚女士，你盡量--我想問嘅問題，係你可以答係定唔係嘅，同意、唔同意就得㗎嘞。

答：Okay，得。

問：或者可唔可以咁講呢，佢如果分判出去，叫個分判商自己睇個大合同喇，即係同房委嘅合同，...

答：唔得。

問：...而嗰個分判商根本唔--自己都唔--譬如佢唔識英文嘅咁，唔識

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睇，咁你覺得佢有冇--嗰個總承建商有冇履行過佢自己嘅責任？

答：冇。

問：咁我想同你澄清另外一方面，林大律師問過你嘅，就圍繞住話房委 check 唔 check 嗰啲嘢嘅問題。

答：唔。

問：我哋知道房委嘅合同入面，同總承建商嘅合同入面，好多 specifications 嘅，連啲好細微嘅嘢，你譬如--唔係淨係管物料，連啲啲施工嘅過程，要跟啲咩嘢程序做呢，好細微嘅嘢都有講到。

答：係。

問：但係我可唔可以咁理解呢，雖然總承建商就作為合約一方呢，有責任去履行所有嘅合約嘅條款，你哋基本上就唔係話去 check 佢有冇做足每一樣嘢？你其實“check”嘅意思，你就係睇下佢做出嚟個結果你收唔收貨，最主要係咁睇嘅。

答：係吖，可以咁講。

殷先生：我有其他問題。

主席：好。

唔該晒你，譚女士，畀完證供嚟嘞，咁可以離開。

答：係，好。

主席：我哋晏晝兩點半再繼續，唔該。

下午 1 時正聆訊押後

下午 2 時 31 分恢復聆訊

B

B

C

出席人士如前。

C

D

D

殷先生：主席，我下一位證人係孫惠民先生，佢係石硤尾二期嘅總建築師。

E

E

主席：好呀。

F

F

G

香港房屋委員會第八證人：孫惠民（房屋署（石硤尾邨第二期總建築師））  
以本地話宣誓作供

G

H

殷先生主問

H

I

殷先生：I will read out the written statement of Suen Wai Man, the chief architect of Shek Kip Mei Estate Phase 2.

I

J

J

K

K

**COMMISSION OF INQUIRY**

L

L

**WITNESS STATEMENT OF SUEN WAI MAN**

M

**CHIEF ARCHITECT OF SHEK KIP MEI ESTATE PHASE 2**

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O

1. I, SUEN WAI MAN, provide this statement in respect of the Commission of Inquiry into Excess Lead Found in Drinking Water ("COI") and in response to a request from the COI dated 12 October 2015. The statement addresses matters relating to one of the "Affected Estates" being Shek Kip Mei Estate Phase 2.

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2. I am a Registered Architect employed by the Housing Department (HD), which is the executive arm of the Housing Authority (HA), currently holding the post of Senior Architect/26, and was involved in the contract administration for the construction of Shek Kip Mei Estate Phase 2 from 4 February 2012 to completion and part of the maintenance period till 11 September 2012 serving as Chief Architect/2 (acting) at that time.

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I was also the senior architect for this project during the course of the whole building contract. I therefore have direct knowledge of the project in the above period. Where I have had obtained information from other sources or pursuant to discussions with colleagues I have made that clear in this statement.

3. I have reviewed the letter from Lo & Lo Solicitors dated 12 October 2015 (paragraph (ii) 1 to 6 in particular) and addressed the matters raised together with other matters I consider relevant to the COI.

4. For the purposes of this Statement I refer to the different work stages as Pre-contract, Construction and Completion.

#### **BACKGROUND INFORMATION**

5. Being Chief Architect/2 (acting) from 4 February 2012 to 11 September 2012, I had served as the Project Manager, Design Team Leader and/or Contract Manager (CM) for over 25 public housing projects from inception to completion stage, including all associated housing-related infrastructures and supporting community facilities, provided steer and leadership for the projects. Through delegation of authority, contract administration and site supervision were discharged by the CM's Representatives and site inspection team. The CM's Representatives and Site Inspection Team carried out their duties with reference to the Quality Manual - Contract Administration (Building) Guide.

6. The Chief Architect and Chief Building Services Engineer were involved in managing the design and construction for plumbing installation works of buildings.

7. The gross site area of Shek Kip Mei Estate Phase 2 is 1.14 hectares. This development comprises the construction of two domestic blocks of 39 domestic storeys of flat production of 1,558 with 2-storey podium, refuse collection point and carpark, a 7-storey welfare retail block and all external works within housing site boundary, associated external works and road work outside housing site boundary.

8. The HA awarded the building contract with contract number 20080070 to Yau Lee Construction Company Limited ("Yau Lee") on 15 June 2009 with contract sum of Hong Kong Dollars Five Hundred and Forty one Million, Six Hundred and Eighty Nine Thousand, Seven Hundred and Thirty Four and Seventy Four Cents (HK\$541,689,734.74).

9. Yau Lee commenced the contract works on 29 June 2009. I certified the substantial completion of building works for the two domestic blocks and welfare retail block on 22 February 2012, and the remaining road work on 10 September 2012.

10. I now address the specific matters set out in the letter from Lo & Lo Solicitors dated 12 October 2015.

**Request 1: Explain their respective roles and responsibilities and the respective roles and responsibilities of the main contractor, sub-contractor(s), licensed plumber(s) ("LP") and other person(s) in the contractual, construction, and post-construction stages relating to the installation, supervision of work, inspection, certification of completion, monitoring and maintenance of the fresh water plumbing system as far as controlling the content of lead of the Plumbing Materials is concerned, stating the procedures, criteria and standards involved**

11. The HA entered into a contractual relationship with

Yau Lee by direct written contract under which Yau Lee was fully responsible for carrying out the works required. Yau Lee, with his domestic subcontractor and nominated subcontractor, proceeded with plumbing installation works on site, and gave continuous supervision, provided all necessary superintendence by providing a management team during currency of the Works, and named a competent and authorized agent who should be constantly on the Site on a full time basis dedicated to the superintendence of the Works.

12. The Chief Architect was the CM for the Building Contract, supported by professionals of various disciplines who were delegated with the authority under the Contract as CM's Representatives. The CM gave periodic supervision while Yau Lee gave continuous supervision and all necessary superintendence for proper fulfilment of obligations under the Contract. The responsibilities of the Contract Team in site inspection were outlined in Master Process Manual (DCMP). The CM maintained an adequate level of inspection to carry out the checks, inspections and tests according to the provisions under the contract. Inspection percentages were determined from time to time by the Contract Coordinator (the Project Architect) and endorsed by the Assistant Contract Manager (the Senior Architect). Inspection percentages of the nominated subcontract as detailed in the Project Inspection Plan with reference to the Building Services Site Inspection Guide was prepared by Building Services Site Inspection Team, endorsed by the Project Building Services Engineer and approved by the Senior Building Services Engineer

**CHIEF ARCHITECT**

13. As Chief Architect of the building contract for Shek



Kip Mei Estate Phase 2, I acted as the administrator of the Contract, i.e. the CM as referred to in the General Condition of Contract (GCC) as supplemented by the Special Conditions of Contract and the Specification. I delegated the administration of the contract to a Senior Architect and Architect within my section. They acted as the Assistant Contract Manager and Contract Coordinator respectively. Senior professionals and professionals of other disciplines were delegated the authority as CM's Representatives to administer the part of the contract works in their respective areas of expertise as necessary. The CM's Representatives and Site Inspection Team carried out their duties with reference to the Quality Manual - Contract Administration (Building) Guide.

14. A list of the HA staff who have been involved in this contract is shown to me marked "**Exhibit [1]**".

**CHIEF BUILDING SERVICES ENGINEER**

15. In this contract, I delegated to the Chief Building Services Engineer, as the CM's representative, the duties and powers vested in the CM under the Main Contract insofar as they concern Building Services Works, with respect to (i) General Conditions of Contract Clause (GCC) 65(2) (termed as use of Prime Cost, Provisional and Contingency Sums); and (ii) GCC Clause 66 & Special Conditions of Contract (SCC) Clause 25 (termed as varied form of subcontract and objections to nomination).

16. Chief Building Services Engineer was assisted by a team of building services staff to discharge his duties. The Project Building Services Engineer was delegated by the CM as the CM's representative and was responsible for the administration of Building

Services Nominated Subcontracts (including Fire Services and Water Pump Nominated Subcontract), with the assistance of the Project Building Services Inspector.

**HOUSING AUTHORITY CONTRACT MANAGER'S REPRESENTATIVE  
AND SITE INSPECTION TEAM**

17. Being the CM for the Building Contract, I was supported by professionals of various disciplines who were delegated with the authority under the Contract as CM's Representatives. Through my delegation of authority, contract administration and site inspection were discharged by the CM's representatives. CM's Representatives and Site Inspection Team stationed at site carried out periodic supervision. Site inspections were carried out as laid down in the Master Process Manual.

18. Under my overall supervision, the Site Inspection Team conducted periodic and random checks on materials and workmanship for conformance to Specifications and the progress of the main contractor's works. For inspection of the plumbing installations, the Site Inspection Team comprised two disciplines with various ranks of Site Staff as follows: -

(a) Building Works Team (comprising Senior Clerk of Works, Clerk of Works, Assistant Clerk of Works and Works Supervisor) inspected Building Works including builder's works requirements for building services works;

(b) Building Services Team (comprising Senior Building Services Inspector, Building Services Inspector, Assistant Building Services Inspector, Works Supervisor (Building Services)) inspected building services installation works.

19. At the completion stage of the building works, the HA appointed Multiple Surveyors Limited to supplement Site Inspection Team's resources and conduct final inspection of the completed builders works for the domestic blocks. Multiple Surveyors Limited was responsible for inspecting the completed works and checking the materials and workmanship, particularly for flat-to-flat inspection, for conformance to Specifications.

20. This building contract involved over one thousand materials and components and around thirty trades of sub-contractors and workers. To ensure effective use of manpower, the HA determined the quality control standards for material approval, complementing the performance-based specification, site inspection and testing of various materials and construction process, while taking into account of the laws and regulations, industry/trade practices, past experiences and risk management. The HA and I believed that the widely accepted and used soldering materials should have complied with relevant requirements. Checking for the presence of lead in solder or lead in water was not in the site inspection system and therefore we did not check for presence of lead in soldering materials.

**MAIN CONTRACTOR**

21. Yau Lee, as the Main Contractor, was fully responsible for carrying out the works required. Under the GCC, Yau Lee had the general obligations to execute the Works including providing all necessary labour, materials, construction plant, temporary works and superintendence and to complete the Works within the time for completion as stipulated in the contract. Yau Lee should comply with the Contract Manager's instruction on any matter related to the contract and conform to all enactments and regulations including

but without limitation to the Waterworks Ordinance (Cap. 102) and Waterworks Regulations (Cap. 102A) in the execution of the Works.

22. Yau Lee was permitted under the contract to sublet a part of the Works. Yet, the subletting of any part of the Works did not relieve Yau Lee from any of his liabilities or obligations under the contract. It was a common practice in Hong Kong, including HA projects, for the Main Contractor to employ domestic subcontractors to take up various packages of works normally defined by trades and the plumbing installation works were among the packages. The service of Licensed Plumber (LP) which is a statutory requirement under the Waterworks Ordinance in the installation of the plumbing system is usually provided by the plumbing domestic subcontractor. The HA did not have any direct contractual relationship with the domestic subcontractor or any direct contractual relationship with the LP. The requirement for the engagement of LP was mentioned in the contract specification.

23. Under the terms of the contract, Yau Lee was responsible for giving continuous supervision of the site works to ensure that the quality of works, including plumbing installations, complied with the statutory and contractual requirements. As required by the specifications, Yau Lee should also provide all necessary superintendence by providing a management team during currency of the works, and name a competent and authorized agent who should be constantly on site on a full time basis dedicated to the superintendence of the Works. Yau Lee established its Contract Management Team, the organization of which is now produced and shown to me marked "**Exhibit [2]**" according to contract requirements. Such management team included Deputy General Manager, Contract Manager, Quantity Surveyor, Quality Control Manager, Architectural Quality Control Coordinator,

Structural Quality Control Coordinator, Site Agent, General Foreman, Block Foreman, Building Services Manager, Registered Structural Engineer, Qualified Engineer and Safety Officer, etc.

24. The Contract specifications did not stipulate the specific roles and duties of the Licensed Plumber (LP) on the basis that these were all prescribed under the Waterworks Ordinance (Cap. 102) except that the engagement of an LP is mentioned in the specification clause PLU1.W110.

**DOMESTIC SUBCONTRACTOR AND NOMINATED SUBCONTRACTOR**

25. The contract permitted Yau Lee to sublet the Works to their selected domestic subcontractors or to those nominated by the HA.

26. In this contract, I knew that Yau Lee employed Ming Hop Company Limited (Ming Hop) as the domestic subcontractor for the plumbing and drainage works, but I had no knowledge of Ming Hop's further employing Wing Hing Plumbing Drainage (Wing Hing) for the plumbing and drainage works. I did not know the details of subcontracts in the period I served as Contract Manager for this building contract. It was upon Yau Lee's submission of Investigation Report to the HA on 14 September 2015 which enclosed a copy of the subcontract document between Yau Lee and Ming Hop, as well as the sub-contract between Ming Hop and Wing Hing for the plumbing and drainage works, that I was aware of the detailed responsibilities of the subcontractors. The copy of the above subcontract documents are now produced and shown to me marked "Exhibit [3]".

27. In this contract, Pyrofoe Engineers Limited was the nominated subcontractor for fire services and water pump installation. Concerning the responsibilities

of this nominated subcontractor, my colleague, Mr. Leung Chi Kwong, the Chief Building Services Engineer, is in a better position to provide details.

**LICENSED Plumber**

28. The roles and responsibilities of the Licensed Plumber are stipulated in the Waterworks Ordinance and Waterworks Regulations. The Licensed Plumber (LP) for the plumbing installation of this Contract was Mr. Ng Hak Ming. As far as I knew in the period I served as Contract Manager for this contract, the responsibilities of the LP for the plumbing installation included notifying the Water Authority of the commencement date and scope of plumbing works to be carried out at Part I of the Form WWO46. The LP had to notify the Water Authority of the completion of plumbing works and requested for inspection and approval by the Water Authority at Part IV of Form WWO46. He also had to supervise the execution of the plumbing works on site.

29. I relied on Yau Lee to monitor the service of the LP and would expect the LP to execute his duties under the Waterworks Ordinance and Waterworks Regulations. This was reinforced by the "Point Penalty System" administered by the Water Authority which provided a positive incentive for the LP to carry out the task professionally and accurately.

30. As for the responsibilities of the LP for fire services and water pump installation, my colleague, Mr. Leung Chi Kwong, the Chief Building Services Engineer, is in a better position to provide details.

**MAJOR PROCESSES FOR THE INSTALLATION OF FRESH WATER SUPPLY SYSTEM**

31. The major processes for the installation of fresh water supply system mainly involved application for the Water Authority's permission to proceed with the plumbing installation, submission of plumbing material proposal and procurement of the approved materials, execution of plumbing installation after delivery of materials to site, testing and commissioning, request for the Water Authority's inspection and approval of the plumbing installation upon completion and application for connection of the street supply main for the development, Water Supplies Department's inspection and issuance of certificate regarding water supply connection, and monitoring and maintenance of the Fresh Water Supply System.

Application for the Water Authority's permission to proceed with the plumbing installation

32. Before commencement of plumbing installation, the LP for the plumbing works completed and signed the Form WW046 Part I to notify the Water Authority of the commencement date and scope of plumbing works to be carried out, quoting the Water Authority approval reference and approved drawing number, size and number of water meters involved, anticipated date when water supply would be required, also certifying that the pipes and fittings intended to be installed. It was then submitted to Yau Lee for onward submission to CM for signature.

Submission of plumbing material proposal

33. There were two Sections in the Specification regarding plumbing installation, namely, PLU1 on Water Supply and PLU2 on Sanitary Appliances. Pursuant to Section PLU1, materials for pipes, fittings and joints, including soldering materials, Yau Lee was not

required to submit material proposals with samples for CM's approval if they conformed to the Specification, requirements of which were mainly compliance with British Standard and statutory requirements, and having obtained Water Authority's prior approval. Pursuant to Section PLU2 on sanitary appliances, Yau Lee was required to submit material proposals with samples for CM's approval because CM had to consider factors including appearance, coloration, detail dimensions etc., other than technical requirements. Approval of materials is intended only to conduct documental check that the proposed materials comply with the specifications and not an independent quality control measure involving scientific tests.

34. In this project, Yau Lee submitted proposals of materials, including copper pipe and fittings and soldering material specified under PLU1 as a general practice for CM's approval.

#### Execution of Plumbing Installation

35. After receipt of the Water Authority's approval for commencement of the plumbing works, Yau Lee, with their domestic subcontractor Ming Hop proceeded with plumbing installation works on site. Yau Lee was obliged to provide all necessary superintendence during currency of the Works and gave continuous supervision to ensure the Works were executed in strict accordance with the statutory requirements and specifications to the satisfaction of the CM.

36. The plumbing installation in this project was common to most HD projects and comprised two parts. The first part was the up-feed system with ductile iron pipework from water supply main connected by WSD to master check meter, through up-feed pump room routing to tower roof water tanks by exposed ductile iron piping mounted on



the external wall or in pipe ducts. The second part was down-feed system with ductile iron pipe from roof water tank to booster pump room serving uppermost floors and copper pipes from roof water tank to water meter rooms or pipe ducts of each domestic floor, including pressure reducing valves at intermittent floors, then to the common corridor and distributing to each flat. The pipework was surface mounted to facilitate future maintenance.

#### Housing Authority's Periodic Inspection

37. In my capacity of Chief Architect, which served the CM role from 4 February 2012 to 11 September 2012, with the support of project senior professionals and professionals as the contract manager's representatives, site clerk of works, work supervisors, building services inspector, etc., I gave periodic supervision and such inspection as necessary to ensure that the works met specified requirements. The Chief Building Services Engineer with the support of a team of Building Services staff, was responsible for overseeing the installation of water pumps and associated pipework inside fresh water up-feed pump rooms and booster pumps rooms under the Fire Services and Water Pump Nominated Sub-contract.

38. During the course of the contract, contract manager's representatives conducted quarterly assessments under Performance Assessment Scoring System (PASS) with Yau Lee on-site to assess the quality of works including Yau Lee's performance in plumbing installation works and management of their domestic subcontractors. Based on records, Yau Lee's scores for plumbing works were generally satisfactory.

#### Testing and Commissioning

39. Upon completion of the plumbing installation, Yau Lee, with their domestic subcontractor Ming Hop, cleansed and disinfected fresh water inside service upon completion of the installation for the fresh water supply system. They conducted the required testing and commissioning of the system, which was performance based, in the presence of HA Site Inspection Team.

Request for the Water Authority's inspection and approval of the plumbing installation and application for connection

40. Having completed the testing and commissioning of the plumbing installation works with satisfactory results, the LP completed and signed Part IV of Form WWO46 to Yau Lee. After checking and found to be in order, Yau Lee forwarded the completed form to the Project Architect for signing. With the advice from the HA Site Inspection Team that the plumbing installation was satisfactorily completed and the correctness of the meter positions, the Project Architect signed Part IV of the Form WWO46 on 21 December 2011. With the advice from the HA Site Inspection Team that the plumbing fittings and pipes were in full compliance with Waterworks Standards and requirements, the Project Architect signed Part II of Form WWO132 on 4 January 2012 applying for the Water Authority's connection for water supply of the development. Copies of the Forms are now produced and shown to me marked "**Exhibit [4]**".

Water Supplies Department's Inspection and Issuance of Certificate regarding water supply connection

41. According to records, Water Supplies Department tested the water sample taken at the connection between the water main and Inside Service on 6 January

2012, with testing parameters matching the eight parameters in WSD Circular Letter No. 2/2012 issued later on 10 August 2012. The test results were satisfactory. Water Supplies Department forwarded the test report to the LP who gave a copy to Yau Lee. Yau Lee then forwarded it to the HA. The copy of the test report is now produced and shown to me marked "Exhibit [5]".

42. Water Supplies Department inspected the completed plumbing installation on 12 January 2012 after receipt of the above signed Forms. With satisfactory inspection results, the Water Authority issued Certificates (Form WWO1005) regarding water supply connection for domestic portion on 21 February 2012 of the development. Copies of the Forms are now produced and shown to me marked "Exhibit [6]"

**Request 2: Explain the procedures, their respective roles and responsibilities and the respective roles and responsibilities of the main contractor, sub-contractor(s), LP(s) and other person(s) in the procurement and variation of Plumbing Materials and in constructing, installing, inspecting, testing, checking and approving such Plumbing Materials as far as any requirement about the content of lead is concerned**

Submission of material list to the Water Authority before commencement of plumbing works

43. Before commencement of plumbing works, the LP and the Project Architect signed and submitted to Water Supplies Department (WSD) in Form no. WWO46 Part I together with an Annex showing details of pipes and fittings intended to be installed. For fittings, only draw-off taps, stop valves, gate valves, ball valves and combination fittings were required to be listed in the above Annex. Solder material was not

required to be included in this material list.

44. Being a procuring entity governed by the Agreement on Government Procurement of the World Trade Organization, the HA has been adopting performance based specifications that must be non-discriminatory. No brand name or origin of materials was specified in this contract. The LP was obliged to submit the list of plumbing materials, with brand names, intended to be used in the Annex to Form WWO46 Part I. Yau Lee submitted material proposal for CM's approval. The submission list of plumbing materials would be subject to updating if Yau Lee's proposed plumbing materials, subsequently approved by CM in compliance with statutory and contract requirements, were different from that submitted to the Water Authority.

45. Pursuant to WSD Circular Letter No. 1/2004, the list of plumbing materials submitted to the Water Authority in the Annex to Part I of Form WWO46 can be updated for minor alterations by the LP from time to time before WSD conducts site inspection of the completed plumbing installation. The copy of the Circular Letter is now produced and shown to me marked "**Exhibit [7]**".

46. Based on records, in the Annex to the Form WWO46 Part I that the LP signed on 30 August 2011, there were 14 items of plumbing materials intended to be installed, all complying with the statutory requirement. The copy of the Form WWO46 Part I together with Annex of the material list is now produced and shown to me marked "**Exhibit [8]**".

47. The LP submitted Part I of Form WWO46 to the Water Authority on 30 August 2011. The Water Authority returned Form WWO46 Part III to the LP on 16 September 2011 stating that "the Plumbing detailed in Part I and at the Annex was accepted" and "permission was given for you (LP) to proceed with the plumbing detailed in Part I and at the Annex".

48. I relied on Yau Lee to monitor the service of the LP and would expect the LP to update the list of materials in the Annex to Form WWO46 Part I. This was reinforced by the "Point Penalty System" administered by the Water Authority which provided a positive incentive for the LP to carry out the task professionally and accurately.

Material submission and variation approval by Contract Manager

49. Materials used in this contract were governed by the specifications forming part of the Contract between the HA and Yau Lee. According to the specifications, materials used in fresh water supply system should be in full compliance with all statutory requirements together with any revisions or amendments according to specifications, such as, Waterworks Ordinance and its Regulations, Hong Kong Waterworks Standard Requirements for Plumbing Installations in Buildings and Circular Letters issued by WSD and, inter alia, relevant sections of appropriate British/European Standards on materials and workmanship, etc.

50. The specification for the materials was performance based. All pipes and fittings should be constructed of materials suitable for the required working and test pressures and temperatures of the fluid carried and capable of withstanding working pressures, maximum static pressure, be of standard products and, inter alia, approved by the Water Authority. Provided the specification requirements could be achieved, there was no restriction on any particular manufacturer or brand that Yau Lee could propose. They should fulfil the contract specification requirements and one of the following as required by the Water Authority for all pipes, draw-off taps, stop valves, gate valves, ball valves and combination

fittings -

- a) Category A - Bearing the British Standard Institution Kitemark
- b) Category B - Accepted by the Water Authority (Water Fittings) Regulations, United Kingdom (formerly known as the Water Byelaws);
- c) Category C - Accepted by the Water Authority in writing
- d) Category D - Bearing the Water Authority Stamping

51. The use of soldering alloys for copper and copper alloy capillary fittings used in this contract should comply with Specification Clause PLU1.M160.5 as follows-

- i) Comply with 85 EN 1254:Part 1:1998, Table 6 Sections II and III;
- ii) Use of integral solder fittings is permitted provided they comply with 85 EN 1254:Part 1:1998;
- iii) Use only lead-free category solders;
- iv) Use only a non-corrosive type of flux that is recommended by the solder alloy manufacturer.

52. In this contract, Yau Lee proposed to use "FRY" 99C Lead Free Solder under the Material Submission Form ref: SKM/PLU-029/A/061 on 31 May 2010 together with material catalogue, testing report and job reference. According to the technical data provided by Yau Lee, Fry 99C complied with BS 1254-1 and was stated to be "lead-free". The copy of the sample submission document is now produced and shown to me marked "**Exhibit [9]**". The Project Architect approved the material accordingly upon the recommendation of the

Project Clerk of Works.

53. After approval of the material submission with submitted samples, all the approved samples were kept in a lock-up sample room for record and for reference by HA Site Inspection Team for routine checking during the construction process. The samples were kept until the completion of the Works and after that were disposed of. For those material submissions without samples, such as pumps, pneumatic pressure vessel etc. which involve bulky installation, approval was based on a documentary check, and as such, no such sample was kept on site.

54. The approved materials complied with the statutory and specifications requirements. The LP would update the list at the WSD office for any variation of the materials before they inspected the completed plumbing installation.

55. Pursuant to WSD Circular Letter No. 1/2004, the list of plumbing materials submitted to the Water Authority in the Annex to Part I of Form WWO46 can be updated for minor alterations by the LP from time to time before WSD conducts site inspection of the completed plumbing installation. The copy of the Circular Letter is now produced and shown to me marked "**Exhibit [7]**".

56. After excess lead was found in drinking water in Shek Kip Mei Estate Phase 2, the CM's Representatives and Site Inspection Team have verified the plumbing materials installed at site and found that they were the same as in the Annex of Form WWO46 Part I submitted to the Water Authority. A table listing the materials originally submitted to the Water Authority in the Annex to Form WWO46 Part I in August 2011 and those as-built materials installed at site is now produced and shown to me marked "**Exhibit [10]**".

Site supervision for plumbing installation

57. Upon delivery of materials to site, Yau Lee was obliged to check every batch of materials against approved samples and documents to ensure compliance. I learnt from my Site Inspection Team that after verification of the materials delivered to site by Yau Lee, the materials were stored in the plumbing domestic sub-contractor's lockable workshop at site. Some of the soldering works for the pipe joints was executed in the workshop while the remaining was executed in-situ.

58. In this contract, major plumbing materials checked by HA Site Inspection Team included close-coupled WC suite, wash hand basin, mixer and shower handset etc. The HA Site Inspection Team did not check on site whether or not Fry 99C lead free solder was delivered. It was considered as a sundry material and we would presume that supervision and control were carried out by Yau Lee and LP. If we had been aware of the risk of presence of lead in solder and its implications for the drinking water quality and in turn, the associated health risk, we would have checked the materials delivered to site.

59. For the plumbing installation of the fresh water supply system under the domestic plumbing sub-contractor, Yau Lee provided continuous supervision by their site supervision team to ensure compliance with specification. During the plumbing installation period in this contract, based on records, there were numerous work trades, including paving, drain laying, plastering and finishing, painting, metal works, component doors and sanitary fitment installation, electrical, lift and fire services installation, concreting at external areas etc., being simultaneously executed at site, which involved about more than 270 workers every day.



60. The periodic and sample checks carried out by the HA Site Inspection Team would need to cover all these activities and works. A number of inspection guides were developed to facilitate the HA Site Inspection Team to carry out the inspection. The inspection of water supply system including water pipes and fittings, water pumps and associated installation included in-process inspection, final inspection and witness test. The HA Site Inspection Team checked the installation against the approved drawings and approved material record. For the works executed by the domestic plumbing subcontractor, the HA Site Inspection Team conducted recommended percentage checks on the above items. For plumbing above ground water supply pipes, it was specified that 100% checking was required for pipe testing and cleaning of water tank/pipeline while 10% check was applied to pipe sleeve, materials, type and dimensions, pipe joint, pipework installation, valves, taps, strainers, pipe bracket and caulking pipe sleeves.

61. Soldering materials have been regarded as an insignificant sundry item, similar to the iron tying wire used for fixing steel reinforcement, screws, bolts and nuts etc., which was not measured separately in the Bills of Quantities. The soldering material, the extent to which it was lead free, was not covered in the inspections so no such tests were carried out. As a general practice, the quality control on plumbing installation was focused on performance: the flow rate, water tightness, pressure resistance, mechanical strength and endurance, and blend water extreme temperature.

62. The HA operated a Performance Assessment Scoring System (PASS) to quantitatively measure the contractors' performance including compliance of materials and workmanship with contract requirements. In so far as fresh water supply system was concerned, contractor's performance on type and size of pipes,

pipe brackets, pipe sleeve, soundness, plumb, level/fall was assessed. Compliance of materials with specified requirements was assessed under the component of Management Input. Similar to Building PASS, Building Service PASS assessments were also carried out for water pump installations undertaken by Pyrofoe Engineers Ltd.

**Request 3: Explain the steps taken by HA, the main contractor, sub-contractor(s), LP(s) and other person(s) in ensuring that the work in connection with the construction and installation of the Plumbing Materials was carried out by workers with sufficient training and qualifications**

63. Yau Lee, as the Main Contractor, was fully responsible for carrying out the works required. Under the GCC, Yau Lee had the general obligations to execute the Works including providing all necessary labour, materials, construction plant, temporary works and superintendence and to complete the Works within the time for completion as stipulated in the contract.

64. Pursuant to Specification Library 2008 Edition regarding the requirement for Trade Tested Workers, the combined percentage for skilled and semi-skilled trade tested workers (Plumber) was 100% whereas the maximum permissible percentage of semi-skilled workers was 15%.

65. Pursuant to the relevant contract clause, the Trade Tested Workers should have acquired the following qualifications -

a) Skilled Workers should be either one of the following -

i) A registered skilled worker or registered skilled worker (provisional) as

respectively defined in section 2(1) of the Construction Workers Registration Ordinance (Cap 583); or

ii) Holder of a full trade test certificate issued by the Construction Industry Training Authority / Construction Industry Council Training Academy.

b) Semi-skilled Workers should be either one of the following -

i) A registered semi-skilled worker or registered semi-skilled worker (provisional) as respectively defined in section 2(1) of the Construction Workers Registration Ordinance (Cap 583); or

ii) Holder of an intermediate trade test certificate issued by the Construction Industry Training Authority / Construction Industry Council Training Academy.

66. The monthly report, namely, Record of traded test worker was prepared by Yau Lee and checked by HA Site Inspection Team. The checking was based on records of Yau Lee's Access Control and Recording System. The Trade Tested Workers information from Yau Lee was also being forwarded to Construction Industry Council for verification of the workers' identity and qualification regularly.

67. During the period that I served as CM of this contract, I had no specific knowledge of the steps taken by the LPs in ensuring that the work in connection with the construction and installation of the Plumbing Materials was carried out by workers with sufficient training and qualifications.

**Request 4: Explain how Plumbing Materials containing lead came to be used in the Affected Estates and why the use of the same had been allowed and overlooked**

68. Yau Lee, as the Main Contractor, was fully responsible for carrying out the works required. Under the GCC, Yau Lee had the general obligations to execute the Works including providing all necessary labour, materials, construction plant, temporary works and superintendence and to complete the Works within the time for completion as stipulated in the contract.

69. The HA was not aware of the possibility of lead in water, and did not conduct any laboratory tests for lead in water before July 2015. The HA had considered that conducting laboratory testing for the eight mandatory parameters specified by the Water Authority would suffice. The HA has followed the established practice of focusing on the functional performance of the water supply installation in terms of pipe fixing and alignment as well as water tightness of the system through visual inspection and water test. Soldering materials have been regarded as an insignificant sundry item, similar to the iron tying wire used for fixing steel reinforcement, screws, bolts and nuts etc., which was not measured separately in the Bills of Quantities. There had been a general lack of awareness of the risk they pose. Had the HA been aware of such risk, it would have been effectively controlled through our Quality Assurance Regime both at contract level and at corporate level.

70. Due to the above reason, the HA Site Inspection Team was not required to verify the materials delivered to site and check the lead content of the soldering material during the execution of plumbing installation as it was believed that the widely accepted and used soldering materials should have complied with relevant requirements. Further, copper pipes have been used in the fresh water supply

system in Hong Kong for decades. Since it was not a new material or technology and there was no prior indication or alert of any particular health risk associated with the materials of the copper pipe fresh water supply system and there was no statutory requirement for testing of lead in water by the Water Authority. HA followed the established practice of focusing on the functional performance of the water supply installation i.e. pipe fixing and alignment and water tightness of the system, when carrying out visual inspections and water test.

71. Lead free soldering material was as specified with approved sample complying with contract requirements. It appears to me that lead solder was used by Yau Lee without permission and in breach of contract.

72. Based on the available information, I cannot say specifically how lead solder came to be used by Yau Lee and its sub-contractor in Shek Kip Mei Estate Phase 2 and by which party such material was allowed.

**Request 5: Explain and Identify any use of Plumbing Materials which deviated from the Plumbing Materials contracted for ("Deviated Plumbing Materials"). This request is confined to Deviated Plumbing Materials which have now been found to contain lead or from which lead has leached into water. Please also explain why such Deviated Plumbing Materials have been permitted to be installed without being spotted during any monitoring or inspection process**

73. Before July 2015, I was not aware of the presence of excess lead in water of Shek Kip Mei Estate Phase 2 water supply system. In July 2015, 5 out of 53 water samples from Shek Kip Mei Estate Phase 2 were found with lead content exceeding the World Health Organization (WHO) standard of 10 microgram per litre.

As for WHO, I learnt after the excess lead was found in drinking water in Shek Kip Mei Estate Phase 2 that WHO's prevailing standard was 10 11g per litre of drinking water. Before July 2015, neither I nor the HA was aware of the WHO guidelines on the drinking water quality at the consumption point.

74. After excess lead was found in drinking water in Kai Ching Estate and Kwai Luen Estate Phase 2, the Government Task Force led by Water Supplies Department was formed to investigate the cause of excess lead in water in Kai Ching Estate and Kwai Luen Estate Phase 2. I learnt from their Final Report issued on 31 October 2015 that the Lead-solder joints were the source of excess lead in drinking water in Kai Ching Estate and Kwai Luen Estate Phase 2, and copper alloy fittings also leached lead but did not result in excess lead in drinking water. The Task Force considered that the findings should be applicable to the other nine estates including Shek Kip Mei Estate Phase 2.

#### Lead Solder Joints

75. "FRY" 99C Lead Free Solder was submitted by Yau Lee and approved by the project architect. Pursuant to the contract provisions, Yau Lee could determine whether they themselves procured the materials, including piping and fittings and solder for copper pipes etc., or instructed the subcontractors to order the materials. However, Paul Y. was...

殷先生：However, I think Yau Lee was.

...obliged to ensure the procured soldering material complied with the contract requirements.

76. In respect of material procurement stage, the contractor was not required under the contract to submit any purchasing record of the soldering material

to the HA. At the material delivery and installation stage, the HA Site Inspection Team did not check the delivery notes, purchase order of solder materials. The contract specification did not require the contractor to provide such documents. We expected that Yau Lee would procure and use "lead free" solder for the plumbing installation in accordance with specifications requirement. Moreover, the soldering material was widely accepted and broadly applied in the jointing of copper pipe works in Hong Kong. Before excess lead was found in drinking water, we were not aware of the risk of presence of lead in soldering materials.

77. After lead was found in the soldering joint in Shek Kip Mei Estate Phase 2 in July 2015, the incumbent CM requested Yau Lee to investigate why lead soldering material was applied in the fresh water supply pipes. It appears to me that lead solder was used by Yau Lee without permission and in breach of contract. I believe there was no irregularity in the contract specification, material selection and approval stage. Yau Lee submitted the Investigation Report to the HA on 14 September 2015 which the current CM of the contract gave a copy to me for information. But I am not able to validate the correctness of the said Investigation Report. In the Investigation Report, Yau Lee stated that they sub-contracted the whole plumbing installation works including materials (i.e. solder material inclusive) and labour to Ming Hop. The service of the licensed plumber was provided by this tier of sub-contracting and Ming Hop further sub-contract the works to Wing Hing.

**Request 6: Describe the Measures and/or recommendations (after the discovery of excess lead in drinking water) by the Chief Architect and the Chief Building Services Engineer in order to prevent similar incidents from**

**happening in the future**

78. The past control mechanism for HA's projects was consistent with the industry practice, the law and other WSD requirements, but had not focused on the presence of lead in the fresh water supply system, and had not targeted soldering materials as a high risk items. After excess lead was found in drinking water in 11 public housing estates since July 2015, the HA has reviewed and strengthened quality control to address the risk.

79. I am aware of and agree with the recommendations made concerning immediate and long term enhancement measures on the installation of fresh water supply system -

I. During construction

a) Main contractor is required to -

i) submit supporting document of lead free grade soft solder or filler metal as required under current submission procedure; and

ii) submit a Subcontractor's Management Plan covering stringent plumbing subcontractor supervision and on-site monitoring to ensure that all workers will use only lead-free category of soldering / brazing materials for jointing of copper pipes including quarantine soldering / brazing materials and define the roles of Licensed Plumbers (LP) in supervising plumbing installation works.

b) Housing Authority project team is required to-



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i) register delivery of soldering/brazing materials to site under On Site Delivery Verification Form 6210; and

ii) conduct random audit checking upon material delivery to site after the main contractor's completion of checking for lead free content in solder joint.

## II. End of construction

a) The Main Contractor is required to -

i) declare that only lead-free category soldering / brazing material are used;

ii) carry out cleansing and disinfection of the plumbing installation;

iii) collect water sample -

- agree with WSD the locations for collecting water samples and arrange accredited laboratory for bacteriological and chemical analysis according to the water quality requirements specified in the WSD Circular Letter Nos. 2/2012 and 1/2015. In the submission of Form WWO46 part I, a supporting document of lead free grade soft solder or filler metal used in soldering, brazing and/or welding construction methods is required;

- agree with HA's Contract Manager and take additional test samples on top of WSD's requirement for concurrent water quality test by a Direct Testing Contractor employed by the HA. The sampling should cover a selected point of use of each distribution zone and

a random point of the lowest zone of each vertical riser;

b) In the event lead content in water greater than 5 µg/litre is identified -

i) The HA Site Inspection Team to conduct further check on the soldering / brazing materials to ascertain if they contain lead; arrange with Direct Testing Contractor for X-ray scanning, or other means as appropriate;

ii) Main contractor to carry out investigation on the cause(s) and submit investigation results and details of all necessary rectification works for approval of the Contract Manager;

iii) after completion of the rectification works, Main Contractor to coordinate with the HA Site Inspection Team for conducting re-test(s) by a Direct Testing Contractor employed by the HA.

III. After completion and before occupation of new buildings

a) Main Contractor to carry out cleansing and disinfection of all the completed fresh water tanks and fresh water supply pipework;

b) HA Site Inspection Team to arrange a Direct Testing Contractor to collect water samples and test according to the water quality requirements specified in the WSD's "Quality Water Supply Scheme for Buildings - Fresh Water". Water samples shall be taken from each potable water supply tank in the building(s) and the water outlets at the farthest point of use in each branch of the

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distribution system.

問：孫生，你剛才聽到我朗讀過一次你嘅書面證供。

答：係。

問：有冇任何嘢需要補充或修改？

答：除咗剛才第 75 段，你都 point out 咗，就係嗰個打錯咗字，應該係「有利」嗰部分之外，其他部分就有乜修改，咁即是整份證供嚟講，而家就係--對於我嚟講，係啱。

問：你願意採納佢作為你喺呢個研訊入面嘅證供嘛？

答：願意。

殷先生：我有嘢問。

許偉強先生盤問

問：孫先生，先問一問你有關你喺嗰個房署嗰個工作經驗先，幾時加入房署？

答：1989 年。

問：1989，當時嘅職位係？

答：則師。

問：則師。

答：即係 architect。

問：跟住就一路到而家都喺房署度工作嘅？

答：係。

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問：幾時開始正式成為 chief architect？

答：其實我就署任過嘅啫，我而家現職都仲係高級建築師。

問：係，唔該。我想睇下--有件事睇下你有冇記憶嘅啫，2002 年左右，房署就即係都鼓勵啲總承建商就可以用銅喉，因為之前就用緊 GI pipes 嘅，你知道？

答：係。

問：咁就你記唔記得當時話喺呢一個轉變嘅時候，其實業內都已經用咗銅喉一段時間，係咪呀？2002 年之前。

答：或者講番多少少嘢，就係我入咗房署之後，喺 90 年代咁就做則師，當時就係喺--尤其是喺 90 年代中期，就比較上多係用緊所講嘅 uPVC 嘅 GI pipe 嘅，我亦都知道喺 2000 年打後就係房署就轉為就可以用銅喉咁樣嘅。至於個轉變嘅過程或者原因，我就唔係咁清楚，因為我係做 project 嘅啫，咁所以就唔係咁清楚嘅。

問：你知唔知道大概，即係你講緊 2000 年左右，2000 年或者 2002 年呢段時間，即係喺業界，即係行內，係咪都已經幾普遍用緊銅喉作為水喉工程？

答：如果以新樓嘅建築工程，我就真係唔係咁清晰，但係如果以譬如話比較細微嘅工程，譬如裝修咁，就其實係好多都係銅喉嚟去做裝修嘅，據我所知就。

問：即係講緊係室內？

答：室內啲啲，即係比較上細啲嘅，唔係話成座樓或者幾座樓一齊去起啲啲，至於啲啲喺大型啲工程，我就唔係咁清晰。

問：明白。咁我睇下你有冇對呢方面嘅認知，如果你有，你即管話畀我聽有。就係當時，你講緊 2000、2002 年左右，即係轉變--我哋講緊係房屋署就話鼓勵啲總承建商用銅喉嘅時候，即係佢可以有個選擇，你哋有冇特別去考慮用銅喉用邊種銅喉？例如 mechanical joint 嘅銅喉呀，定係即係焊接 soldering joint 嘅銅喉？有冇話呢方面嘅考慮，當時有冇做過，你知唔知呀？

答：我唔清楚。

問：你對另外一種銅喉，我哋叫做 push-fit 嘅銅喉，有冇認知呀？

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答：發生咗鉛水事件之後，我哋就亦都有好多資訊，之後我就知道有呢種叫 push-fit 呢種嘅情況去接駁。

問：但係事發之前就完全唔知道有 push-fit 呢種...

答：唔清楚。

問：唔清楚。

主席：其實有幾種嘅，不過我都係--即係當然我唔係水務嘅專家，有啲 press-fit，press-fit 就係鋸咗落去之後，跟住一壓...

答：夾呀，夾。

主席：係咪？

答：係。

主席：有啲 push on，插咗入去之後都唔使壓添，click 埋一齊嘅，知唔知呀？而家知喇，係咪呀？

答：而家知，當時就真係唔清楚。

主席：其實都有咗幾年㗎囉嗰啲咁嘅嘢。

答：因為其實我--即係可以講多些少，我嗰個--本身嗰個 training 就係則師嚟嘅，其實我比較上多係 focus 喺 builders work 嗰度。

主席：多啲喺咩嘢話？

答：多啲 builders work，即係 builders 嗰啲工程多啲。

主席：即係石屎嗰啲，你嘅意思？

答：石屎就結構㗎嗰，即係譬如 finishes，譬如嗰啲批盪、tiles、paving block 或者係其他 finishes 咁樣，design。

主席：即係你就喺嗰一度多啲？

答：係。

主席：Building services 嗰啲就好少涉獵，係咪咁嘅意思呀？

答：涉獵會少啲，就唔係好少，即係少啲，同埋有咁專，始終都有咁專。

主席：得，唔該。

答：譬如揀物料，我都係揀 builders -- builders 嘅物料，我就比較上清楚好多。

主席：Okay。

問：好，就呢個鉛水事件之前，我哋講緊啲焊料，你有冇聽過例如我哋講緊嗰個錫條同埋錫線嘅分別，你有冇聽過呢個題目？

答：之前就真係有乜點留意呢樣嘢。

問：之前冇聽過。咁就睇下石硤尾邨呢個總承建商交嚟嘅一啲樣本，我哋睇一睇，好唔好呀？

答：唔。

問：呢個就應該係 B15.2 38375，呢個係其中你證人嗰個證供--證人供詞入面嘅一個附件嚟嘅，一個文件，就係房署就係檢測咗啲有關嘅焊接物料，然後做出嚟嘅一個即係表格，我睇番你呢個表格同埋你個證人口供，有一樣嘢我唔係好清楚嘅，就係當時就住呢個 Fry 呢個 lead-free solder 嗰個物料，你哋有冇真係查核過嗰個實物？即係嗰個樣本個實物，定係淨係睇咗嗰個樣本啲文件資料，就作出咗呢個即係 sample submission 嘅呢一張 form？

答：通常呢啲有 sample 附帶嘅 submissions，咁就同其他啲 submission 一樣，就係由承建商佢就將呢啲材料或者包括嗰啲文件，或者如果有 sample，夾埋啲 sample，就交界我哋一啲同事去 check，同時嚟講，我哋地盤嘅同事就會睇一睇，對番我哋合約上面嗰個 spec. 等等嘅要求，睇下究竟佢交嚟嘅...

問：我明，我淨係想問你好簡單嘅問題嘅啫，就係你做呢個證供之前，有冇核對番你哋當時從呢一個有利嗰度呈交嚟嘅即係有關呢啲 Fry 嘅物料嘅資料呢？其中包唔包括嗰個樣本個實物，你知唔知？

答：你意思話做呢份證供即係呢幾個禮拜之前嘅事吖，定係講當年--幾年

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前批核嘅時候？

問：批核嗰陣時你知唔知㗎？

答：批核嘅時候就因為係我啲同事做個--成個過程佢批核嘅，最後畀簽批文件就我啲同事或者則師去簽嘅，佢就 base on 我啲同事--地盤嘅同事就 check 過，發現呢啲文件就證明呢啲材料係合乎我哋嘅 spec. 嘅要求嘅，咁就 recommend，於是我啲同事，即係當時嘅則師，就批核咗呢件材料。

問：就住石硤尾邨呢個情況嚟到睇，當時總承建商擺嚟嘅？

答：係，係。

問：有冇擺到嗰個實物嗰個樣本呢？

答：我睇番文件，就應該有嘅。

問：有嘅，係咪呀？

答：係，文件有嘅。

問：因為我睇你個證人口供同埋文件就唔係咁清晰，我話畀你知點解，睇下 38375 嗰度，見唔見到最後嗰度“Appearance”嗰度？

答：係。

問：F 嗰行，你就話“Refer to Sample”或者係個“Photo”，G 嗰度都係咁講嘅，sample 或者係 photo 咁，睇番你嘅證人口供，有關呢一度嘅說法，就喺第 382 --對唔住，38323 -- 38324 應該係。你呢度就第 52 段就講話就住呢一個合同，有利就建議用 Fry，佢亦都呈交咗就係有 material catalogue、testing report、job reference 咁樣嘅，咁就有特別話提到嗰個 sample 個實物嘅，我就想知道--想搞清楚呢一點，就係你哋填嗰張 form 嘅時候究竟係有見到嗰個實物㗎，定係淨係睇咗啲相同埋啲啲資料呢？

答：所以我剛才亦都講，因為當時批核就係我啲同事批核，所以我都係估計，就一般 project，因為以我了解，好多 project 都係有實物嗰度嘅，所以我估計呢個個做法都接近，所以我就估計應該係有實物。

問：我哋而家講番，你都知道 PLU1、PLU2 嗰個題目喇下？

答：係。

問：我哋講番 PLU1 嘅物料，我哋都聽過之前嗰幾位證人嘅口供，有少少嘢我有啲疑團解唔開嘅，想即係同你澄清一下，就係 PLU1 嘅物料，PLU1 入面有某兩、三種就寫到明要係交個樣本嘅，...

答：係，冇錯。

問：...其他就唔使，通常就係交啲文件就得喇，但係有證人就講過話，其實佢就話你哋嘅架構入面，中央都有啲指引嘅，或者係可能有啲 instructions 畀過你哋，就話其實 PLU1 邊啲物料係需要總承建商呈交樣本實物嘅，有冇啲咁嘅情況？

答：據我所知，就係如果我哋當係某啲材料係需要冇啲要求，中央就會用一啲 instruction 就同我哋講啲材料就有啲咩嘢要求，而呢啲要求可能同以前嘅要求唔同嘅話，佢就會夾一份文件，就話「跟個新要求喇。」所以係如果係有啲演變或者有啲附加嘅要求，就佢會有 instruction，就交界我哋，由我哋去執行嘅。

問：我諗咁，我諗搞清楚先，首先我哋想講嘅 instructions，就係有冇啲 instruction 係講緊邊幾種材料係需要交呢一個樣本嘅實物嚟，有冇呢啲咁嘅 instructions？

答：如果係喺原先個 spec. 講得清楚，就唔會再有呢啲咁嘅 instruction 去講。

問：就有嘅，你哋就單靠總承建商睇下佢畀唔畀你哋喇？

答：唔係咁解，即係話原本 spec. 有講話邊幾隻材料要交實物咁嘅話，咁就唔會有 instruction 再提我哋話邊幾隻係要交，所以我哋就跟 spec. 嘅要求，如果 spec. 講明係要交，咁就要交。

問：Spec. 冇講明要交啲啲呢？我係講緊冇講明要交啲啲。

答：如果 spec. 冇講明要交，就唔一定要交。

問：咁就睇下正話我講--我所講嘅，就係睇下總承建商交唔交，交，你哋就睇，你就查，唔交就唔查，係咪咁呀？

答：唔係，即係交唔交，我哋都會睇文件嘅，即係所以查都係查文件，你意思，係咪？即係查文件，如果佢唔交實物，我都會查文件，啲啲文件我都睇嘍嘛，所以我交唔交都要查文件嘅。



問：唔係，我諗可能係我問得唔好。我個意思就係話你 PLU1 合同如果有訂明你一定要交個實物嘅話，我哋講緊實物，冇訂明嘅，你哋就係睇下嗰個總承建商會唔會交個實物樣本嚟查，係咪咁呀？

答：如果有訂明嘅話，我唔會 expect 佢交嘅，不過如果佢交嘅話，我咪會睇囉。

問：係喇，即係我講嗰樣嘢就係話如果佢交嚟，你哋就會檢測，跟住剔剔剔咁樣，喺呢個 form 度，係咪？

答：係。

問：如果唔交嚟嘅，你亦都唔會特別要求佢哋做呢樣嘢咁先算？

答：其實個 form 有好多其他嘅部分就係都要剔嘅，即係唔交 sample，我都要剔嘅其實，個 form 呀。

問：係。

答：佢只不過如果交埋 sample，我就會喺頭先講 f 個欄就話“with sample”咁樣咁提咁樣囉。

問：好，我想你呢度睇一睇--想睇一睇 P1 其中有一個文件嘅，就係有關呢個石硤尾邨持牌水喉匠伍克明先生嘅證人供詞嚟嘅，佢就喺呢一個 P1 嘅第 11 頁，4.2。

答：得。

問：你睇一睇中間嗰度，就見唔見到「錫綫、松香膏、焊枝等焊料屬於小五金類或消耗品」，見唔見到呀？

答：見到。

問：「並非『房署』規定必須呈交審批的物料」，見到嘛？

答：見到。

問：「但很多時個別的『房屋署』工程人員會要求送審，所以『明合』亦會要求水喉分判商呈交這些錫綫焊料及相關資料，然後透過『有利』呈交」畀房屋署嘅，呢度佢就係話有個別房屋署工程人員就會要求--特別要求送達嘅，雖然合同冇指明要送呢啲咁樣嘅樣本，即係個實物樣本，但係都會咁樣要求嘅。我哋再睇多一段，睇多一段，第 18 頁，

第16段，睇到嘛？

答：係，見到。

問：「有關『明合』」嗰度。

答：係，係。

問：佢話「有關『明合』提交審批」嘅水喉物料種類等等，跟住佢就講緊 WW 嗰個 46 嗰度，就係一份表格，由持牌水喉匠填寫等等，跟住嗰一段，「至於包括錫綫在內的小五金，如果『房屋署』工程人員要求負責實際安裝水喉的分判商會透過『明合』向『有利』呈交，再由『有利』提交給『房屋署』則師審批。」跟住就「我在提交物料」，喺上述第5段都講咗，唔再重複。咁我想知道，呢度似乎就係講緊話有啲情況雖然你嘅合同有訂明，你要就嗰啲咁嘅屬於 PLU1 嘅物料就提交呢啲咁樣嘅實物樣本嘅，不過房署係會有職員都會要求佢哋去交嘅，就我就想知道你同唔同意呢個講法，即係你哋都會要求，就算有合同訂明要求佢交呢個情況？

答：我諗講一般情況先喇，如果一般情況，就我哋合約上面要求嘅嘢就一定要做，如果合約上面有要求到，而我哋譬如有新嘅資料係令到我哋覺得係要求一啲新嘅嘢，係喺承建商度攞番嚟，包括呢啲物料，我哋一定要有啲內部嘅指引，我根據內部指引去做都唔出奇，因為呢樣嘢係簽訂合同之後發生嘅事，但係如果以呢件事，就我相信就唔似係我哋會有人員要求，因為呢個並唔係一個新指引，並唔係一個新指引話要求有啲新嘅物料要送交我哋審批先至可以使用咁樣，咁所以就變咗係要睇下究竟情況係唔係嗰種物件，係因為新法例或者新嘅要求等等而引致要佢呈交去審批，咁而呢樣嘢...

問：不如我哋唔好太複雜先，唔好講話新指引、舊指引，我就係想頭先首先我搞清楚就係石硤尾邨我哋而家就睇石硤尾邨，唔好睇其他。

主席：其實好簡單，你同唔同意呢一段所講嘅說話？可以唔同意嘅。

答：即係如果講--佢就特別講話「『房屋署』工程人員」要求送審咁樣，如果嗰啲係根本我哋係喺我哋要求上面，我哋原先係合約有要求嘅話，我哋唔會特別再要求佢有啲新嘅嘢嚟畀我審批，除非我哋內部有啲新指引出。

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主席：得，唔該。

問：就住石硤尾邨，有冇話一個特定嘅指引，就係話係要求一啲合約有訂明嘅 PLU1 嘅物料要呈交呢個咁樣嘅樣本，有冇呀？

答：我就唔覺喺嗰個建築工程嘅期間有呢啲情況發生。

問：得。如果就住呢一個焊料嚟講，睇唔睇到嗰個樣本個實物就係全靠總承建商畀唔畀你哋喇？因為你話有要求咁嘛。

答：睇--即係樣本--佢唔畀，我直情睇唔到喇，如果佢畀，我哋先至會有機會睇得到。

問：我哋都知道就住呢啲焊料，就而家唔係講緊話查核嗰個樣本或者樣本資料，而家講緊話啲物料送到現場，即係啲焊料送到現場，你都同意確認就係你哋唔會去檢測嘅，對於嗰啲焊料？

答：我哋唔會--你意思係點貨，係咪呀？即係落...

問：係。

答：我哋唔會點貨。

問：唔會點貨嘅。至於你話嗰啲買焊料嘅文件，你哋都唔會話需要要求去睇？

答：唔會睇。

問：唔會睇。或者我畀個例子你睇一睇，你睇一睇文件夾 I1，第 267 頁，見唔見到有張發票呀？

答：見到。

問：寫住呢個「幼錫條」，即係呢個係一個和興製品商就畀莫海光，莫海光先生即係我哋而家就知道就係呢個有關水喉工程嘅二--...

答：三判。

問：...分判商，其中一個商品名稱就寫住「幼錫條」嘅，係咪呀？

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答：係，見到。

問：如果你就咁睇呢個文件，寫住「幼錫條（高溫）」，知唔知咩嘢嚟㗎？

答：就咁睇，即係睇唔到佢係咩嘢品牌或者係有咩嘢作用等等嘅，睇唔到。

問：咁所以如果--你再睇多兩張，270、271、272 都係寫住「幼錫條（高溫）」，係咪呀？

答：係。

問：如果我純粹睇發票，你都話都唔知佢係講緊邊一隻，即係邊啲錫條，係咪呀？

答：係。

問：亦都唔知佢係咪同你哋所批核咗嘅啲啲所謂樣本嘅資料係符合㗎嘛，唔知道嘅？

答：我想補充少少先答你呢個問題，首先呢啲材料送到嚟地盤嘅話，係如果係承辦商或者佢旗下嘅分判商訂嘅材料嘅話，我哋房屋署就絕對唔會同佢收貨嘅，因為收貨嘅責任就係送落地盤嘅材料一定係承辦商佢諗辦法去收貨嘅，咁所以變咗就如果係有啲咁嘅貨物去到地盤，就應該承辦商收貨，咁我哋亦都有機睇到任何嘅收貨單，再者，呢個係一個發票嚟嘅，到時到貨係咪呢啲物件亦都唔知，咁所以變咗就我哋就咁睇一個發票上面嘅一啲名稱嘅話，就有辦法知道佢係有啲咩嘢作用、係點樣用，結果送去邊度亦都唔知。

問：我而家唔係講緊係話你係咪收貨，而係話邊啲貨嚟到，啲物料嘅貨嚟到現場嘅時候，首先睇發票，我哋都唔知佢係咩嘢喇。

答：係，係，冇錯。

問：你如果唔係做--有做檢測嘅，都唔會知道佢送嚟啲啲係咪真係符合地盤個標準？

答：如果呢樣嘢係喺我哋 delivery inspection 嗰度係有需要去檢驗嘅貨品，我哋根本唔會睇佢啲 delivery 嘅資料嘅。

問：所以就呢啲咁樣嘅錫條究竟係乜嘢，你哋都唔知，即係送嚟係乜嘢，你哋唔會知㗎嘛？

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答：我都再想解番，其實佢送嘅材料嚟到，如果佢唔係屬於我哋 delivery 之後要 inspect 嘅話，我哋唔會睇個 delivery note 等等，亦都唔會對番，所以變咗就唔會出現我會對番呢份嘢嘅問題，你剛才問嘅問題就好似講緊話會對番呢份嘢咩嘛？

問：唔。

答：其實我哋唔會有任何嘅行為去對番呢啲咁嘅文件咁樣嘅。

問：對唔對番呢份嘢都好，但係如果你就住送嚟嘅貨，喺現場，你有再一步--進一步嘅檢測睇下係咪同你哋所批核嘅符合嘅話，...

答：係喇，我哋冇...

問：...完全係唔知道佢送嚟啲係咩嘢嚟㗎嘛？

答：完全唔知道佢送嚟嘅係...

問：你唔查㗎嘛，你唔睇㗎嘛？

答：唔。

問：送嚟嘅焊料，你話...

答：焊料，我哋唔會...

問：你又冇--你就冇文件，亦都有送嚟啲啲文件，亦都唔去睇送到嚟現場啲啲貨係乜嘢嚟嘅，咁你咪完全唔知道送嚟啲啲係咪符合你嘅規格要求㗎嘛，唔知㗎嘛？

答：我哋唔會--我哋 guideline 就有要求我哋啲同事去睇嘅，所以佢哋就唔會話花時間去睇啲啲，因為我哋有地盤都有其他嘅工作要做，所以就做 guideline 上面要求要做嘅工作為主嘅。

主席：我想問下你認唔認識咩嘢叫土點抑或土點膠布，咩嘢嚟㗎？

答：唔好意思，聽唔到，係，點？

主席：呢度寫住「土點膠布」或者「土點膠布」啲啲咩嘢嚟㗎？

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答：我都唔清楚。

主席：唔清楚，得。

答：唔清楚，唔清楚。

主席：呢度其實除咗呢個幼錫條係同你哋嗰個即係早前呈遞上嚟嘅 sample 係唔同之外，嗰個松香糕有冇分別呀？

答：呢度要對番先得，因為佢--我哋通常如果批核，就會有牌子、來源等等嘅，呢度就咁睇呢個描述，就真係睇得唔係咁清晰。

主席：因為點解呢？因為呢度其實好似 38394 嗰度就有埋呢個-- 38394。

答：係呀，係呀。

主席：係咪？

答：係。

主席：38394 就有埋呢個松香糕嘅--起碼有個--起碼有份文件呈上嚟，係咪？

答：係。

主席：又有埋嗰啲 catalogue 喺度，我哋知道就係呢隻嚟嘅，呢隻，你望一望呢度，呢隻就係 100 gram 嘅咋，你嗰度嗰張單，返番去頭先嗰張單，寫住 500 gram 好似，係咪呀？

答：350。

主席：350 gram，咁即係可能連呢個都--松香糕都唔同埋嘅囉嗎，即係唔單只錫條係唔同，松香糕都可能唔同埋嘅囉嗎？

答：佢睇--即係你睇 38392，嗰度就有講個“Powerflow”嗰度，佢呢度有個 350 定係 60 gram 咁樣嘅。

主席：哦，就有個 350 gram 嘅？

答：係，係，係。

主席：得。

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答：不過我都想重申，我哋冇--唔會 check 呢樣嘢。

主席：你哋都唔 check 嘅？

答：即係到地盤嘅嘢，我哋唔會話睇番佢啲單。

主席：得。

答：呢啲，松香糕呢類嘢。

問：最後想同你睇一睇個問題，就係關於呢個持牌水喉匠，即係伍先生，啱啱嗰個做證人口供嗰位人士，佢就係負責呢個石硤尾邨嘅工程嘅持牌水喉匠，我想問下，就係成個工程入面，你有冇同呢個持牌水喉匠有任何溝通㗎？

答：其實就我哋就關於水喉工程就同大判溝通嘅，有陣時我哋同佢傾嘅時候，亦都有其他啲人在場，咁可能嗰啲人就係二判，即係明合嘅人，亦都可能--其實根據明合同埋有利講番，就其實佢亦都搵咗一間叫永興嘅公司，就係三判嘅咁樣，跟住有持牌水喉匠等等人。我哋一路傾嘅時候，會唔會有佢哋在場，我就唔清楚，因為一路以嚟，我哋都係同有利去傾工程嘅嘢嘅啫，咁所以如果你問番我，我就--我未見過，亦都冇人介紹過呢個持牌水喉匠畀我識。

問：你哋簽啲啲我哋所謂水紙，即係啲啲表格，咁都係例如一係佢簽咗，跟住水喉匠，或者畀你，你另外再簽，一係就你簽完之後先畀佢再簽，就唔會話大家有溝通之下先至簽啲啲表格嘅？

答：簽表格嘅過程就咁嘅，通常佢哋認為係 okay，咁樣就由總承建商就交界我哋，其實之前我哋都要求佢就搞清楚啲嘢係做起，如果嗰張表格係持牌水喉匠有簽名嘅話，我哋其實就要求佢就持牌水喉匠 check 過晒啲嘢，咁嚟交界--簽咗之後就交界有利，由有利交界則師。期間則師亦都會同地盤嘅同事就夾一夾，即係睇下究竟啲嘢係咪做起喇咁樣，即係個表格上面所寫嘅嘢係咪真係屬實呢咁樣，地盤嘅同事就會睇番咁嘅，建議番畀則師係啱喇，做起喇咁，於是則師咪簽名，個過程就經呢個承建商嘅。

問：我咁講啱唔啱呢，即係你作為個總嘅建築師，就住石硤尾呢個工程嚟講，你對持牌水喉匠喺成個工程入面佢做過啲乜嘢、幾時做啲乜，你係唔知？

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答：佢做過嘢當然知，因為佢都有簽 form 話 form 上面所講嘅嘢，係咪？  
就知啲...

問：除咗張 form 之外，喺個地盤工程入面嘅工作，唔係講緊個 form。

答：個 form...

問：個工作同理佢平時係做緊啲乜嘢，你知唔知？

答：因為我未見過佢，咁樣佢所監管之下嘅工作就係張 form 上面寫嘅嘢，就話佢做起咗呢個工程，就根據啲圖則，啲材料就合乎標準，亦都根據水務署審批嘅標準去將啲啲材料裝咗喺地盤等等，呢啲我相信就係佢嘅工作，我哋嘅同事亦都睇到啲嘢，啲 installation 係做起咗，我哋檢驗過啲啲 installation 係 okay 嘅、fitting okay 嘅，於是我們咪則師簽名囉，...

問：你當然你...

答：...所以其實張 form 包含咗佢做嘅嘢嘅，其實。

問：或者你聽一聽清楚我問題，我係講緊持牌水喉匠佢本身嘅工作，我唔係講緊一般嚟講個水喉工程入面做過啲乜，我唔係問緊你呢樣嘢，我係問緊你呢樣嘢，我係問緊你知唔知道持牌水喉匠佢自己個人喺個工程入面佢牽涉過啲咩嘢工作、做過啲咩嘢，你知唔知？

答：根據水務條例，持牌水喉匠係有好多 role 嘅，作為一個持牌水喉匠，佢能夠簽佢張 form，我相對佢都會應該係做咗啲方面嘅工作嘅，如果唔係--如果佢冇做到，如果我認為佢冇做到，其實對於佢嚟講，亦都好唔公平，佢係有做過啲工作嘅，佢係有做。

問：或者我問多你一次，都係，我而家唔係問緊你個法例上面要求佢做啲乜嘢或者你想像佢做過啲乜嘢，我係問你實際上喺呢個工程入面，石硤尾邨呢個工程入面，你喺成個工程進行當中，你知唔知佢幾時嚟現場、做過啲乜嘢，知唔知呀？

答：如果講幾時嚟、邊一日嚟、嗰日逗留咗幾耐等等嘅細節，我就唔知嘅。

許偉強先生：我有其他問題。



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王先生盤問

問：孫先生，我想請你睇你個 exhibit 4，喺你嘅證人口供度 38352 頁，如果你睇呢個文--呢個就係個 WW046 個張 form，呢個關於石硤尾邨嘅，如果你去最下低個度。

答：係，見到，係。

問：Okay，呢度，喺你嘅右手邊，右下角就有個“Authorised Person”嘅，見到嘛？

答：見到，見到。

問：呢個人個姓名就叫 Frederick Chu，睇到嘛？

答：見到，見到。

問：個日子就係 2011 年嘅 8 月 8 號？

答：係。

問：我哋嘅理解就係佢喺 8 月 8 日簽咗呢一個簽署，咁理解啱唔啱？

答：係。

問：好喇，我想請你睇下一頁，下一頁。

答：係，見到。

問：下一頁，okay，呢度就有個叫做 Wendy Lo 嘅人，啱唔啱？

答：係，係。

問：即係你個石硤尾邨個同事，啱唔啱？

答：係。

問：佢簽呢個日子就係 8 月 10 號嘅？

答：係，見到。

問：8 月 10 號，好，麻煩你去番前一頁，唔該。

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答：係。

問：好喇，喺呢一頁嘅左下角，你見到個 licensed plumber 就係伍克明先生喇？

答：見到。

問：佢都簽咗名嘅，但係個簽個日期，我睇落去就似--你改正我，如果我唔啱，就係 8 月 30 號嘅，2011 年嘅 8 月 30 號，啱唔啱？

答：啱。

問：如果係咁，係咪情況係咁呀？即係個 AP，即係 authorised person 先簽呢份文件先，佢先簽呢份文件，然後個 licensed plumber 再簽，喺 8 月 30 號先簽呢份文件？

答：係。

問：好喇，麻煩你將呢頁移上少少，移上少少，唔該。

答：係，見到。

問：喺“2”嗰度，“Purpose of submission”，“Purpose of Submission”，嗰度有個別喺度嘅？

答：係。

問：就係 “We CERTIFY” or “I CERTIFY that the pipes and fittings intended to be installed, including those as listed on the attached Annex to this Form and those not listed, are as prescribed by the Waterworks Regulations.”，咁樣喺 Frederick Chu 喺 8 月 8 號簽呢一份文件嘅時候，佢就係 certify 咗呢樣嘢嘅，啱唔啱？

答：係。

問：咁即係話佢唔係倚賴 licensed plumber 去 certify 呢樣嘢嘅，佢係獨立 certify 咗呢句 statement 嘅真實性，然後簽呢份文件嘅？

答：我想睇一睇第 2 段嗰度就講緊係想 notify 話希望喺 8 月 20 號開工咁嘅，即係其實就係想講呢件事，至於佢話嗰啲 pipes and

fittings to be installed 就係 as prescribed by 水務條例，咁所以呢個係冇違反到，因為其實佢話「喺 8 月 20 號，我想開工，而所採用嘅 pipes and fitting 係將會係符合水務條例要求嘅。」所以喺日子上係冇抵觸嘅，即係 8 月 8 號簽落呢張 form 嘅時候，話畀人知 8 月 20 號想開工，而係想用嘅材料係咁標準咁解嘅啫。

問：明白，多謝你嘅澄清。好喇，我哋知道呢度就係 AP 先簽，然後 LP 先簽，係咪呀？根據呢個文件顯示，係咪？

答：係。

問：好，咁我想請你睇下你證人口供第 32 段，38318，頭先般大律師都讀咗呢段，我就唔再讀一次，如果你需要時間你睇一睇，你可以再睇一睇，32 段。

答：見到。

問：如果係石硤尾邨呢一個 project 嚟講，32 段咁樣講其實係咪唔係好精確呀？

答：我諗你係講緊個日期，係咪呀？

問：日期，係呀。

答：即係 LP 日期就 8 月 30 號係遲過則師，即係意思 AP，嘅日期，係咪呀？

問：係，冇錯。

答：係。

問：即係係咪呢一段就其實唔係好適用喺石硤尾邨？

答：如果就咁，喺操作上，操作上一般就係 plumber 簽完就畀 main con.，main con. 交界則師，所以就喺操作上就係冇問題嘅，至於點解日期係調轉咗呢咁樣，咁你睇番 32 段其實係講 sign the form 係冇講 date，冇講 date，冇講 sign and date，咁因此佢 sign 咗個 form 可能就當時冇 date 到，咁當時冇 date 到，於是則師就簽，當時可能--即係我估計，因為唔係我簽，就係當時 main con. 就同則師講「我哋預算得喇，我哋亦都同事 check 過啲嘢 okay，預算 8 月 20 號就要開工。」咁樣，於是個則師就係簽咗名，當時有可能個 plumber 就有 date 到，後畀佢就再執執埋埋啲嘢，就都遲咗，

就8月20號結果都未必做得切，咁咪 date 番佢當時嘅 date 落去，於是就出現咗個 date 就係後過則師嘅 date，呢個就係我嘅估計。

問：我其實想問你啫，32段嗰段，因為我哋而家睇咗好多 chief architect 嗰啲 witness statement，32段都幾標準嘅，其實呢一段係咪搬字過紙，冇睇過呢個 38352 嗰啲日期，就咁寫嘅？

答：即係有冇對番日期先咁寫呀？

主席：即係佢嘅意思就即係房署嗰啲 chief architect 嗰啲 witness statement 差唔多份份都一樣嘅。

答：係，其實好多 general 嘅地方都接近。

主席：吓？

答：好多 general 嘅地方好接近嘅。

主席：都唔係，其實啲字眼都好接近，差唔多一模一樣。

答：係，即係 general 嘅地方嘅字眼都好接近。

主席：係。即係佢而家就係話畀你聽其實即係呢份你嘅所謂口供就其實唔係你嘅口供嚟嘅，就係房署嘅口供嚟嘅啫。

答：又唔係嘅，有好多 project 嘢嘅。

主席：吓？

答：有好多 project 嘢嘅。

主席：除咗換咗嗰啲名之外囉。因為你嗰份證人口供就同嚴先生嗰份證人口供就差唔多一模一樣嘅，頭先嗰位譚女士就有少少唔同嘅，尤其是去到第-- request number 4，叫佢解釋點解會有鉛喺裏面嗰度嘅時候，就有少少唔同，即係其實我都想問下你，因為你--既然我哋而家喺呢度，不如就問下你，你嘅證人供詞就係喺第--孫惠民--我哋去--不如去第4個-- request 4，request 4 就係解釋點解有啲--即係叫你解釋點解你嗰啲--點解會有啲鉛走咗入去嗰啲水管嗰度，你嗰份口供就同嚴先生嗰份口供就係差唔多一模一樣，就住呢個第4個 request，嚴先生個口供就係喺--等我一陣。係喇，就係 356，

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我哋就去到 request number 4，佢嘅 66...

黎先生：38210。

主席：係喇，38210，就係基本上...

答：呢度，呢度。

主席：...就係一模一樣，除咗喺 69 段，就多咗一小撮，就話呢個 soldering materials 就“regarded as an insignificant sundry item, similar to the iron tying wire used for fixing steel reinforcement, screw, bolts and nuts etc., which was not measured separately in the Bills of Quantities.”，咁其實一模一樣嘅。我想問下你啫，呢份嘢，當然我都相信係律師同你哋寫。第 69 段，“The HA was not aware of the possibility of lead in water”，呢度講“The HA”嘅啫，你呢，你呢，你自己呢？

答：其實我就真係唔係咁 aware，我自己本人。

主席：咁我又返番去我問嗰幾個問題，我最鍾意問嗰幾個問題。第一個問題就係你知道鉛係對身體有害，有毒嘅，係咪呀？呢個。

答：即係食落肚係有毒嘅。

主席：Level 1，你知道嘅？

答：知道。

主席：知道，好。第二個問題就係知唔知道食水含鉛曾經喺好多個國家都出現過問題？

答：我真係唔知。

主席：唔知道？

答：唔知，唔知。

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主席：咁換句話嚟講，你亦都唔會知道係乜嘢原因引起喺過往喺呢啲國家食水含鉛嘅--引起食水含鉛嘅原因，你亦都唔知喇？

答：唔知，係最近先知，睇番啲資料先知。

主席：得。換句話嚟講，你亦都唔知道原來過往曾經因為用鉛嘅水管引起過呢啲食水含鉛喺其他嘅國家，你都唔知喇？

答：唔知。

主席：咁你亦都完全唔知道除咗鉛嘅水管之外，焊料亦都係令到呢啲國家出現過食水含鉛嘅問題，亦都唔知？

答：唔知，唔知。

主席：得。好喇，咁你知唔知道喺呢件事之前，呢個駁呢啲水管嘅焊料，銅水管嘅焊料係有兩種嘅，一種係有鉛，一種係無鉛嘅？應該咁講，駁呢啲銅管之前--即係你知唔知道，喺呢一件事之前，駁銅管，銅管其實唔係一定愛嚟運水㗎嘛，啱唔啱呀？

答：係，係，係。

主席：咁你知唔知道駁銅管嗰啲焊料有兩種，一種係有鉛，一種係無鉛嘅呢？

答：其實真係唔係幾知。

主席：真係幾知？

答：係，真係唔係幾知。

主席：得，okay。咁你喺呢一件事之前又知唔知道涉及食水嘅焊料就一定係要用無鉛嘅呢？

答：其實即係又唔係百分百唔知，不過就唔係咁深究，應該可以咁講，唔係咁深究。

主席：唔係，唔係，唔係，...

答：即係嗰個...

主席：你知唔知道涉及食水--駁食水管嗰啲銅喉，駁嗰啲焊料係一定要用

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無鉛嘅去駁呢？一定要用無鉛嘅去做呢？你知抑或唔知呢，喺呢件事之前？

答：知唔知？

主席：係囉。

答：其實就知知地囉，可以咁講，即係又唔係好深究話點解呀咁啲囉。

主席：點解會知知地呢？

答：點解知知地？

主席：係囉。

答：因為其實我哋喺審批呢啲焊料，其實我哋係有審批呢個焊料咁嘛。

主席：因為你哋個 specification 就係要呢啲，係咪呀？

答：係喇，係喇，但係點解我就有深究。

主席：點解就完全唔知嘅？

答：係，係。

主席：得，好，唔該。跟住或者返番去你嘅證人證供後面就有好多即係有利遞上嚟啲關於呢個 solder 啲啲嘢，exhibit 9, 38374, 我哋揭後啲，就係去到 38389, 我哋見到有啲 highlight 嘅字，“Complied with BS EN 1254-1: 1998”，跟住下低我諗係“requirement”，乜嘢人寫㗎，知唔知呀？

答：唔清楚，即係有可能係承辦商嗰邊寫，亦都有可能我哋自己寫，但係我唔清楚，定係甚至 supplier 寫，即係會唔會佢夾嘅時候已經有呢個字。

主席：我諗就唔係，下低就有個 chop 嘅，就有利就喺每一張紙嗰度都簽咗個名嘅，你見到嘛？

答：見到。

主席：有利就每一度都簽個 -- chop 晒啲度嘅，跟住就即係一係就有利 -- 一係就有利喇？

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答：係。

主席：一係就--如果我有估計錯誤嘅，會唔會係你哋嗰啲 clerk of work 呀？

答：其實兩個都有可能，甚至有可能係嗰個 supplier 自己夾份咁嘅嘢話...

主席：Supplier 就唔會喇。

答：係呀，佢話畀人知「合晒標準㗎喇」咁樣。

主席：跟住 supplier 冇咁神心㗎，你睇下 38393，係咪？

答：係。

主席：38394，全部有人寫晒啲嘢喺度嘅，啱唔啱呀？

答：係。

主席：我諗唔會係 supplier 啫。

答：係，我唔係咁清晰。

主席：我唔理喇，即係換句話嚟講，有利--起碼喺有利以上，因為有利就第一，chop 咗個 chop 喺度，簽咗個名，有利對上就係呢個房署，係咪？

答：係，係。

主席：即係換句話嚟講，喺有利對上嘅層次就嗰啲人就知道係要用無鉛㗎喇，啱唔啱呀？

答：係。

主席：得，好，唔該。

繼續。

問：好，我最後一個問題，一個範圍問題想問你，就我頭先帶你睇嗰個 38352，就係 2011 年嘅 8 月 8 號簽㗎？



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答：我揭一揭先。見到，見到，見到。

問：38352 嗰度，8 月 8 號簽，跟住我想睇 38360，38360，呢個就係水務署嗰個出嗰張水紙，個 water examination report，我哋睇到就係 2012 年嘅 1 月 12 號嘅，喺你右上角睇到日子喇。

答：Issue 嘅嗰個。

問：個 issue date。

答：係，得，係。

問：就係 2012 年嘅 1 月 12 號，佢就做咗嗰八個參數嘅測試。

答：係，冇錯。

問：就喺個 connection point 嗰度做嘅，係咪？

答：即係大喉，我哋叫做。

問：大喉，係呀，大喉嗰度做。

答：係。

問：好喇，我想問你，淨係關於石硤尾邨呢度，石硤尾呢條邨，房委有冇委託或者要求總承建商或者其他人就內部供水系統食水做任何測試，即係關於嗰八個參數，自己做測試？

答：如果講緊內部供水，譬如大樓嗰邊就我哋有嘅，冇要求。

問：Connection point 就係水務署做，係咪？

答：冇錯，冇錯。

問：因為石硤尾邨就有參加嗰個綠建環評，就有做嗰個 accreditation，

答：係，嗰度七項啫，嗰度都係。

問：我喺問馮副署長嘅時候就問過佢話有幾條邨其實自己內部嘅供水系統就連水務署嗰八個參數，嗰個 water sample test 都有做過，其中一條就係石硤尾邨，你作為石硤尾邨個 chief architect，當時馮女士佢就話要返去睇睇，可能因為佢哋做多啲嘢，我淨係想問關於

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石硤尾邨呢一個，你哋有冇做過內部供水系統嗰個食水嘅任何測試呢？

答：冇做八個參...

問：除咗水務署自己做，我哋睇到呢頁，佢自己做。

答：啱，冇做八個參數。

問：冇做過？

答：冇做過。

問：好，唔該。

答：我想補充少少，因為其實嗰個水務署有一份文件--有個通函，就係2012年8月出嘅，喺個通函上面就有講呢八項參數係需要做嘅，而我哋呢單 project 個完工期就係早過嗰個通函嘅，因此我哋--一般我哋會根據水務署嘅指引或者要求去做，既然冇，係早過--既然係早過個通函，我哋亦都唔知道要做呢八項參數，就係咁樣。

問：可以，唔該晒。

王先生：主席，我有其他問題。

主席：唔該。請問仲有冇人有問題？

鍾先生：主席，有特別...

主席：係，Mr Chung。

鍾先生：係。

### 鍾先生盤問

問：孫先生，想問番關於一啲嘅所謂 sample submission。剛才就你記得你有被問過就係關於呢一個喺 38376 嗰個 exhibit？

答：係，見到。

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問：嗰個係一個關於嗰啲焊料嘅 sample submission 嘅，剛才問到其實嗰個實物有冇呈交到畀你哋睇，你嘅答案就係即係「相信有」，係咪？

答：係，係。

問：我想你睇一睇剛才 38376 嗰頁，喺嗰個日子對落嗰度，即係比較底部嗰度。

答：係，見到，係，見到。

問：你見到有個“c.c.”，“Project Clerk of Works with sample”，如果照咁樣睇嚟，呢個紀錄上，其實你可唔可以比較確認啲答到個 sample 個實物係咪已經係其實係呈交咗畀你哋嘅 clerk of works？

答：如果咁睇，就應該係喎，即係通常咁寫，如果係屬實嘅話，即係 sample 係 clerk of work keep 住。

問：好，同樣都係喺呢一個議題上面，剛才就--我哋知道就係話喺 specifications 上面有啲嘅物料若果係有話一定要呈交個 sample 嘅話，你哋就係亦都唔會去特別要求承判商呈交嘅，係咪？

答：係，我哋唔會特別要求。

問：剛才你亦都睇過呢一個所謂--即係喺呢一個石硤尾邨呢一個嘅 licensed plumber 吳先生嗰個 witness statement 喇？

答：係，伍克明。

問：伍克明先生，係，冇錯。就有提到就係話房署有啲工程人員曾經要求嘅，佢就會呈交一啲嘅--一個焊料嗰啲實物同埋佢嘅 submission 上去？

答：頭先--如果我有記錯，係咁上下嘅寫法嘅。

問：係喇，得。我想問通常呢啲要呈交呢一啲嘅焊料，若果合約上面係有嘅，咁一般嚟講，呈交嚟講，都係呈交畀你哋喺地盤嘅 clerk of works 嘅同事嘅，係咪？

答：通常承辦商唔會話就咁畀地盤同事睇就當係啱--就批核，就唔會，一定要結果由則師去批核㗎嘛。

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問：我明白。

答：咁所以變咗佢可能--就算我哋冇要求，而佢就為咗大家都有一個紀錄或者係等佢都容易做嘢，因為如果將來佢做嘅時候原來冇批核過，咁佢有啲危機就結果唔用，咁佢訂咗好多貨，佢就可能驚呢樣嘢，所以就不如其他 project 都有擺畀則師批嚟㗎，佢都擺埋嚟都唔出奇，咁整個過程佢結果都會畀到則師去睇，則師如果經過啲同事睇過，自己亦都可能對番，於是就批核，批核咗之後，大家可以對住，承辦商可以揸住嗰樣嘢去訂貨咁樣，咁嘅情況。

問：我知道，我知道批核就係最終由則師去批核，個 project architect 去批核喇？

答：係。

問：但係而家係講緊一啲係合約上有特別要求佢要呈交嘅，剛才你講嗰種情況就係好可能你係--你估計呢一個係出於呢一個承辦商自己主動去呈交嘅理由嚟嘅啫，係咪？

答：係。

問：但係如果實際上，你自己本人，你唔係喺地盤嗰度，係咪？

答：係，唔喺。

問：咁若果--可能你哋駐地盤嘅工程人員，即係可能有啲 resident site staff，即係類似你 clerk of works 嗰類，若果佢哋有喺地盤嗰度曾經叫過嗰個承辦商「你除咗 submit 嗰啲所謂文件上嘅資料之外，你 submit 埋 sample 上嚟喇。」其實如果有咁做過，你都唔清楚㗎嘛，係咪呀？

答：佢冇做我都唔清楚。

問：冇錯。

答：即係冇冇做我都唔清楚。

問：係喇，所以你亦都唔可以排除係你哋嘅 site staff 有曾經咁嘅要求過，係咪？

答：我唔可以排除佢冇定係有。

問：得。好喇，另外一個議題想問一問你，就你哋嘅同事，你哋嘅 Deputy Director Ada Fung, Ada Fung 女士，同埋之前另外嚴--另外一位嚴先生，都畀過口供，就係話佢哋都知道好多時嗰啲焊料運到去地盤嘅時候，喺真正去做燒焊之前，嗰啲工人係會將嗰啲焊料一捆捆嘅焊料就切成一條條方便佢工作，你清唔清楚呢樣嘢？

答：我都聽過有人咁講，聽過有人咁講，但係我就即係冇當面親自睇過啲咁嘅情況。

問：但係你都係從即係你嗰啲地盤嘅同事嘅口中得悉呢樣嘢嘅，係咪？

答：幾方面都有，即係普通同我差唔多職級嘅同事都有提過呢類嘅嘢。

黎先生：我想問一問，你聽過係最近聽過定係...

答：最近，最近。

黎先生：最近先聽過。

答：以前冇聽過。

黎先生：係7月之後，7月之後先聽過？

答：7月之後，係，最近。

問：Okay, 唔好意思。另外我都想問一問你，喺你嘅口供嘅第57段嗰度，就係橫跨咗，即係我想講嗰句係最褻瀆嗰句嚟嘅，係橫跨咗呢一個三百八十-- sorry, 38325 頁至到 38326 頁嘅，見唔見到？

答：見到，見到。

問：你見到 38325 最褻瀆嗰度開始，就係“Some of the soldering works for the pipe joints was executed in the workshop while the remaining was executed in-situ.”，我想問你呢個講嘅所謂 workshop 係咪指呢一個水喉工人喺地盤裏面嗰個嘅即係一啲嘅工作間？

答：係，可以，係，即係...

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問：或者...

答：係，係，即係有少少地方係佢哋就會做少少嘢，然後將比較上細嘅嘢組合成為一件大少少，然後先擺上去上邊做咁樣。

問：咁呢個 workshop 其實即係行內或者俗語所謂嘅即係嗰啲工人嘅「架部」？

答：係，係，「架部」，係。

問：另外我想你睇睇你嘅證人供詞第 71 段，係喺呢一個 38330 頁。

答：見到。

問：嗰度 71 段就好短嘅啫，你就咁講嘅，“Lead free soldering material was as specified with approved sample complying with contract requirements. It appears to me that lead solder was used by Yau Lee without permission and in breach of contract.”

答：係，見到。

問：我想問下，你係基於乜嘢，你會即係有個咁嘅結論，就係話有利係用咗一啲嘅所謂含鉛嘅 solder --含鉛嘅焊料？

答：其實就建基於整個地盤交咗畀有利之後，就由有利去負責整個地盤，既然喺地盤裏面發生呢啲事，我哋就--即係我哋房屋署或者房委會就自自然然就認為係管理地盤嘅人去做咗一啲的行為而引致呢個結果，至於--我哋亦都有深究到究竟係呢個管理地盤嘅人佢自己本身嘅員工吖，定係佢--同佢有關係嘅其他人等，我哋就唔知，總之我認為呢個管理地盤嘅人就應該係--表面上睇，即係“*It appears to me*”，你都見到嗰個字喇。

問：係。

答：表面上睇，就係管理地盤嘅人去進行，因為點解呢？如果管理地盤嘅人自己有做呢樣嘢，佢亦都解釋唔到有啲咩嘢人係做咗呢件事。

問：我諗有兩個層次，我而家同你講呢個 71 段，就似乎你就嗰埋 72 段嗰度講埋嘅。

答：係，係。

問：咁我或者亦都讀埋 72 段，你可以大家一齊講呢樣嘢，72 段你就咁寫，  
“Based on the available information, I cannot say specifically how lead solder came to be used by Yau Lee and its sub-contractor in Shek Kip Mei Estate Phase 2 and by which party such material was allowed.”，  
okay，呢度有兩個議題我想同你講一講，第一，似乎你嘅講法就係話今次石硤尾邨呢度出現咗鉛水問題，就係因為有人用咗有鉛嘅焊料，係咪？

答：係，冇錯，冇錯，冇錯，冇錯。

問：但係我想問你其實我哋而家直至現在嚟講，我哋呢個--即係今次嘅聆訊呢個委員會，其中一個目的就係去搵出嗰個鉛水問題個源頭喺邊度，係咪？

答：係。

問：其實喺呢一個階段嚟講，我相信冇人可以肯定到一定話嗰個鉛嘅來源就係因為嗰個所謂 soldering material 嗰度嚟？

答：鉛嘅來源係來自 soldering material 嘅，應該冇問題嘅，呢個大家都知道嘅，係咪呀？鉛嘅來源係來自 soldering material。

問：曾經水務署嗰度嗰個有個研究報告就做過，就係話根據嗰個報告嚟講，就係話...

主席：我想問下你，你冇係咪 dispute 先？你係咪 dispute 呢樣嘢先？

鍾先生：唔係，唔係，唔係，係。

主席：你唔好問問題 for the sake of 即係呢樣嘢先得㗎，你如果係--你話「我完全唔 accept 嘅。」咁就另外一件事，你係咪唔 accept 先？

鍾先生：唔係，我哋唔可以否認呢個可能性，但係即係我嘅意思就係話即係...

主席：咁就唔好 for the sake of 呢個 academic argument 去問一啲問題。

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鍾先生：Okay, okay。

主席：啱唔啱呀？

鍾先生：好，好，得，好。

主席：你如果你話「我完全唔 accept。」嘅...

鍾先生：明白，主席，okay，好，好。

主席：係呀。

鍾先生：咁我 move on 去下一個 topic。

主席：係。

問：最後一個問題，就係關於 72 段嗰度你講到，譬如假設好似剛才咁講，譬如我哋就算就係話嗰個鉛係來自嗰個 solder 嗰度嚟，咁亦都唔代表有利或者佢嘅承判商或者有任何人係曾經好似你嗰度咁講，就係“allow”，即係准許用呢一啲嘅含鉛嘅焊料喺嗰個水務工程上面，你同唔同意呀？

主席：邊一度呀，你講？

鍾先生：72 段最褻瀆嗰句，其實一句嘅咋。

主席：咁有咩嘢問題呢？有人用吓嘛。

鍾先生：係有人用，但係即係呢個講法就係講到係有人批准咁樣用嘅，即係知道嘅情況下而去用嘅。

主席：咁梗係有人批准嘅情況之下用喇。

鍾先生：但係其實有個可能...

主席：邊個係唔知之嘛，唔知邊個之嘛，你嘅意思即係冇人批准就有人用呀？

鍾先生：唔係，我嘅意思係話會唔會有種可能性就係大家都唔知道嗰個焊



料係含咗鉛嘅，係有個 mistake 喺度，係唔可以...

主席：咁呢個另外一件事嚟㗎喇，係咪先？

鍾先生：係，即係我...

主席：你而家嘅意思即係全部人都唔知道，就有人就用咗一啲有鉛嘅嘢就落咗去嗰啲水管嗰度？

鍾先生：主席，我個意思係話最低限度喺呢一個階段，我哋係未係可以落一個咁嘅判斷就係話一定有人知道，而特別、特登批准去用咗呢樣嘢，即係會唔會有個可能性係話可能咁多個 parties involve，會唔會係其實大家都唔知道用咗嗰個焊料係含咗鉛。

黎先生：嗰個“allow”可唔可以係 knowingly 或者 unknowingly 嘅呢？會唔會呢？

主席：都唔使咩，唔使 allow，“was caused to be used”，好唔好？“caused to be used”，得唔得呀？

鍾先生：即係我只不過想澄清少少嘢，主席。

主席：係喇，即係你唔鍾意，如果你話“allow”嘅又係要--會 incorporate 咗一個我哋所講嘅 mens rea 人去嘅，咁咪“caused to be used”囉。

鍾先生：我有其他問題，唔該你，主席。

主席：冇人有問題喇嘛？

殷先生：主席，我有兩個短嘅問題，可唔可以問？

主席：問喇，係。

殷先生補問

問：兩個問題啫，一個就係頭先鍾大律師問你關於話呢個水喉匠伍克明嘅指控，話係有陣時雖然呢個焊料呢樣嘢係 PLU1 入面有指明話要有樣

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辦畀房署睇嘅，但有陣時個別嘅房署嘅人員會要求睇辦嘅？

答：係。

問：有呢樣嘢，咁你當然--頭先就問你，你可唔可以否定有呢個可能性，你就答咗話你唔可以，你記唔記得？

答：我唔可以知道有或者冇呢件事發生，係。

問：我所問你一個問題啫，就係因為我哋成日聽見話公務員就即係按本旨辦事，應該，又唔會做多，唔會做少㗎嘛。

答：唔。

問：既然喺有--個指引冇要求要睇辦嘅，你覺得有一位同事去主動用佢嘅酌情權話要求要睇辦嘅可能性大唔大呢？

答：可能性就低啲。

問：另一個問題，我就想圍繞睇一睇你個證人口供個附件 4 嗰度，頭先王大律師同你睇過嗰張 WWO46 part I，喺文件匣 38352。

答：係，見到。

問：38352 頁嗰段，我哋睇到--你如果睇嗰張表格嘅中間，嗰頁嘅中段嗰度，你頭先有指出過，嗰度就話係“*We/I hereby notify that the plumbing works detailed above will be commenced on 20 August*”，即係話即將會喺 8 月 20 號開工，你有講過就話從你嘅角度去睇，呢個 AP 簽呢張嘢就係通知水務局將會開工嘅日期嘅，係咪？

答：係，冇錯，係，係。

問：你畀我哋嘅口供就話程序上應該就係 *licensed plumber* 填好咗呢一張嘢個內容，就交界嗰個總承建商，就由總承建商先至交界 AP 簽㗎嘛？

答：係，冇錯。

問：咁喺呢度咁講，即係話佢填好咗，就會包括嗰個開工日期，將會開工嘅日期係 8 月 20 號，啱唔啱？

答：啱。

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問：如果係咁，照計，你嘅意思就係話你見到 AP，當然唔係你喇，係 Frederick Chu，但係 Frederick Chu 簽個日期係 8 月 8 號，...

答：係，冇錯。

問：...咁應該係啱嘅，...

答：應該啱，係。

問：...因為 8 月 8 號早過 8 月 20 咁嘛，啱唔啱？

答：啱，啱，佢寫嘅，係。

問：咁依據你咁講，應該如果你理解個程序，就係早過 8 月 8 號就已經個 licensed plumber 簽--填好咗，填好咗呢張嘢，據你嘅理解，應該簽埋先，...

答：我理解，係。

問：...先至交界總承建商，交界你嘅同事簽嘅？

答：係，我推斷係咁。

問：推算係咁？

答：係。

問：咁所以變咗呢個日子，8 月 30 號個 licensed plumber 個 8 月 30 號仲遲過 8 月 20 號呢個日子就好奇怪喇？

答：呢個我亦都推斷，就係當地 LP，即係 licensed plumber 簽嘅時候有寫日期，咁及後先寫番啫。

主席：吓？會唔會呀？

答：有可能嘅，有可能，喺建築工程係有啲咁嘅情況都唔出奇。

主席：哦，咁是但喇，不過我哋係用啲 common sense 諗嘅啫，咁唔緊要喇，你係咁講就咁講。係咁多喇嘛，係咪呀？好呀，唔該晒你，畀完口供，你可以走得。

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答：係，唔該晒。

主席：咁我哋聽朝早 10 點鐘再繼續，唔該。

2015年11月18日  
下午4時43分聆訊押後

C Wednesday, 18 November 2015 C

(10.00 am)

D (Transcript of simultaneous interpretation D

E except where otherwise specified) E

CHAIRMAN: Mr Khaw, please.

F MS ANN MARY TAM KWAI YEE (on former oath) F

G Cross-examination by MR KHAW (continued) G

H MR KHAW: Madam Tam, yesterday we talked about the Housing H

I Department examining the samples submitted by the main I

J contractor. I would like to follow up on this. From J

K what you said, it seems that the soldering materials, if K

L the main contractor submits these materials to the L

M Housing Department for examination and vetting and M

N approval, you would do so; if they don't submit, then N

O you would not vet and approve? O

M A. Yes. M

N Q. Other than soldering materials, this practice would N  
O apply to other components under PLU1; is that right? O

A. Yes. If I may add: for most of them.

P Q. Yes, there are some exceptions. P

Q From your experience, for the developments that you Q

R handled, for all or most of them, the main contractor R

S would submit the samples of soldering materials to you S

T for approval? T

A. My understanding is that for many of the contracts, the U

main contractor would submit the soldering materials to us. Like I said in my witness statement, this is the general practice.

Q. What I don't understand is that for PLU1 materials, whether they submit the samples, with the exception of those exceptions, whether they submit the samples for vetting and approval, the Housing Department does not have any system; you just rely on the initiative of the main contractor. Is that correct?

A. If you do not specify that they have to submit the samples, then they do not have to do so. Whether they so submit, if they see the need, if they want to clarify certain things, they are free to make the submission.

Q. What I am saying is that inside the Housing Department there are no guidelines regarding PLU1 materials, components, on whether the main contractor has to submit the samples?

A. It is clearly stipulated in the contract; there is no need to give any more instructions.

Q. Let me put this to you: for the main contractors, let's say nuts and bolts, all these sundry items, the contractor would not submit samples on these; would you agree?

A. Not normally, no.

Q. In your witness statement, there are things like iron

tying wires that are commonly used. They don't submit samples of those to you either, would they?

A. The tying wire is a sundry item, so it doesn't appear in the BQ. If contractors would like to submit these, they can submit them to the structural engineers.

Q. From your understanding, materials like these are not normally submitted; is that right?

A. My understanding is that this is the case. This is not within my remit; this is the structural engineer's sphere.

Q. Would you agree with this: As far as the soldering materials are concerned, the main contractor may submit samples for vetting and approval, and the main contractor sees the need to do so; would you agree with that?

A. What their intention is, we don't go into that. It is their practice to do so. We don't know why they do so. We don't really go into the reasons why they choose to do so. When the materials come before us, we would look at them and we assist them in looking at the materials, for compliance with the contract.

Q. Procedurally, you take the materials, you take the soldering materials. Now, we saw the form yesterday, and you give the approval, and the materials would be put in a room?

A. Yes.

Q. In your witness statement, paragraph 55, if I may refer you to that. B15.2/38025, page 38025. Paragraph 55, here you said:

"After approval of the plumbing material proposals with submitted samples ..."

So these are the samples of the materials.

"(In English) ... all the approved samples were kept in a lock-up sample room for record ..."

This is what you said exactly; they will be put in a room.

"(In English) ... and for reference by HA site inspection team for routine checking during the construction process."

So you just put there, "for routine checking".

My question then is, for soldering materials, this routine checking doesn't apply because you never, in the course of construction, check these materials; you would not check these materials, would you?

A. For soldering materials, in our site inspection guidelines, there is no need to conduct on site inspection, nor is there a need to check during the course of construction.

Q. This is a general statement. It doesn't apply to soldering materials; is that right?



A. Yes.

Q. If I may refer you to paragraph 80, on page 38032.

Paragraph 80 says you would not require the contractors to submit any purchasing record of the soldering material to the HA, like delivery note. When they purchase the soldering material, you would not require them to submit any purchasing record of the material?

A. No, no such requirement.

Q. Would you agree with me in saying that on the construction site, when soldering materials are delivered, whether they comply with the requirements or standards, the Housing Department doesn't play any gatekeeping role? Although you said you rely very much on the main contractor, other than relying on the main contractor, you don't have any measure to look at this; is that right?

A. The Housing Department or the Housing Authority, before the lead in water incident occurred, we didn't realise that that would be a high-risk item. So, in our inspection system, we do not have a measure to check whether the materials are in compliance with the contract requirement. The site inspection team doesn't have to certify that.

Q. Basically, you agree with me that for the delivered materials, whether they comply with the requirements,

you don't have the gatekeeping role?

A. Right, for non-high-risk items, we don't check it.

Q. B15.1, page 37641. Previously, from other witnesses, mention was made of this document, and from other witnesses we are going to understand that this record form, 6210, talks about the materials being checked upon delivery to the site, to see whether they are in compliance. There are certain items, (a) to (f), there are 32 items altogether by my count that will be checked.

A. Yes.

Q. Let's take Kwai Luen Estate, for instance. Your site inspection team, when materials are delivered, the site inspection team has to check, and the checking would apply to these 32 items?

A. Yes, they will go by this form.

Q. Will you tell us in brief, with regard to this form, who put this form together; which department put this form together?

A. This is in accordance with the architectural site inspection guide. This is one of the forms under this particular guide. My understanding is that for these 32 items listed there, on page 2 it is specified that they are specified in the contract. If you look at the specifications, they require on-site delivery

verification.

When this form was put together, it was on the basis of the clauses in the Specification Library.

Q. So when this form was put together, it was against this background: first of all, you mentioned the kind of materials that would be checked on site, in the specification and from the specifications; you summarise the materials here in this form?

A. Indeed, to facilitate our colleagues.

Q. In the specifications, you decide on the items that have to be checked upon delivery. Who decided on the material, the kind of materials that have to be checked, and in the process, which department is responsible for drafting this form?

A. There is a team of specification drafters. I was not involved in this process myself. But looking at these 32 items, a lot of them involve sample submissions, and they will supply us with the coloration, the dimension, the specific requirements and so on. We will look at them visually. Cooking bench, sink units, for example, when they turn up on the site, we have to make sure that the dimension is in compliance with the sample approval, and if they do not comply they cannot be fitted on. If we do not check, then all these items of wrong dimension cannot be fitted on, and this will affect the progress

of the work.

These are high-risk items; we will check them.

Q. Let me clarify what you just said. You were not the one who drew up this list, but then in the process of drawing up the list, the first thing to consider is whether there has been any sample submission; is that what you meant?

A. Well, I would say that whether sample submission is required under the specifications drawn up, but I would not say that this would not include all materials which require sample submissions within the contract.

Q. Now, the contract has certain requirements on certain sample submissions that would be considered differently, but then there may be materials which are not required within the contract to come with sample submission. Would you consider those materials to be put within this list?

A. No. When we did the Specification Library, we would consider whether these items were high-risk items.

Q. Can I follow up, Ms Tam: when you draw up the specifications, how would you decide whether checks have to be made upon delivery of materials on site? What are the main considerations? Would it be the case that these materials are particularly costly or the materials are extensively used or what? What are the parameters

used?

A. To my understanding, looking at these 32 items, as I said, I was not involved in the drafting process.

If I may look at these 32 items, item (p), "Tile adhesive and tile grout", this means the adhesive for the tiles. In the past, there may be incidents in the past where tiles came off, so we would know then, if these tiles' adhesive are not up to standard, then there may be consequences subsequently. So we may learn something from what happened in the trade in the past or from projects we have undertaken in the past. There may have been incidents. So that's why tile adhesive is put there. There may not be any requirement on dimensions, and so on. But anyway, this is put in the list.

Q. So you said you go by experience and there may have been incidents on certain materials so you were particularly concerned about these materials?

A. Yes. We would be particularly concerned about materials where incidents have happened.

Q. Now, apart from incidents involving certain materials, are there any other considerations in drafting this list?

Would the cost of materials be one factor?

A. I don't think cost is a consideration. There may be major items and minor items here on the list.

Q. I would like to ask you -- now, for this guideline, it says "Document check":

"(Partially in English) The contractor shall submit written confirmation, certified true copy of certificate of origin and delivery note et cetera ..."

And the second, "(In English) Materials check", you have to check the dimension, the surface quality and other accessories, et cetera.

I would like to know, for these 32 items, when they arrive on site, you will do both, document check and materials check, or you will just do the document check and that's good enough? How does the process work?

A. According to this DASM 6210 form, both checks have to be done. Now say for example tile adhesive, there may not be any dimension check. Well, unless you are talking about the packaging dimension, then the dimension requirement is not applicable.

Q. So in general you would look at both the documents and also the appearance of the materials; right?

A. Yes.

Q. So, on this form, when you check the materials when they arrive, how was it done? Say if, for example, there are ten cartons of tile adhesive, are you checking each and every carton, or you would do sampling check? What is the requirement of this form? To what extent would you

be doing the checks? Now, you have 32 items here. When the materials arrive on site, how would you go about the checking, in effect?

A. The form requires materials to be checked when they arrive. So, if there are ten cartons, we will check all of them, ten cartons. The ten cartons will come with a delivery note, so the delivery note will cover all ten cartons and not just nine cartons, for example. So we will check every carton. That's my understanding. That's the requirement of 6210.

Q. For this document, we have taken through this document with Ms Fung earlier, when she gave her testimony. It should be 2005, when the document was first drawn up. So it's been in use for ten years?

A. Yes.

Q. And within the ten years, within the department have there been any discussions on whether new materials should be added onto this form or whether materials should be taken out from the list? Have there been any such discussions?

A. No, we have not discussed this form in particular, but then for this architectural site inspection guide, a review is done every two years, and if site staff and other staff members find that certain clauses may not be applicable, may not be of good use now, then they would

give us feedback, and then we will collect views from various sides, to see whether revisions have to be made, and if needed, we would do it.

Now, for form 6210, no revision has ever been made because so far no colleagues, according to our records, feel that there is a need to revise it.

Q. Thank you. So in other words, for materials delivered on site, the site inspection team has all along been referring to this form, to see whether checks should be made on materials when they arrive at the site?

A. Yes, that's the case.

Q. And you said just now that in drafting the specifications, you will set out what materials need to be checked on site, which are not required, and one of the factors that you said you considered is whether there has been sample submission before. So I would like to ask, when you draw up the list of materials which require checking and those which don't, will the Housing Department consider whether the materials are safe to the tenants? Would that be a factor that you would consider too?

A. The HA builds public housing estates and also subsidised housing. We will go by the safety and health requirements under the Buildings Ordinance. That's an emphasis, true.



Now, when we draft the specifications, we will bear this in mind, and that is the safety and health considerations of the materials. For every item, say for example tile adhesive, we find that there might be certain issues, so that we put that in the list.

So there have indeed been safety and health considerations. We will also go by our own experience and the trade experience.

Q. Right. Would you also be considering the composition of the materials? Say, for example, there may be cadmium, there may be lead in the materials, and then you would categorise these materials into one group and then put it into the list as well? Would that be considered as well?

A. I was not involved in the drafting of the Specification Library, but I believe that for our colleagues, when they do so, they would also consider the principle of safety and health.

Now, as regards whether the composition of the materials to be considered -- well, we all know that materials come with all sorts of different elements and compositions, and if that is a criterion, then we may have to put in, say, 1,000 materials into the list.

CHAIRMAN: I would like to ask a question on page 37640, and that is the on site delivery verification form.

C Do you see that, Ms Tam? C

A. Yes.

D CHAIRMAN: The next page, towards the bottom, the material D  
E check: one is dimension check and the second is surface E  
F quality. Are you checking these two things only? F

G A. For samples, yes, but then for document check above, G  
there is a delivery note and --

H CHAIRMAN: Well, I am not asking the item above. Just H  
I answer me on the question that I raised, which is on the I  
J item 2, "Material check". Are you just checking these J  
two items?

A. Yes.

K CHAIRMAN: Say, for example, for the case of cement, what K  
L would you be checking? L

M A. As I said, for tile adhesives and cement, we might not M  
N have dimension of the materials. But then in the N  
O delivery note, it will set out clearly the kilograms and O  
P list the certain package and then we can do the check P  
Q accordingly, to see whether there is indeed 10 kilograms Q  
a cross-reference.

R CHAIRMAN: And what about surface quality? Will you look at R  
whether the cement is really cement?

S A. Well, because the cement is packed, so it might not be S  
T possible for us to do that. But say for tile adhesive, T  
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if we can't check, say, the surface quality and the dimension, then we will not check those.

CHAIRMAN: I've got it now. For example, emulsion paint, you would look at the tin, the can, how many kgs, maybe open the cover and see whether the colouration is good enough, and that's the check, right, you are done?

A. Yes, the can, the label, will say which coloration it comes with, and then we will check it against the approved sample.

CHAIRMAN: So these are the two things that you are checking; right?

A. Yes.

MR KHAW: Let's take a look at another aspect of site supervision. Apart from form 6210, which has to do with the delivery of materials on site, how you deal with it, and then, during the execution of the works, there are inspection procedures and inspection percentages, and so on, involved.

Can we look at B1/78. It sets out the categories of inspection. On the inspection at site, there are three main categories: agent A, 100 per cent; category B, 10 per cent; and category C, random. My question for you is: category B, the 10 per cent, how did you find this? Is it once every ten days for checking, or every tenth floor for checking, or how did you find the

10 per cent?

A. Site inspection would be conducted depending on the progress of work. Say, for instance, you go up three floors or three levels, if you look at the finishing, we would take 10 per cent of the samples or 10 per cent of the units. Let's say there are 20 units, we take two units. So, when the work is being carried out, we will look at the progress and see whether there are items that are available for checking.

Q. Let me put this to you. There is a form there at the back which says the kind of items which will be subject to 10 per cent check, some random check and some 100 per cent check. Page 80 -- I think it is page 86 for pipework projects. Page 86, the penultimate item, "(In English) Plumbing -- Above Ground Water Supply Pipes": Pipe testing, 100 per cent; pipe sleeve, materials, type and dimensions, pipe joint, expansion joint, pipework installation, valves/taps, pipe bracket, and so on.

So my question is, for these checkings, do you check the materials upon delivery, or do you check the materials as-built? Which one are we talking about? Are we talking about just the materials or are we talking about the as-built materials, the 10 per cent?

A. For individual items, what do we check? Then I think

you have to look at the site inspection guidebook at PLU1. I think at PLU1.01, there is a guide for pipe joint, what you are supposed to check, pipe sleeves, what you are supposed to check; do we check for workmanship or do we check for the materials? You have to follow the guide.

In the guidelines, we do refer to the specification clauses. In the specification clauses, we do have materials, workmanship and testing, in general; there are a couple of things there. So let's say pipe sleeve, we didn't check everything about pipe sleeve.

So the site inspection team would work on the basis of this and also the guidelines.

Q. I put this question to you in order to find out about the 10 per cent or 100 per cent and its relationship with 6210. In this inspection procedure, there are certain items that do not appear in 6210.

A. They don't have any relationship.

Q. Let's take another example. The second item, "Panel wall", panel wall sealing, or sealant. It's got nothing to do with 6210, but this is subject to 10 per cent check. My question is, for checking of the sealant, are you checking whether the materials are in compliance with the requirements, or are you checking whether, in the course of using materials, whether they are in

compliance?

A. Yes, for sealant, you have to refer to the guidelines and which specification clause, it says material, then you check the material. If it says workmanship, let's say it has to be level, the sealant cannot be in a blob, then you check against the guidelines.

The inspection percentage and inspection procedures are in relation to the work being undertaken. Let's say I have completed three floors, let's say 20 units per floor, and you look at two units', let's say, panel wall. Let's say it is completed; then they will go on and check them.

Q. You said a moment ago that anything beyond 6210, the materials, when they turn up on the site, you don't really check them?

A. Yes.

Q. During the course of checking the sealant, panel wall sealant, you have 10 per cent check. This has gone beyond the time when the materials were delivered. Maybe they have been unpacked. So, in this 10 per cent check, you are not able to check whether the materials are in compliance with the samples?

A. When the sealant has been used, yes, we can't see, we can't check it.

Sorry, if I may add -- let's say you have picked

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 12 B

C a sealant which is white in colour and it turns out to C  
be grey in colour, then obviously there are problems.

D Q. Let's turn to B1/308 and 309. Page 309 is a testing D  
form, well, the guidelines, and page 308 is a material  
E testing form. E

F Page 309 says that there are certain materials that F  
G have to be tested, not just being inspected on the site G  
H or not being checked for appearance and document check; H  
I you go further and you conduct a lab test. Are you I  
aware of this document?

J A. Yes. J

K Q. This document, it says: K  
L "(In English) Testing of building materials [is] L  
required to be carried out ..."

M (Via interpreter) That's the second item. M

N "(In English) ... (i) when the results of vetting of N  
product certificates and on site delivery checks are in  
O doubt. O

P (ii) for those materials registered in the Building P  
Materials Database as advised by JMG.

Q (iii) on tests [are] required by other Government Q  
Department."

R It goes on to say: R

S "(In English) Materials testing Specification S  
T & Compliance are as follows". T

U

V

What I want to find out is: is it the case that only for these few materials that have to be tested -- asphalt, ready-made mortar, ready-mixed mortars -- is it the case that only these materials are subject to laboratory tests?

A. In guideline (2), testing of materials would be required to be carried out. If there are problems detected, we will take them for a test.

In guideline (3), there are a dozen or so items listed; in general, we will talk about these items. If the JMG or the surveillance would like to have many checking, we would do so. But here, "(In English) for those materials registered in Building Materials Database".

Q. JMG is the surveillance team that you talked about?

A. Yes.

Q. On what basis does the JMG put together the building materials database?

CHAIRMAN: JMG refers to joint material group.

A. Exactly how they selected the materials for testing, I don't think I can go into detail about it, because I wasn't involved in the JMG, but there are certain items of high risk and they would be put in here.

MR KHAW: You refer to high-risk items. What exactly do you mean? There are items that may give rise to danger or



the materials that contain properties that are harmful  
or the risk of non-compliance would be high?

A. More like non-compliance. And if we detect safety and  
health problems, then we will look into them.

Q. With regard to the JMG, how do you work with the JMG?

Would you report to the JMG certain materials that  
should be considered for inclusion in the list? Would  
there be any discussion like this?

A. If we spot any problems with the materials on site, we  
will talk to them. In their surveillance -- if they  
spot problems, they have to take the surveillance  
test -- if they spot problems, they would inform the  
colleagues as well, so that we would pay particular  
attention to that.

Q. I find this surprising, in fact I agree with you that  
there are more than 1,000 materials that would be used,  
it would be difficult for you to check each and every  
one of them and test every single one of them. But for  
a project -- now, we looked at 6210 -- of the 1,000  
materials, only 32 are selected for checking upon  
delivery of the materials, to make sure they are in  
compliance with the contract or the specifications. 32  
represents a small number, doesn't it?

A. I talked about 1,000 materials. This is the  
architectural site inspection guide. In our site

inspection system, it involves quite a number of disciplines. We have the engineering inspection guide, building services inspection guide.

Q. For the time being, let's focus our attention on 6210, the site inspection of the delivered materials. Let's not digress into engineering and so on. Let's deal with the materials on site, being delivered on site. There are 32 that are subject to checking. It represents a minuscule number of 1,000 or so materials.

A. Well, for the 1,000 materials, we are talking about many different materials and not just for the architectural discipline. We would work on the basis of our experience, the trade practices, when we do the checking. So you can't say that 32 is a big or a small number. At that time, we thought it would suffice.

Q. When you make a decision to check these 32 materials upon the delivery on site, you just rely on this form, 6210. Don't you think this is a very rigid approach? If you just go by this checklist, this form, do you think this is a very rigid approach?

A. We think this is a system which suffices and it's a useable approach.

CHAIRMAN: Mr Khaw, let me put it this way. I think we should have a focused discussion on the lead issue, because I am not interested in the QC process of the HD.

This is not my duty either. How do they go about implementing QC for building blocks? I mean, it has nothing to do with the Commission.

MR KHAW: Well, that's the last question on the checking procedure on my part.

Let's look at bundle U, page 91. There is a paragraph and I would like to know your view on this. That's a report compiled by the Hong Kong Institution of Engineers, and it has made recommendations towards the different parties and stakeholders. In paragraph 382 it says:

"(In English) The role of professionals should take up the dominant role in project management, not blanks, checklists and numerals. The impression that engineers were not accorded duties in line with their attainments and attributes must be demonstrated incorrect."

That has to do with the Housing Department's role. So do you agree with this remark?

A. I am not sure about the meaning of this paragraph.

Q. Indeed, for myself, I did spend some time to try to grasp it too. Basically, it says that when you do your quality management work, you should not just rely on checklists and numerals to do your job as the basis for your work. You have to look at the actual situation. I believe this is what they meant.

A. I tend to agree that we should not just rely on forms and so on. And in the system, we do have people there to really do the supervision and checking. But then we still need records. So there must be forms which have to be filled out, and while inspection system, it comprises frontline staff, their supervisors, having joint inspections with them. So we have accumulated a wealth of experience over the years with regard to our supervision regime and I think it's applicable and a system which works.

Q. In 2002, you know -- let's just talk about the Housing Department -- there was this new approach adopted, in which GI pipes would be replaced by copper pipes, and the main contractors were given a choice to use copper pipes. At that time, you were working at the HD; right?

A. Yes.

Q. Ms Fung told us that for this change, the HD and the HA have done some consultation among the trade. Do you know about this consultation exercise?

A. I was not involved in the consultation exercise. We are talking about this which happened a decade ago, I couldn't recall that this was being done.

Q. You were not involved in the consultation, and in 2002, with regard to the change of the pipes, that was, I believe, a drastic change in terms of the works, the

plumbing works, because we are talking about switching from one type of material to another, so that must be quite a drastic change; do you agree?

A. Well, it depends on what you meant by "drastic". Copper pipes have been in use in Hong Kong for many years. A number of main contractors have already used this copper pipe. It's just that at the HD's projects, a new choice was given to the main contractors, and that may make things easier for them. For whatever change we wanted to introduce as a practice, we would consult the trade.

Q. Now, when I talked about this drastic change, what I meant was that if copper pipes were allowed, then you might have to revise the specifications relating to the copper pipes?

A. If a new item is introduced, of course we would come up with a new set of specifications for it.

Q. And do you know for this change, did the Housing Department consult any experts on whether there would be any risks, whether any risk assessment was done?

A. As I said, I was not involved in the consultation exercise.

Q. I am not talking about whether you were involved in the consultation. You were an architect. And do you know whether the HD had engaged some experts to do risk assessment? Do you know about such things?

A. I am not aware of the details of the consultation.

Well, if you were an architect, whether you were in the Housing Department or not, you would not be aware of this.

Q. What you meant, Ms Tam, was when the Housing Department was studying the matter and was discussing this, you were not involved; right?

A. Your question, are you asking about my capacity as an architect in the Housing Department, or an architect not within the Housing Department?

Q. I don't know the difference. Can you tell me, is there any difference?

A. Say if I were not working in the Housing Department, I was an architect -- now, the copper pipes have been in used in the trade for a long time already, and this is not something special. If we had to do consultation, I think the thing to consult is really how the contractual arrangements could be made in relation to the copper pipes. Now, if an architect did not work at the Housing Department, then he or she would not find that this is something special. Say, if this is a material newly introduced in Hong Kong and the trade, we knew nothing about it, then we could maybe group ourselves together and study it. And then, if a new material, a new component was involved, then the whole

trade would be very concerned.

Q. Of course, and I think you are right. If copper pipes are something novel, then we would not be having this hearing today.

Now, in 2002, back then, have you considered whether you should use soldering joints or compression joints or mechanical joints? Have you ever considered the distinction between these two types of joints?

A. I don't know whether that was considered, but if you ask me about compression joints, soldering joints, and so on, in our specifications we would specify what size of pipes would be suitable for, say, compression joints and which others for soldering or brazing. It has to do with the pressure, resistance level of the plumbing works and the pipes, and so on. I don't know about how the specifications were drafted then.

Q. So on the whole you said you were not aware. Now, push-fit joints; have you ever considered push-fit joints?

A. I was not involved in the work so I don't know whether that has been considered then.

Q. All right. I would like to ask you: you know that for plumbing works, the law requires that the works should be done by the licensed plumber -- he has certain responsibilities; do you know about that?

A. Yes, that was set out in the Waterworks Ordinance, the licensed plumber has such responsibility.

Q. May I refer you to paragraph 31 of your witness statement? Page 38018, B15.2.

A. Paragraph 31?

Q. Yes, paragraph 31. You said:

"(In English) Shui On [the main contractor] was relied on to monitor the service of the LP [licensed plumber] and it was expected the LP would execute his duties under the WWO and WWR. Presumably, the 'Point Penalty System' administered by the Water Authority reinforced this, as it provided a positive incentive for the LP to carry out the task professionally and accurately."

I would like to ask, do you think that in relation to plumbing works, how can we ensure that the licensed plumber would do works in accordance with the law? Are you saying that the Housing Department doesn't have any duty; the responsibility lies with the main contractor? Is this what you meant?

A. No. The Housing Department does have a duty to abide by the law. The HA has a duty to adhere to the law's requirements. But how can it be done? It's a long process. In our contractual requirements, there are clauses which set out that the laws have to be abided



by, and then the main contractor is required to fulfill contractual requirements, and we do have a site inspection system to make sure that the main contractor does the same.

The main contractor, when they engage domestic subcontractors and licensed plumbers, this is a process that we have been monitoring. But on day-to-day work and liaising with the WSD, then the work has to be done by the licensed plumber. This is the usual practice.

Q. All right. Let's not talk first about what the licensed plumber does, whether he is abiding by the law or not. Let me put the simple question to you.

At the site, in relation to when the licensed plumber comes to the site, what he has done, have you got any records on that?

A. We don't have any record about when the licensed plumber arrives.

Q. If you don't have any record, you would not know what the licensed plumber has done or has not done on site?

A. Each party has their own liabilities. In my witness statement, I said that under the WWO, the licensed plumber has the role. The licensing is the responsibility of the Water Authority. The Water Authority implements a point penalty system under the law. The licensed plumber is subject to the regulation

of the Waterworks Ordinance.

Q. I don't think you should shift the responsibility to the Water Authority so quickly. My question for you is that on site you would not know what the licensed plumber has done?

A. We don't have the record but we are sure that the licensed plumber has to do what he is supposed to do.

Q. I beg your pardon, you don't have any system whereby the licensed plumber has to report to you on a regular basis the progress of work, the kind of problems that he encounters?

A. Not directly from the licensed plumber, but the main contractor would bring us up to date on the progress, the kind of problems on site, whether the drawings have to be changed, and the co-ordination, we do it through the main contractor. I indicated this in my witness statement: our relationship is with the main contractor.

Q. We saw some forms about the certificates for water connection. You need to sign on the forms together with the licensed plumber; you are aware of?

A. Yes.

Q. When you sign on these forms, how does it happen? The licensed plumber will sign on the form and then it will be handed over to the chief architect or the AP, as indicated in the form; is that how it happens? In the

course of signing the form, don't you have any communication with the licensed plumber?

A. The licensed plumber would sign on the form. He has to know what he's signing the form about. Then it will be handed over to the main contractor, which has the responsibility to do the checking, and then it will be handed over to us. We have the project engineer, building services engineer, or the architect would be signing on the form, and then it would be handed over to the main contractor, the AP, and then to the Water Supplies Department.

Q. So, when you sign the form, you would not communicate with the licensed plumber, would you?

A. We don't hold meetings on this. This is the usual practice.

Q. So, with regard to the licensed plumber, he may have his own team of workers or the subcontractors. If there are any problems that occur on site, then you can only rely on the main contractor to report to you?

A. Yes, the main contractor would make a report to us.

Q. Let me refer you to two statements. One of them is from Ho Biu Kee. K1, page 60.

Please have a look at page 48. This is a statement from Ho Biu Kee. On page 48, this is about another housing estate. Answer (e):

C "(In English) Ho Biu Kee also believes that C  
D sufficient time should be reserved for plumbing D  
E installation. The plumbing work at the housing blocks E  
F was required to be completed in a very tight programme F  
G (usually only a few months prior to the completion of G  
H the whole housing estate) when time is limited, the risk H  
I to find sufficient labour ... would be high. Better I  
J programming by the main contractor in reserving adequate J  
K time for the plumbing work would ensure [quality]."  
L

I Page 60, that was about another housing estate, but I  
J at page 60 he said this argument should apply to J  
K Kai Ching Estate and Kwai Luen Estate. This is the view K  
L of Ho Biu Kee. They are saying that the programme is L  
M pretty tight in terms of plumbing work, so sometimes it M  
N would prevent difficulties in recruiting workers. N

M As far as Shui On is concerned, H1, page 90, M  
N paragraph 23, that's in relation to Kwai Luen Estate: N

O "(Partially in English) Ho Biu Kee commenced their O  
P plumbing works in June 2013 and completed the works in P  
Q April 2014. It had approximately 10 months for Q  
R execution of the plumbing works under the subcontract, R  
S which I consider to be a reasonable period for works of S  
T this scale. I therefore disagree with Ho Man Piu's T  
U contention in ... [the] witness statement that the U  
V plumbing works had to be completed in a very tight V

programme ..."

So there are two arguments there. Ho Biu Kee says the programme is very, very tight, whereas for Shui On, the timing, the time frame, would be reasonable, and they disagree with the contention of Ho Biu Kee. How do you react to this?

A. 13 months of contract, a good part of the project would be for structural work, working from the bottom up, they built a superstructure, and there would be time for architectural work. Let me count the time.

Plumbing work is scheduled for the last part of the project, and this is the trade practice. If the main contractor sees no problem with that, they are subcontracting the project, and I think it is a reasonable contract period.

In terms of timing, leaving the latter part of the project for plumbing work would be the practice, and they can get the project completed on time.

Towards the end of the project, they would hire the manpower, something like in June 2013, and there was a build-up to this and I wouldn't say that the time was insufficient.

Q. So you would go along with Shui On's argument?

A. Yes, you might put it this way.

Q. We asked you before whether you looked at the

international standard, regarding the WHO standard.

Now, after the incident, have you looked at the WHO standard?

A. I haven't read them in detail.

Q. But as far as you know, for the HA, or for the colleagues who were involved in this lead in water incident, have they checked the WHO standards to ascertain whether there are any other substances that may be suspect, other than lead?

A. We don't have time to study other things like heavy metals, other than those items that are required to be tested by the Water Supplies Department. If we have problems, we would ask the Water Supplies Department, regarding water. We are no expert on water, that much is clear, so we would approach the WSD for advice, if we think of any problems.

Q. On this particular issue, we heard from the witnesses of the Housing Authority that there are a set of parameters to be tested, and the Water Supplies Department is responsible for ensuring the safety standard of the water. Now, after this incident, we understand that the existing parameters do not include certain heavy metals and lead. Now, once bitten, twice shy. Do you feel that from now on, when you are putting up PRH blocks, other than listening to the WSD, do you think that you

should appoint some experts to offer or to check the water to ensure water safety or to advise you on the issues that have to be tested?

A. Your question is directed to myself?

Q. Right.

A. The Housing Authority has to build many projects. We have to make preparation. We do need to carry out consultation before we can draw up the drawings and plans, before we can go to tender for construction.

The workload is pretty heavy. These are the issues that need experts to study. I don't think we do have the resources to do that.

We would follow the statutory requirements for these special issues. If there are certain hazards to draw attention to, we would conduct a test, like in July, the WSD issued a circular to have four heavy metals to be included. We have followed that.

Also, a penalty system has added in this new condition, that if lead in soldering materials is found, then there will be added points added in the penalty system to the licensed plumber. So the number of items has increased from 32 to 34.

MR YIN: I don't mean to interrupt counsel's questioning.

But the question is, Ms Tam is here in the capacity of an architect in a project. So, if you want to ask

questions about the HA's stance on measures to safeguard safety of water quality, which has nothing to do with the monitoring work of this specific project, it may not be the right question for Ms Tam, and her own personal stance may not represent the stance of the HA.

MR KHAW: I understand what he said, but then in her witness statement these aspects are covered, like the recommendations for the HA and what measures can be put in place to prevent recurrence of similar incidents in the future.

Ms Tam, can I ask you this: up to now, you believe that in relation to future housing projects to be built, HA doesn't have to conduct independent water quality inspection tests and you would still rely on the WSD's advice; is that your stance?

A. In my answer to your question, we were discussing study on water quality, but then your question this time was different.

Q. Sorry, I might not have put my question too well.

In relation to safety of water quality and the parameters to be used in testing the water quality, I would like to ask you whether you think the HA should conduct independent studies and assessment and not just rely on the WSD?

A. If you talk about studying the matter, I think we would



seek WSD's advice.

CHAIRMAN: Well, please don't dwell on the words. Your question seems to be that you will just be relying on WSD's advice and you would do whatever WSD ask you to do and you would not do anything beyond that; that is really your question.

A. Well, if you want to look at whether the soldering materials are really lead-free, our site inspection system now incorporates it, and we would ask the site inspection staff to test the water. There are swab tests and also X-ray tests. I understand all you said. We will be doing this.

CHAIRMAN: Well, his question is rather simple. The WSD is taking care of the interests of all people in Hong Kong, and from those living in squats to those living in high-rises of public housing estates, the risk of squat dwellers may be different from that in the public housing estates, because with squatters, you don't need to have water pumps to pump water to the rooftop and then water doesn't have to go down, and then there will be no booster pumps and pressure-reducing pumps and so on. And you are the architect who should be responsible for such projects, so your considerations may be different from that of the architect for building a school or hospital, a squatter development and so on.

The WSD has given you a general set of guidelines, but would you based on these general guidelines do more detailed guidelines in respect of drinking water quality?

A. Well, most people in Hong Kong live in high-rises, say 40 storeys, and a lot of people live in blocks which have water tanks and pumps, disc systems and so on. So the WSD guidelines can apply to our development and should apply to our developments. We are subject to Waterworks Ordinance as well. So we would follow the WSD's guidelines and requirements.

If you are not talking about research but rather checking and testing on site, then it has to do with our site inspection system and we are enhancing it.

MR KHAW: Chairman, my next question is that -- I have to refer to a document. I do have a hard copy, but I am not sure whether it has been uploaded. Shall I suggest that we take a break now?

CHAIRMAN: Let's take a break for 20 minutes.

(11.21 am)

(A short adjournment)

(11.45 am)

MR YIN: Chairman, before we continue with the second session of the hearing this morning, I have a concern that I would like to express.

CHAIRMAN: What is the problem?

MR YIN: The Housing Authority is a provider of housing in Hong Kong. It is not the case that it doesn't have the duty to ensure that their water is safe. It does have a duty, an obligation towards the end users, but then the duty covers a wide scope, which means that they should not just be looking at how they manage the construction projects.

CHAIRMAN: I don't understand what you mean. What do you mean by the last sentence of yours?

MR YIN: The Housing Authority is a provider of public housing. It has a duty to ensure that water supply is safe. But then the responsibility of ensuring safe water has to do with the construction stage and also the maintenance stage.

But then the chief architects for the various projects are giving evidence from the perspective of managing the project at its construction stage, and it should not be their responsibility or duty to discuss how, overall, safety of water supply can be ensured.

CHAIRMAN: So that's why we are asking questions about the construction stage.

MR YIN: Well, perhaps people have different perspectives on how the questions are asked. But then it seems the questions go beyond the construction stage of the

project.

CHAIRMAN: Well, that's all right because we are not putting any restrictions on the questions. Well, just now we were asking her about her personal view, and she can say, "My personal view is different from the HA's", and that's all right, and she can say that, "If I were to do it, I would approach it this way".

MR YIN: I don't think there is any problem with that.

CHAIRMAN: "If I ask for my personal opinion, my view, my view is different from the HA's. As a professional architect, if I were the Director of Housing, this is the approach I would adopt". I don't see any problem with that kind of questions and answers. Ms Tam's view or her answer is that her stance is the same as the HA's; all right?

MR YIN: Okay.

MR KHAW: Ms Tam, in the last part of your witness statement, on the recommendations and measures to prevent similar incidents from happening in the future, you have made several recommendations. I would like to discuss one particular recommendation with you.

You said that in relation to leaded materials, during construction stage and also after the end of construction, measures should be put in place to prevent such material from being used in the future again. So

this is your recommendation.

On plumbing works, there are copper pipes and fittings used; they should not contain lead. You know that they should not contain cadmium either; do you know that?

A. Yes, I do.

Q. We don't want to take a bandaid approach to things, as we are seeing this lead in water incident, so we are dealing with such recommendations on lead only.

Now, in relation to other metals, like cadmium and other possible hazardous substances in plumbing works, apart from dealing with lead, at this time, would you also be dealing with other materials as a whole? Would you be inspecting other materials other than lead, other hazardous materials?

A. This should not come under the scope of my work. The Kwai Luen Estate has been completed; it's no longer in the construction stage. Should we be comprehensively looking at the substances used? I think it's a matter for the Department to decide.

MR KHAW: I don't have any further questions.

CHAIRMAN: WSD? Mr Lam, do you want to go first?

MR LAM: I will let the WSD to go first.

Cross-examination by DR WONG

DR WONG: I just have one question.

Ms Tam, I would like you to look at paragraphs 25 to 27 of your witness statement.

A. Yes.

Q. Paragraphs 25 to 27, there are domestic subcontractors and nominated subcontractors. For the pump works rooms, you are using nominated subcontractors, but for plumbing works, you are using domestic subcontractors. Why is it that you were not engaging domestic subcontractors for waterworks installations outside the pump rooms?

CHAIRMAN: I believe that question has been asked. Don't repeat the questions asked before. Because they said the answer was that there were sort of technical equipment and installations inside the pump rooms. I'm sure that she would give a similar answer to those given by other architects in other estates.

DR WONG: Chairman, the way I am approaching it is there is a higher technical element in relation to pump rooms, but yet for waterworks or plumbing installations outside the pump rooms, they are equally important. So why is it that they were not using nominated subcontractors?

CHAIRMAN: Well, for the outside plumbing works, there are just the pipes there, and within the pump rooms there are pumps, and outside plumbing works include taps, valves and pipes. They are just for conveying or delivery systems or rather distribution systems, whereas

for the pump rooms, higher technical expertise is needed, because pumps have to pump water upstairs and then pumps would then pump water downwards as well.

DR WONG: We are seeing a more stringent approach in selecting nominated subcontractors vis-a-vis domestic subcontractors. So, after the lead in water incident, would they be considering whether they would also engage nominated subcontractors for installing works outside the water pumps?

Ms Tam, I would like to ask you, because the selection method for selecting nominated subcontractors is more stringent, so, after the incident, for pipeworks installed outside the pump rooms, has the HA considered the nominated subcontractor system be implemented so that we would be seeing a higher level quality of workmanship for such installations as well?

A. To my understanding, the HA has not considered this. Your question, another part is on whether the workmanship will be enhanced by your suggestion. Then I would ask that the number of domestic subcontractors who have worked on plumbing works and for a number of years, they do have the necessary technical expertise to work on the plumbing installations. So, from my professional point of view, I would not think it's necessary to ask the nominated subcontractors to do the

works, to prevent similar occurrence of such incidents  
in the future.

I think the problem here is that there was a lack of  
awareness. It has nothing to do with the workmanship  
level.

DR WONG: I don't have any further questions.

Cross-examination by MR LAM

MR LAM: Ms Tam, I represent Shui On. I have a number of  
questions for you.

First of all, can I refer to your witness statement,  
exhibit 1, and also paragraph 8, page 38038, exhibit 1  
at 38038. You have both documents with you; right? In  
the paragraph, you said that the contract was awarded on  
4 August 2011. Exhibit 1, the table here, is shown.  
You joined the project as the chief architect only in  
April 2014, and Mr Ken Cheung and Mr Andy Leung have  
retired at different times, your predecessors.

Now let's take a look at paragraph 9 of your  
statement, the two domestic blocks and the footbridge  
were certified for completion on 30 April 2014. I am  
sure that there was a handover time, to take over the  
contract administration work and so on. And in May and  
June you were also involved in the last stage of the  
works; is that right?

A. Yes.



Q. First of all, I would like to ask you -- yesterday, we had this issue. Let's go to B4.2.

CHAIRMAN: I would like to ask a question. You were asking about the exhibit. Since we are on this exhibit, there are two pages here discussing the project team for Kwai Luen Estate, the various people involved; is that right?

A. Yes.

CHAIRMAN: These are staff members of the HD.

A. Yes.

CHAIRMAN: Those on the left are at the senior level: architect, DD, AD and engineers. This group of people were not resident on the site; is that correct?

A. Yes.

CHAIRMAN: Then there is the clerk of works, COW, and the BSIs, building services inspectors, and there is CTO -- does it represent chief technical officer? -- and CTO(BS). I would like to ask, there are six people, and among those six people, how many of them were actually working on site, resident at the site?

A. CTO, SCOW, CTO(BS) and SBSI should oversee several work sites. So they should not be stationed for a long time at a particular work site.

CHAIRMAN: So once the SCOW or BSI would be resident on site --

A. COW or BSI -- SBSI, I'm not sure. The BS discipline might be more clear about it.

If you ask me whether there is nobody underneath, we put all these officers there.

CHAIRMAN: This SCOW -- is the SCOW resident in this particular site all the time?

A. Yes, in principle, yes. If there are problems in other sites, he would be elsewhere, but normally would be there every day.

Q. So you have a COW and a BSI who would be resident on site?

A. And their subordinates: ACOW, assistant clerk of works, work supervisor. So we put all the top level in the list.

CHAIRMAN: So how many people will be resident on the site for this block?

A. For this site, my recollection is that five to six, including these two. I'm talking about building works.

CHAIRMAN: What about BSI? What about the BSI side of things?

A. BSI; it depends on whether they have a BSI, maybe a couple of them, who are resident on site. For the BS discipline, they have two or three. For the two blocks' building works, there may be more.

CHAIRMAN: Under COW there would be four or five people,

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C under BSI there maybe two or three, about ten C  
altogether?

D A. Yes. I don't have the exact number though. D

E MR LAM: Yesterday, we talked about the contract. One of E  
the subjects: I think it was put by Mr Richard Khaw, in  
F this contract, the contract between the main contractor F  
G and Ho Biu Kee, you haven't seen it. How did you G  
H supervise them? That was a question put to you. H

I I would like to refer you to B4.2, page 3483. There I  
J was a question put to you before and it was pointed out J  
that the specifications referred to the Specification  
K Library, 2008 edition. K

L A. Right. L

M Q. If I may, let me put it to you, in the trade it is quite M  
N common to have back-to-back contracts; do you agree? N

O A. Yes, you may put it this way. We don't have the O  
P subcontract documents. We don't have to know about P  
Q them. Q

R Q. Right, you don't have to know about them, but in the R  
S light of experience, you know the operation of S  
T back-to-back contracts, don't you? T

U A. It is likely to occur. It depends on the schedule of U  
V the main contractor. V

Q. If I may refer you to another bundle. If I may refer  
you to page 800.

CHAIRMAN: What bundle?

MR LAM: K1.2, the Ho Biu Kee bundle, page 800.

CHAIRMAN: What page?

MR LAM: Page 800, bundle K1.2.

Have you got it in front of you? This is the Shui On project of Kwai Luen Estate, the plumbing work. If you look at the contract document, page 802, you see the two signatories on both sides, Shui On and Ho Biu Kee; right? Have you got that, page 802, the two signatures?

A. Okay, Ho Biu Kee, correct.

Q. Page 813, regarding the specifications, please have a look at paragraph 7. Paragraph 7.2 says that the main contractor, the contractor mentioned here, the responsibility for the main contractor is also the responsibility of the subcontractor. Now, there is a contract between the contractor and the subcontractor, and the main contractor and Ho Biu Kee representing the main contractor and the subcontractor; would you agree?

If you look at page 835, in the same bundle, this is the specification of the project, the "General Specification". This is the title. If you turn to page 839, supplement 7.1, and 7.1.1:

"(Partially in English) The Hong Kong Housing Authority Specification Library (2008 Edition) issued by

the Housing Department."

7.1.2:

"(In English) 'Project Specific Specifications',  
'Standard Preambles and Special Preambles'."

I showed you the first document, the Specification  
Library clause applied to both the main contractor and  
the subcontractor Ho Biu Kee; do you agree?

A. This is a contract document between the main contractor  
and the subcontractor. I don't think, within a short  
space of time, it would be possible for me to understand  
every single thing, because we have not received this  
until after the investigation.

Q. 7.1.1 and 7.1.2: the Specification Library, 2008  
edition, is applied to Ho Biu Kee. Please also refer to  
page 857. So the responsibilities have been applied to  
Ho Biu Kee.

And PLU1, in the main contract, it is also lifted  
and put in this Ho Biu Kee project.

A. They talk about the 2008 edition, yes.

Q. Yes. In the trade, it's the normal practice that when  
the main contractor signed a contract with the Housing  
Authority, and by back-to-back contract they would  
replicate the same clauses in PLU1 onto the  
subcontractor's contract. This is the usual practice,  
this is a common practice in the trade, from your

understanding?

A. We are not involved in the subcontract documents, so I can't say anything regarding the contractual terms. All I know is they subcontract and they would hand over some of the work to the subcontractors.

Q. Would you agree with me on this: in the trade, this back-to-back contract is a common practice? I am not saying you have seen the contract.

CHAIRMAN: I think the question has been answered.

MR LAM: This morning, there was another area, regarding inspection. Let me show you some documents here. For Shui On project, let's turn to B4.3, page 4273.

This morning, there was a question put to you about inspection and how this was undertaken. Have you got that page? This is the inspection record, 6th edition.

Please turn to page 4347. I think pages 4346 and 4347 are together. Page 4346, "Daily Inspection Form", in the heading; have you seen that? It's dated 17 November 2010. On the left-hand side, there is a Mr Lee, ACW; form checked by PCOW. Are they Housing Department staff there?

A. PCOW, yes.

Q. Page 4338.

A. Say again, please?

Q. 4338.

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C A. Yes. C

D Q. These are the guidelines, they mention the guidelines D  
that your colleagues would follow. That's page 4338. D  
E Page 4338, your colleagues would have these guidelines, E  
F like plumbing aboveground water, you have to check F  
G certain things, like pipe sleeves, materials, pipe G  
H joints and PLU.W. We have touched on these different H  
I areas before. I

J Let's turn to page 4336. 8 are for "Pass", PLU1.02, J  
K plumbing, 1st floor, wing A, and 1st floor, wing B. K  
L I presume this is at an early stage of construction and L  
M the things that have to be checked, and you have checked M  
N eight items. On the right-hand side, 4337, you have N  
O checked certain things at different units, and there are O  
P certain parts that failed; have you got that? P

Q So what happened was, let's say you build up to the Q  
R 1st floor and then you have to check PLU1.02 and certain R  
S things have been passed and there are certain things S  
T that have been checked and passed; right? T

U A. Correct. U

V Q. I don't want to spend too much time on this because all V  
these forms are similar.

Let's take a look at page 4334. I'm sure that there  
are many more similar forms. You can see here the  
27th floor, wing A, and there are different reference

numbers, and there is PLU1.02, which floors, which units have been checked, and "Pass" 1, 2, 3, 4, 5, 6, 7.

So in actual operation, someone, a staff member, would take this guideline with them and then go to check what works have been completed and what items have been passed and so on; is that right?

A. Yes.

Q. Then we have now gone to the 27th floor. Let's go back to the earlier pages. Page 4279.

A. Yes.

Q. The date is 24 March 2014. We can see that you have checked flat 1019 to flat 3318. PLU1.02, all flats from the 36th floor to 38th floor. So it means all these floors have been completed. There are two remarks: "Testing to fresh water drainage" and "Testing to fresh water pipes", signed by different people.

Towards the end of the project, 2014, you started to check all flats from the 36th to 38th floor?

A. Yes, March 24, that was done on that date.

Q. Page 4277, a few days later, you were also checking the flats on the 5th floor and the 6th floor and you were testing the copper pipes. So, in other words, in actual operation, staff members would, upon the completion of the works -- well, I'm sure they used this document to show that the colleagues would check all the works being



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C	done, whether the items would pass the tests in accordance with the guidelines?	C
D	A. Well, not all items were checked. It depends on the items completed and the stage of works.	D
E	Q. Let's go to the same bundle. We go to the very end of the works. Page 4453. Do you see that there are	E
F	a number of table items? The items are listed in	F
G	Chinese. This is the final inspection report of your colleagues; is that correct?	G
H	A. Mm-hmm.	H
I	Q. Kitchen, for this bundle -- well, there are a few hundred pages for this bundle, up to page 4900. For the	I
J	kitchen part, items related to the water supply, ceilings, and so on, will be checked. So for every flat	J
K	in each floor, at each block, they would be checked?	K
L	A. Yes, they would be checking the items against the guidelines.	L
M	Q. If we turn to page 4475, it is checking on the bathroom. Again, different floors, different flats in different	M
N	blocks have been checked.	N
O	4493. The heading is "Plumbing and drainage", which is more directly related to our discussion. You can see	O
P	that -- well, let's cite an example. From the bottom upwards, block 1, floor 1, flat 3, we talked about	P
Q	drainage, pipes for kitchen, mixers, connection pipes,	Q
R		R
S		S
T		T
U		U
V		V

drainage, and so on. There was this colleague of yours called Lam who checked that the items had passed the test and dates were also put here.

These documents are only about fresh water pipeworks for the HD. Now, for other building installations like ventilation, fire installation, water supply and electricity supply, you would do the same inspections or similar inspections; is that right?

CHAIRMAN: Can you repeat your question?

MR LAM: We just have the documents for water supply, but for the HD, for fire installations, ventilation system, water supply and power supply, you would do similar testing and inspections; is that correct?

A. Yes, when we come to the completion stage, we would do flat-to-flat inspection for every flat. It would be a visual inspection.

Q. So, in other words, I wonder whether you would agree with my saying this, whether it's the construction stage or it's up to the completion stage, the HD at various stages will send different people to inspect the items, to ensure that they meet with the relevant standards?

A. The site inspection team will make sure that the items will meet with the contractual requirements. The main contractor has to meet with the statutory requirements in the main contractor, and such requirements will be

set out also in our specification.

Q. You would be checking the items based on the contract signed, to make sure that the main contractor does work in compliance with the contractual requirements?

A. We will be doing a visual check. It will be a flat-to-flat inspection. During the construction stage, we will not be checking many materials 100 per cent.

Q. Well, someone else has asked this question. I won't repeat this. I would like to explore with you, not yourself but rather the HA believes that there is an item of concern, a material which should be checked, would you be putting it in your checklist and you would tell the main contractor that, "We would like to check this item"; say, for example, "at this time, we would like to check the soldering materials"; is that correct?

A. Yes.

Q. Then the main contractor will work together with you, to say, "If we want to check the soldering materials, so when such materials are delivered on site, we would work together with the HD's colleagues and then together we would check, to ensure that the materials are in compliance"?

A. Let me put it this way. As the form 6210 sets out, there will be inspections upon delivery of materials

on site. The main contractor should furnish us with its information so that our colleagues can check materials together with you. Now, apart from the 32 items -- well, it used to be 32 items -- apart from those, the main contractor has also the duty to check materials which are not checked by us. The main contractor does have this duty, and there are also contractual clauses stipulating that for materials where there were approved samples, on-site checking upon delivery is required.

Q. Do you mean there were approved samples?

A. Yes.

Q. Let me ask you this. The contract doesn't require samples of soldering materials to be submitted for your approval --

A. But in effect, where they have submitted such materials, we approved them.

Q. So, over the years, your practice has been that such materials would be submitted for the HD's approval?

A. Yes.

Q. So, in other words, there is no such requirement in the contract, but it has been a practice all along, for one reason or another, and then by that you could approve what was actually used. Now, from the main contractor's standpoint, the main contractor would tell you what materials have been used, and these are the materials

you have approved; is that correct?

A. Yes.

Q. Let me go back to another, earlier subject. Now, say,

for a certain issue, which is common knowledge to both

of you, and that is, if there is lead in soldering

materials, the lead may leach into the drinking water.

If, in July 2015, the entire industry and the HD had

such awareness, including the licensed plumber had such

awareness, such an issue would already have been

included in the list of items to be checked; is that

right?

A. Yes.

Q. To the HD, this would be an item subject to check, and

then the main contractor would co-operate with you, and

then such item would have been checked; this would be

something that would be of high concern to all of you,

right?

A. Yes. We would also have to look at our own manpower,

and the main contractor has the duty, basically, to

check materials when they arrive. Well, let me put it

this way. There are items we should check together, but

then there are other items which should fall under the

responsibility of the main contractor only.

Q. Well, of course I understand that you would have to look

at cost-effectiveness, your manpower deployment. There

are over 1,000 items, and 32 items on the list, and you would not be paying attention to a material which is not of concern to anyone; right?

A. Yes.

Q. And for the main contractor, going by the same logic, they would also be mindful of the cost-effectiveness principle, and if an item is considered not to be of great significance, they would not be putting attention on the inspection of such a material; do you agree with that?

A. HA and HD have to do a pre-audit inspection. Now, as to the frequency and extent of such inspection, we have to adopt a risk-based approach, and there may be different levels of inspection. But then the main contractor has the contractual responsibility to look at everything. It's up to the main contractor to do their own arrangement, as to how this is done.

MR LAM: I would like to learn about the logic.

CHAIRMAN: Her logic is simple, while things not of concern to you should be --

A. Things not of concern to me may be things that are of concern to you. So it's not the case that we are not concerned about certain things, it's just that we think it is not worth to put resources into certain things.

CHAIRMAN: So the main contractor should be concerned about

things that are not of concern to the HA.

MR LAM: So let me ask you this question in another way.

You would not be checking every item out of the 1,000  
items involved; right?

And at the end of the day, it would be the main  
contractor which should be responsible for everything.

But then there are items which are not of concern to all  
of you, then the main contractor should not be concerned  
about it as well?

A. I don't think you should use the word "concern". We are  
concerned about everything. But the main contractor has  
the obligation to supervise, because under the contract  
we specify lead-free soldering materials. So the main  
contractor has to look at the way the subcontractors  
procure the materials and how they are delivered to the  
site and how they are applied to the project. The main  
contractor has the obligation to supervise.

Q. I am with you, I think.

Let me turn to another topic. A licensed plumber --  
I can see that -- now, you mentioned the point penalty  
system, on different occasions. There was a question  
put to you about this earlier on. So when the licensed  
plumber turns up to the site, you do not know what he  
has done. I think you remember a question put to you  
about the lack of supervision of the licensed plumber.

C Under the contract, you don't have to supervise the  
licensed plumber; you agree?

D A. Yes. D

E Q. There is a supervision system, like the point penalty  
F system. My understanding is that if, let's say, there  
G are certain parts of the work of the licensed plumber  
H that are problematic, then in a serious case the licence  
can be revoked; is that right?

I A. The WSD can talk about this in detail. There will be  
points deducted, there would be warning letters.

J Q. You don't have to talk about the detail, but at least  
K there is a supervision system in the form of a point  
L penalty system. Do you agree that a licensed plumber is  
M a professional; he is bound by a contract which he has  
N to carry out? From a professional point of view, he  
would be doing what he is supposed to do under the  
contract, in the way of the plumbing system?

O CHAIRMAN: You talk about the licensed plumber?

P A. Yes. Licensed plumber, under the Waterworks Ordinance,  
has the duty to do the supervisory work.

Q Whether the main contractor hires the licensed  
R plumber or whether he hires the licensed plumber through  
S the subcontractor, the licensed plumber has -- or the  
main contractor has the responsibility, regarding the  
licensed plumber, under the contract.



MR LAM: Regarding the -- there is a topic which was touched on by other witnesses. Let me put this to you. If I may refer you to B4.5, page 6938. Page 6938 through to page 7038, Ho Biu Kee submitted the workers' record to the main contractor. Let me put some questions to you in this regard.

My understanding is that all workers, let's say in this Kwai Luen Estate, when the workers are working in this site, they have to be registered?

A. Yes, indeed, there is a machine to register them.

Q. There is a registration system of who they hire, the skill level -- under the contract, there is the skilled workers and the semi-skilled workers. Other than the registration, do you understand or do you know about --

A. I didn't catch the question.

Q. When the workers get paid, the workers are getting direct debit? Depending on the number of works that they put in, the banks will be debiting the pay to the workers direct?

A. We have a labour relations officer. Whether the workers get paid -- there is a record, there is a registration, to make sure that they fulfil the contractual obligation.

Q. Do you know whether there is a direct debit?

A. I'm not sure.

Q. There is a registration system. There is a payroll. Let's say the Shui On project, there is the palm identification system. Of course there is the accreditation beforehand. Now, you have to put your hand there on the construction site, and there is a palm identification for access to the site.

A. Yes, there is a palm identification device.

Q. In other words, each worker working on this particular site, there is a record, not just an ID card record but also a palm identification device, and every time he finishes his job he will get paid, and there is an acknowledgment. There wouldn't be a situation where 200 or 300 unknown workers are turning up to rush on the work, and from the record that didn't happen; is that right?

A. 300? We do have a record about the number of people coming and the number would not be changing from 100 to 300.

Q. So it wouldn't happen like this. It wouldn't happen like all of a sudden there would be an upsurge of people because of the fact they have to rush through the job. There is the accreditation system. I'm not sure whether there will be 10 or 20 more. But if all of a sudden you have so many workers turning up because of the rushed job, and it wouldn't happen like this; it didn't happen,

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C did it? C

D A. Not from the information, not from the record. D

E I understand it didn't happen. E

F Q. Let me also put this to you. When the contract was F

G signed, under the law there was not any specification G

H about the level of lead in water that had to be H

I observed? I

J A. When the contract was signed, there was no mention of J

K lead in water. K

L Q. In this contract that was signed between the HA and the L

M Shui On Group, there is no mention of the level of lead M

N in water, because there was no standard -- there was N

O a standard, but at least in the contract there was no O

P set standard? P

Q A. Yes. Q

R Q. If I may refer you to a couple of documents. Please R

S refer to B2. You have seen page 575. Let's turn to S

T page 589. T

U A. Yes. U

V Q. Have you got B2, page 589? V

A. Yes. A

Q. These are the specifications, "Valves for fresh and fire Q

R services application": R

S "Be constructed to the following minimum S

T standards ... T

U

V

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C 1.a. Body, bonnet and disc: bronze to BS 1400 ... or C  
BS EN 1982 ..."

D Then there are a number of letters there. Pb5, is D  
E it in relation to lead? E

F A. Pb5 represents lead. "Pb" is the symbol for lead. F

G Q. So, in other words, in the BS EN 1982, in this British G  
H Standard, it envisages the bronze level of lead is 5, H  
I that applies to fresh water. I

J Let me turn to B4.1, page 2422. Here, on this page, J  
K you are shown the contract booklet. K

L Let's turn to page 2587, FWP6.2. The heading is L  
M "Construction". For fire services pump installation, M  
N "Fresh water/fire services pumps", in paragraph 2, N  
O "Bronze casting to BS EN 1982"; the same standard? O

P A. Right. P

Q Q. Let me put this to you. In the trade, for the copper Q  
R pipes, there is an element of lead. R

S CHAIRMAN: Are you talking about the pumps or valves or S  
T what? T

U MR LAM: In the pumps, yes. U

V In the pumps or the valves, they contain lead, don't V  
they?

A. Certain fittings, yes, they contain lead. Under the  
British Standard, yes. But, in the British Standard,  
there is a restriction on the percentage.

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C Q. Yes. Most of them are at level 5. C

D A. Well, five or six, yes. D

E Q. Now, for these valves and soldering materials, there's E  
a bit of difference. One is non-leaded, because of what  
F is stated in the specification? F

G A. You are talking about the soldering materials? G

H Q. The specifications stipulate that lead should not be H  
contained in soldering materials, but water passes not  
I only through valves, pumps and pipes. I

J CHAIRMAN: Let's not talk about pipes. J

K MR LAM: So there is a common knowledge that there would be K  
lead in certain valves and pumps; right? K

L CHAIRMAN: Well, please repeat your question. L

M Let's talk about it in a clearer way. Whether the M  
industry knows that there will be lead in materials for  
N valves and pumps? N

O A. The standards set out the specifications, so they know O  
about it when they procure the fittings. O

P MR LAM: Second, water may pass through lead-containing P  
pumps and valves. This is something of common knowledge  
Q to the industry; is that right? Q

R CHAIRMAN: Wait, wait. When water passes through the valves R  
and pumps, and then as a result some lead will be found  
S in the water -- this is common knowledge to the S  
T industry; is that your question? T

U

V

MR LAM: No, no, that's not my question.

CHAIRMAN: Then put it in a clearer way.

MR LAM: When water may pass through lead-containing valves  
and pumps, this is common knowledge to the industry?

CHAIRMAN: No, I don't think you have put your question  
clearly. Sit down and think clearly what you want to  
ask.

MR LAM: Well, let me put it in another way. Water may pass  
through components which may contain lead. This is  
something of common knowledge to the industry?

CHAIRMAN: I don't get it still.

MR LAM: When water contains lead, the lead may come from  
the soldering materials, or may come from the valves.

CHAIRMAN: I still don't get your question. I know the  
answer myself but I don't get your question. After the  
WSD has done the investigation, the results are clear,  
but still I don't get your question. What exactly do  
you want to ask?

MR LAM: Some questions have been put to you earlier,  
Ms Tam, and that is -- I don't know exactly how it is  
worded, but anyway, there is this specification that  
soldering materials should be lead-free; there is this  
requirement. So you should be well aware that soldering  
materials should not contain lead; is that right?

CHAIRMAN: Soldering materials should not contain lead.

MR LAM: So that means you should be well aware that lead may leach from the soldering materials into water?

A. Yes. We were not aware of that. We just follow the British Standards saying that soldering materials should not contain lead. This has been a practice in the industry for a long time, and we have never imagined that contractors or workers will use leaded soldering materials. Then we have never imagined that this will be an issue. And so we've never thought about the problems arising from that issue. So we were not aware.

Q. Now, such lack of awareness, is it because there have not been any major medical incidents in that regard?

A. Yes. We have never heard that incidents have happened arising out of such issues, and there have not been any guidelines from regulatory authorities on that front, and we have never seen any incidents arising out of this in the industry.

Q. So we've got a number of pieces of evidence saying that in the plumbing system there are many different parts. Some parts come with lead, because British Standards allow for that. So certain parts can come with lead; is that right?

A. Yes.

Q. So, in other words, when a material contains lead, or rather before July nobody was aware that there might be

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C incidents coming out, incidents arising because pipes do contain lead? C

D CHAIRMAN: I don't get it. Can you repeat your question? D

E MR LAM: Let me repeat the question. According to British Standards, some parts can come with lead, but then the alarm bell might not ring for you? E

F F

G CHAIRMAN: I still don't get your question. Well, it's not me, but rather Mr Lai says he doesn't understand your question. G

H H

I MR LAM: There are different materials which may come with lead, and that is allowed for under the British Standard; is that correct? I

J J

K A. Yes. K

L Q. Then nobody was aware of the consequence caused by having lead in water; nobody ever thought about that; right? L

M M

N CHAIRMAN: Okay, we are talking about different things here. You said that lead can be allowed for certain materials in the plumbing works installations. So lead in water is not something of great significance; it should not ring an alarm bell. N

O O

P P

Q Q

R MR LAM: Well, I beg to differ from you. R

S CHAIRMAN: The water pipes used to be made by lead, people got poisoned by lead, because of the use of lead water pipes. S

T T

U U

V V



MR YIN: This is nothing new.

CHAIRMAN: So that's why I don't get his question. If what he meant was -- still I don't know what he is driving at. Did he say that if there is lead in water, it's not something that we should be concerned about because a part can be made of lead? Then, if you say this, then I would say this is not the case. For valves and taps, the lead percentage may be very low, then that might not be a problem, but then all along we've been saying that leaded water pipes are indeed a problem.

I don't know what you are driving at. If you want to say let's not talk about leaded water pipes, you just focus on the parts and components, and there may be a possibility of lead leaching from such parts and components, is that something that everybody is aware of? Well, I don't think there is a need for this question.

MR LAM: Well, in the industry, everybody is aware of that.

CHAIRMAN: What are you talking about? You are talking about lead in components and parts, this is something of common knowledge?

MR LAM: Because the British Standards allow for that.

CHAIRMAN: He said that parts of plumbing systems can contain lead. This is a fact, and it's common knowledge in the industry. Do you agree to that or disagree to

C that, or do you not know about it? C

D A. That is set out in the contract, and that is some D  
E fittings should adhere to certain British Standards, and E  
F under the British Standards, lead may be allowed for F  
G some parts and components. So that should be something G  
H known to the industry. Now, apart from that, will there H  
I be any problem arising out of this? I

J And since there have not been any incidents arising J  
K out of this and there have never been tests and studies K  
L on possible lead in water, so since the WSD has approved L  
M such fittings, so no one has ever thought about such M  
N a problem. If there was a problem, then the parts would N  
O not have been approved. So that's how the whole O  
P situation is like. P

CHAIRMAN: All right. You don't have any further questions  
M then? M

N Is there anyone else who has a question? N

MR YIN: I have a brief question myself. O

CHAIRMAN: Let's get finished with Ms Tam today. We don't  
P want to ask Ms Tam to come back in the afternoon. P

Re-examination by MR YIN Q

MR YIN: There are two questions I would like you to  
R clarify. R

S The first one is about an earlier question. The S  
T main contractor subcontracts the works and they are T  
U

adopting a back-to-back approach, and my understanding is the main contractor will ask the subcontractor to refer to the main contract signed with the HA and this is a common practice. I would like to ask you this. If the main contractor subcontracts works to the subcontractors, is it the case that it doesn't have the duty to understand the requirements set out in the contract signed between the HA and the main contractor?

A. Can you repeat your last sentence?

Q. Once the main contractor subcontracts the works to the subcontractors, then it doesn't have the duty to understand the contractual requirements?

A. I have written out clearly in my witness statement that the main contractor can subcontract its works. It still has the responsibility to fulfil the contractual requirements. It is its duty to do so. And also, in the conditions of the contract, they are required to submit a subcontractor management plan, how they will manage the subcontractors; they have to put in the necessary arrangements. No matter whether they subcontract or not subcontract the work, they have the duty to supervise the works.

Q. Ms Tam, can you just give me a very simple answer, agree or disagree. Can I say this: if the main contractor subcontracts the works to the subcontractors and asks

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C the subcontractors to read the main contract, and if the C

D subcontractor doesn't understand English, do you think D

E the main contractor has discharged his responsibilities E

F or obligations? F

G A. No. G

H Q. I would also like to clarify with you a point raised by H

I Mr Lam with regard to what materials are being checked I

J by the HA. In the contract between the HA and the main J

K contractor, there are a number of specifications, not K

L just on the materials but also the work processes. The L

M details are put down there as well. Can I understand M

N this to be the case: the main contractor as a party to N

O the contract has a duty to fulfil all contractual O

P obligations; you basically don't have the responsibility P

Q to check everything done by them. Rather, you are Q

R checking on whether the results of the works are R

S acceptable to you; do you agree to that? S

T A. Yes, I agree to that. T

U CHAIRMAN: You have finished with your testimony and you can U

V now leave. V

We will continue at 2.30 pm.

(1.01 pm)

(The luncheon adjournment)

(2.32 pm)

MR YIN: Chairman, my next witness is Mr Suen Wai Man, for

C Shek Kip Mei Phase 2, chief architect. C

MR SUEN WAI MAN (affirmed)

D CHAIRMAN: Please take the chair. D

E Examination-in-chief by MR YIN E

F MR YIN: I will read out the witness statement of Suen Wai  
Man, the chief architect of Shek Kip Mei Estate Phase 2. F

G (Paragraphs 1 to 75 were read in English) G

H "However, Paul Y" -- I think it should be Yau Lee --  
I "was obliged to ensure the procured soldering material  
I complied with the contract requirements." I

J (Paragraphs 76 to 79 were read in English) J

K Mr Suen, you heard that your statement was read out. K

L Is there anything you would like to add or amend? L

M A. In paragraph 75, as you said, there is a typo. Yau Lee  
M should be the case. Other than that, I would not think  
M to propose amendment for so the statement is correct. M

N Q. Would you adopt this as your evidence for this hearing? N

O A. Yes. O

P Cross-examination by MR KHAW P

Q MR KHAW: Mr Suen, let put a question to you here, about  
Q your work experience. When did you join the Housing  
Q Department? Q

R A. It was 1989. R

S Q. What was your position? S

T A. Architect. T

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C Q. You have been working at the Housing Department? C

D A. Yes. D

E Q. When did you become chief architect? E

F A. I was only an acting chief architect. I am now a senior F

G architect. G

H Q. Let me check with you about your recollection. In 2002, H

I the Housing Department encouraged the main contractors I

J to use copper pipes. Before that, it was GI pipes and J

K they were used. Do you remember, during that switch, K

L copper pipes have been in use in the industry for some L

M time? M

N A. Let me say a little bit more here. Since I joined the N

O Housing Department in 1990s -- I became an architect in O

P the middle part of the 1990s -- uPVC GI pipes were used. P

Q After 2000, the Housing Department switched to the Q

R possibility of using copper pipes. As regards the R

S causes or the reasons as to why there was such a switch, S

T I don't know, because I was an architect. T

U Q. You talked about 2000, around that time. In the trade, U

V is it commonplace that copper pipes were used? V

A. I am not sure about the private sector, but for

renovation work it is commonly the case that copper

pipes were used.

Q. You are talking about the fitting-out, internal

fitting-out?

A. Yes, for the domestic flats and not the big projects.

For larger projects, I'm not particularly sure.

Q. If you don't know about this, say so. Around 2002 or thereabouts, the Housing Department encouraged the main contractors to make the switch, and there was a choice.

Did you consider what kind of copper pipes should be used? Was it mechanical joint copper pipes, or copper pipes that require soldering, and so on?

A. I don't know about it.

Q. For the push-fit copper pipes, do you know anything about it?

A. After the lead in water incident, we got more information and I became aware of this push-fit-type connection.

Q. But before the incident, you had no knowledge of it?

A. I wasn't sure.

CHAIRMAN: There are a number of types. I am no expert on plumbing. Some press-fit type, you insert it and then you compress it. Some are pushed on, you don't have to compress it, they clicked on, they clicked in place. Do you know anything about it? Now you know?

A. At that point, I wasn't sure.

CHAIRMAN: This has been around for some years now?

A. Let me say a bit more here. By training, I was an architect. I focused my attention on building works.

CHAIRMAN: Oh, builder's works?

A. Builder's works. I focused my attention on builder's works, like cement, like finishes, the tiles, paving blocks and other finishes.

CHAIRMAN: So you have more expertise on these areas?

Building services, you don't really touch on this; is that right?

A. I don't have that much expertise on this. Builder's materials I'm more familiar with.

MR KHAW: Before the lead in water incident, let's talk about the soldering materials. Did you hear about the soldering wire, soldering sticks, and is there any difference between the two?

A. I didn't notice them before.

Q. In Shek Kip Mei Estate, the main contractor submitted some samples. Let's have a look at these samples. That's B15.2, page 38375. This is attached to your statement. This document is about the checking of the soldering materials and this is the form completed as a result.

Let's have a look at this form and vis-a-vis your statement there is one thing I am not sure I understand. Fry lead-free solder, did you actually check the physical sample, or did you merely look at the documentation before you put together this sample



submission form?

A. For submissions with samples, the main contractor would submit its samples, the documentation was sometimes together with the samples, to our colleagues, and the site staff would have a look at these materials, against the specs in the contract.

Q. I understand that. Let me put it to you very simply: before you drafted the witness statement, did you look at the Fry documentation submitted by Yau Lee? Did you look at the samples?

A. Are you talking about sometime before I drafted this statement or before approval was given?

Q. Before approval was given.

A. The approval was signed by an architect, and the site staff checked the documentation and the materials, and if they are in compliance, then a recommendation will be made for the architect to give approval.

Q. For Shek Kip Mei Estate in particular, the main contractor submitted the information. Did they submit the physical samples?

A. From the document, yes.

Q. In your statement, it is not sufficiently clear.

Page 38375, "Appearance", (f):

"Refer to sample/photo".

The same in (g), "sample/photo". But in your

statement, pages 38333 and 38324, paragraph 52:

"In this contract, Yau Lee proposed to use Fry ...  
[and they submitted the] material catalogue, testing  
report and job reference."

There is no mention of the physical samples. So  
what I would like to find out is that when you filled  
out the form, did you actually see the physical samples  
or did you merely look at the photo and the  
documentation?

A. I assume there would be physical objects and they would  
be presented. So I presume there were physical samples.

Q. PLU1, PLU2, you must be aware of that. Let's deal with  
PLU1 materials. We heard from some other witnesses some  
information about it, and there are some doubts in my  
mind that I would like to clarify with you.

PLU1 materials, there are a couple of items that  
have to be submitted but not the others. For others,  
documentation would be required. There were some  
witnesses who said that in your mechanism, there are  
guidelines or instructions from the central authorities  
regarding the kind of materials under PLU1 that the main  
contractor would have to submit physical samples. Is it  
the case?

A. For certain materials, the central authorities would  
specify certain requirements and they would attach

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C a document if there are new requirements. If there are C

D additional requirements, they would give instruction for D

E us to execute. E

F Q. Let me clarify this. Regarding the instructions, are F

G there instructions requiring certain materials for which G

H physical samples have to be submitted? H

I A. If it is sufficiently clear in the spec, there would be I

J no instructions. J

K Q. So you are relying on the main contractors? K

L A. No, if the specs specify that certain materials would L

M require physical samples, then there would be no further M

N instructions. So we are acting in accordance with the N

O specs. If the specs say that there should be, then O

P there will be. P

Q Q. What about those that are not specified? Q

R A. Then they don't have to submit physical samples. R

S Q. So, as I said, it all depends on the intention of the S

T main contractor? T

U A. No, we would go by the document. We would look at the U

V documentation. If they don't present the physical V

objects, we would look at the documentation, whether

they present the physical samples.

Q. Maybe I haven't made myself sufficiently clear. What

I am saying is that under PLU1, if it doesn't specify

physical objects, if there is no specification, then you

leave it entirely to the main contractor as to whether the physical samples would be submitted?

A. I wouldn't expect them to submit if there is no specification, but if they do it then I will look at it.

Q. If they submit the physical samples, you would vet and approve; if they don't, then you would not make them do so?

A. There are many parts in the form that we have to tick. Even if they don't present the samples, we have to put a tick in the form. If they present the physical sample, then we would specify in the form.

Q. Would you have a look at P1. P1 is about Shek Kip Mei Estate; the licensed plumber, Mr Ng Hak Ming, his statement there. Page 11 of P1, paragraph 4.2. Please take a look of the middle part: "Tin wires and solder sticks, et cetera, consumables, metal items. They are not materials required by the HA in relation to submission. But then individual engineering professionals of the HA might require submission. Therefore, Ming Hop would also ask the plumbing subcontractors, like Wing Hing, to submit such tin wires and relevant information. Then, via Yau Lee, it will be submitted to the HA for approval."

So, even though there are no requirements for the sample submission, but then sometimes there would be

such a requirement.

Let's go on to look at another paragraph. Page 18, paragraph 16: "Regarding the types of plumbing materials submitted by Ming Hop for approval, please take a look at WWO46. This form was filled out by me as the LP. Then for small metal items like tin wires, if the engineering officers of the HA made a request, then the subcontractor for plumbing would do so, via Ming Hop, and submitted them to Yau Lee and then for onward submission to the Housing Authority. I have mentioned my role, et cetera, in paragraph 5, in the above."

So it says even though there wasn't a contractual requirement, but then certain PLU1 materials might still be submitted. In other words, physical samples must still be submitted, but the HA might have staff requiring the submission of such. In other words, even though there hasn't been a contractual requirement, sometimes there would be such a request; right?

A. Well, let me talk about the general case. Anything required by the contract has to be met. If it is not a contractual requirement, but then we do have new information to ask for something from the contractor, like materials, then there must be some internal guidelines for us to base on, to make such a request, because this is something that is required after signing

the contract.

I don't think it looks like that it was a request from a departmental staff member, because we weren't talking about a new material so there wasn't an internal guideline to ask for this to be done. So I think we have to see whether, as a result of a new requirement or as a result of a new statutory provision, there's a need for submission.

Q. Let's not complicate things. Let's not talk about existing or new requirements. Let me clarify, for Shek Kip Mei Estate -- let's look at Shek Kip Mei Estate.

CHAIRMAN: Well, it's simple. Do you agree with what has been said here? You may not agree with it.

A. Here, it says that engineering officers may ask for submission. If a requirement on top of the contractual requirement, then we won't do so, unless there is a new internal requirement.

MR KHAW: All right. Thank you. For Shek Kip Mei Estate, I want to know whether there was a specific requirement to ask for materials to be submitted, although it wasn't required under PLU1.

A. I don't think this happened during the construction stage.

Q. For the soldering materials, whether you could have

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a look of the physical sample, it all depends on the main contractor; right?

A. Of course, if it wasn't shown to us, we could not see it.

Q. We know that for the soldering material, it isn't a matter of whether it is matching the sample. It is a matter of, on delivery to the site, I think you would agree with me you would confirm that you won't check the soldering material?

A. You mean we won't check it?

Q. You won't. As to the documents covering the purchase of soldering materials, there was no request?

A. No, we won't look at that.

Q. Let me show you an example. Please go to bundle I1, page 267. Do you see it's an invoice?

A. Yes.

Q. It states here, "Thin tin strips", so it is addressed to Mr Mok Hoi Kwong. Now, we know that Mr Mok Hoi Kwong is a subcontractor for plumbing. Then one of the items is called thin tin strips. Well, if you look at this, can you tell what it is, "Thin tin strips"?

A. "(High temperature)", with parentheses. Well, I can't tell what brand it is and I can't tell the functions of this item.

Q. Let me show you some more. 270, 271, 272, again we've

got the same item, "Thin tin strips (high temperature)", in brackets. So if you just read the invoice, you can't tell what they are about? You don't know which type is being used and you won't know whether it is in line with the samples that you have approved?

A. Let me supplement before I answer your question. Well, for such materials delivered to the site, if it is a contractor or a subcontractor that has ordered such materials, then the HA would not be acknowledging the receipt, because the contractor would certainly find a way to take delivery on the site. So, when the materials are sent to the site, the contractor would take delivery and there is no way that we can come across the documents. And this is an invoice. We can't tell whether the goods delivered are really in line with the invoice.

So for us just to read something appearing on the invoice, it would be difficult for us to tell what use it will be put to and we don't know when it has been sent.

Q. The question isn't about whether you have taken the delivery. Now, when materials are sent to the site, from the invoice we can't tell what it is. If you haven't come across the -- if you are not responsible for inspection, then you won't know whether it is



matching the requirements?

A. For delivery inspection, there are materials not included, then we won't check the delivery details.

Q. Therefore, for such things called tin strips, even when it is sent to the site, you won't know what it is about?

A. Let me explain. When they send materials to the site, if they are not covered by the delivery instruction, then we won't take a look and we won't try to verify. So it isn't a matter of whether I am going to check it against this document.

I think just now you were trying to say if we would be checking against this paper. In fact, we won't do this.

Q. As to whether it is conforming to this note -- well, for the materials sent to the site, you would not take one step further, to check for it? So you can't tell, you didn't know at all what was delivered? You didn't check, you didn't take a look, as far as the soldering materials delivered? You don't have documents, you don't have the delivery notes, and you won't take a look at the goods delivered? So you can't tell, you won't know at all, whether the materials delivered are in conformance?

A. Our guidelines do not require our staff to do this. We won't spend time checking that. This is because we have

other work to do on the site, so we will do whatever work is required of us in the guidelines. That is our main duty.

CHAIRMAN: What is meant by the -- let's see, "Plaster", in the invoice?

A. I don't know.

CHAIRMAN: Other than the thin tin strips, you won't know whether it is in line with the samples. What about the solder paste?

A. For things approved by us, we know about the origin or the brand, but then the description here isn't quite clear.

CHAIRMAN: For page 38394, you have got the -- at least you have a paper submitted, right, regarding the solder paste? And you have a catalogue, so we can tell that this is it. Please take a look here. It is 100 grams.

Lets go back to that invoice. It talks about 500 grams -- no, 350 grams. So perhaps even the solder paste was different. So the tin strips as well as the solder paste were different.

A. Let's take a look at 38392. I think there was one specification saying 350 grams. But let me say this once again: we don't check such things. We won't check against the invoices, like the solder paste.

MR KHAW: Lastly, I want to take up one point with you.

That's in relation to Mr Ng, the licensed plumber, who has given a statement. He is responsible for the works, the plumbing works, at Shek Kip Mei Estate.

Throughout the project, have you ever talked to the licensed plumber?

A. Well, for the plumbing work, we talked to the main contractor. Sometimes, when we were communicating, there would be other parties present. There could very well have been someone from Ming Hop, the subcontractor. According to Ming Hop and Yau Lee, we were told that there was a sub-subcontractor, Wing Hing. As to whether any party would have been present, I can't tell. All along, we have been talking to Yau Lee concerning the works, so I haven't seen the LP and no one has introduced me to the licensed plumber.

Q. Now, when you signed the WWO forms, so either it was signed and it was given to you for your signature or the other way around, so would it be the case that you had communication first before the forms were signed?

A. If it is okay, then the main contractor would hand it over to us. We require them to get everything right. If the form has been signed by the licensed plumber, then we would expect that the licensed plumber would have checked everything and handed it over to Yau Lee, and then it would be submitted to the architect, and the

architect would make sure that everything is in keeping with what the form suggests. Then there would be a recommendation to the architect, for signature to be put there. So it is through the contractor.

Q. Can I put it like this: as chief architect yourself, in the Shek Kip Mei project, as to what the licensed plumber has done and when he did it, do you know about it?

A. Of course I do.

Q. In the project -- I'm not talking about the form, I'm talking about what the licensed plumber does on site -- do you know about it?

A. I haven't seen the licensed plumber. The licensed plumber is responsible for all the work specified in the form. He will complete the work according to the drawings, the materials will have to be in order, and he has to install the materials. So that's the work of the LP.

My colleagues would look at the completed installation, would check the completed installation, and if it is in order, the architect would sign on the form.

Q. Please listen carefully to what I said. I am talking about the licensed plumber and your work. I am not talking about the plumbing work. I am asking you

whether you know whether the LP has done what on site.

Do you know anything about it?

A. Under the WWO, the LP has different roles. For the LP to sign the form, I presume that he would have done what he is supposed to do. If he hasn't done so, then that's not good. I presume he has done it.

Q. Let me put this to you again. I am not asking you anything about the requirements under the law, but what you imagine what he has done, in actual fact, in the Shek Kip Mei project, in the entire -- virtually the whole course of the work, do you know when the LP has done what; do you know?

A. As to when he turned up, how long he stayed, I don't know the details about it.

MR KHAW: I've got nothing further.

Cross-examination by DR WONG

DR WONG: Mr Suen, please have a look at exhibit 4, page 38352. This is the form, WWO46, for Shek Kip Mei Estate. If you look at the bottom of the page, the bottom right-hand corner, an authorised person; do you see that?

A. Yes.

Q. This is Frederick Chu by name?

A. Yes.

Q. The date is 8 August 2011?

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
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C	A. Yes.	C
D	Q. On 8 August, presumably he signed on this form; is that correct?	D
E	A. Yes.	E
F	Q. Please turn over the page. Here, there is a person by the name Wendy Lo. That's your colleague in the	F
G	Shek Kip Mei Estate. The date is 10 August 2011.	G
H	Please go back to the previous page. On the bottom left-hand corner, the licensed plumber is Mr Ng	H
I	Hak Ming. He signed on the form as well. But the date, I stand to be corrected, 30 August 2011.	I
J	A. Right.	J
K	Q. Correct?	K
L	A. Yes.	L
M	Q. If this is the case, the AP would sign the form first. The AP signed the form first, and then the licensed	M
N	plumber signed on the form, on 30 August.	N
O	A. Yes.	O
P	Q. Please move up a little bit. 2, "Purpose of submission", at last tick there:	P
Q	"(In English) We certify" -- or I certify -- "that the pipes and fittings intended to be installed,	Q
R	including those as listed on the attached annex to this	R
S	form and those not listed, are as prescribed by the	S
T	Waterworks Regulations."	T
U		U
V		V

So when Mr Chu signed this paper on 8 August, he certified this?

A. Yes.

Q. So he didn't rely on the certification of the licensed plumber; he independently certified this and then signed on the paper?

A. Paragraph 2 is to notify that the plumbing works detailed above will be commenced on 20 August, and this is what it is all about.

As to the pipes and fittings to be installed, they are as prescribed by the Waterworks Regulations. So, if there are no breaches, on 20 August the work will commence, and the pipes and fittings will be as prescribed by the WWR.

So in terms of the dates, there are no inconsistencies. On 8 August, the form was signed to say that work will commence on a certain date and the materials would be in compliance with the regulations.

Q. Thank you. We know that AP signed first, before the LP, according to this form.

Paragraph 32 of your statement, page 38318. Mr Yin SC read out this paragraph. If you need time, please take enough time to have a look at paragraph 32.

A. Yes.

Q. For Shek Kip Mei Estate project, paragraph 32 doesn't

C seem to be sufficiently precise; is that right? C

D A. I think you are talking about the date, LP date,  
30 August, that's later than the AP's date. D

E Operationally, the plumber would sign and then submit to  
the main contractor, and then the architect. E

F Why the date is the other way around? Paragraph 32  
G doesn't mention the date that he signed the form, maybe  
H he didn't date it; he didn't date it and then the  
I architect would sign it. I presume that the main  
J contractor would talk to the main contractor, we have  
K checked that everything is in order. We expect that on  
20 August the work will commence and then the architect  
would sign it. K

L Possibly, the plumber didn't date it, and then maybe  
they didn't meet the 20th date, and then they dated  
M a date which is later than the AP's date. M

N Q. Paragraph 32. We have read a lot of statements from  
O chief architects. Paragraph 32 seems to be a standard  
P paragraph. Is it replicated from another paper, without  
reference to the dates on 38352? P

Q Questioning by THE COMMISSIONERS Q

R CHAIRMAN: What he is saying is the chief architects'  
witness statements seem to be pretty identical. R

S A. They are very similar. For general parts, the wordings  
T are pretty similar or almost identical. Yes, the T

T

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general parts are pretty similar.

CHAIRMAN: He is saying to you that this witness statement is not your statement, it is a statement from the Housing Department.

A. There aren't many items that are project-specific.

CHAIRMAN: With the change of the names, yes. Your statement seems to be rather similar or the same as Mr Yim's. Madam Tam's statement is slightly different. In particular, request number 4, regarding why lead came to be found in the water, there's a slight difference there.

Let me put this to you here. With your presence here, let me put this to you. Your statement -- let's go to request 4. Request 4 is to explain how plumbing materials containing lead came to be used in the affected estates. Your statement is pretty much the same as Mr Yim's, regarding the reply to request number 4, Mr Yim's statement -- bear with me -- Mr Yim's statement, paragraph 66, and that's request 4. It's paragraph 66. Page 38210.

Basically, it is pretty much the same, with the exception of paragraph 69. There is a little segment regarding the soldering materials being regarded as an insignificant sundry item, similar to tying wire used for fixing steel reinforcement, screws, nuts and bolts,

et cetera, which was not measured separately in the bills of quantities.

Other than that, they are pretty much the same.

Let me put this to you, Mr Suen. I presume that this statement was drafted by the counsel, paragraph 69:

"The HA was not aware of the possibility of lead in water ..."

Now, here it says "the HA". What about you? What about you, yourself?

A. I wasn't aware of that.

CHAIRMAN: Let me come back to the questions I have put before that I am so fond of asking. My first question is: you know that lead is toxic, it is harmful to human health?

A. Yes.

CHAIRMAN: You know that -- and that's level 1. Good, you know.

Second question: do you know that lead in drinking water has become an issue in many countries?

A. No, I don't know.

CHAIRMAN: You don't know? In other words, you would not know the cause of lead found in drinking water in other countries?

A. No, I didn't, until quite recently, when I read the documents.

CHAIRMAN: In other words, you didn't know that in the past, as a result of using lead pipes, lead was found in drinking water in other countries?

A. No, I didn't.

CHAIRMAN: And you don't know that other than lead water pipes, soldering materials were also to be blamed for lead in such countries' drinking water? All right.

Prior to this incident, did you know that for copper pipes there were two kinds of soldering materials, one leaded, the other lead-free. That is, prior to this incident, when it came to the jointing of copper pipes, copper pipes might not always be used for the transmission of water. Do you know that for connecting copper pipes, there were two types of soldering materials, one lead-free and one leaded?

A. Not really. I didn't quite know.

CHAIRMAN: All right. Prior to this incident, did you know that for soldering materials that would come into contact with drinking water, it must be lead-free?

A. Not 100 per cent, but I didn't have an in-depth knowledge.

CHAIRMAN: No, no. Did you know that for potable water pipes, you must use lead-free soldering materials for the copper pipes? Were you aware of that prior to this incident?

A. Whether I knew or not, that's your question? Slightly.  
I didn't quite know enough.

CHAIRMAN: Why are you saying that you had some knowledge?

A. Well, when you are vetting, give approval to the  
soldering materials -- because you have got it in your  
specifications but you didn't quite know why there was  
this requirement.

CHAIRMAN: All right. Thank you.

Let us then go back to your witness statement. You  
have got a lot of things concerning the soldering  
materials submitted by Yau Lee. Exhibit 9, page 38374.  
Let's turn to the back, page 38389.

A. Yes.

CHAIRMAN: So something has been highlighted, "Complied with  
BS EN 1254-1: 1998", and probably the word below that  
should be "requirement". Do you know who wrote it down?

A. I am not sure. It could have been written down by the  
contractor, it could have been written by us or even by  
the supplier. Maybe it was already there.

CHAIRMAN: I don't think so. There is a chop. And in fact  
there is a signature from Yau Lee on each and every  
page. Do you see it?

A. Yes.

CHAIRMAN: So a chop and a signature from Yau Lee on every  
page. So it would either be Yau Lee or, if I've got it

right, could it have been written down by a clerk of works from your department?

A. Yes, either it's possible, or from the supplier.

CHAIRMAN: I don't think it would have come from the supplier. I don't think a supplier would be so dedicated.

Let's take a look at pages 38393 and 38394. We have somebody who has written down something on all these pages, so I don't think it could have been the supplier.

A. I'm not quite sure.

CHAIRMAN: Well, in other words, for Yau Lee, Yau Lee chopped on it, stamped on it and signed on it, and on top of Yau Lee there is the Housing Authority. In other words, at the level above Yau Lee, people knew that lead-free materials should have been used.

A. Yes.

CHAIRMAN: Thank you. Please continue.

Cross-examination by DR WONG (continued)

DR WONG: I come to my last question. I took you to page 38352 and it was signed on 8 August.

A. Yes, sir. A moment, please.

Yes, I see it.

Q. Then page 38360, that's the report, water examination report, from the WSD, dated 12 January 2012, "Date of issue", the right upper corner, 12 January 2012. So the

test was carried out covering the eight parameters at the water connection point, that's the main. My question is -- I am confining it to Shek Kip Mei Estate -- for the estate of Shek Kip Mei, I want to know whether the HA has asked the main contractor or anybody else to carry out a water test for the in-service system or the inside system.

A. No, we didn't.

Q. For the connection point, that's carried out by the WSD; correct?

A. Yes.

Q. Well, Shek Kip Mei Estate I didn't get the BEAM Plus accreditation?

A. Correct.

Q. When I put a question to Ms Fung, the DD, she told us that for a number of housing estates, there wasn't even a water sample test covering the eight parameters by the WSD. She said that Shek Kip Mei being one of them. You were the CA for Shek Kip Mei. At that time, Ms Fung said she had to go back to check.

Now my question for you is, for Shek Kip Mei Estate, I would like to know whether you carried out any tests for the inside system.

A. No, we didn't cover the eight parameters for the inside service. For the WSD, there is a circular issued in

August 2012, and mention is made about the eight parameters to be covered. But then, for this project, the completion date was earlier than that circular. Generally speaking, we followed the guidelines or requirements from the WSD. Since it was earlier than that circular, so we didn't know that we had to cover the eight parameters.

DR WONG: All right. Thank you very much, Mr Chairman.

I don't have other questions.

CHAIRMAN: Anybody else wishing to ask questions? Mr Chung.

Cross-examination by MR K CHUNG

MR K CHUNG: I want to ask questions about sample submission. Do you recall that you have been asked about the exhibit in page 38376?

A. Yes.

Q. Thank you. That's about the soldering materials concerning the sample submission. We would like to know whether the physical sample was submitted to you. Your answer was that you believed that it had been.

Now let's turn to page 38376. Towards the bottom part, near the date, do you see the cc "Project clerk of works with sample"? On the face of it, can you from this page confirm that the sample of the material has been submitted to your department?

A. Well, from here, it seems to be the case. It seems that

the sample was kept.

Q. Again, on the same topic -- just now, we came to know that, as far as specifications were concerned, there might not be a requirement to ask for material submission. Then you wouldn't make a request for a sample to be submitted?

A. No, we won't make a point to ask for it to be submitted.

Q. And just now, you have been asked to read the witness statement from the licensed plumber, Mr Ng Hak Ming. Then it was said that there was a request from certain engineering officers of the HA, and that's why he submitted the physical sample of the soldering material with the documents?

A. Yes, if I remember correctly, then it was so said.

Q. Well, for a soldering material to be submitted, and when it is not stated as requirement in the contract, then generally speaking it is submitted to a site staff, like a clerk of works?

A. Generally speaking, the contractor won't show it to somebody on the site and think that it has been formally approved. You need to have approval from the architect. So even though we haven't asked for it, but then he may want to have a record. He may want to be facilitated, because in future he might run into a risk of not getting approved and he would have wasted the goods



ordered. So it could have been the case that he had shown it to the architect, so the architect would have it seen by other colleagues, he also took a look, and then it would have been approved.

So the contractor can, on the basis of such, proceed to place an order.

Q. Yes, I know that. It would be up to the project architect to give approval.

Now, we are talking about things that haven't been covered by contractual requirements. Now you say that probably the contractor took initiative to submit it and you just guessed that that could have been the reason.

Now, in fact you weren't on the site.

A. No, I wasn't.

Q. Now, for your site staff, you might -- probably, you have resident site staff like clerk of works. So they were on the site. They might have asked the contractor to submit a sample, in addition to documents. Even if that had been done, you might not know?

A. Whether he would have done that or not, I would not have known.

Q. So you cannot rule out that one of your staff members had made such a request?

A. I couldn't rule out whether this was done or not.

Q. All right. I want to go to another topic. Your Deputy

Director, Ms Ada Fung, and earlier on there was another Mr Yim, they gave evidence. They said that they knew that when soldering materials were sent to the site and before the jointing took place, the workers would cut the roll of soldering materials into small pieces. Are you aware of that?

A. Yes, I have heard that, but I haven't myself seen it.

Q. So you learnt about it from your colleagues on site?

A. From various sources, colleagues in my rank also mentioned that.

COMMISSIONER LAI: Did you learn about it recently?

A. Yes, yes, recently, after July.

MR K CHUNG: I beg your pardon. In your statement, paragraph 57, the last sentence goes over to the next page, 38325 through to 38326. Have you got that?

Page 38325:

"(In English) Some of the soldering works for the pipe joints was executed in the workshop while the remaining was executed in-situ."

Let me put this to you. "Workshop" -- by workshop, do you mean the workplace of the plumbing workers on site?

A. There are certain areas where they can execute their work, and then they get things prepared.

Q. The workshop, is it the place for the workers?

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

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C A. Yes. C

D Q. Please turn to paragraph 71 of your statement. D

E Page 38330. E

F A. I've got that. F

G Q. Paragraph 71 is very short: G

H "(In English) Lead-free soldering material was as H

I specified with approved sample complying with contract I

J requirements. It appears to me that lead solder was J

K used by Yau Lee without permission and in breach of K

L contract." L

M A. Yes, I've got that. M

N Q. Let me ask you this: on what basis would you come to N

O this conclusion that lead solder was used by Yau Lee O

P without permission? P

Q A. The site was handed over to Yau Lee, and then Yau Lee Q

R would be responsible for the site. Now, this happened R

S on site, and the Housing Department would presume that S

T it was something that happened on the site. We didn't T

U go into detail whether it was their own staff or any U

V person related to the contractor. We are -- it appears V

to me that it was someone who supervised the site. It

would be difficult to explain who else did it.

R Q. Paragraph 71 should be read together with paragraph 72. R

S Let me read this to you as well so that we can take them S

T together. Paragraph 72 reads: T

U

V

"(In English) Based on the available information, I cannot say specifically how lead solder came to be used by Yau Lee and its subcontractor in Shek Kip Mei Estate Phase 2 and by which party such material was allowed."

There are two issues I would like to take up with you. First of all, from what you said, it seems that for Shek Kip Mei Estate, lead was found in water because someone used leaded solder materials. As of now, one of the purposes of the COI is to identify the causes of lead in water. At this particular stage, I don't think I can say categorically that lead came from the soldering materials, conclusively.

A. Lead came from the soldering materials, and that much we are aware. The lead originated from the soldering material.

Q. The Water Supplies Department compiled a report, and on the basis of the report --

CHAIRMAN: Are you disputing that? Are you disputing this issue? Please do not put questions for the sake of it. If you say you don't accept it, that's another matter altogether. Do you not accept the report?

MR K CHUNG: We cannot rule out this possibility, what I am saying --

CHAIRMAN: I don't think you should really put questions for

the sake of academic argument. If you say you don't accept the report, that's another matter altogether.

MR K CHUNG: Yes. Let's move on to the next part, Mr Chairman. The last question.

Paragraph 72 -- like I said, assuming that the lead came from the solder, it doesn't mean that Yau Lee or the subcontractor or anybody, like you said, allowed the lead solder to be used on the plumbing installation. Would you agree?

A. What are you talking about?

Q. Paragraph 72, the last sentence.

CHAIRMAN: What's wrong with that? Someone used it?

MR K CHUNG: Yes, someone used it, but what is said is that someone allowed lead solder to be used.

CHAIRMAN: Of course someone did allow, before it is used.

It is a question of who. Who allowed it? Are you saying that nobody allowed it and somebody just used it?

MR K CHUNG: My question is would there be a possibility that nobody knew that the solder material contained lead and there was a mistake there.

CHAIRMAN: That would be a separate issue altogether. What you are saying is that nobody knew, and someone happened to use some lead solder, and the lead leached into the water.

MR K CHUNG: Chairman, at this point in time, at least, we

cannot come to any conclusion, we cannot come to any judgment, that someone allowed the lead solder to be used. There may be a possibility that there were so many parties involved and nobody knew that the soldering material contained lead.

COMMISSIONER LAI: Can it be knowingly or unknowingly, to qualify the word "allowed"?

CHAIRMAN: "Was caused to be used". We don't have to say "allowed"; "caused to be used".

MR K CHUNG: I would just like to seek clarification.

CHAIRMAN: Well, if you don't like the word "allow", because that would incorporate a mens rea, then you can say "caused to be used".

MR K CHUNG: I have nothing further. Thank you.

CHAIRMAN: Any further questions?

MR YIN: Chairman, I have two short questions, please.

Re-examination by MR YIN

Q. Two questions, if I may. A moment ago, there was a question about the licensed plumber, Mr Ng Hak Ming. Under PLU1, soldering materials do not have to be submitted to the Housing Department with samples, but sometimes the Department's staff would ask for samples.

When you were asked whether you could rule out this possibility, you said you couldn't?

A. I can't rule out whether that happened or didn't happen.

Q. Let me put this to you. We keep hearing that civil servants would just be acting in accordance with the rules and they wouldn't do any more or any less. Since, under the guidelines, there is no requirement for samples to be seen, but would there be someone in your department exercising the discretion and asking for the samples?

A. The possibility would be low.

Q. Have a look at your statement. Mr Wong SC asked you to look at WWO46, part 1. That's 38352.

If you look at the middle part of the page, you already pointed out a moment ago:

"I/we hereby notify that the plumbing works detailed above will be commenced on 20 August 2011."

So work will get underway on 20 August.

You said from your point of view that the AP signed the document to notify the WSD of the commencement date.

A. Yes.

Q. In your statement, you said that procedurally, the licensed plumber would sign the form and then submit it to the main contractor for onward submission to the AP for signature?

A. Correct.

Q. Here, the form is filled out with a commencement date of 20 August?

A. Yes.

Q. So what you are saying is that you saw the AP, not yourself, and it was Frederick Chu, Frederick Chu signed on 8 August, and that should be correct, because 8 August pre-dated 20 August. According to what you said, procedurally, before 8 August, the licensed plumber would have signed the form before submitting it to the main contractor for onward submission to the AP for signature?

A. Yes, I suppose so.

Q. So the date 30 August signed the signature date of the licensed plumber which was later than 8 August, which is very strange.

A. When the licensed plumber signed the form, it wasn't dated. It was subsequently dated.

CHAIRMAN: Would it be possible?

A. Well, it would happen in the field.

CHAIRMAN: We are using common sense. It doesn't matter.

That's your saying.

Is that it?

Thank you very much for coming. That's it. You are free to go.

Let's meet again at 10.00 tomorrow.

(4.43 pm)

(The hearing adjourned until 10.00 am the following day)



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